
SENATE BILL 5402

State of Washington

64th Legislature

2015 Regular Session

By Senators Conway, Rivers, Hasegawa, McAuliffe, and Keiser; by request of Liquor Control Board

Read first time 01/21/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to ensuring safe, responsible, and legal
2 acquisition of marijuana by adults; adding new sections to chapter
3 69.50 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) Every person under the age of twenty-
6 one who purchases or attempts to purchase marijuana is guilty of a
7 violation of this section. This section does not apply to persons
8 between the age of eighteen and twenty-one who are participating in a
9 controlled purchase program conducted by the liquor control board or
10 other law enforcement agencies.

11 (2) A person between the ages of eighteen and twenty, inclusive,
12 who violates this section commits a class 2 civil infraction under
13 chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80
14 RCW, or participation in up to four hours of community restitution,
15 or both. The court may also require participation in a drug diversion
16 program or other appropriate rehabilitation service.

17 (3) A person under the age of eighteen who violates this section
18 commits a class 3 civil infraction under chapter 7.80 RCW and is
19 subject to a fine as set out in chapter 7.80 RCW, or participation in
20 up to four hours of community restitution, or both. The court may

1 also require participation in a drug diversion program or other
2 appropriate rehabilitation service.

3 NEW SECTION. **Sec. 2.** Any person who invites a person under the
4 age of twenty-one years into a public place where marijuana is sold
5 and treats, gives, or purchases marijuana for a person under the age
6 of twenty-one years, or permits a person under the age of twenty-one
7 years to treat, give, or purchase marijuana for an adult, or holds
8 out the person to be twenty-one years of age or older to the owner or
9 employee of the marijuana establishment, a law enforcement officer,
10 or a liquor enforcement officer, is guilty of a misdemeanor.

11 NEW SECTION. **Sec. 3.** (1) It is unlawful for any person under
12 the age of twenty-one years to:

- 13 (a) Enter or remain in any marijuana licensed premises; and
14 (b) Represent his or her age as being twenty-one or more years
15 for the purpose of purchasing marijuana, or entering or remaining in
16 a marijuana licensed premises.

17 (2) A person between the ages of eighteen and twenty, inclusive,
18 who violates this section commits a class 2 civil infraction under
19 chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80
20 RCW, or participation in up to four hours of community restitution,
21 or both. The court may also require participation in a drug diversion
22 program or other appropriate rehabilitation service.

23 (3) A person under the age of eighteen who violates this section
24 commits a class 3 civil infraction under chapter 7.80 RCW and is
25 subject to a fine as set out in chapter 7.80 RCW, or participation in
26 up to four hours of community restitution, or both. The court may
27 also require participation in a drug diversion program or other
28 appropriate rehabilitation service.

29 (4) The liquor control board has the power and the duty to
30 classify marijuana licensed premises as off-limits to persons under
31 the age of twenty-one.

32 NEW SECTION. **Sec. 4.** Any person who transfers in any manner an
33 identification of age to a person under the age of twenty-one years,
34 permitting such person to obtain marijuana, usable marijuana, or
35 marijuana-infused products is guilty of a misdemeanor punishable as
36 provided by RCW 9A.20.021, except that a minimum fine of two thousand
37 five hundred dollars is imposed and any sentence requiring community

1 restitution must require not fewer than twenty-five hours of
2 community restitution.

3 NEW SECTION. **Sec. 5.** (1) The following are acceptable forms of
4 identification to verify a person's age for the purpose of selling or
5 allowing a person access to a marijuana licensed premises:

6 (a) Driver's license, instruction permit, or identification card
7 of any state, province of Canada, from a U.S. territory or the
8 District of Columbia, or identicard issued by the Washington state
9 department of licensing under RCW 46.20.117;

10 (b) United States armed forces identification card issued to
11 active duty, reserve, and retired personnel and the personnel's
12 dependents that may include an embedded, digital signature in lieu of
13 a visible signature;

14 (c) Passport;

15 (d) Merchant marine identification card issued by the United
16 States coast guard; and

17 (e) Enrollment card issued by the governing authority of a
18 federally recognized Indian tribe located in Washington, if the
19 enrollment card incorporates security features comparable to those
20 implemented by the department of licensing for Washington driver's
21 licenses.

22 (2) If the form of identification has an expiration date, a
23 person may not use the document after the expiration date to verify
24 his or her age.

25 NEW SECTION. **Sec. 6.** (1) No person may forge, alter,
26 counterfeit, otherwise prepare, or acquire and supply to a person
27 under the age of twenty-one a facsimile of any of the officially
28 issued forms of identification that are acceptable for proof of age
29 required under section 5 of this act. A violation of this subsection
30 is a gross misdemeanor punishable as provided by RCW 9A.20.021,
31 except that a minimum fine of two thousand five hundred dollars is
32 imposed.

33 (2) Any person who manufactures, sells, or delivers a forged,
34 fictitious, counterfeit, fraudulently altered, or unlawfully issued
35 driver's license or identification card under section 5(1)(a) of this
36 act is guilty of a class C felony as provided under RCW
37 46.20.0921(3)(a).

1 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each
2 added to chapter 69.50 RCW.

--- END ---