

Duff on Hospitality Law

Washington State Liquor Control Board Rules Now Prohibit Marijuana Consumption in Liquor Licensed Premises: Implications for Licensed Hotel Properties

By Jared Van Kirk on 12.19.14 | Posted in Cannabis, Garvey Schubert Barer, Hotel Guest Room Privacy, Hotels, Washington

Jared Van Kirk is a member of Garvey Schubert Barer's [Labor, Employment & Immigration](#) group and a previous blog contributor. Jared has been following how legalized recreational marijuana in Washington affects all employers and how the Washington State Liquor Control Board (WSLCB) will regulate marijuana consumption in premises holding liquor licenses, which will have a direct impact on the hospitality industry in Washington State. Jared is also a member of Garvey Schubert Barer's [Cannabis](#) group and has been involved in opposing challenges to Washington's recreational marijuana laws. Thank you, Jared, for sharing this very important update. – Greg

Since Washington voters passed I-502 in 2012, there has been much discussion concerning how hoteliers should respond to guests who seek to use (or are caught using) marijuana on a hotel property, either in a public area or in a guest room. Could a hotel even promote itself as friendly to marijuana tourists?

Use of marijuana in view of the general public remains illegal under [state law](#) and Liquor Control Board [regulations](#) have long required liquor licensees to conduct their licensed premises in compliance with such state drug laws. Allowing guests to smoke anything, including marijuana, in public spaces may also violate public smoking laws and smoke-free workplace laws. So, it was fairly clear that guests could not use marijuana in the public areas of a hotel, and a hotel could not allow guests to use marijuana (smoked or otherwise) in any public place. But that left open the question of whether a hotel could allow guests to use marijuana in smoking-friendly rooms, either explicitly or simply by taking no affirmative action against use of marijuana in guest rooms.

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[Amended Liquor Control Board rules](#) that went into effect earlier this year appear to answer this question with respect to properties with hotel liquor licenses. [WAC 314-11-015](#) addresses the responsibilities of all liquor licensees, including hotel licensees. The amendments state that licensees and their employees may not:

Engage in or permit any employee or other person to engage in the consumption of any type of marijuana, usable marijuana, or marijuana-infused products in a liquor licensed business, including outdoor service areas or any part of the property owned or controlled by the licensee.

or

Permit any person consuming, or who has consumed within the licensed premises, any type of marijuana, usable marijuana, or marijuana-infused products to remain on any part of the licensed premises.

"[Licensed premises](#)" includes all areas under the legal control of the licensee and available to or used by customers, which would include guest rooms.

It is unclear whether the Liquor Control Board intended these amendments to require hotels with premises licenses to exclude marijuana use in guest rooms and require licensed hotels to remove patrons who have used marijuana in guest rooms. However, as written, the amended rule states that a hotel licensee may not permit any person to consume marijuana in any part of the property owned or controlled by the licensee nor remain on any part of the licensed premises after consuming marijuana on the licensed premises. The letter of these rules require licensed hotels to prohibit use of marijuana in all areas of their property, including guest rooms, and to remove patrons who are found to have consumed marijuana on their property.

If you have any questions about the issues raised in Jared Van Kirk's post, please contact us! [Greg Duff](#) or [Jared Van Kirk](#).

Tags: Cannabis, Marijuana, recreational marijuana, WSLCB