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By Representative Cheney

SSB 5405 - H COMM AMD

By Committee on Regulated Substances & Gaming

1 On page 1, line 7, after "(1)" strike "The" and insert "((The))
2 Subject to subsection (2) of this section, the"

3
4 On page 1, line 15, after "(2)" insert "(a) Prior to signing,
5 issuing, or serving a subpoena on or after the effective date of this
6 section, the liquor and cannabis board shall, at a minimum, first
7 attempt to obtain production of the books, records, or documents by:

8 (i) An informal investigative contact; and

9 (ii) Regular mail and certified mail.

10 (b) A subpoena under this section may be served by regular mail
11 and certified mail or in person by either:

12 (i) An enforcement officer of the liquor and cannabis board who
13 graduated from the Washington state criminal justice training
14 commission and complies with (c) of this subsection (2); or

15 (ii) A private investigator licensed under chapter 18.165 RCW who
16 complies with (c) of this subsection (2).

17 (c) Any individual signing, issuing, or serving a subpoena for the
18 liquor and cannabis board on or after the effective date of this
19 section must complete training on unconscious bias.

20 (d) Information about how to challenge the subpoena must be
21 provided in writing to the person subject to the subpoena with the
22 service of a subpoena under this section.

23 (e) The liquor and cannabis board shall sign, issue, and serve
24 subpoenas under this section through a uniform process and procedures.

25 (f) Except as otherwise provided in this section, the liquor and
26 cannabis board is subject to the requirements and duties with respect

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1 to subpoenas imposed under Washington state superior court civil rules
2 in effect at the time of issuance of the subpoena, regarding:

3 (i) The form, issuance, and service of subpoenas; and

4 (ii) The duty to take responsible steps to avoid imposing undue
5 burden or expense on a person subject to the subpoena.

6 (g)"

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8 On page 2, after line 2, insert the following:

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10 "NEW SECTION. Sec. 2. (1) The liquor and cannabis board shall
11 submit an annual report to the legislature and the governor, by the
12 dates specified in subsection (2) of this section, with information
13 about the subpoenas the board issued and served in the preceding year
14 under RCW 66.08.145. The reports required under this section must
15 include, but are not limited to, the following information regarding
16 subpoenas issued and served in the preceding year:

17 (a) The total number of subpoenas issued and served by the liquor
18 and cannabis board;

19 (b) A comparison of how many subpoenas were issued and served in
20 connection with investigations related to cannabis, liquor,
21 cigarettes, vapor products, and tobacco products;

22 (c) How many subpoenas were issued and served to, or were related
23 to an investigation of, a social equity applicant as defined in RCW
24 69.50.335 or a licensee who is licensed through the cannabis social
25 equity program;

26 (d) The numbers of subpoenas served in person compared to
27 subpoenas served by regular mail and certified mail;

28 (e) How many of the subpoenas successfully resulted in the
29 production of the books, records, or documents sought by the liquor
30 and cannabis board;

31 (f) How many contempt of court proceedings the liquor and cannabis
32 board instituted for the failure or refusal to obey a subpoena; and

33 (g) A summary of sanctions imposed, or orders issued, by courts in
34 any contempt of court proceedings initiated by the liquor and cannabis

1 board after a person fails or refuses to obey a subpoena for the
2 production of records, books, or documents.

3 (2) Reports under this section are due to the governor and the
4 appropriate committees of the legislature by July 1, 2024, and by July
5 first of each year thereafter, with a final report due by July 1,
6 2028.

7 (3) This section expires on June 30, 2029."
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9 Correct the title.
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EFFECT: (1) Provides that prior to signing, issuing, or
serving a subpoena, the Liquor and Cannabis Board (LCB) must, at a
minimum, first attempt to obtain production of the books, records,
or documents by an informal investigative contact and by regular
mail and certified mail.

(2) Requires a subpoena issued and served by the LCB to be
served by regular mail and certified mail, or in person by: (a) An
enforcement officer of the LCB who graduated from the Washington
State Criminal Justice Training Commission; or (b) a licensed
private investigator.

(3) Requires any individual signing, issuing, or serving a
subpoena for the LCB to complete training on unconscious bias.

(4) Requires information about how to challenge the subpoena to
be provided in writing to the person subject to the subpoena with
the service of a subpoena.

(5) Requires the LCB to sign, issue, and serve subpoenas through
a uniform process and procedures.

(6) Specifies that, except as otherwise provided in the bill,
the LCB is subject to the requirements and duties with respect to
subpoenas imposed under Washington state superior court civil court
rules in effect at the time of issuance of the subpoena, regarding:
(a) The form, issuance, and service of subpoenas; and (b) the duty
to take responsible steps to avoid imposing undue burden or expense
on a person subject to the subpoena.

(7) Requires the LCB to submit an annual report to the
Legislature and Governor with information about subpoenas the LCB
issued and served in the preceding year. Requires the first report
to be submitted by July 1, 2024, with subsequent annual reports
submitted each July 1 through July 1, 2028.

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