
Commerce & Gaming Committee

HB 1358

Brief Description: Establishing an endorsement to the marijuana retailer's license authorizing delivery services to individuals twenty-one years of age or older.

Sponsors: Representatives Kirby, Vick, Blake and Appleton.

Brief Summary of Bill

- Creates a marijuana delivery endorsement to the marijuana retailer license to authorize home deliveries of marijuana products, subject to restrictions, with the fee set through Liquor and Cannabis Board (LCB) rule.
- Authorizes orders for marijuana products to be placed over the telephone or Internet by an adult age 21 or over, and deliveries to be made to that same adult at a private residence, hotel, motel, boarding house, trailer camp, or similar lodging business.
- Requires owners and employees performing deliveries to have undergone training regarding proof of age, and to confirm the validity of the purchaser's identification card through an electronic device or web-based application.
- Requires the person who places the order to be the person to receive the order.
- Prohibits the display of advertising related to marijuana or a retail marijuana business on a delivery vehicle.
- Requires and authorizes LCB rulemaking, with specific components detailed in the act, to implement the delivery endorsement program.

Hearing Date: 2/11/19

Staff: Peter Clodfelter (786-7127).

Background:

The Liquor and Cannabis Board (LCB) issues a marijuana retailer license that authorizes the holder to sell useable marijuana, marijuana-infused products, marijuana concentrates,

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(collectively "marijuana products") and paraphernalia intended for the storage of marijuana products, to adults age 21 and over. Marijuana retailers with a medical marijuana endorsement may also sell marijuana products to qualifying patients age 18 and over who hold a recognition card and are entered into the Medical Marijuana Authorization Database.

A person 21 years of age or older may possess any combination of the following amounts of marijuana products:

- 1 ounce of useable marijuana;
- 16 ounces of marijuana-infused product in solid form;
- 72 ounces of marijuana-infused product in liquid form; and
- 7 grams of marijuana concentrates.

Qualifying patients and designated providers who are entered into the Medical Marijuana Authorization Database and hold a recognition card may purchase at retail three times the recreational possession limits.

All sales of marijuana products must be conducted in person at the premises of the marijuana retail outlet.

Summary of Bill:

A marijuana delivery endorsement to the marijuana retailer license is established to permit a qualifying marijuana retailer to deliver marijuana for personal use to any individual 21 years of age or older. A marijuana delivery endorsement authorizes the holder to deliver marijuana products to any individual 21 years of age or older, at a private residence, hotel, motel, boarding house, resort, hostel, trailer camp, or similar lodging business.

The fee for a delivery endorsement is established under Liquor and Cannabis Board (LCB) rule. The amount of the fee must reflect the expected costs of administering the program and may be adjusted to reflect the program's actual costs. An endorsement applies to only one licensed retail outlet location.

Retailers with the delivery endorsement may receive an order over the telephone or Internet, by an individual 21 years of age or older for the purchase and delivery of marijuana products, and may deliver marijuana products to the same person who placed the order. Retailers with an endorsement may charge customers a fee for a delivery. The person receiving delivery must be the same person who placed the order.

An individual 21 years of age or older who receives delivery of marijuana products must provide the delivery person with valid identification showing proof of age. The delivery person must confirm the validity of the recipient's identification card through the use of an electronic device or web-based application as required by the LCB. Only owners and employees of retail outlets with delivery endorsements may perform deliveries and must have undergone training regarding verification of age and identity.

No advertising related to marijuana or a retail marijuana business may be displayed on a vehicle involved in the delivery of marijuana products under a marijuana delivery endorsement.

The LCB may adopt rules necessary to implement the new delivery endorsement program and must adopt rules that include the following:

- eligibility requirements for the issuance of a marijuana delivery endorsement to a marijuana retailer;
- training requirements for persons involved in the delivery of marijuana products;
- practices and procedures for conducting compliance tests to ensure that no marijuana products are delivered to a person who does not meet the age requirements;
- civil penalties and other administrative actions, as the LCB deems appropriate, that may be imposed upon a marijuana delivery endorsement holder who delivers marijuana products to a person under age 21 years of age;
- procedures for age verification;
- delivery vehicle requirements;
- security requirements;
- recordkeeping requirements;
- limits on the amounts of marijuana products and money that may be carried in a delivery vehicle;
- practices and procedures to ensure that marijuana products delivered are subject to the same traceability requirements applicable to marijuana products sold by a marijuana retailer; and
- penalties for violations.

It is not a violation of state law, for the owner or employee of a retail marijuana outlet with a medical marijuana delivery endorsement to possess, transport, and deliver marijuana products in amounts that do not exceed the maximum amounts established by the LCB if the delivery-related activities are consistent with other requirements set forth in the new authorization and any related LCB rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2019.