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**HOUSE BILL 1712**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Sawyer and Condotta

AN ACT Relating to establishing an endorsement to the marijuana retailer's license to authorize marijuana delivery services; and adding a new section to chapter 69.50 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 69.50 RCW to read as follows:

(1) There is a marijuana delivery endorsement to a marijuana retailer's license that authorizes the holder to deliver marijuana products to a person age twenty-one or over at a private residence, hotel, motel, boarding house, resort, hostel, trailer camp, or similar lodging business.

(2)(a) The state liquor and cannabis board may issue a delivery endorsement only to a qualified applicant, as determined by the board, that holds a marijuana retailer license issued pursuant to RCW 69.50.325 and the premises of which is located in a local jurisdiction that authorizes the delivery of marijuana products pursuant to an ordinance. The state liquor and cannabis board has discretion in determining whether an applicant is qualified to receive a delivery endorsement.

(b)(i) A local jurisdiction may authorize the delivery of marijuana products only by ordinance.

(ii) A copy of the local jurisdiction's ordinance must be transmitted to the state liquor and cannabis board.

(c)(i) The state liquor and cannabis board shall establish the fee for the delivery endorsement.

(ii) The amount of the fee must reflect the expected costs of administering the program and may subsequently be adjusted by the state liquor and cannabis board to reflect the program's actual costs.

(d) The state liquor and cannabis board may, after examining the overall characteristics of the commercial marijuana market in local jurisdictions that authorize marijuana delivery and the qualifications of applicants for the delivery endorsement, limit the number of delivery endorsements issued or stop issuing delivery endorsements.

(e)(i) Each delivery endorsement issued pursuant to this section applies to only one licensed marijuana retail outlet.

(ii) If a person or entity that applies for a delivery endorsement holds more than one marijuana retailer's license, a separate delivery endorsement is required for each marijuana retail outlet from which the holder wishes to conduct the delivery of marijuana products.

(3)(a) A delivery of marijuana products by a marijuana retailer with a delivery endorsement may be made only to a person age twenty-one or over who is the same person who placed the order and who receives the delivery at a premises described in subsection (1) of this section that is located within a local jurisdiction that authorizes the delivery of marijuana products.

(b) The holder of a delivery endorsement may utilize not more than two delivery vehicles per work shift.

(c) Any person delivering marijuana products must be an owner or employee of the licensed marijuana retailer with the delivery endorsement and must have undergone training regarding proof of age identification and verification.

(4) In accordance with this section and rules adopted to implement this section, a licensed marijuana retailer with a delivery endorsement may:

(a) Receive an order over the telephone or internet, by a person age twenty-one or over, for the purchase and delivery of marijuana products not in excess of the amounts authorized in RCW 69.50.360(3); and

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

(5)(a) A person placing an order for the purchase and delivery of marijuana products in accordance with this section must possess valid identification and must allow the marijuana retailer with the delivery endorsement or its owner or employee to inspect the person's valid identification for proof of age.

(b) The marijuana retailer with a delivery endorsement or its owner or employee must confirm the validity of the person's identification utilizing an electronic device or web-based application as required by the state liquor and cannabis board.

(6)(a) The state liquor and cannabis board must subject each licensed marijuana retailer with an endorsement issued in accordance with this section to at least four random tests per year of operation to ensure that no marijuana products are delivered to a person who is under age twenty-one.

(b) The state liquor and cannabis board may contract with a local jurisdiction that has authorized marijuana delivery to conduct some or all of the four random tests of a marijuana retailer with a delivery endorsement.

(7) All provisions of this chapter and all rules adopted pursuant to this chapter apply to the sale and delivery of marijuana products by a licensed marijuana retailer with a delivery endorsement issued in accordance with this section.

(8) It is not a violation of any provision of state law, civil or criminal, for a marijuana retail outlet with a delivery endorsement, or its owner or employee who is trained in accordance with rules adopted pursuant to this section, to possess, transport, and deliver marijuana products pursuant to a delivery endorsement in amounts that do not exceed amounts established by the state liquor and cannabis board.

(9) No marijuana advertising may be displayed on a vehicle that delivers marijuana products pursuant to a delivery endorsement issued under this section.

(10) The state liquor and cannabis board may adopt rules to implement this section. The rules must include the following:

(a) Eligibility requirements for qualified licensed marijuana retailers;

(b) Training requirements for owners or employees of marijuana retailers that hold a delivery endorsement who will deliver marijuana products pursuant to this section;

(c) Procedures for proof of age identification and verification;

(d) Delivery vehicle requirements;

(e) Security requirements;

(f) Recordkeeping requirements;

(g) Limits on the amounts of marijuana products and money that may be carried in a delivery vehicle;

(h) Practices and procedures to ensure that marijuana products delivered pursuant to this section are subject to the same traceability requirement that otherwise apply to marijuana products sold by a licensed marijuana retailer pursuant to this chapter and rules adopted to implement this chapter; and

(i) Penalties for violations of this section or rules adopted to implement this section.

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