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**Commerce & Gaming Committee**

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**HB 1250**

**Brief Description:** Authorizing retail marijuana outlets to give a free lockable drug box to adults age twenty-one years and over and to qualifying patients age eighteen years and over subject to restrictions.

**Sponsors:** Representatives Griffey, Orwall, Dent, MacEwen, Hayes, Holy, McCaslin and Doglio.

**Brief Summary of Bill**

- Authorizes licensed marijuana retail outlets to receive from another person or entity and donate, at no cost, to adults age 21 and over, to qualifying patients age 18 and over, and to designated providers (1) a lockable box intended for the secure storage of marijuana products and paraphernalia and (2) literature about such a lockable box.

**Hearing Date:** 1/23/17

**Staff:** Peter Clodfelter (786-7127).

**Background:**

Licensed marijuana retail outlets may not sell products or services other than useable marijuana, marijuana-infused products, marijuana concentrates (collectively "marijuana products") or paraphernalia intended for the storage or use of marijuana products. Retail outlets may sell such products or services only to adults age 21 and over, and, if the retail outlet holds a medical marijuana endorsement, to qualifying patients age 18 and over who are entered into the Medical Marijuana Authorization Database (the Database) and hold a valid recognition card and to designated providers.

A qualifying patient is a person who: (1) is a patient of a health care professional, (2) has been diagnosed by that health care professional as having a terminal or debilitating medical condition, (3) is a Washington resident at the time of the diagnosis, (4) has been advised by that health care professional about the risks and benefits of the medical use of marijuana, (5) has been advised by

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that health care professional that they may benefit from the medical use of marijuana, and (6) has an authorization from the person's health care professional. An authorization is a form developed by the Department of Health that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper. A designated provider is an adult age 21 or over who is designated in writing by a qualifying patient to serve as the designated provider for that patient, or, if the qualifying patient is under age 18, then is the qualifying patient's parent or guardian.

A recognition card is a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered the qualifying patient or designated provider into the Database. Qualifying patients under age 18 may be entered into the Database and receive a recognition card, and may accompany their designated provider onto the premises of a retail outlet with a medical marijuana endorsement, but may not purchase marijuana products themselves.

The Liquor & Cannabis Board's rules prohibit marijuana retail outlets from requiring a customer to purchase other products or services as a condition to purchasing a marijuana product, and from selling marijuana products below the current acquisition cost.

Because marijuana is a Schedule I controlled substance under the state Uniform Controlled Substances Act, and only specific conduct related to possessing, transferring, and consuming marijuana products within the system created by and pursuant to Initiative 502 is legal, generally, any conduct that is not explicitly authorized is prohibited and punishable as a class C felony under the Uniform Controlled Substances Act.

### **Summary of Bill:**

Licensed marijuana retail outlets may donate, at no cost, to adults age 21 and over, to qualifying patients age 18 and over, and to designated providers, a lockable box intended for the secure storage of marijuana products and paraphernalia and literature about such a lockable box. Retail outlets may receive such lockable boxes and literature as a donation from another entity or person that is not a licensed marijuana producer, processor, or retailer, to be passed along, at not cost, to adults age 21 and over, to qualifying patients age 18 and over, and to designated providers.

Retail outlets may not charge a fee for a lockable box or literature that a retail outlet received as a donation from another entity or person. Additionally, retail outlets may not condition the donation of a lockable box or literature on the recipient's purchase of a marijuana product or paraphernalia from the retail outlet or use the donation of lockable boxes and literature as an incentive to sell marijuana products or paraphernalia.

It is specified that the authority to donate lockable boxes and literature in accordance with the act does not limit the authority of a retail outlet to sell a lockable box as paraphernalia intended for the storage or use of marijuana products, provided that the retail outlet did not receive the lockable box as a donation and the retail outlet does not sell the lockable box for less than the cost of acquisition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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