

---

HOUSE BILL 1413

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Moscoso, Wylie, Reykdal, Walsh, and Santos

Read first time 01/20/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to revising licensing regulations pertaining to  
2 the buffer distances required between recreational marijuana  
3 businesses and specified public and private facilities; and amending  
4 RCW 69.50.331.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read  
7 as follows:

8 (1) For the purpose of considering any application for a license  
9 to produce, process, or sell marijuana, or for the renewal of a  
10 license to produce, process, or sell marijuana, the state liquor  
11 control board may cause an inspection of the premises to be made, and  
12 may inquire into all matters in connection with the construction and  
13 operation of the premises. For the purpose of reviewing any  
14 application for a license and for considering the denial, suspension,  
15 revocation, or renewal or denial thereof, of any license, the state  
16 liquor control board may consider any prior criminal conduct of the  
17 applicant including an administrative violation history record with  
18 the state liquor control board and a criminal history record  
19 information check. The state liquor control board may submit the  
20 criminal history record information check to the Washington state  
21 patrol and to the identification division of the federal bureau of

1 investigation in order that these agencies may search their records  
2 for prior arrests and convictions of the individual or individuals  
3 who filled out the forms. The state liquor control board shall  
4 require fingerprinting of any applicant whose criminal history record  
5 information check is submitted to the federal bureau of  
6 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A  
7 RCW shall not apply to these cases. Subject to the provisions of this  
8 section, the state liquor control board may, in its discretion, grant  
9 or deny the renewal or license applied for. Denial may be based on,  
10 without limitation, the existence of chronic illegal activity  
11 documented in objections submitted pursuant to subsections (7)(c) and  
12 (9) of this section. Authority to approve an uncontested or unopposed  
13 license may be granted by the state liquor control board to any staff  
14 member the board designates in writing. Conditions for granting this  
15 authority shall be adopted by rule. No license of any kind may be  
16 issued to:

17 (a) A person under the age of twenty-one years;

18 (b) A person doing business as a sole proprietor who has not  
19 lawfully resided in the state for at least three months prior to  
20 applying to receive a license;

21 (c) A partnership, employee cooperative, association, nonprofit  
22 corporation, or corporation unless formed under the laws of this  
23 state, and unless all of the members thereof are qualified to obtain  
24 a license as provided in this section; or

25 (d) A person whose place of business is conducted by a manager or  
26 agent, unless the manager or agent possesses the same qualifications  
27 required of the licensee.

28 (2)(a) The state liquor control board may, in its discretion,  
29 subject to the provisions of RCW 69.50.334, suspend or cancel any  
30 license; and all protections of the licensee from criminal or civil  
31 sanctions under state law for producing, processing, or selling  
32 marijuana, useable marijuana, or marijuana-infused products  
33 thereunder shall be suspended or terminated, as the case may be.

34 (b) The state liquor control board shall immediately suspend the  
35 license of a person who has been certified pursuant to RCW 74.20A.320  
36 by the department of social and health services as a person who is  
37 not in compliance with a support order. If the person has continued  
38 to meet all other requirements for reinstatement during the  
39 suspension, reissuance of the license shall be automatic upon the  
40 state liquor control board's receipt of a release issued by the

1 department of social and health services stating that the licensee is  
2 in compliance with the order.

3 (c) The state liquor control board may request the appointment of  
4 administrative law judges under chapter 34.12 RCW who shall have  
5 power to administer oaths, issue subpoenas for the attendance of  
6 witnesses and the production of papers, books, accounts, documents,  
7 and testimony, examine witnesses, and to receive testimony in any  
8 inquiry, investigation, hearing, or proceeding in any part of the  
9 state, under rules and regulations the state liquor control board may  
10 adopt.

11 (d) Witnesses shall be allowed fees and mileage each way to and  
12 from any inquiry, investigation, hearing, or proceeding at the rate  
13 authorized by RCW 34.05.446. Fees need not be paid in advance of  
14 appearance of witnesses to testify or to produce books, records, or  
15 other legal evidence.

16 (e) In case of disobedience of any person to comply with the  
17 order of the state liquor control board or a subpoena issued by the  
18 state liquor control board, or any of its members, or administrative  
19 law judges, or on the refusal of a witness to testify to any matter  
20 regarding which he or she may be lawfully interrogated, the judge of  
21 the superior court of the county in which the person resides, on  
22 application of any member of the board or administrative law judge,  
23 shall compel obedience by contempt proceedings, as in the case of  
24 disobedience of the requirements of a subpoena issued from said court  
25 or a refusal to testify therein.

26 (3) Upon receipt of notice of the suspension or cancellation of a  
27 license, the licensee shall forthwith deliver up the license to the  
28 state liquor control board. Where the license has been suspended  
29 only, the state liquor control board shall return the license to the  
30 licensee at the expiration or termination of the period of  
31 suspension. The state liquor control board shall notify all other  
32 licensees in the county where the subject licensee has its premises  
33 of the suspension or cancellation of the license; and no other  
34 licensee or employee of another licensee may allow or cause any  
35 marijuana, useable marijuana, or marijuana-infused products to be  
36 delivered to or for any person at the premises of the subject  
37 licensee.

38 (4) Every license issued under chapter 3, Laws of 2013 shall be  
39 subject to all conditions and restrictions imposed by chapter 3, Laws  
40 of 2013 or by rules adopted by the state liquor control board to

1 implement and enforce chapter 3, Laws of 2013. All conditions and  
2 restrictions imposed by the state liquor control board in the  
3 issuance of an individual license shall be listed on the face of the  
4 individual license along with the trade name, address, and expiration  
5 date.

6 (5) Every licensee shall post and keep posted its license, or  
7 licenses, in a conspicuous place on the premises.

8 (6) No licensee shall employ any person under the age of twenty-  
9 one years.

10 (7)(a) Before the state liquor control board issues a new or  
11 renewed license to an applicant it shall give notice of the  
12 application to the chief executive officer of the incorporated city  
13 or town, if the application is for a license within an incorporated  
14 city or town, or to the county legislative authority, if the  
15 application is for a license outside the boundaries of incorporated  
16 cities or towns.

17 (b) The incorporated city or town through the official or  
18 employee selected by it, or the county legislative authority or the  
19 official or employee selected by it, shall have the right to file  
20 with the state liquor control board within twenty days after the date  
21 of transmittal of the notice for applications, or at least thirty  
22 days prior to the expiration date for renewals, written objections  
23 against the applicant or against the premises for which the new or  
24 renewed license is asked. The state liquor control board may extend  
25 the time period for submitting written objections.

26 (c) The written objections shall include a statement of all facts  
27 upon which the objections are based, and in case written objections  
28 are filed, the city or town or county legislative authority may  
29 request, and the state liquor control board may in its discretion  
30 hold, a hearing subject to the applicable provisions of Title 34 RCW.  
31 If the state liquor control board makes an initial decision to deny a  
32 license or renewal based on the written objections of an incorporated  
33 city or town or county legislative authority, the applicant may  
34 request a hearing subject to the applicable provisions of Title 34  
35 RCW. If a hearing is held at the request of the applicant, state  
36 liquor control board representatives shall present and defend the  
37 state liquor control board's initial decision to deny a license or  
38 renewal.

39 (d) Upon the granting of a license under this title the state  
40 liquor control board shall send written notification to the chief

1 executive officer of the incorporated city or town in which the  
2 license is granted, or to the county legislative authority if the  
3 license is granted outside the boundaries of incorporated cities or  
4 towns.

5 (8) The state liquor control board shall not issue a license for  
6 any premises within one thousand feet of the perimeter of the grounds  
7 of any elementary (~~(or)~~) school, secondary school, or playground, or  
8 within one hundred feet of any recreation center or facility, child  
9 care center, public park, public transit center, or library, or any  
10 game arcade admission to which is not restricted to persons aged  
11 twenty-one years or older.

12 (9) In determining whether to grant or deny a license or renewal  
13 of any license, the state liquor control board shall give substantial  
14 weight to objections from an incorporated city or town or county  
15 legislative authority based upon chronic illegal activity associated  
16 with the applicant's operations of the premises proposed to be  
17 licensed or the applicant's operation of any other licensed premises,  
18 or the conduct of the applicant's patrons inside or outside the  
19 licensed premises. "Chronic illegal activity" means (a) a pervasive  
20 pattern of activity that threatens the public health, safety, and  
21 welfare of the city, town, or county including, but not limited to,  
22 open container violations, assaults, disturbances, disorderly  
23 conduct, or other criminal law violations, or as documented in crime  
24 statistics, police reports, emergency medical response data, calls  
25 for service, field data, or similar records of a law enforcement  
26 agency for the city, town, county, or any other municipal corporation  
27 or any state agency; or (b) an unreasonably high number of citations  
28 for violations of RCW 46.61.502 associated with the applicant's or  
29 licensee's operation of any licensed premises as indicated by the  
30 reported statements given to law enforcement upon arrest.

--- END ---