

ESB 5206 - H COMM AMD

By Committee on Consumer Protection & Business

ADOPTED 04/16/2025

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) No licensed cannabis producer, processor, researcher, or
6 retailer may place or maintain, or cause to be placed or maintained,
7 any sign or other advertisement for a cannabis business or cannabis
8 product, including useable cannabis, cannabis concentrates, or
9 cannabis-infused product, in any form or through any medium
10 whatsoever within one thousand feet of the perimeter of a school
11 grounds, playground, recreation center or facility, child care
12 center, public park, or library, or any game arcade admission (~~to~~
13 ~~which is not restricted to persons aged twenty-one years or older~~)
14 that allows admittance of persons under the age of 21.

15 (2) (a) Except for the use of trade name signs and billboards as
16 authorized under this section, licensed cannabis retailers may not
17 display any cannabis-related advertising signage (~~outside of~~) on
18 the licensed premises, other than (~~two signs identifying the retail~~
19 outlet by the licensee's business or trade name, stating the location
20 of the business, and identifying the nature of the business)) four
21 signs affixed to the building of the licensed location on the side of
22 the building with the main entrance.

23 (b) Each advertisement sign must be no larger than one thousand
24 six hundred square inches and be (~~permanently affixed to a building~~
25 or other structure)):

26 (i) Affixed on the building of the licensed location on the side
27 of the building with the main entrance; or

28 (ii) Hanging in the windows of the licensed location on the side
29 of the building with the main entrance.

30 (c) (i) Any advertising signs that are visible to the public from
31 the public right-of-way, whether on the building or through a window

1 of the building, will be considered advertising for the purposes of
2 this section.

3 (ii) Signs that are less than 512 square inches are not
4 considered advertising for purposes of this section if the sign does
5 not include any brand names, trade names, or images of any cannabis
6 product and only indicates information including, but not limited to:

7 (A) Hours of operation;

8 (B) Business is open or closed;

9 (C) The presence of an ATM machine;

10 (D) The word "welcome";

11 (E) Required signs or notices; and

12 (F) Community notices.

13 (3) (a) In addition to the four signs described in subsection (2)
14 of this section, licensed businesses may use up to two trade name
15 signs.

16 (b) Trade name signs must be limited to two signs and comply with
17 local authority regulations related to the size of signs for the
18 city, town, or county in which the licensed cannabis retailer is
19 located. The enforcement of the size of trade name signs and
20 billboards is the responsibility of the city, town, or county in
21 which the licensed cannabis retailer is located.

22 (c) Trade name signs may only reflect the trade name of the
23 licensed business and may not contain cannabis products or product
24 brand names.

25 (d) One of the two trade name signs may be a double-sided sign,
26 such as a pylon sign or monolith sign, that contains identical
27 content on each side. A double-sided sign that contains identical
28 content on each side is considered to be one trade name sign for
29 purposes of this section.

30 (4) All signage, advertising, and billboard content is prohibited
31 if the content portrays:

32 (a) Alcohol or its use;

33 (b) Tobacco or nicotine or its use; or

34 (c) Any association with a motor vehicle or operation of a motor
35 vehicle.

36 (5) Any cannabis-related advertising in any business licensed by
37 the board under chapter 70.345, 82.24, or 82.26 RCW is prohibited.

38 (6) The location and content of the retail cannabis signs
39 authorized under ((this)) subsection (2) of this section are subject
40 to all other requirements and restrictions established in this

1 section for indoor signs, outdoor signs, and other cannabis-related
2 advertising methods.

3 ~~((3))~~ (7) Nothing in this section prohibits the use of other
4 signage that does not represent cannabis or cannabis products, the
5 business trade name, nature of the business, or contains only general
6 information not related to the products or services of the cannabis
7 business.

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

14 ~~(4))~~ (9) A cannabis licensee may not engage in advertising or
15 other marketing practice that specifically targets persons residing
16 outside of the state of Washington.

17 ~~((5) All signs, billboards, or other print advertising))~~ (10)
18 Any advertisement for a cannabis ((businesses)) business or cannabis
19 products, regardless of the form of medium used, must contain text
20 ~~((stating that cannabis products may be purchased or possessed only~~
21 ~~by persons twenty-one))~~ indicating that only persons 21 years of age
22 or older may purchase or possess cannabis products. The text must be
23 of a reasonable size to be easily read by consumers. This subsection
24 does not apply to trade name signs.

25 ~~((6))~~ (11) A cannabis licensee may not:

26 (a) Take any action, directly or indirectly, to target youth in
27 the advertising, promotion, or marketing of cannabis and cannabis
28 products, or take any action the primary purpose of which is to
29 initiate, maintain, or increase the incidence of youth use of
30 cannabis or cannabis products;

31 (b) Use objects such as toys or inflatables, movie or cartoon
32 characters, or any other depiction or image likely to be appealing to
33 ~~((youth))~~ persons under 21 years of age, where such objects, images,
34 or depictions indicate an intent to cause youth to become interested
35 in the purchase or consumption of cannabis products; ~~((or))~~

36 (c) Use or employ a commercial mascot outside of, and in
37 proximity to, a licensed cannabis business ~~((A "commercial mascot"~~
38 ~~means live human being, animal, or mechanical device used for~~
39 ~~attracting the attention of motorists and passersby so as to make~~
40 ~~them aware of cannabis products or the presence of a cannabis~~

1 ~~business. Commercial mascots include, but are not limited to,~~
2 ~~inflatable tube displays, persons in costume, or wearing, holding, or~~
3 ~~spinning a sign with a cannabis-related commercial message or image,~~
4 ~~where the intent is to draw attention to a cannabis business or its~~
5 ~~products.~~

6 ~~(7))~~; or

7 (d) Advertise, offer for sale, or sell cannabis at less than
8 acquisition cost. This subsection does not apply to any sales made
9 for a product designated for medical cannabis use by qualifying
10 patients as defined in RCW 69.51A.010.

11 (12) A cannabis licensee that engages in outdoor advertising is
12 subject to the advertising requirements and restrictions set forth in
13 this subsection (~~(7))~~) and elsewhere in this chapter.

14 (a) All outdoor advertising signs, including billboards, are
15 limited to text that identifies the retail outlet by the licensee's
16 business or trade name, states the location of the business, and
17 identifies the type or nature of the business. Such signs may not
18 contain any depictions of cannabis plants, cannabis products, or
19 images that might be appealing to children. The board is granted
20 rule-making authority to regulate the text and images that are
21 permissible on outdoor advertising. Such rule making must be
22 consistent with other administrative rules generally applicable to
23 the advertising of cannabis businesses and products.

24 (b) Outdoor advertising is prohibited:

25 (i) On signs and placards in arenas, stadiums, shopping malls,
26 fairs that receive state allocations, farmers markets, and video game
27 arcades, whether any of the foregoing are open air or enclosed, but
28 not including any such sign or placard located in (~~an adult only~~
29 ~~facility~~) an age-restricted area classified by the board as off-
30 limits to persons under 21 years of age; and

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

34 (c) Licensed retail outlets may use a billboard or outdoor sign
35 solely for the purpose of identifying the name of the business, the
36 nature of the business, and providing the public with directional
37 information to the licensed retail outlet. Billboard advertising is
38 subject to the same requirements and restrictions as set forth in (a)
39 of this subsection.

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

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

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

10 (ii) An outdoor advertisement at the site of an event to be held
11 ~~((at an adult only facility))~~ in an area classified by the board as
12 off-limits to persons under 21 years of age that is placed at such
13 site during the period the facility or enclosed area ~~((constitutes an~~
14 ~~adult only facility))~~ is classified as age-restricted by the board,
15 but in no event more than fourteen days before the event, and that
16 does not advertise any cannabis product other than by using a brand
17 name to identify the event.

18 ~~((8) Merchandising))~~ (13) Placement of products within a retail
19 outlet is not advertising for the purposes of this section.

20 ~~((9))~~ (14) This section does not apply to a noncommercial
21 message.

22 (15) "Adopt-a-Highway" signs erected by the Washington state
23 department of transportation under a current valid sponsorship with
24 the department of transportation are not considered advertising for
25 the purposes of this section.

26 ~~((10))~~ (16)(a) The board must:

27 (i) Adopt rules implementing this section and specifically
28 including provisions regulating the billboards and outdoor signs
29 authorized under this section; and

30 (ii) Fine a licensee one thousand dollars for each violation of
31 this section until the board adopts rules prescribing penalties for
32 violations of this section. The rules must establish escalating
33 penalties including fines and up to suspension or revocation of a
34 cannabis license for subsequent violations.

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

37 ~~((11))~~ (17) A city, town, or county may adopt rules of outdoor
38 advertising by licensed cannabis retailers that are more restrictive
39 than the advertising restrictions imposed under this chapter.

1 Enforcement of restrictions to advertising by a city, town, or county
2 is the responsibility of the city, town, or county.

3 (18) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Commercial mascot" means a live human being, animal, or
6 mechanical device used for attracting the attention of motorists and
7 passersby so as to make them aware of cannabis products or the
8 presence of a cannabis business. Commercial mascots include, but are
9 not limited to, inflatable tube displays, persons in costume, or
10 wearing, holding, or spinning a sign with a cannabis-related
11 commercial message or image, where the intent is to draw attention to
12 a cannabis business or its products.

13 (b) "Trade name" means the name as it appears on the license
14 issued to the licensee.

15 (c) "Transit advertisements" means advertising on or within
16 private or public vehicles and all advertisements placed at, on, or
17 within any bus stop, taxi stand, transportation waiting area, train
18 station, airport, or any similar transit-related location.

19 NEW SECTION. Sec. 2. This act takes effect January 1, 2026."

20 Correct the title.

EFFECT: Requires the four authorized cannabis-related advertising signs that are either affixed on the building of the licensed cannabis retailer's location or hanging in the window of the licensed cannabis retailer's location, to all be on the side of the building with the main entrance. Limits the additional trade name signs to a maximum of two trade name signs, instead of providing that the maximum number of trade name signs is to be determined by the city, town, or county in which the licensed cannabis retailer is located. Specifies that one of the two trade name signs may be double-sided and, if it contains identical content on each side, is considered to be one trade name sign.

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