
Commerce & Gaming Committee

HB 1414

Brief Description: Aligning marijuana licensing decisions by the liquor and cannabis board with local zoning ordinances.

Sponsors: Representatives Goehner and Chambers.

Brief Summary of Bill

- Prohibits the Liquor and Cannabis Board (LCB) from issuing a new or renewed marijuana license for any premises located in an area for which the LCB has received a written objection from a local jurisdiction stating the marijuana license violates local zoning ordinances.

Hearing Date: 2/2/21

Staff: Kyle Raymond (786-7190).

Background:

The Liquor and Cannabis Board (LCB) issues the following licenses to qualified individuals, business entities, and nonprofit entities: marijuana producer license; marijuana processor license; marijuana retailer license; marijuana researcher license; and marijuana transporter license. For the purposes of considering an application for such a license, the LCB must conduct a comprehensive, fair, and impartial evaluation of the applications that are received in a timely manner.

Before the LCB issues or renews a license to an applicant, the LCB must give notice of the application to the chief executive officer of the incorporated city or town if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

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

The city, town, or county, as appropriate, may file with the LCB within 20 days after the date of transmittal of the notice for application, or at least 30 days prior to the expiration date for a renewal, written objections against the applicant, or against the premises for which the new or renewed license is asked. The written objections must include a statement of all facts upon which the objections are based, and if written objections are filed, the city, town, or county may request that the LCB hold a hearing subject to the Administrative Procedure Act. The LCB may extend the time period for submitting written objections.

If the LCB makes an initial decision to deny a license or renewal based on the written objections of a city, town, or county, the applicant may request a hearing. If a hearing is held at the request of the applicant, the LCB must present and defend the LCB's initial decision to deny a license or renewal.

The LCB may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted to the LCB from the chief executive officer of the incorporated city or town that the applicant's premises is located in, or from the county legislative authority, if the applicant's premises is not located in an incorporated city or town. The LCB must give substantial weight to such objections.

Summary of Bill:

The LCB may not issue a new or renewed marijuana license for any premises located in an area for which the LCB has received a written objection from a city, town, county, port authority, or tribal government of a federally recognized Indian tribe stating the marijuana license violates local zoning ordinances.

For purposes of making licensing decisions that conform with local zoning ordinances, the LCB may rely on a written statement submitted from the following entities:

- the chief executive officer of an incorporated city or town if the application is for a license in an incorporated city or town;
- the county legislative authority if the application is for a license outside the boundaries of incorporated cities or towns;
- the port authority if the application is for a license on port authority property; or
- the tribal government if the application is for a license on tribal land property.

Appropriation: None.

Fiscal Note: Requested on February 1, 2021.

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