

# SENATE BILL REPORT

## SB 5002

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As Reported by Senate Committee On:  
Law & Justice, February 5, 2015

**Title:** An act relating to traffic infractions for marijuana, marijuana-based substances, or marijuana-infused substances.

**Brief Description:** Concerning traffic infractions for marijuana, marijuana-based substances, or marijuana-infused substances. [**Revised for 1st Substitute:** Concerning traffic infractions for marijuana.]

**Sponsors:** Senator Rivers.

**Brief History:**

**Committee Activity:** Law & Justice: 1/15/15, 2/05/15 [DPS, w/oRec].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Pedersen, Ranking Minority Member; Darneille and Kohl-Welles.

**Staff:** Tim Ford (786-7423)

**Background:** Current law prohibits drinking any alcoholic beverage in a motor vehicle when the vehicle is upon a highway. Violation of the open container law is a traffic infraction punishable by a fine. Exceptions are provided for certain vehicles such as campers, motor homes, and for-hire vehicles. Cities may enact open container laws that provide greater penalties than state law.

**Summary of Bill (Recommended Substitute):** It is a traffic infraction to consume marijuana in any manner in a motor vehicle when the vehicle is upon a highway. It is a traffic infraction for a driver, registered owner, or passenger to keep marijuana in a motor vehicle while on a highway unless the marijuana is in the trunk of the vehicle or other area not normally occupied by the driver or passenger, or in a sealed container that has not been opened nor any contents removed. A glove compartment is within the area of the driver or passenger.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

It is a traffic infraction to place marijuana in a container specifically labeled as containing a non-marijuana substance when the container is open. It is a rebuttable presumption that it is a traffic infraction if the original container of marijuana is incorrectly labeled and the container is open. Marijuana is defined.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute):** It is a traffic infraction to place marijuana in a container specifically labeled as containing a non-marijuana substance when the container is open. It is a rebuttable presumption that it is a traffic infraction if the original container of marijuana is incorrectly labeled and the container is open. Marijuana is defined. Exceptions for certain vehicles are deleted.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: The prohibition on an open container in motor vehicles should be the same for marijuana containers as it currently is for alcohol containers. Some people believe that consuming marijuana doesn't impact a driver or even believe it might help drivers. Marijuana consumption impacts a driver and this is a public safety concern. This loophole needs to be closed.

CON: Medical marijuana should not be prohibited from being in an open container in a motor vehicle. Medicinal marijuana may be necessary for immediate consumption for a disability or as heart medicine. Medicinal marijuana may be in a pill form or infused into food. A study in England shows that a small amount of marijuana consumption may improve driving.

OTHER: The original bill directly aligns with the open alcohol container law, and alternative language should address for hire vehicles or charter vehicles as marijuana smoke may still affect a driver. The bill should apply a common sense approach to also prohibit immediate access or reach to an open container. A container might be put in the back of a truck or van.

**Persons Testifying:** PRO: Jon Snyder, Spokane City Councilman, member of WA Traffic Safety Commission; Seth Dawson, WA Assn. for Substance Abuse Prevention; James McMahan, WA Assn. of Sheriffs and Police Chiefs.

CON: Steve Sarich, Cannabis Action Coalition.

OTHER: Rob Huss, Captain, WA State Patrol.