

SSB 5758 - H COMM AMD

By Committee on Consumer Protection & Business

1 On page 5, line 9, after "within" strike "1,000" and insert
2 "~~((1,000))~~ 750"

3 On page 5, line 16, after "within" strike "1,000" and insert
4 "~~((1,000))~~ 750"

5 On page 5, line 24, after "within" strike "1,000" and insert
6 "~~((1,000))~~ 750"

7 On page 5, line 33, after "within" strike "1,000" and insert
8 "~~((1,000))~~ 750"

9 On page 6, line 15, after "license." insert "A city, town, or
10 county may not require a cannabis producer, processor, retailer,
11 researcher, or transportation licensee premises to locate more than
12 750 feet from any elementary or secondary school, playground,
13 recreation center or facility, child care center, public park, public
14 transit center, or library, or any game arcade that allows admittance
15 of persons under the age of 21."

16 On page 7, after line 35, insert the following:

17 "**Sec. 2.** RCW 69.50.369 and 2022 c 16 s 75 are each amended to
18 read as follows:

19 (1) ~~((No))~~ (a) Except as provided in (b) of this subsection, no
20 licensed cannabis producer, processor, researcher, or retailer may
21 place or maintain, or cause to be placed or maintained, any sign or
22 other advertisement for a cannabis business or cannabis product,
23 including useable cannabis, cannabis concentrates, or cannabis-
24 infused product, in any form or through any medium whatsoever within
25 ~~((one thousand))~~ 1,000 feet of the perimeter of a school grounds,
26 playground, recreation center or facility, child care center, public
27 park, or library, or any game arcade admission to which is not
28 restricted to persons aged ~~((twenty-one))~~ 21 years or older.

1 (b) This subsection (1) does not apply with respect to:

2 (i) Outdoor signs on the premises of a cannabis licensee that is
3 located less than 1,000 feet from the facilities identified in (a) of
4 this subsection as provided in RCW 69.50.331(8), when the sign
5 otherwise complies with this section; or

6 (ii) Advertisements or placement of cannabis products inside a
7 retail outlet identified in (b)(i) of this subsection (1) neither of
8 which is visible outside of the licensed retail outlet.

9 (2) Except for the use of billboards as authorized under this
10 section, licensed cannabis retailers may not display any signage
11 outside of the licensed premises, other than two signs identifying
12 the retail outlet by the licensee's business or trade name, stating
13 the location of the business, and identifying the nature of the
14 business. Each sign must be no larger than (~~one thousand six~~
15 ~~hundred~~) 1,600 square inches and be permanently affixed to a
16 building or other structure. The location and content of the retail
17 cannabis signs authorized under this subsection are subject to all
18 other requirements and restrictions established in this section for
19 indoor signs, outdoor signs, and other cannabis-related advertising
20 methods.

21 (3) A cannabis licensee may not utilize transit advertisements
22 for the purpose of advertising its business or product line. "Transit
23 advertisements" means advertising on or within private or public
24 vehicles and all advertisements placed at, on, or within any bus
25 stop, taxi stand, transportation waiting area, train station,
26 airport, or any similar transit-related location.

27 (4) A cannabis licensee may not engage in advertising or other
28 marketing practice that specifically targets persons residing outside
29 of the state of Washington.

30 (5) All signs, billboards, or other print advertising for
31 cannabis businesses or cannabis products must contain text stating
32 that cannabis products may be purchased or possessed only by persons
33 (~~twenty-one~~) 21 years of age or older.

34 (6) A cannabis licensee may not:

35 (a) Take any action, directly or indirectly, to target youth in
36 the advertising, promotion, or marketing of cannabis and cannabis
37 products, or take any action the primary purpose of which is to
38 initiate, maintain, or increase the incidence of youth use of
39 cannabis or cannabis products;

1 (b) Use objects such as toys or inflatables, movie or cartoon
2 characters, or any other depiction or image likely to be appealing to
3 youth, where such objects, images, or depictions indicate an intent
4 to cause youth to become interested in the purchase or consumption of
5 cannabis products; or

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

16 (7) A cannabis licensee that engages in outdoor advertising is
17 subject to the advertising requirements and restrictions set forth in
18 this subsection (7) and elsewhere in this chapter.

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

29 (b) Outdoor advertising is prohibited:

30 (i) On signs and placards in arenas, stadiums, shopping malls,
31 fairs that receive state allocations, farmers markets, and video game
32 arcades, whether any of the foregoing are open air or enclosed, but
33 not including any such sign or placard located in an adult only
34 facility; and

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

38 (c) Licensed retail outlets may use a billboard or outdoor sign
39 solely for the purpose of identifying the name of the business, the
40 nature of the business, and providing the public with directional

1 information to the licensed retail outlet. Billboard advertising is
2 subject to the same requirements and restrictions as set forth in (a)
3 of this subsection.

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

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

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

13 (ii) An outdoor advertisement at the site of an event to be held
14 at an adult only facility that is placed at such site during the
15 period the facility or enclosed area constitutes an adult only
16 facility, but in no event more than (~~fourteen~~) 14 days before the
17 event, and that does not advertise any cannabis product other than by
18 using a brand name to identify the event.

19 (8) Merchandising within a retail outlet is not advertising for
20 the purposes of this section.

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

22 (10)(a) The board must:

23 (i) Adopt rules implementing this section and specifically
24 including provisions regulating the billboards and outdoor signs
25 authorized under this section; and

26 (ii) Fine a licensee (~~one thousand dollars~~) \$1,000 for each
27 violation of this section until the board adopts rules prescribing
28 penalties for violations of this section. The rules must establish
29 escalating penalties including fines and up to suspension or
30 revocation of a cannabis license for subsequent violations.

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

33 (11) A city, town, or county may adopt rules of outdoor
34 advertising by licensed cannabis retailers that, other than with
35 respect to subsection (1)(b) of this section, are more restrictive
36 than the advertising restrictions imposed under this chapter.
37 Enforcement of restrictions to advertising by a city, town, or county
38 is the responsibility of the city, town, or county."

39 Correct the title.

EFFECT: Reduces the minimum distance from 1,000 feet to 750 feet between a premises proposed to be licensed as a cannabis producer, processor, retailer, researcher, or transportation licensee and all the facilities identified in statute such as elementary or secondary schools, playgrounds, recreation centers, and other facilities. Prohibits local governments from requiring a greater distance than the 750 feet. Makes an exception to a 1,000 foot restriction to the placement or maintenance of cannabis advertising, in order to allow otherwise permissible signs and advertising when cannabis licensees are lawfully licensed within the 1,000 feet.

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