

SSB 6062 - S AMD 370

By Senator O'Ban

WITHDRAWN 04/03/2015

1 On page 9, after line 32, insert:

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3 "Sec. 8. RCW 69.50.331 and 2013 c 3 s 6 are each amended to
4 read as follows:

5 (1) For the purpose of considering any application for a license
6 to produce, process, or sell marijuana, or for the renewal of a
7 license to produce, process, or sell marijuana, the state liquor
8 control board may cause an inspection of the premises to be made,
9 and may inquire into all matters in connection with the construction
10 and operation of the premises. For the purpose of reviewing any
11 application for a license and for considering the denial,
12 suspension, revocation, or renewal or denial thereof, of any
13 license, the state liquor control board may consider any prior
14 criminal conduct of the applicant including an administrative
15 violation history record with the state liquor control board and a
16 criminal history record information check. The state liquor control
17 board may submit the criminal history record information check to
18 the Washington state patrol and to the identification division of
19 the federal bureau of investigation in order that these agencies may
20 search their records for prior arrests and convictions of the
21 individual or individuals who filled out the forms. The state liquor
22 control board shall require fingerprinting of any applicant whose
23 criminal history record information check is submitted to the
24 federal bureau of investigation. The provisions of RCW 9.95.240 and
25 of chapter 9.96A RCW shall not apply to these cases. Subject to the
26 provisions of this section, the state liquor control board may, in
27 its discretion, grant or deny the renewal or license applied for.

1 Denial may be based on, without limitation, the existence of chronic
2 illegal activity documented in objections submitted pursuant to
3 subsections (7)(c) and (9) of this section. Authority to approve an
4 uncontested or unopposed license may be granted by the state liquor
5 control board to any staff member the board designates in writing.
6 Conditions for granting this authority shall be adopted by rule. No
7 license of any kind may be issued to:

8 (a) A person under the age of twenty-one years;

9 (b) A person doing business as a sole proprietor who has not
10 lawfully resided in the state for at least three months prior to
11 applying to receive a license;

12 (c) A partnership, employee cooperative, association, nonprofit
13 corporation, or corporation unless formed under the laws of this
14 state, and unless all of the members thereof are qualified to obtain
15 a license as provided in this section; or

16 (d) A person whose place of business is conducted by a manager
17 or agent, unless the manager or agent possesses the same
18 qualifications required of the licensee.

19 (2)(a) The state liquor control board may, in its discretion,
20 subject to the provisions of RCW 69.50.334, suspend or cancel any
21 license; and all protections of the licensee from criminal or civil
22 sanctions under state law for producing, processing, or selling
23 marijuana, useable marijuana, or marijuana-infused products
24 thereunder shall be suspended or terminated, as the case may be.

25 (b) The state liquor control board shall immediately suspend the
26 license of a person who has been certified pursuant to RCW
27 74.20A.320 by the department of social and health services as a
28 person who is not in compliance with a support order. If the person
29 has continued to meet all other requirements for reinstatement
30 during the suspension, reissuance of the license shall be automatic
31 upon the state liquor control board's receipt of a release issued by
32 the department of social and health services stating that the
33 licensee is in compliance with the order.

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1 (c) The state liquor control board may request the appointment
2 of administrative law judges under chapter 34.12 RCW who shall have
3 power to administer oaths, issue subpoenas for the attendance of
4 witnesses and the production of papers, books, accounts, documents,
5 and testimony, examine witnesses, and to receive testimony in any
6 inquiry, investigation, hearing, or proceeding in any part of the
7 state, under rules and regulations the state liquor control board
8 may adopt.

9 (d) Witnesses shall be allowed fees and mileage each way to and
10 from any inquiry, investigation, hearing, or proceeding at the rate
11 authorized by RCW 34.05.446. Fees need not be paid in advance of
12 appearance of witnesses to testify or to produce books, records, or
13 other legal evidence.

14 (e) In case of disobedience of any person to comply with the
15 order of the state liquor control board or a subpoena issued by the
16 state liquor control board, or any of its members, or administrative
17 law judges, or on the refusal of a witness to testify to any matter
18 regarding which he or she may be lawfully interrogated, the judge of
19 the superior court of the county in which the person resides, on
20 application of any member of the board or administrative law judge,
21 shall compel obedience by contempt proceedings, as in the case of
22 disobedience of the requirements of a subpoena issued from said
23 court or a refusal to testify therein.

24 (3) Upon receipt of notice of the suspension or cancellation of
25 a license, the licensee shall forthwith deliver up the license to
26 the state liquor control board. Where the license has been suspended
27 only, the state liquor control board shall return the license to the
28 licensee at the expiration or termination of the period of
29 suspension. The state liquor control board shall notify all other
30 licensees in the county where the subject licensee has its premises
31 of the suspension or cancellation of the license; and no other
32 licensee or employee of another licensee may allow or cause any
33 marijuana, useable marijuana, or marijuana-infused products to be
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1 delivered to or for any person at the premises of the subject
2 licensee.

3 (4) Every license issued under chapter 3, Laws of 2013 shall be
4 subject to all conditions and restrictions imposed by chapter 3,
5 Laws of 2013 or by rules adopted by the state liquor control board
6 to implement and enforce chapter 3, Laws of 2013. All conditions and
7 restrictions imposed by the state liquor control board in the
8 issuance of an individual license shall be listed on the face of the
9 individual license along with the trade name, address, and
10 expiration date.

11 (5) Every licensee shall post and keep posted its license, or
12 licenses, in a conspicuous place on the premises.

13 (6) No licensee shall employ any person under the age of twenty-
14 one years.

15 (7)(a) Before the state liquor control board issues a new or
16 renewed license to an applicant it shall give notice of the
17 application to the chief executive officer of the incorporated city
18 or town, if the application is for a license within an incorporated
19 city or town, or to the county legislative authority, if the
20 application is for a license outside the boundaries of incorporated
21 cities or towns.

22 (b) The incorporated city or town through the official or
23 employee selected by it, or the county legislative authority or the
24 official or employee selected by it, shall have the right to file
25 with the state liquor control board within twenty days after the
26 date of transmittal of the notice for applications, or at least
27 thirty days prior to the expiration date for renewals, written
28 objections against the applicant or against the premises for which
29 the new or renewed license is asked. The state liquor control board
30 may extend the time period for submitting written objections.

31 (c) The written objections shall include a statement of all
32 facts upon which the objections are based, and in case written
33 objections are filed, the city or town or county legislative
34 authority may request, and the state liquor control board may in its

1 discretion hold, a hearing subject to the applicable provisions of
2 Title 34 RCW. If the state liquor control board makes an initial
3 decision to deny a license or renewal based on the written
4 objections of an incorporated city or town or county legislative
5 authority, the applicant may request a hearing subject to the
6 applicable provisions of Title 34 RCW. If a hearing is held at the
7 request of the applicant, state liquor control board representatives
8 shall present and defend the state liquor control board's initial
9 decision to deny a license or renewal.

10 (d) Upon the granting of a license under this title the state
11 liquor control board shall send written notification to the chief
12 executive officer of the incorporated city or town in which the
13 license is granted, or to the county legislative authority if the
14 license is granted outside the boundaries of incorporated cities or
15 towns.

16 (8) The state liquor control board shall not issue a license for
17 any premises within one thousand feet of the perimeter of the
18 grounds of any elementary or secondary school, playground,
19 recreation center or facility, child care center, licensed chemical
20 dependency program, church, public park, public transit center,
21 ((~~or~~)) library, or other location where children regularly
22 congregate, or any game arcade admission to which is not restricted
23 to persons aged twenty-one years or older. For the purpose of this
24 subsection, "church" means a building erected for and used
25 exclusively for religious worship and schooling or other activity in
26 connection therewith.

27 (9) In determining whether to grant or deny a license or renewal
28 of any license, the state liquor control board shall give
29 substantial weight to objections from an incorporated city or town
30 or county legislative authority based upon chronic illegal activity
31 associated with the applicant's operations of the premises proposed
32 to be licensed or the applicant's operation of any other licensed
33 premises, or the conduct of the applicant's patrons inside or
34 outside the licensed premises. "Chronic illegal activity" means (a)

1 a pervasive pattern of activity that threatens the public health,
2 safety, and welfare of the city, town, or county including, but not
3 limited to, open container violations, assaults, disturbances,
4 disorderly conduct, or other criminal law violations, or as
5 documented in crime statistics, police reports, emergency medical
6 response data, calls for service, field data, or similar records of
7 a law enforcement agency for the city, town, county, or any other
8 municipal corporation or any state agency; or (b) an unreasonably
9 high number of citations for violations of RCW 46.61.502 associated
10 with the applicant's or licensee's operation of any licensed
11 premises as indicated by the reported statements given to law
12 enforcement upon arrest.

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14 NEW SECTION. **Sec. 9.** Section 8 of this act applies
15 prospectively to new licenses issued on or after the effective date
16 of this section. Section 8 of this act is also intended to be
17 applied to the renewal of existing licenses issued under this
18 chapter and no existing license may be renewed for locations that
19 are in violation of the provisions of this act.

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21 NEW SECTION. **Sec. 10.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected."

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26 Renumber the remaining sections consecutively and correct any
27 internal references accordingly.

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29 On page 9, line 33, strike "This act is" and insert "Sections one
30 through 7 of this act are"

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2 On page 1, line 2 of the title, after "69.50.339," insert
"69.50.331,"

EFFECT: The LCB may not issue or renew a marijuana producer,
processor, or retailer license for any premises located within
1000 feet of a licensed chemical dependency program; church; or
other location where children regularly congregate.

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