H-4096.3

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**SUBSTITUTE HOUSE BILL 2368**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Commerce & Gaming (originally sponsored by Representatives Hurst and Condotta)

AN ACT Relating to creating a two-year pilot program authorizing up to five qualified licensed marijuana retailers to deliver marijuana to Washington residents in a city with a population of over six hundred fifty thousand; creating new sections; prescribing penalties; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) There is created a temporary pilot program for the issuance of a marijuana delivery endorsement to an existing marijuana retailer's license that allows an endorsement holder to deliver marijuana to a Washington resident age twenty-one or over at a private residence consistent with this act.

(2)(a) The liquor and cannabis board is authorized to issue marijuana delivery endorsements to qualified licensed marijuana retailers pursuant to this act. The total number of endorsements to be issued under the pilot program is subject to the discretion of the board after considering the qualifications of the applicants and the overall characteristics of the commercial marijuana market in the pilot program city. If a licensed marijuana retailer's marijuana delivery endorsement is forfeited pursuant to section 2 of this act, the board may reissue the endorsement to another qualified marijuana retailer.

(b) The board shall determine the fee charged to a licensed marijuana retailer for the delivery endorsement authorized under this section by reference to the costs of administering the program in relation to the total number of licensed marijuana retailers receiving the endorsement. In setting the fee, the board shall require each endorsement holder to pay an amount equivalent to a pro rata share of the program costs.

(3)(a) A marijuana delivery endorsement to a marijuana retailer's license authorizes a licensed marijuana retailer to operate a service that sells and delivers useable marijuana, marijuana-infused products, and marijuana concentrates from the licensed marijuana retail outlet to a Washington resident at a private residence consistent with this act and chapter 69.50 RCW.

(b) In operating a residential delivery service for marijuana products under this section, a licensed marijuana retailer may not employ more than two delivery persons per work shift.

(4) The liquor and cannabis board may issue a marijuana delivery endorsement pursuant to this act only to qualified licensed marijuana retailers located in a city that has a population of over six hundred fifty thousand and that has created a municipal regulatory license for marijuana businesses.

(5) Consistent with this act, a licensed marijuana retailer with a marijuana delivery endorsement may:

(a) Receive orders over the telephone or internet, by a Washington resident age twenty-one or over, for the purchase and delivery of useable marijuana, marijuana-infused products, or marijuana concentrates not in excess of the amounts authorized in RCW 69.50.360(3); and

(b) Deliver useable marijuana, marijuana-infused products, and marijuana concentrates not in excess of the amounts authorized in RCW 69.50.360(3), to the same Washington resident age twenty-one or over who placed the order for the useable marijuana, marijuana-infused products, or marijuana concentrates over the telephone or internet.

(6) No delivery of useable marijuana, marijuana-infused products, or marijuana concentrates may be made by a licensed marijuana retailer with a marijuana delivery endorsement after September 1, 2018.

NEW SECTION. **Sec.**  The pilot program authorized in section 1 of this act is subject to the following restrictions:

(1) No order for the purchase and delivery of useable marijuana, marijuana-infused products, or marijuana concentrates may be accepted from a person who is not a Washington resident or is under age twenty-one.

(2) A delivery of an order of useable marijuana, marijuana-infused products, or marijuana concentrates by a licensed marijuana retailer with a marijuana delivery endorsement may be made only:

(a) By an owner or employee of the licensed marijuana retailer who is age twenty-one or over;

(b) To the same Washington resident who placed the order and who demonstrates the Washington resident is age twenty-one or over consistent with subsection (3) of this section; and

(c) At a private residence located in the same city in which the licensed marijuana retailer is located.

(3) A person who places an order for the purchase and delivery of useable marijuana, marijuana-infused products, or marijuana concentrates must possess a valid Washington driver's license or valid Washington identicard and must allow the owner or employee of the licensed marijuana retailer making the delivery to inspect the person's valid Washington driver's license or valid Washington identicard for proof of age.

(4) An owner or employee of a licensed marijuana retailer with a marijuana delivery endorsement who performs a delivery must have undergone training regarding proof of age identification.

(5) All provisions of chapter 69.50 RCW and all administrative rules adopted pursuant to chapter 69.50 RCW apply to the sale and delivery of useable marijuana, marijuana-infused products, and marijuana concentrates by a licensed marijuana retailer under a marijuana delivery endorsement issued pursuant to authorization in this act. The definitions in chapter 69.50 RCW apply throughout this act unless the context clearly requires otherwise.

(6)(a) A marijuana delivery endorsement is forfeited upon the liquor and cannabis board's determination that a licensed marijuana retailer with a marijuana delivery endorsement delivered, on one or more occasions, useable marijuana, marijuana-infused products, or marijuana concentrates to a person who is not a Washington resident or is under age twenty-one.

(b) The minimum penalty for the delivery of useable marijuana, marijuana-infused products, or marijuana concentrates to a person who is not a Washington resident or is under age twenty-one is two thousand five hundred dollars and forfeiture of the marijuana delivery endorsement.

(7) The liquor and cannabis board must subject each licensed marijuana retailer that is issued a marijuana delivery endorsement pursuant to this act to at least four random tests per year of operation to ensure that no useable marijuana, marijuana-infused products, or marijuana concentrates are delivered to a person who is not a Washington resident or is under age twenty-one.

(8) A city in which a licensed marijuana retailer with a marijuana delivery endorsement operates must have adopted an ordinance or resolution containing requirements that are substantially similar to the rules the liquor and cannabis board adopts pursuant to this act before a licensed marijuana retailer with a marijuana delivery endorsement may begin delivering useable marijuana, marijuana-infused products, and marijuana concentrates.

NEW SECTION. **Sec.**  (1) The liquor and cannabis board, after consultation with eligible cities, is authorized to adopt rules necessary to implement the pilot program created in this act.

(2) The rules under this section must be adopted by September 1, 2016, and, at a minimum, provide for the following:

(a) Eligibility requirements for qualified licensed marijuana retailers;

(b) Procedures for verifying the person submitting an order and receiving a delivery is a Washington resident and age twenty-one or over;

(c) Maximum amounts of useable marijuana, marijuana-infused products, and marijuana concentrates that may be physically transported off the premises of a licensed marijuana retailer with a marijuana delivery endorsement by an owner or employee performing deliveries as authorized by this act;

(d) Practices and procedures to ensure that useable marijuana, marijuana-infused products, and marijuana concentrates delivered pursuant to authorization in this act are subject to the same traceability requirements that otherwise apply to useable marijuana, marijuana-infused products, and marijuana concentrates sold by a licensed marijuana retailer pursuant to chapter 69.50 RCW and administrative rules adopted pursuant to chapter 69.50 RCW;

(e) The times during which deliveries are authorized and prohibited;

(f) Security procedures;

(g) Delivery vehicle requirements; and

(h) Recordkeeping requirements.

(3) The liquor and cannabis board must, after consultation with cities operating a marijuana delivery pilot program pursuant to this act, submit a report to the appropriate committees of the legislature by November 16, 2018. The report must include at least the following:

(a) A description of the rules the board adopted pursuant to this section;

(b) Information identifying the licensed marijuana retailers that the board issued marijuana delivery endorsements to pursuant to this act;

(c) Information about the quantity of useable marijuana, marijuana-infused products, and marijuana concentrates delivered to people pursuant to the authorization in this act;

(d) A description of any regulatory or enforcement problems or issues that arose during the course of the pilot program;

(e) The board's recommendation as to whether the legislature should make the pilot program in this act permanent and, if so, with what modifications; and

(f) Any other information the board determines is relevant for purposes of the legislature's decision on whether to make the pilot program in this act permanent.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act expire July 1, 2019.

**--- END ---**