

## **Commerce & Gaming Committee**

### **HB 1003**

**Brief Description:** Siting of marijuana businesses in relation to areas or facilities frequented by children.

**Sponsors:** Representatives Klippert and Van Werven.

#### **Brief Summary of Bill**

- Adds preschools and school bus stops to the list of entities/facilities for which marijuana licensees may generally not be located within 1,000 feet.
- Expands the types of playgrounds and child care centers for which marijuana licensees may generally not be located within 1,000 feet.
- Adds preschools, school bus stops, and the newly expanded types of playgrounds and child care centers to the list of entities/facilities for which marijuana licensees are prohibited from advertising their business or marijuana products within 1,000 feet.
- Adds preschools, school bus stops, and the newly expanded types of playgrounds and child care centers to the list of entities/facilities for which local governments may require marijuana license applicants to send individual notice of the application.

**Hearing Date:** 1/15/19

**Staff:** Peter Clodfelter (786-7127).

#### **Background:**

##### Distance Requirements for Licensing Marijuana Businesses.

Under the so-called buffer zone requirements, the Liquor and Cannabis Board (LCB) is generally prohibited from issuing a marijuana license for any premises within 1,000 feet of an elementary or secondary school, playground, recreation center, child care center, public park, public transit center, or library, or game arcade admission to which is not restricted to persons age 21 or older.

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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.*

However, for licensing marijuana producers, processors, and retailers, local governments may reduce the 1,000 foot buffer zone to not less than 100 feet of the above listed entities/facilities, except elementary schools, secondary schools, and playgrounds, so long as the distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

Additionally, for licensing of marijuana research facilities, local governments may reduce the 1,000 foot buffer zone to not less than 100 feet of all of the above listed entities/facilities, so long as the distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

Further, before issuing or renewing a marijuana research license for a premises located within 1,000 feet but not less than 100 feet of an elementary school, secondary school, or playground in compliance with a local distance-reduction ordinance, the LCB must ensure the facility meets the following requirements:

- The facility must meet a security standard exceeding the standard applicable to marijuana producer, processor, or retailer licensees.
- The facility must be inaccessible to the public and no part of the operation of the facility may be in view of the general public.
- The facility may bear no advertising or signage indicating it is a marijuana research facility.

#### Distance Requirements for Marijuana Advertising.

Advertising of a marijuana business or marijuana product is prohibited within 1,000 feet of the perimeter of a school ground, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons age 21 years or older. Advertising violations subject licensees to escalating penalties established under the LCB's rules, including fines and suspension or revocation of a marijuana license for subsequent violations.

#### Local Government Authority to Require Individual Notice of Marijuana License Applications.

Local governments may adopt an ordinance requiring a marijuana license applicant to provide individual notice 60 days prior to license issuance, to any of the following entities/facilities located within 1,000 feet of the premises proposed to be licensed: elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, churches, public parks, public transit centers, or libraries, or game arcades admission to which is not restricted to persons age 21 or older. The notice must provide the contact information for the LCB where any of the owners or operators of the entities/facilities may submit comments or concerns about the proposed location.

#### **Summary of Bill:**

#### Distance Requirements for Licensing Marijuana Businesses.

Preschools and school bus stops are added to the list of entities/facilities for which licensed marijuana businesses may generally not be located within 1,000 feet (the so-called buffer zone).

It is provided that the playgrounds included in the 1,000 foot buffer zone include any playground owned or managed by a governmental entity, private entity, or person. It is further provided that

the child care centers included in the 1,000 foot buffer zone include a preschool or other facility that regularly provides child day care or early learning services for a group of children for periods of less than 24 hours, whether or not the child care center is required to be licensed by the Department of Children, Youth, and Families.

The Liquor and Cannabis Board (LCB) is prohibited from issuing or renewing a license for any premises located within 1,000 feet of the perimeter of the grounds of any preschool, elementary school, secondary school, school bus stop, playground, or child care center. This prohibition applies to licenses issued before, on, or after the act's effective date.

Preschools, school bus stops, and child care centers are added to the list of entities/facilities for which a local government is prohibited from enacting an ordinance reducing the 1,000 foot buffer zone to 100 feet or more for licensing marijuana producers, processors, and retailers.

Preschools, school bus stops, and the newly expanded types of playgrounds and child care centers are added to the list of entities/facilities for which a local government may enact an ordinance reducing the 1,000 foot buffer zone to 100 feet or more for licensing marijuana research facilities, when the existing requirements related to security, public inaccessibility, and lack of advertising and signage are met.

**Distance Requirements for Marijuana Advertising.**

Preschools and school bus stops, as well as the newly expanded types of playgrounds and child care centers, are added to the list of entities/facilities for which marijuana licensees are prohibited from placing or maintaining any sign or advertisement of a marijuana businesses or marijuana product within 1,000 feet.

**Local Government Authority to Require Individual Notice of Marijuana License Applications.**

The authority of local governments to require an applicant for a marijuana license to send individual notice, 60 days prior to license issuance, to specific types of entities/facilities located within 1,000 feet of the premises proposed to be licensed, is modified to include preschools and school bus stops as well as the newly expanded types of playgrounds and child care centers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.