

# SENATE BILL REPORT

## SB 5402

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As Reported by Senate Committee On:  
Commerce & Labor, February 18, 2015

**Title:** An act relating to ensuring safe, responsible, and legal acquisition of marijuana by adults.

**Brief Description:** Ensuring safe, responsible, and legal acquisition of marijuana by adults.

**Sponsors:** Senators Conway, Rivers, Hasegawa, McAuliffe and Keiser; by request of Liquor Control Board.

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/16/15, 2/18/15 [DP].

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

**Staff:** Richard Rodger (786-7461)

**Background:** In 2012 voters approved Initiative 502 which established a regulatory system for the production, processing, and distribution of limited amounts of marijuana for nonmedical purposes for adults age 21 or older.

The initiative did not include civil or criminal provisions relating to the following: allowing or providing minors access to marijuana, licensed marijuana stores, or illegal forms of identification; a minor's purchase or attempt to purchase marijuana; or, a minor's misrepresentation of the minor's age to enter a licensed marijuana store.

There is no state statute that specifies what form of identification is required for the purpose of buying marijuana or for entering a licensed retail marijuana store.

**Summary of Bill:** The following acts constitute a misdemeanor – punishable by a sentence of up to 90 days and a fine of up to \$1,000:

- inviting a minor into a place where marijuana is sold and allowing or helping the minor to acquire marijuana; and

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- transferring an ID to a minor for the purposes of purchasing marijuana products – requires a minimum \$2,500 fine and, if imposed, 25 hours of community restitution.

The Liquor Control Board or other law enforcement agencies may do marijuana compliance checks using 18 to 20-year olds in a controlled purchase program.

It is a gross misdemeanor to forge, alter, or acquire a counterfeit identification and provide that identification to a person under the age of 21. Violations carry a sentence of up to 364 days and a minimum fine of \$2,500. However, the manufacture and delivery of counterfeit driver's license and similar state-issued identification is a class C felony punishable by up to five years in prison and a fine of \$10,000.

It is either a class 2 or a class 3 civil infraction for a person under age 18 or between ages 18 and 21, respectively, to purchase, attempt to purchase, or misrepresent the person's age to purchase marijuana or misrepresent the person's age to enter licensed marijuana premises. The maximum penalties, and the default amounts, for civil infractions are as follows: for a class 2 – \$125; and for a class 3 – \$50; plus statutory assessments.

Acceptable forms of ID for age verification, such as driver's licenses and passports, are defined.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: This bill applies to the Initiative 502 retail marijuana system. The bill provides dual responsibility for licensed marijuana businesses and consumers. The provisions are similar to those in the liquor statutes. The bill provides clarity for enforcement officers and allows for compliance checks.

CON: The Liquor Control Board (LCB) forgot about the medical marijuana patients where it is legal for 18 to 20-year olds to have access to marijuana. Under this bill the court could require drug rehab for medical marijuana patients.

**Persons Testifying:** PRO: Justin Nordhorn, LCB.

CON: Steve Sarich, Cannabis Action Coalition.