

ADOPTED 03/07/2017

1 On page 27, after line 23 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 14.** The legislature finds that protecting
3 the state's children, youth, and young adults under the legal age to
4 purchase and consume marijuana, by establishing limited restrictions
5 on the advertising of marijuana and marijuana products, is necessary
6 to assist the state's efforts to discourage and prevent underage
7 consumption and the potential risks associated with underage
8 consumption. The legislature finds that these restrictions assist the
9 state in maintaining a strong and effective regulatory and
10 enforcement system as specified by the federal government. The
11 legislature finds this act leaves ample opportunities for licensed
12 marijuana businesses to market their products to those who are of
13 legal age to purchase them, without infringing on the free speech
14 rights of business owners. Finally, the legislature finds that the
15 state has a substantial and compelling interest in enacting this act
16 aimed at protecting Washington's children, youth, and young adults.

17 **Sec. 15.** RCW 69.50.357 and 2016 c 171 s 1 are each amended to
18 read as follows:

19 (1) Retail outlets may not sell products or services other than
20 marijuana concentrates, useable marijuana, marijuana-infused
21 products, or paraphernalia intended for the storage or use of
22 marijuana concentrates, useable marijuana, or marijuana-infused
23 products.

24 (2) Licensed marijuana retailers may not employ persons under
25 twenty-one years of age or allow persons under twenty-one years of
26 age to enter or remain on the premises of a retail outlet. However,
27 qualifying patients between eighteen and twenty-one years of age with
28 a recognition card may enter and remain on the premises of a retail
29 outlet holding a medical marijuana endorsement and may purchase
30 products for their personal medical use. Qualifying patients who are
31 under the age of eighteen with a recognition card and who accompany

1 their designated providers may enter and remain on the premises of a
2 retail outlet holding a medical marijuana endorsement, but may not
3 purchase products for their personal medical use.

4 (3)(a) Licensed marijuana retailers must ensure that all
5 employees are trained on the rules adopted to implement this chapter,
6 identification of persons under the age of twenty-one, and other
7 requirements adopted by the state liquor and cannabis board to ensure
8 that persons under the age of twenty-one are not permitted to enter
9 or remain on the premises of a retail outlet.

10 (b) Licensed marijuana retailers with a medical marijuana
11 endorsement must ensure that all employees are trained on the
12 subjects required by (a) of this subsection as well as identification
13 of authorizations and recognition cards. Employees must also be
14 trained to permit qualifying patients who hold recognition cards and
15 are between the ages of eighteen and twenty-one to enter the premises
16 and purchase marijuana for their personal medical use and to permit
17 qualifying patients who are under the age of eighteen with a
18 recognition card to enter the premises if accompanied by their
19 designated providers.

20 ~~(4) ((Licensed marijuana retailers may not display any signage
21 outside of the licensed premises, other than two signs identifying
22 the retail outlet by the licensee's business or trade name. Each sign
23 must be no larger than one thousand six hundred square inches, be
24 permanently affixed to a building or other structure, and be posted
25 not less than one thousand feet from any elementary school, secondary
26 school, or playground.~~

27 ~~(5))~~ Except for the purposes of disposal as authorized by the
28 state liquor and cannabis board, no licensed marijuana retailer or
29 employee of a retail outlet may open or consume, or allow to be
30 opened or consumed, any marijuana concentrates, useable marijuana, or
31 marijuana-infused product on the outlet premises.

32 ~~((6))~~ (5) The state liquor and cannabis board must fine a
33 licensee one thousand dollars for each violation of any subsection of
34 this section. Fines collected under this section must be deposited
35 into the dedicated marijuana account created under RCW 69.50.530.

36 **Sec. 16.** RCW 69.50.369 and 2015 2nd sp.s. c 4 s 204 are each
37 amended to read as follows:

38 (1) No licensed marijuana producer, processor, researcher, or
39 retailer may place or maintain, or cause to be placed or maintained,

1 an advertisement of marijuana, useable marijuana, marijuana
2 concentrates, or a marijuana-infused product in any form or through
3 any medium whatsoever((÷

4 (a)) within one thousand feet of the perimeter of a school
5 grounds, playground, recreation center or facility, child care
6 center, public park, or library, or any game arcade admission to
7 which is not restricted to persons aged twenty-one years or older((÷

8 ~~(b) On or in a public transit vehicle or public transit shelter;~~
9 ~~or~~

10 ~~(c) On or in a publicly owned or operated property)).~~

11 (2) No marijuana licensee may:

12 (a) Take any action, directly or indirectly, to target youth in
13 the advertising, promotion, or marketing of marijuana and marijuana
14 products, or take any action the primary purpose of which is to
15 initiate, maintain, or increase the incidence of youth use of
16 marijuana or marijuana products;

17 (b) Use objects such as toys, inflatables, characters, or cartoon
18 characters suggesting the presence of a child, or any other depiction
19 designed in any manner to be especially appealing to children or
20 other persons under legal age to consume marijuana; or

21 (c) Use or employ a commercial mascot outside of a licensed
22 marijuana business. A "commercial mascot" means live human being,
23 animal, or mechanical device used for the purpose of commercial
24 advertising, such as sign spinners, sign clowns, sandwich board signs
25 over a live human body, and persons dressed to appear or suggest as a
26 trademark or symbol of a commercial enterprise.

27 (3) No marijuana licensees may engage in outdoor advertising
28 except as specifically provided for in this section.

29 (a) Outdoor advertising is prohibited:

30 (i) On signs and placards in arenas, stadiums, shopping malls,
31 fairs that receive state allocations, farmers markets, and video game
32 arcades, whether any of the foregoing are open air or enclosed, but
33 not including any such sign or placard located in an adult only
34 facility; or

35 (ii) On any other advertisements placed outdoors or on the inside
36 surface of a window facing outward that do not meet the exclusionary
37 provisions contained in (c) of this subsection.

38 (b)(i) Billboards that are visible from any street, road,
39 highway, right-of-way, or public parking area are prohibited, except
40 as provided in (b)(ii) of this subsection.

1 (ii) Licensed retail outlets may use a billboard or outdoor sign
2 solely for the purpose for providing directional information to the
3 public to a licensed retail outlet. The content of the directional
4 signs are strictly limited to the store's licensed name, its logo,
5 and directions to the licensed retail outlet. The billboards and
6 signs may not contain any depictions of marijuana plants or products.

7 (c) Outdoor advertising does not include:

8 (i) An individual advertisement that does not occupy an area
9 larger than two thousand four hundred square inches and that neither
10 is placed in such proximity to any other such advertisement so as to
11 create a single mosaic-type advertisement larger than two thousand
12 four hundred square inches, nor functions solely as a segment of a
13 larger advertising unit or series, and that is placed on the outside
14 of any licensed retail establishment that sells marijuana products,
15 outside but on the licensed premises of any such establishment, or on
16 the inside surface of a window facing outward in any such
17 establishment;

18 (ii) An advertisement inside a licensed retail establishment that
19 sells marijuana products that is not placed on the inside surface of
20 a window facing outward; or

21 (iii) An outdoor advertisement at the site of an event to be held
22 at an adult only facility that is placed at such site during the
23 period the facility or enclosed area constitutes an adult only
24 facility, but in no event more than fourteen days before the event,
25 and that does not advertise any marijuana product other than by using
26 a brand name to identify the event.

27 (4) No marijuana licensees may engage in transit advertisements.
28 "Transit advertisements" means advertising on or within private or
29 public vehicles and all advertisements placed at, on or within any
30 bus stop, taxi stand, transportation waiting area, train station,
31 airport, or any similar transit-related location.

32 (5) Merchandising within a retail outlet is not advertising for
33 the purposes of this section.

34 ~~((+3))~~ (6) This section does not apply to a noncommercial
35 message.

36 ~~((+4))~~ (7)(a) The state liquor and cannabis board must:

37 (i) Adopt rules implementing this section and specifically
38 including provisions regulating the directional signs authorized
39 under subsection (3)(b)(ii) of this section. The advertising rules

1 must be as restrictive as the state and federal guidelines regulating
2 cigarette advertising; and

3 (ii) Fine a licensee one thousand dollars for each violation of
4 ((subsection (1) of)) this section until the state liquor and
5 cannabis board adopts rules prescribing penalties for violations of
6 this section. The rules must establish escalating penalties including
7 finances and up to suspension or revocation of a marijuana license for
8 subsequent violations.

9 (b) Fines collected under this subsection must be deposited into
10 the dedicated marijuana account created under RCW 69.50.530.

11 (8) A city, town, or county may adopt rules of outdoor
12 advertising by licensed marijuana retailers that are more restrictive
13 than the advertising restrictions imposed under this chapter.
14 Enforcement of restrictions to advertising by a city, town, or county
15 is the responsibility of the city, town, or county."

16 Renumber the remaining section consecutively.

SSB 5131 - S AMD TO S AMD (S-1867.1/17) **96**
By Senator Rivers

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17 On page 28, line 1 of the title amendment, after "contracts,"
18 insert "advertising,"

19 On page 28, beginning on line 3 of the title amendment, after
20 "69.51A.250," strike all material through "15.120.020" on line 4 and
21 insert "15.120.020, 69.50.357, and 69.50.369"

22 On page 28, line 7 of the title amendment, after "creating"
23 strike all material through "section" and insert "new sections"

EFFECT: Prohibits marijuana licensees from using advertising that is targeted to youth and from using objects or characters that are appealing to children. Places additional restrictions on marijuana advertising in public places and bans the use of commercial mascots. Increases the allowable size of the signs at a retail marijuana business to a maximum of 2,400 square inches. Allows billboards for the sole purpose of providing directional information to a licensed marijuana retailer's store.

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