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**HOUSE BILL 1358**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Kirby, Vick, Blake, and Appleton

AN ACT Relating to establishing an endorsement to the marijuana retailer's license authorizing delivery services to individuals twenty-one years of age or older; adding a new section to chapter 69.50 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 69.50 RCW to read as follows:

(1)(a) A marijuana delivery endorsement to a marijuana retailer license is established to permit a qualifying marijuana retailer to deliver marijuana for personal use to any individual twenty-one years of age or older.

(b) The marijuana delivery endorsement may be issued only to marijuana retailers licensed pursuant to RCW 69.50.325. Subject to the requirements of this section, this chapter, and the applicable rules, the holder of the endorsement may deliver marijuana products to any individual twenty-one years of age or older, at a private residence, hotel, motel, boarding house, resort, hostel, trailer camp, or similar lodging business.

(c) The Washington state liquor and cannabis board shall, by rule, establish the fee for the marijuana delivery endorsement. The amount of the fee must reflect the expected costs of administering the program and may be adjusted by the board to reflect the program's actual costs.

(d) A marijuana retailer holding a delivery endorsement under this section may charge a fee to the customer for any delivery made in accordance with this section.

(e)(i) Each marijuana delivery endorsement issued under this section applies to only one licensed marijuana retail outlet.

(ii) If a person or entity that applies for a marijuana delivery endorsement holds more than one marijuana retailer's license, a separate delivery endorsement is required for each retail outlet from which the license holder wishes to conduct the delivery of marijuana products to individuals twenty-one years of age or older.

(2)(a) A delivery of marijuana products by a marijuana retailer with a marijuana delivery endorsement may be made only to an individual twenty-one years of age or older. The person receiving delivery must be the same person who placed the order and must receive delivery at premises of a type described in subsection (1)(b) of this section.

(b) Any person delivering marijuana products under this section must be an owner or employee of the licensee holding the marijuana delivery endorsement and must have undergone training regarding verification of age and identity.

(3) In accordance with the requirements of this section, the pertinent provisions of this chapter and the applicable rules, a licensed marijuana retailer with a marijuana delivery endorsement may:

(a) Receive an order over the telephone or internet, by an individual twenty-one years of age or older for the purchase and delivery of marijuana products; and

(b) Deliver marijuana products to the same person who placed the order for the marijuana products over the telephone or internet.

(4)(a) An individual twenty-one years of age or older who receives delivery of marijuana products must provide the delivery person with valid identification showing proof of age.

(b) The delivery person must confirm the validity of the recipient's identification card through the use of an electronic device or web-based application as required by the Washington state liquor and cannabis board.

(5) No advertising related to marijuana or a retail marijuana business may be displayed on a vehicle involved in the delivery of marijuana products under a marijuana delivery endorsement.

(6) The Washington state liquor and cannabis board may adopt rules necessary to implement this section and must adopt rules that include the following:

(a) Eligibility requirements for the issuance of a marijuana delivery endorsement to a marijuana retailer;

(b) Training requirements for persons involved in the delivery of marijuana products;

(c) Practices and procedures for conducting compliance tests to ensure that no marijuana products are delivered to a person who does not meet the age requirements established under this section;

(d) Civil penalties and other administrative actions, as the board deems appropriate, that may be imposed upon a marijuana delivery endorsement holder that delivers marijuana products to a person under twenty-one years of age;

(e) Procedures for age verification;

(f) Delivery vehicle requirements;

(g) Security requirements;

(h) Recordkeeping requirements;

(i) Limits on the amounts of marijuana products and money that may be carried in a delivery vehicle;

(j) Practices and procedures to ensure that marijuana products delivered under this section are subject to the same traceability requirements applicable to marijuana products sold by a marijuana retailer under this chapter and the rules adopted to implement this chapter; and

(k) Penalties for violations of this section or rules adopted to implement this section.

(7) It is not a violation of state law, for the owner or employee of a retail marijuana outlet with a medical marijuana delivery endorsement to possess, transport, and deliver marijuana products in amounts that do not exceed the maximum amounts established by the Washington state liquor and cannabis board if the delivery-related activities are consistent with other requirements set forth in this chapter and the rules adopted by the Washington state liquor and cannabis board.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019.

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