
SENATE BILL 5363

State of Washington

68th Legislature

2023 Regular Session

By Senators MacEwen and Stanford

Read first time 01/13/23. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to cannabis retailer advertising; and amending
2 RCW 69.50.369.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 69.50.369 and 2022 c 16 s 75 are each amended to
5 read as follows:

6 (1) No licensed cannabis producer, processor, researcher, or
7 retailer may place or maintain, or cause to be placed or maintained,
8 any sign or other advertisement for a cannabis business or cannabis
9 product, including useable cannabis, cannabis concentrates, or
10 cannabis-infused product, in any form or through any medium
11 whatsoever within one thousand feet of the perimeter of a school
12 grounds, playground, recreation center or facility, child care
13 center, public park, or library, or any game arcade admission to
14 which is not restricted to persons aged twenty-one years or older.

15 (2) Except for the use of billboards as authorized under this
16 section, licensed cannabis retailers may not display any signage
17 outside of the licensed premises, other than two signs identifying
18 the retail outlet by the licensee's business or trade name, stating
19 the location of the business, and identifying the nature of the
20 business. Each sign must be (~~no larger than one thousand six hundred~~
21 ~~square inches and be~~) permanently affixed to a building or other

1 structure. The location and content of the retail cannabis signs
2 authorized under this subsection are subject to all other
3 requirements and restrictions established in this section for indoor
4 signs, outdoor signs, and other cannabis-related advertising methods.

5 (3) A cannabis licensee may not utilize transit advertisements
6 for the purpose of advertising its business or product line. "Transit
7 advertisements" means advertising on or within private or public
8 vehicles and all advertisements placed at, on, or within any bus
9 stop, taxi stand, transportation waiting area, train station,
10 airport, or any similar transit-related location.

11 (4) A cannabis licensee may not engage in advertising or other
12 marketing practice that specifically targets persons residing outside
13 of the state of Washington.

14 (5) All signs, billboards, or other print advertising for
15 cannabis businesses or cannabis products must contain text stating
16 that cannabis products may be purchased or possessed only by persons
17 twenty-one years of age or older.

18 (6) A cannabis licensee may not:

19 (a) Take any action, directly or indirectly, to target youth in
20 the advertising, promotion, or marketing of cannabis and cannabis
21 products, or take any action the primary purpose of which is to
22 initiate, maintain, or increase the incidence of youth use of
23 cannabis or cannabis products;

24 (b) Use objects such as toys or inflatables, movie or cartoon
25 characters, or any other depiction or image likely to be appealing to
26 youth, where such objects, images, or depictions indicate an intent
27 to cause youth to become interested in the purchase or consumption of
28 cannabis products; or

29 (c) Use or employ a commercial mascot outside of, and in
30 proximity to, a licensed cannabis business. A "commercial mascot"
31 means live human being, animal, or mechanical device used for
32 attracting the attention of motorists and passersby so as to make
33 them aware of cannabis products or the presence of a cannabis
34 business. Commercial mascots include, but are not limited to,
35 inflatable tube displays, persons in costume, or wearing, holding, or
36 spinning a sign with a cannabis-related commercial message or image,
37 where the intent is to draw attention to a cannabis business or its
38 products.

1 (7) A cannabis licensee that engages in outdoor advertising is
2 subject to the advertising requirements and restrictions set forth in
3 this subsection (7) and elsewhere in this chapter.

4 (a) All outdoor advertising signs, including billboards, are
5 limited to text that identifies the retail outlet by the licensee's
6 business or trade name, states the location of the business, and
7 identifies the type or nature of the business. Such signs may not
8 contain any depictions of cannabis plants, cannabis products, or
9 images that might be appealing to children. The board is granted
10 rule-making authority to regulate the text and images that are
11 permissible on outdoor advertising. Such rule making must be
12 consistent with other administrative rules generally applicable to
13 the advertising of cannabis businesses and products.

14 (b) Outdoor advertising is prohibited:

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

20 (ii) Billboards that are visible from any street, road, highway,
21 right-of-way, or public parking area are prohibited, except as
22 provided in (c) of this subsection.

23 (c) Licensed retail outlets may use a billboard or outdoor sign
24 solely for the purpose of identifying the name of the business, the
25 nature of the business, and providing the public with directional
26 information to the licensed retail outlet. Billboard advertising is
27 subject to the same requirements and restrictions as set forth in (a)
28 of this subsection.

29 (d) Advertising signs within the premises of a retail cannabis
30 business outlet that are visible to the public from outside the
31 premises must meet the signage regulations and requirements
32 applicable to outdoor signs as set forth in this section.

33 (e) The restrictions and regulations applicable to outdoor
34 advertising under this section are not applicable to:

35 (i) An advertisement inside a licensed retail establishment that
36 sells cannabis products that is not placed on the inside surface of a
37 window facing outward; or

38 (ii) An outdoor advertisement at the site of an event to be held
39 at an adult only facility that is placed at such site during the
40 period the facility or enclosed area constitutes an adult only

1 facility, but in no event more than fourteen days before the event,
2 and that does not advertise any cannabis product other than by using
3 a brand name to identify the event.

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

6 (9) This section does not apply to a noncommercial message.

7 (10)(a) The board must:

8 (i) Adopt rules implementing this section and specifically
9 including provisions regulating the billboards and outdoor signs
10 authorized under this section; and

11 (ii) Fine a licensee one thousand dollars for each violation of
12 this section until the board adopts rules prescribing penalties for
13 violations of this section. The rules must establish escalating
14 penalties including fines and up to suspension or revocation of a
15 cannabis license for subsequent violations.

16 (b) Fines collected under this subsection must be deposited into
17 the dedicated cannabis account created under RCW 69.50.530.

18 (11) A city, town, or county may adopt rules of outdoor
19 advertising by licensed cannabis retailers that are more restrictive
20 than the advertising restrictions imposed under this chapter.
21 Enforcement of restrictions to advertising by a city, town, or county
22 is the responsibility of the city, town, or county.

23 (12) The board may not regulate the size of retail signs, whether
24 indoor or outdoor, and billboards for licensed cannabis retailers.
25 Licensed cannabis retailers are subject to any size requirements for
26 retail signs and billboards of the city, town, or county in which the
27 licensed cannabis retailer is located. This subsection does not
28 affect the board's rule-making authority regarding any other licensed
29 cannabis retailer advertising requirements under this section or RCW
30 69.50.342 or 69.50.345.

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