Responsible Cannabis Sales

“Promoting public safety and trust through fair administration and enforcement of cannabis laws.”
Course Topics:

- General information about cannabis laws and rules
- Who can purchase cannabis products
- What are the penalties for selling to a minor
- Checking Identification
- Acceptable forms of ID
- WA ID security features
- Fraudulent use of ID
- Compliance checks
State law describes mandatory actions employees and the licensee must follow. State law is determined by the state legislature or an initiative like I-502. For purposes of this training, state law refers to the Revised Code of Washington (RCW) and Washington Administrative Code (WAC).

Example of state laws:

- **RCW 69.50.357**: “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.”

- **WAC 314-55-079**: “A marijuana retailer license allows the licensee to sell only useable marijuana, marijuana concentrates, marijuana-infused products…to persons twenty-one years of age and older…”
Store policy dictates how employees will implement state law. Store policies are determined by the store’s licensee or management. Store policies cannot be less restrictive than state law.

Example store policies:

• Every employee is responsible to review identification and verify the age of every customer they contact before making a sale of cannabis.

• Employees are not allowed to accept expired or vertical format (issued prior to age 21) ID cards.

Please remember at all times you must obey state law!
Is it a right or a privilege for customers to purchase cannabis products?

a) It is a right, guaranteed by the law.
b) It is a privilege, with no legal right to buy.
c) It is both a right and a privilege.
d) It is neither a right nor a privilege to buy cannabis products.
Is it a right or a privilege to purchase cannabis products?

**Answer:**

(b) It is a privilege, with no legal right to buy.

You control and are responsible for every sale of cannabis you make. **If you are unsure about a person’s age, do not sell!**
Who Can Purchase Cannabis Products?

**Retail** cannabis products:
- Any person (21+)
- Reference: **WAC 314-55-079**

**Medical** cannabis products:
- Any person (21+) may purchase “General Use” and “High CBD” medical cannabis products.
- **Qualifying patients or designated providers** with a valid *Washington state* medical recognition card may purchase “High THC” medical cannabis products.
- Reference: **WAC 246-70-040**
Some minors (18-20 years of age) may purchase retail or medical cannabis products:

- Qualifying patients between eighteen and twenty-one years of age with a Washington state recognition card [or Washington state authorization paperwork to obtain a recognition card] may enter and remain on the premises of a retail outlet holding a medical marijuana endorsement.

- Minor patients may purchase cannabis products for their personal medical use after obtaining a recognition card.

- Reference WAC 314-55-080
Purchasing of cannabis for medical use by juveniles (under 18 years of age):

- Qualifying juvenile patients with a Washington state recognition card [or authorization paperwork] and accompanied by their designated providers may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement. The juvenile patient may not purchase products for their personal use. The juvenile patient’s designated provider may purchase cannabis for the juvenile after obtaining a recognition card for the juvenile.

- Reference WAC 314-55-080
Selling cannabis to a minor may result in **Class-C Felony** charges filed against the person who sold!

- Reference [RCW 69.50.401](https://laws.leg.wa.gov/cw/cw69-50/pdf/69.50.401.pdf)

**What does this mean to the budtender?**

- You may be placed under arrest and charged with a felony.
- You may have to obtain a defense attorney to defend yourself.
- You may have to appear in court.
- You may be fined or sentenced to prison.
- Your may lose your job.
What are the Penalties for Selling to a Minor?

Selling cannabis to a minor, or allowing a minor to enter and remain upon the retail marijuana store, may result in fines or suspension of the retail cannabis license.

• Reference **WAC 314-55-520**

What does this mean to the licensee?

• They may receive a fine and/or suspension of their license.
• They may have to attend administrative hearings.
• Multiple violations may result in revocation of license.
• Financial hardship may affect business.
• They may need to lay off employees during a suspension.
Question:
If you are ever unsure about the ID or age of a person purchasing cannabis, what should you do?

a) Ask a coworker to verify the ID or age before you sell.
b) See if someone else can “vouch” for the person being of age before you sell.
c) Ask the manager to decide if you should sell or not.
d) Do not sell.
If you are ever unsure about the ID or age of a person purchasing cannabis, what should you do?

**Answer:**

d) Do not sell.

You are responsible for every sale of cannabis you make. If you are unsure about a person’s age, do not sell!
Checking Identification: Determining Age

How old are these people? Would you sell or not?

1. 2. 3. 4.
Checking Identification: Determining Age

How old are these people?  Do you sell or not?

1. 19
2. 17
3. 20
4. 18
When you looked at the persons in the previous slide did you have to guess their ages?

Of course you did, unless you knew them!

You need to check ID of every youthful appearing person, and as directed by store policy.

If you do not check ID... at some point you’re going to sell to a minor.
Scenario:
A youthful appearing person enters a cannabis store and approaches the sales counter requesting to buy cannabis. A brand new budtender in-training takes the ID, but not knowing how to check it, hands it to their trainer. The trainer glances at the ID and says the person is old enough to buy. The trainee then rings up the sale, takes the money, and provides the cannabis to the person. After the person leaves, a law enforcement officer enters the store and reports that the store failed a compliance check by selling to their minor.

Who do you think is legally responsible for selling to the minor?
Who do you think is legally responsible for selling to the minor?

**Answer:**

The person who made the sale is legally responsible and could be charged with selling cannabis to a minor!

**You** control every sale of cannabis you make. *If you are unsure, do not sell!*
Question:
Are people who want to buy cannabis required to have and present ID?

a) Everyone must present ID.
b) Only people that volunteer must present ID.
c) State law requires me to check ID.
d) There is no state law requiring ID be presented for purchases.
Are people who want to buy cannabis required to have and present ID?

Answer:

d) There is no state law requiring ID be presented for purchases.

State law requires that you do not sell cannabis to persons who are not of legal age (21+ with some exceptions for medical patients).

Store policy directs which customers are required to show ID. For example, store policy may require all customers to show ID (regardless of appearance) or only of customers who appear “youthful”.

It is the responsibility of the person making the sale to assure that the consumer is legally eligible to purchase marijuana products.
How to check an ID:

• Ask customer to hand you their ID card (not wallet or purse).
• Only accept authorized forms of ID.
• Verify the photograph on the ID matches the customer in front of you.
• Verify the date of birth on ID equals 21+ year of age.
• Check ID is not expired.
• Verify security features.
At some time you may receive an ID with a hole punched in it. The ID may be legal, provided the punched hole does not obstruct review of any required identifying information, such as:

- Date of birth
- Physical description
- Expiration date
- Photo
- Signature

If you are in doubt about an ID, do not sell!
Checking Identification: ID Checking Technology

- Various phone apps
- ID Scanners
- Point of Sale verification systems

ID checking technology is a great tool for determining age and detecting fraudulent ID, **BUT** it does not tell you if the card belongs to the person who presented it! Use of technology alone puts you at risk of selling to a minor! Always verify the person presenting the ID matches the photo and description.
Being familiar with ID security features and the use of identification checking tools is critical to your success. You have to be able to see ID security features in order to check it properly.

Some ID checking tools are:
• The ID Checking Guide.
• Wearing your glasses.
• Using a magnifying glass, if needed.
• Date reminders for determining age 21+
• Use of Black Lights.

Use of technology is not a substitute for checking someone's ID!
By **state law** there are only specific forms of ID acceptable for the purpose of purchasing cannabis:

- Drivers License, Instruction Permits, Enhanced ID cards issued by any U.S. State, Territory, District of Columbia, or Canadian Province.
- Valid WA State Temporary Drivers License, **when presented** in conjunction with the corresponding expired WA Drivers License.
- U.S. Armed Forces ID Card
- Merchant Marine ID card issued by the U.S. Coast Guard
- Passports (including passport cards)
- WA State Tribal Enrollment Cards approved by the WSLCB
- Reference WAC [314-55-150](#)
Acceptable Forms of ID: Washington’s New Format

New Formats (Effective September 4, 2018):

- ID Card
- Driver’s License (DL)
- Intermediate DL
- Commercial DL

ID cards and DLs can be either standard or enhanced format
Acceptable Forms of ID: Washington’s New Format
Acceptable Forms of ID: Washington’s New Format

1D Barcode -
(Une unique card ID number that does not contain personal information)

2D Barcode -
(includes the same card holder data printed on the front of the card)

3 State Seals Preprinted and UV -
(Ultraviolet ink will illuminate under UV light)

Class, Restrictions, Endorsements -
(Definitions printed on back of card)

MRZ Specifications -
(For Enhanced Driver Licenses and Enhanced Identification Cards)
Acceptable Forms of ID: Washington’s New Format

The **Real ID Act 2020** is required by Federal Law:

- **“Federal Limits Apply”** means that the ID does *not* meet all Federal Real ID requirements, but is valid for cannabis purchases.
- **Enhanced ID** means that the ID *does* meet Federal Real ID requirements, and is valid for cannabis purchases.
Military personnel license/ID card expiration date

“We no longer issue licenses with a "Military" expiration date. They now show an expiration date. When you're on active duty, the expiration date can lapse. This means if your license "expires" it's still valid, regardless of the expiration date.”

Washington State Department Of Licensing
Old Formats (prior to September 4, 2018)

- Driver’s License (DL)
- Intermediate DL
- Commercial DL

ID cards and DL can be either standard or enhanced format
## Acceptable Forms of ID: Older Forms of Washington ID

### Horizontal format – 21+ Adult ID (prior to September 4, 2017)

<table>
<thead>
<tr>
<th>Washington ID/Driver’s License (02/2017 – Current)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Date of Birth</td>
</tr>
<tr>
<td>2. Issue date of ID</td>
</tr>
<tr>
<td>3. Expiration Date (on birth date, 6 yrs after issue)</td>
</tr>
<tr>
<td>4. Signature</td>
</tr>
<tr>
<td>5. Ghost portrait (faint version of the bearer’s image) at bottom right of card.</td>
</tr>
<tr>
<td>6. 100 rule: the first two numerals in the driver’s license # + the last two digits of the date of birth will add up to 100. (Example: 27+73=100).</td>
</tr>
<tr>
<td>7. Printed data overlapping the ghost image.</td>
</tr>
<tr>
<td>8. Fine line pattern on the front of the identification</td>
</tr>
<tr>
<td>9. Foil printed tree. ● Washington hologram and state seal repeats across the front (state seal also on back) in ultraviolet ink that will illuminate under ultraviolet light.</td>
</tr>
</tbody>
</table>

![Image of a Washington ID/Driver’s License card](image)
Acceptable Forms of ID: Older Forms of Washington ID

Vertical format – Minor ID (prior to September 4, 2017)

Washington ID/Driver’s License (02/2017 – Current)

1. Date of Birth
2. Issue date of ID
3. Expiration Date (on birth date, 6 yrs after issue)
4. Age 18 or 21 on date
5. Signature
6. Ghost portrait (faint version of the bearer’s image) at bottom right of card.
7. 100 rule: the first two numerals in the driver’s license # + the last two digits of the date of birth will add up to 100. (Example: 27+73=100).
8. Printed data overlapping the ghost image.
9. Fine line pattern on the front of the identification.
10. Foil printed tree.
   - Washington hologram and state seal repeats across the front (state seal also on back) in ultraviolet ink that will illuminate under ultraviolet light.
Acceptable Forms of ID: Older Forms of Washington ID

Horizontal format – 21+ Adult ID (prior to February 2017)

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</tr>
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</table>

1. Date of birth
2. Issue date of the ID
3. Expiration Date (on birth date, 6 yrs after issue)
4. State seal overlap photo
5. Washington hologram
6. Repeating "STATE OF WASHINGTON" in fine print
7. Ghost portrait (faint photo) at bottom right of card
8. 100 rule: the first two numerals in the driver’s license # + the last two digits of the date of birth should add up to 100. (ex: 46+54=100)

- WA USA in the heading
- Printed data overlapping the ghost images
- Void appears if laminate is altered
- Branches overlap photos

![Image of Washington ID Card](image_url)
Acceptable Forms of ID: Older Forms of Washington ID

Vertical format - Minor ID (prior to February 2017)

Washington ID/Driver’s License
(Still in use but issued prior to 02/2017)

1. Date of birth
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Acceptable Forms of ID: What About Temporary ID?

WA Temporary Drivers License:

• Effective February 2017
• Department of Licensing can email PDF
• Not valid for cannabis sales by itself
• Must be verified with the expired valid ID
Acceptable Forms of ID: Washington – Ultra Violet Ink

The ultra violet (UV) seal should be visible with a black light.
There are two types of fraudulent ID use:

• Presenting another person’s real ID as your own

• Presenting a manufactured (fake or altered) ID
Fraudulent ID includes presenting real ID that belongs to another person:

Examples of fraudulent ID use:
• Using a valid 21+ ID of an older sibling or friend.
• Using lost or stolen real 21+ ID of another.
• Using expired real 21+ ID of someone else.
Fake ID may appear as **any** of the acceptable forms of ID.

- Many fake ID manufacturers offer ID from other states or countries.
- Out of state ID is often used because people are less familiar with the characteristics and security features.
How do you identify fraudulent ID?

• Ask the customer to hand you their ID. Does it feel right?
• Verify the ID photo and description matches the person in front of you (eye color, height, weight, age, etc.) If not, ask why?
• Check if the ID is expired. Use of an older person’s expired ID is one of the most common forms of fraudulent ID.
• Listen to your intuition. Does anything feel off about the person or ID?
• Ask unexpected questions, verify information, and observe their reaction. Example: “When did you obtain this ID?” or “What is the zip code on the ID?”
How can you identify fraudulent ID? (continued):

- Ask for other documents with their name, address, or photo on it (like a Costco, credit, or student ID card). Watch for duplicate ID when they open their wallet or purse!
- Have the person sign their name on a separate piece of paper and compare it with the signature on the ID. Do signatures match?
- If available, use an ID Checking Guide to verify the security features listed for that type of ID.
- If in doubt, challenge the ID. Example: “This ID doesn’t look like you (or real)? Do you have another form of ID?”
How can you identify fraudulent ID? (continued):

- Watch for photocopied IDs, which often have a pink hue.
- Be aware of cut off numbers or text around the photo.
- Feel for damage, like peeling, cracks, or split card edges.
- Look for misspelled words.
- Check for UV ink that fails to fluoresce under a black light.
- **Never over-ride a point-of-sale (POS) system**! Be extra alert when your technology signals a problem. Over-riding a POS warning is one of the most common errors we see clerks make, resulting in a sale to a minor.
Things to consider before you confiscate a fraudulent ID:

• An ID (real or not) is personal property.
• **State law** only allows law enforcement officers to detain persons (or seize property) to determine if they are of age to be in a restricted area, such as a retail marijuana store.
• If you believe a fraudulent ID was presented, you can record the ID on a surveillance system camera and tell the person you are calling police to verify the ID. If the person flees or abandons the ID, you must turn it over to a law enforcement officer.
• **NOTE:** It is never worth physical injury to hold onto a fraudulent ID card, so give it back if the person becomes confrontational!
The WSLCB conducts compliance checks to promote public safety by testing whether marijuana retailers are following state law prohibiting minors from entering and remaining upon (frequenting) the restricted premises and from minors being sold cannabis products.
Compliance Checks: What are Investigative Aids?

The WSLCB employs minors (Investigative Aides) who attempt to purchase marijuana products from retail marijuana stores.

Investigative Aides:

- Are always under 21 years of age
- Do not look deceptively mature
- Do not use fake or altered ID
- Will present either their real ID or no ID at all
- Can say they are 21+ years old
People fail compliance checks for a number of preventable reasons:

- They did not know how to check ID properly
- They miscalculate the date of birth
- They were distracted, hurried, or inattentive
- They could not read the ID without their glasses on
- They did not use available ID checking tools
- They did not properly use ID checking technology

If you are unsure about the age of a person, do not sell!
LCB.WA.GOV

Enforcement Customer Service: enfcustomerservice@lcb.wa.gov
(360) 664-9878

Or contact your local enforcement officer