

HOUSE BILL REPORT

HB 1370

As Reported by House Committee On:
Commerce & Gaming

Title: An act relating to the creation of additional training requirements for licensed marijuana retailers and their employees.

Brief Description: Creating additional training requirements for licensed marijuana retailers and their employees.

Sponsors: Representatives Kloba, Stanford and Appleton; by request of Liquor and Cannabis Board.

Brief History:

Committee Activity:

Commerce & Gaming: 1/31/19, 2/7/19 [DPS].

Brief Summary of Substitute Bill

- Requires marijuana retail employees to obtain a budtender permit to perform work involving the sale or service of marijuana products.
- Requires the Liquor and Cannabis Board to establish a budtender permit program and develop program training materials.

HOUSE COMMITTEE ON COMMERCE & GAMING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Stanford, Chair; Reeves, Vice Chair; MacEwen, Ranking Minority Member; Blake, Kirby and Kloba.

Minority Report: Do not pass. Signed by 2 members: Representatives Vick and Young.

Minority Report: Without recommendation. Signed by 2 members: Representatives Chambers, Assistant Ranking Minority Member; Dufault.

Staff: Kyle Raymond (786-7190).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Liquor and Cannabis Board (LCB) issues licenses to marijuana retailers, authorizing the sale of marijuana concentrates, useable marijuana, and marijuana-infused products at retail outlets.

Licensed marijuana retailers must ensure all employees are 21 years of age or older and trained on:

- LCB marijuana rules;
- Identifying persons under the age of 21; and
- LCB requirements that ensure persons under 21 years old are not permitted to enter marijuana retailers.

A marijuana retailer's license is subject to forfeiture in accordance with state marijuana laws or rules adopted by the LCB.

Summary of Substitute Bill:

Beginning July 1, 2020, marijuana retail employees must obtain a permit to perform work involving the sale or service of marijuana products within 60 days of the employee's date of hire. Marijuana retail licensees are not allowed to employ any person without a valid budtender permit after July 1, 2020. Employees must successfully complete the Liquor and Cannabis Board (LCB) training to obtain a budtender permit, and the permit is valid for two years.

The LCB is required to develop a budtender training program. The training program may include the following topics: (1) state marijuana laws and rules; (2) safe marijuana product handling; and (3) reducing marijuana access among minors. The LCB must consult with the Department of Health to ensure the training curriculum does not include health or medical topics addressed under the medical marijuana consultant certificate.

The LCB may suspend or revoke a budtender permit if the holder has been convicted of violating state or local marijuana laws, or performed or permitted any act in a violation of state marijuana laws or regulation. A person whose permit has been revoked is not eligible for employment with a marijuana retailer for at least one year.

The LCB must suspend the permit for individuals who have failed to comply with a child support order, subject to reinstatement upon notice of compliance by the Department of Social and Health Services.

The LCB may suspend or revoke either the budtender permit of the employee or the license of the marijuana retailer employing the permit holder, or both the permit and the license, in the event the permit holder commits a violation. The LCB's rules must provide for an appeal process.

The LCB must adopt rules to: (1) establish the permit elements; (2) implement permit fees; and (3) create an appeals process for suspended or revoked budtender permits and retail licenses.

Substitute Bill Compared to Original Bill:

The substitute bill provides marijuana retail employees, hired on or after July 1, 2020, 60 days after the date of hire to obtain the valid budtender permit.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Servers working at alcohol establishments are required to complete mandatory alcohol server training (MAST). There is no parallel type of a certification for cannabis. Current law does not provide across the board, uniform training for employees, and it leaves training up to the individual store owner. Store owners want to make sure they are in compliance with laws, and they are concerned about kids coming into marijuana retail stores with fake identification. The budtenders are on the front line of making sure stores stay in compliance with rules.

There are many bills that expand access to alcohol and marijuana, and it is helpful to have a prevention bill such as this one.

Currently, there are no requirements to train employees on updates to rules and laws. This bill could help staff identify a license of someone under the age of 21, understand the rules and laws in the state, ensure budtenders are not selling over the limits, ensure employees are not sharing misinformation with the public, and spot intoxicated customers. This bill allows the Liquor and Cannabis Board to help marijuana retailers provide training to employees. The training can help keep roads safe and prevent underage access, which is a benefit to everyone.

(Opposed) None.

(Other) There are some concerns with this bill. The marijuana industry compliance rate for minor sales is high, compared to other substances that are age restricted. Rather than a penalty based system that is another avenue for retailers to risk losing their license, an incentive based system for retailers could be implemented. Some companies already have robust training systems, and having a program that is an impediment to hiring staff is problematic. Also, employees may not be able to skip a paycheck while waiting to be scheduled to be trained.

Persons Testifying: (In support) Representative Kloba, prime sponsor; Seth Dawson, Washington Association for Substance Abuse and Violence Prevention; and Becky Smith, Liquor and Cannabis Board.

(Other) Logan Bowers, Hashtag Cannabis and Cannabis Organization of Retail Establishments.

Persons Signed In To Testify But Not Testifying: None.