H-1567.1

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**SUBSTITUTE HOUSE BILL 1370**

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

**By** House Commerce & Gaming (originally sponsored by Representatives Kloba, Stanford, and Appleton; by request of Liquor and Cannabis Board)

AN ACT Relating to the creation of additional training requirements for licensed marijuana retailers and their employees; and reenacting and amending RCW 69.50.357.

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

**Sec.**  RCW 69.50.357 and 2017 c 317 s 13 and 2017 c 131 s 1 are each reenacted and amended to read as follows:

(1)(a) Retail outlets may not sell products or services other than marijuana concentrates, useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

(b)(i) Retail outlets may receive lockable boxes, intended for the secure storage of marijuana products and paraphernalia, and related literature as a donation from another person or entity, that is not a marijuana producer, processor, or retailer, for donation to their customers.

(ii) Retail outlets may donate the lockable boxes and provide the related literature to any person eligible to purchase marijuana products under subsection (2) of this section. Retail outlets may not use the donation of lockable boxes or literature as an incentive or as a condition of a recipient's purchase of a marijuana product or paraphernalia.

(iii) Retail outlets may also purchase and sell lockable boxes, provided that the sales price is not less than the cost of acquisition.

(2) Licensed marijuana retailers may not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. However, qualifying patients between eighteen and twenty-one years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement and may purchase products for their personal medical use. Qualifying patients who are under the age of eighteen with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement, but may not purchase products for their personal medical use.

(3)(a) Licensed marijuana retailers must ensure that all employees are trained on the rules adopted to implement this chapter, identification of persons under the age of twenty-one, and other requirements adopted by the state liquor and cannabis board to ensure that persons under the age of twenty-one are not permitted to enter or remain on the premises of a retail outlet.

(b) Licensed marijuana retailers with a medical marijuana endorsement must ensure that all employees are trained on the subjects required by (a) of this subsection as well as identification of authorizations and recognition cards. Employees must also be trained to permit qualifying patients who hold recognition cards and are between the ages of eighteen and twenty-one to enter the premises and purchase marijuana for their personal medical use and to permit qualifying patients who are under the age of eighteen with a recognition card to enter the premises if accompanied by their designated providers.

(c) Beginning July 1, 2020, no marijuana retailer or its employees may perform work involving sale or service of marijuana products to the public unless the individual conducting sale or service activity with the public holds a valid budtender permit. For employees performing work involving sale or service of marijuana products to the public who are hired on or after July 1, 2020, the employee must obtain a valid budtender permit within sixty calendar days of the date of hire. A budtender permit is awarded upon successful completion of a training program provided by the liquor and cannabis board, which is in addition to any training provided under (a) and (b) of this subsection. The liquor and cannabis board must consult with the department of health to ensure the curriculum of the budtender training program provided by the liquor and cannabis board does not include topics related to health or medical issues that are addressed in a training or education program leading to a medical marijuana consultant certificate established pursuant to RCW 69.51A.290. Topics which may be included in both the budtender training program and a medical marijuana consultant certificate training or education program are: State laws and rules related to marijuana, safe handling of marijuana products, and reducing access by minors to marijuana products. A budtender permit is valid for a period of two years unless the liquor and cannabis board takes enforcement action against the permit holder before the expiration of the permit and the permit is suspended or revoked by the liquor and cannabis board. The liquor and cannabis board must establish the elements of the budtender permit program, including permit fees, by rule.

(i) The liquor and cannabis board may suspend or revoke a budtender permit if it finds the permit holder has violated or permitted anyone to act in violation of this chapter or chapter 69.51A RCW. The liquor and cannabis board must immediately suspend the budtender permit of any person who has been certified under RCW 74.20A.320 as being a responsible parent who is not in compliance with a child support order.

(ii) Suspension or revocation of an employee's budtender permit does not relieve a marijuana retailer of responsibility for any action by one of its employees under this chapter or chapter 69.51A RCW. The liquor and cannabis board may, in its discretion, revoke or suspend either the budtender permit of an employee or the license of the marijuana retailer on whose premises the violation occurred, or both the budtender permit and the marijuana retailer's license. The liquor and cannabis board's rules implementing this section must include provisions for appeal of its decision to suspend or revoke a budtender permit or the marijuana retailer's license or both the permit and the license.

(iii) Budtender permit holders who have their permits suspended for failure to pay child support under RCW 74.20A.320 through 74.20A.330 must contact the department of social and health services to have the suspension released, and the department must notify the liquor and cannabis board when it determines the parent's noncompliance status has changed.

(iv) Any person who has had a budtender permit revoked may not seek or accept employment in a retail outlet in a position involving sale or service of any marijuana product to the public for a period of at least one year following revocation of the budtender permit. It is a violation of this chapter for a marijuana retailer to provide employment requiring a budtender permit to any person who does not hold a valid budtender permit.

(4) Except for the purposes of disposal as authorized by the state liquor and cannabis board, no licensed marijuana retailer or employee of a retail outlet may open or consume, or allow to be opened or consumed, any marijuana concentrates, useable marijuana, or marijuana-infused product on the outlet premises.

(5) The state liquor and cannabis board must fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana account created under RCW 69.50.530.

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