

# HOUSE BILL REPORT

## HB 1626

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to making the authority of the liquor and cannabis board to enforce state laws concerning liquor, marijuana, tobacco, and vapor products more uniform.

**Brief Description:** Making the authority of the liquor and cannabis board to enforce state laws concerning liquor, marijuana, tobacco, and vapor products more uniform.

**Sponsors:** Representatives Pettigrew, Griffey, Goodman, Lovick, Appleton and Stanford; by request of Liquor and Cannabis Board.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 2/7/19, 2/14/19 [DP].

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

- Modifies the provisions relating to the Liquor and Cannabis Board's existing authority to enforce any penal law related to the manufacture, importation, transportation, possession, distribution, or sale of liquor, to include the authority to enforce equivalent laws relating to marijuana, tobacco, and vapor products.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 6 members: Representatives Goodman, Chair; Davis, Vice Chair; Appleton, Orwall, Pellicciotti and Pettigrew.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Graham and Lovick.

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

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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.*

The Washington State Liquor and Cannabis Board (LCB) administers and enforces liquor, tobacco, vapor product, and marijuana laws.

The Enforcement and Education Division of the LCB is responsible for the state laws and regulations under its jurisdiction. The LCB's enforcement operations include premises visits, compliance checks, undercover operations, and complaint investigations. In addition, the Enforcement and Education Division provides education to liquor, marijuana, and tobacco-licensed businesses, as well as to communities and law enforcement agencies.

The LCB and its enforcement officers have the authority to enforce the penal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor. The LCB's enforcement officers may also serve and execute all warrants and process of law issued by the courts and make warrantless arrests in enforcing liquor laws. The LCB is additionally granted general enforcement authority in the Uniform Controlled Substances Act, which contains provisions regulating marijuana, and in the statutes regulating the sale and distribution of vapor and tobacco products.

The LCB is a limited authority Washington law enforcement agency, and its enforcement officers are limited authority Washington law enforcement officers. A limited authority agency is one that has as one of its functions, as opposed to its primary function, the apprehension or detection of persons committing infractions or violating the traffic or criminal laws related to limited subject areas. A limited authority Washington peace officer is any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible.

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**Summary of Bill:**

In addition to its existing powers to enforce any penal law related to the manufacture, importation, transportation, possession, distribution, or sale of liquor, the LCB and its enforcement officers have the power to enforce equivalent laws relating to marijuana, tobacco, and vapor products. In enforcing these state penal provisions, the LCB officers may serve and execute all warrants and process of law issued by the courts and may make arrests for violations.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill puts the LCB in a better position to take enforcement action against bad activity. Marijuana is now legal, but not everyone is doing business in a legal way. The more boots on the ground to manage these issues, the better.

The LCB is seeking continuity in enforcement between the products the LCB regulates. Currently, the LCB enforcement officers have to think about what product is being enforced and how the authority might be different. If there is an assault on an officer, in some situations the LCB officers are not authorized to arrest, whereas when the same conduct occurs while enforcing the alcohol code, they would be. The LCB has been given more authority over the years and now enforces youth access laws, tobacco tax compliance laws, vapor products laws, and other laws. Additionally, when Initiative No. 502 passed, the LCB was given enforcement authority under the Uniform Controlled Substances Act, which the LCB has restricted by rule to cannabis enforcement. The LCB's officers are encountering more situations in which criminal activity is happening, such as firearms crime, child endangerment, embezzlement, and extortion. Some local law enforcement officers do not enforce incidents when the LCB is engaged in the case.

(Opposed) The LCB's enforcement officers serve a valuable purpose. There is a specific need for expertise in criminal conduct that falls within the areas the LCB regulates. If the bill were limited to enforcement of these areas and related licensees, it would be less objectionable, but the language is not limited in this way. The LCB's jurisdiction has expanded over the years, and the focus should instead be on giving the LCB more resources to deal with the jurisdiction they already have. For example, data indicates that drunk drivers are being served at licensed establishments. Also, the LCB is only able to site-check about 10 percent of the special events permits it issues, so there is no way to know whether minors are being served at these events. There are jurisdictional issues with all law enforcement agencies, and all agencies have to work with one another. The LCB can already seek the commissioning authority of local law enforcement if it wants to enforce general laws.

**Persons Testifying:** (In support) Representative Pettigrew, prime sponsor; and Justin Nordhorn, Washington State Liquor and Cannabis Board.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.