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**SENATE BILL 5767**

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**State of Washington****67th Legislature****2022 Regular Session****By** Senators Stanford and Rivers

1 AN ACT Relating to regulating hemp-derived cannabinoids; amending  
2 RCW 69.50.101, 69.50.325, 69.50.326, and 69.50.363; reenacting and  
3 amending RCW 69.50.101; adding a new section to chapter 69.50 RCW;  
4 creating a new section; providing an effective date; providing an  
5 expiration date; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** Since the inception of the legal,  
8 regulated marketplace for cannabis in Washington state, the industry  
9 across the United States continues to innovate and evolve. The  
10 legislature finds that while the legal, regulated industry has  
11 striven to provide safe products to consumers, the illicit market has  
12 continued to find ways to avoid regulation, resulting in unregulated,  
13 untested, and potentially unsafe products available outside of the  
14 regulated market. Due to this and the evolving nature of new  
15 cannabinoids identified in the *Cannabis sativa L.* plant, the  
16 legislature finds there is a need to provide consumers legal access  
17 to safe products in the regulated cannabis market. The legislature  
18 further finds there is a need to ensure appropriate labeling, serving  
19 size, and disclosure standards for any regulated cannabinoid. The  
20 legislature intends to create a robust regulatory framework for

1 naturally occurring cannabinoids found in the *Cannabis sativa L.*  
2 plant while allowing continued innovation in the regulated market.

3 **Sec. 2.** RCW 69.50.101 and 2020 c 133 s 2 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (a) "11-hydroxy-delta-9-tetrahydrocannabinol" means  
8 (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-  
9 benzo[c]chromen-1-ol, chemical abstracts service number 36557-05-8.

10 (b) "Administer" means to apply a controlled substance, whether  
11 by injection, inhalation, ingestion, or any other means, directly to  
12 the body of a patient or research subject by:

13 (1) a practitioner authorized to prescribe (or, by the  
14 practitioner's authorized agent); or

15 (2) the patient or research subject at the direction and in the  
16 presence of the practitioner.

17 ~~((b))~~ (c) "Agent" means an authorized person who acts on behalf  
18 of or at the direction of a manufacturer, distributor, or dispenser.  
19 It does not include a common or contract carrier, public  
20 warehouseperson, or employee of the carrier or warehouseperson.

21 ~~((e))~~ (d) "Artificial cannabinoid" means a cannabinoid that  
22 possesses either a similar chemical structure to any naturally  
23 occurring cannabinoid or exhibits agonist activity at one or more  
24 cannabinoid receptors and is not found in nature.

25 (e) "Board" means the Washington state liquor and cannabis board.

26 ~~((d))~~ (f) "Cannabinoid" means any of the chemical compounds  
27 that are the active constituents of the plant *Cannabis* including, but  
28 not limited to, tetrahydrocannabinol, tetrahydrocannabinolic acid,  
29 cannabidiol, cannabidiolic acid, cannabinal, cannabigerol,  
30 cannabichromene, cannabicyclol, cannabivarin,  
31 tetrahydrocannabivarin, cannabidivarin, cannabichromevarin,  
32 cannabigerovarin, cannabigerol monomethyl ether, cannabielsoin, and  
33 cannabicitran. Cannabinoids do not include artificial cannabinoids,  
34 as that term is defined in this section and in Schedules I through V  
35 of the Washington state controlled substances act.

36 (g) "CBD concentration" has the meaning provided in RCW  
37 69.51A.010.

38 ~~((e))~~ (h) "CBD product" means any product containing or  
39 consisting of cannabidiol.

1       ~~((f))~~ (i) "Commission" means the pharmacy quality assurance  
2 commission.

3       ~~((g))~~ (j) "Controlled substance" means a drug, substance, or  
4 immediate precursor included in Schedules I through V as set forth in  
5 federal or state laws, or federal or commission rules, but does not  
6 include hemp or industrial hemp as defined in RCW 15.140.020.

7       ~~((h))~~ (k) (1) "Controlled substance analog" means a substance  
8 the chemical structure of which is substantially similar to the  
9 chemical structure of a controlled substance in Schedule I or II and:  
10       (i) that has a stimulant, depressant, or hallucinogenic effect on  
11 the central nervous system substantially similar to the stimulant,  
12 depressant, or hallucinogenic effect on the central nervous system of  
13 a controlled substance included in Schedule I or II; or  
14       (ii) with respect to a particular individual, that the individual  
15 represents or intends to have a stimulant, depressant, or  
16 hallucinogenic effect on the central nervous system substantially  
17 similar to the stimulant, depressant, or hallucinogenic effect on the  
18 central nervous system of a controlled substance included in Schedule  
19 I or II.

20       (2) The term does not include:  
21       (i) a controlled substance;  
22       (ii) a substance for which there is an approved new drug  
23 application;  
24       (iii) a substance with respect to which an exemption is in effect  
25 for investigational use by a particular person under Section 505 of  
26 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
27 chapter 69.77 RCW to the extent conduct with respect to the substance  
28 is pursuant to the exemption; or  
29       (iv) any substance to the extent not intended for human  
30 consumption before an exemption takes effect with respect to the  
31 substance.

32       ~~((i))~~ (l) "Deliver" or "delivery" means the actual or  
33 constructive transfer from one person to another of a substance,  
34 whether or not there is an agency relationship.

35       ~~((j))~~ (m) "Delta-7-tetrahydrocannabinol" means  
36 (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,9,10,10a-tetrahydro-6H-  
37 benzo[c]chromen-1-ol, chemical abstracts service number 162678-94-6.

38       (n) "Delta-8-tetrahydrocannabinol" has the meaning provided in  
39 RCW 69.50.204(c) (30) (i) (B).

1 (o) "Delta-9-tetrahydrocannabinol" has the meaning provided in  
2 RCW 69.50.204(c) (30) (i) (A).

3 (p) "Delta-9-tetrahydrocannabinolic acid" means (6aR,10aR)-1-  
4 hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-  
5 benzo[c]chromene-2-carboxylic acid, chemical abstracts service number  
6 23978-85-0 or (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-  
7 pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-4-carboxylic acid.

8 (q) "Delta-9-tetrahydrocannabiphorol" means (6aR,10aR)-6,6,9-  
9 trimethyl-3-heptyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol,  
10 chemical abstracts service number 54763-99-4.

11 (r) "Delta-10-tetrahydrocannabinol" means (6aR)-6,6,9-  
12 trimethyl-3-pentyl-6a,7,8,9-tetrahydro-6H-benzo[c]chromen-1-ol,  
13 chemical abstracts service number 95543-62-7.

14 (s) "Department" means the department of health.

15 ~~((k))~~ (t) "Designated provider" has the meaning provided in RCW  
16 69.51A.010.

17 ~~((l))~~ (u) "Dispense" means the interpretation of a prescription  
18 or order for a controlled substance and, pursuant to that  
19 prescription or order, the proper selection, measuring, compounding,  
20 labeling, or packaging necessary to prepare that prescription or  
21 order for delivery.

22 ~~((m))~~ (v) "Dispenser" means a practitioner who dispenses.

23 ~~((n))~~ (w) "Distribute" means to deliver other than by  
24 administering or dispensing a controlled substance.

25 ~~((o))~~ (x) "Distributor" means a person who distributes.

26 ~~((p))~~ (y) "Drug" means (1) a controlled substance recognized as  
27 a drug in the official United States pharmacopoeia/national formulary  
28 or the official homeopathic pharmacopoeia of the United States, or  
29 any supplement to them; (2) controlled substances intended for use in  
30 the diagnosis, cure, mitigation, treatment, or prevention of disease  
31 in individuals or animals; (3) controlled substances (other than  
32 food) intended to affect the structure or any function of the body of  
33 individuals or animals; and (4) controlled substances intended for  
34 use as a component of any article specified in (1), (2), or (3) of  
35 this subsection. The term does not include devices or their  
36 components, parts, or accessories.

37 ~~((q))~~ (z) "Drug enforcement administration" means the drug  
38 enforcement administration in the United States Department of  
39 Justice, or its successor agency.

1       ~~((r))~~    (aa) "Electronic communication of prescription  
2 information" means the transmission of a prescription or refill  
3 authorization for a drug of a practitioner using computer systems.  
4 The term does not include a prescription or refill authorization  
5 verbally transmitted by telephone nor a facsimile manually signed by  
6 the practitioner.

7       ~~((s))~~    (bb) "Immature plant or clone" means a plant or clone  
8 that has no flowers, is less than twelve inches in height, and is  
9 less than twelve inches in diameter.

10       ~~((t))~~   (cc) "Immediate precursor" means a substance:

11       (1) that the commission has found to be and by rule designates as  
12 being the principal compound commonly used, or produced primarily for  
13 use, in the manufacture of a controlled substance;

14       (2) that is an immediate chemical intermediary used or likely to  
15 be used in the manufacture of a controlled substance; and

16       (3) the control of which is necessary to prevent, curtail, or  
17 limit the manufacture of the controlled substance.

18       ~~((u))~~    (dd) "Impairing cannabinoid" means a substance that meets  
19 each of the following structural and functional criteria:

20       (1) Exhibits the structural backbone of tetrahydrocannabinols and  
21 tetrahydrocannabinol-like molecules that include the interconnected  
22 three-ring system of either a six-carbon aromatic ring, a pyran ring,  
23 or a cyclohexene ring. Known compounds that fit this description  
24 include:

25       (i) Tetrahydrocannabinols. A single double-bond in the C ring,  
26 such as delta-10 tetrahydrocannabinol and isomers, delta-9  
27 tetrahydrocannabinol and isomers, delta-8-tetrahydrocannabinol and  
28 isomers, delta-7-tetrahydrocannabinol and isomers, delta-6a  
29 tetrahydrocannabinol and isomers, and delta-10a tetrahydrocannabinol  
30 and isomers;

31       (ii) Carboxylates (C-2 and C-4) of tetrahydrocannabinols, such as  
32 delta-9-tetrahydrocannabinolic acid, similar carboxylates of delta-9-  
33 tetrahydrocannabinolic acid for tetrahydrocannabinols such as in  
34 (1)(i) of this subsection, and carboxylate esters of  
35 tetrahydrocannabinols in (1)(i) of this subsection;

36       (iii) Alkyl analogues (C-3) of tetrahydrocannabinols, such as  
37 delta-9-tetrahydrocannabiphorol and n-alkyl analogues, and similar  
38 alkylated analogues of delta-9-tetrahydrocannabinol for  
39 tetrahydrocannabinols in (1)(i) of this subsection; and

1 (iv) Hydroxylated analogues of tetrahydrocannabinols, such as 11-  
2 hydroxy-delta-9-tetrahydrocannabinol and 8- and 10-hydroxy analogues,  
3 and similar hydroxylated analogues of delta-9 tetrahydrocannabinol  
4 for tetrahydrocannabinols in (1)(i) of this subsection;

5 (2) Possesses significant CB1 agonist activity as demonstrated by  
6 binding affinity ( $K_i$ ) to the CB1 receptors at less than 200 nM; and

7 (3) Results in positive effects for all four components of the  
8 tetrad test in rodents or reliably causes functional impairment in  
9 humans as assayed by a method possessing scientific consensus.

10 (ee) "Isomer" means an optical isomer, but in subsection (~~(gg)~~)  
11 (gg) (5) of this section, RCW 69.50.204(a) (12) and (34), and  
12 69.50.206(b) (4), the term includes any geometrical isomer; in RCW  
13 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any  
14 positional isomer; and in RCW 69.50.204(a) (35), 69.50.204(c), and  
15 69.50.208(a) the term includes any positional or geometric isomer.

16 (~~(v)~~) (ff) "Lot" means a definite quantity of marijuana,  
17 marijuana concentrates, useable marijuana, or marijuana-infused  
18 product identified by a lot number, every portion or package of which  
19 is uniform within recognized tolerances for the factors that appear  
20 in the labeling.

21 (~~(w)~~) (gg) "Lot number" must identify the licensee by business  
22 or trade name and Washington state unified business identifier  
23 number, and the date of harvest or processing for each lot of  
24 marijuana, marijuana concentrates, useable marijuana, or marijuana-  
25 infused product.

26 (~~(x)~~) (hh) "Manufacture" means the production, preparation,  
27 propagation, compounding, conversion, or processing of a controlled  
28 substance, either directly or indirectly or by extraction from  
29 substances of natural origin, or independently by means of chemical  
30 synthesis, or by a combination of extraction and chemical synthesis,  
31 and includes any packaging or repackaging of the substance or  
32 labeling or relabeling of its container. The term does not include  
33 the preparation, compounding, packaging, repackaging, labeling, or  
34 relabeling of a controlled substance:

35 (1) (~~(y)~~) By a practitioner as an incident to the practitioner's  
36 administering or dispensing of a controlled substance in the course  
37 of the practitioner's professional practice; (~~(z)~~)

38 (2) (~~(y)~~) By a practitioner, or by the practitioner's authorized  
39 agent under the practitioner's supervision, for the purpose of, or as

1 an incident to, research, teaching, or chemical analysis and not for  
2 sale(~~(-~~

3 ~~(y))~~); or

4 (3) By a marijuana processor licensed under RCW 69.50.325 and  
5 operating within the privileges granted to marijuana processors under  
6 RCW 69.50.326.

7 (ii) "Marijuana" or "marihuana" means all parts of the plant  
8 *Cannabis*, whether growing or not, with a THC concentration greater  
9 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
10 extracted from any part of the plant; and every compound,  
11 manufacture, salt, derivative, mixture, or preparation of the plant,  
12 its seeds or resin. The term does not include:

13 (1) The mature stalks of the plant, fiber produced from the  
14 stalks, oil or cake made from the seeds of the plant, any other  
15 compound, manufacture, salt, derivative, mixture, or preparation of  
16 the mature stalks (except the resin extracted therefrom), fiber, oil,  
17 or cake, or the sterilized seed of the plant which is incapable of  
18 germination; or

19 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
20 used for licensed hemp production under chapter 15.140 RCW.

21 ~~((z))~~ (jj) "Marijuana concentrates" means products consisting  
22 wholly or in part of the resin extracted from any part of the plant  
23 *Cannabis* and having a THC concentration greater than ten percent.

24 ~~((aa))~~ (kk) "Marijuana processor" means a person licensed by  
25 the board to ~~((process))~~:

26 (1) Process marijuana into marijuana concentrates, useable  
27 marijuana, and marijuana-infused products(~~(, package))~~);

28 (2) Convert cannabinoids derived from the plant *Cannabis* into  
29 naturally occurring cannabinoids;

30 (3) Package and label marijuana concentrates, useable marijuana,  
31 and marijuana-infused products for sale in retail outlets(~~(, and~~  
32 ~~sell))~~); and

33 (4) Sell marijuana concentrates, useable marijuana, and  
34 marijuana-infused products at wholesale to marijuana retailers.

35 ~~((bb))~~ (ll) "Marijuana producer" means a person licensed by the  
36 board to produce and sell marijuana at wholesale to marijuana  
37 processors and other marijuana producers.

38 ~~((ee))~~ (mm) "Marijuana products" means useable marijuana,  
39 marijuana concentrates, and marijuana-infused products as defined in  
40 this section.

1       ~~((dd))~~ (nn) "Marijuana researcher" means a person licensed by  
2 the board to produce, process, and possess marijuana for the purposes  
3 of conducting research on marijuana and marijuana-derived drug  
4 products.

5       ~~((ee))~~ (oo) "Marijuana retailer" means a person licensed by the  
6 board to sell marijuana concentrates, useable marijuana, and  
7 marijuana-infused products in a retail outlet.

8       ~~((ff))~~ (pp) "Marijuana-infused products" means products that  
9 contain marijuana or marijuana extracts, are intended for human use,  
10 are derived from marijuana ~~((as defined in subsection (y) of this~~  
11 ~~section))~~, and have a THC concentration no greater than ten percent.  
12 The term "marijuana-infused products" does not include either useable  
13 marijuana or marijuana concentrates.

14       ~~((gg))~~ (qq) "Narcotic drug" means any of the following, whether  
15 produced directly or indirectly by extraction from substances of  
16 vegetable origin, or independently by means of chemical synthesis, or  
17 by a combination of extraction and chemical synthesis:

18       (1) Opium, opium derivative, and any derivative of opium or opium  
19 derivative, including their salts, isomers, and salts of isomers,  
20 whenever the existence of the salts, isomers, and salts of isomers is  
21 possible within the specific chemical designation. The term does not  
22 include the isoquinoline alkaloids of opium.

23       (2) Synthetic opiate and any derivative of synthetic opiate,  
24 including their isomers, esters, ethers, salts, and salts of isomers,  
25 esters, and ethers, whenever the existence of the isomers, esters,  
26 ethers, and salts is possible within the specific chemical  
27 designation.

28       (3) Poppy straw and concentrate of poppy straw.

29       (4) Coca leaves, except coca leaves and extracts of coca leaves  
30 from which cocaine, ecgonine, and derivatives or ecgonine or their  
31 salts have been removed.

32       (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

33       (6) Cocaine base.

34       (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
35 thereof.

36       (8) Any compound, mixture, or preparation containing any quantity  
37 of any substance referred to in (1) through (7) of this subsection.

38       ~~((hh))~~ (rr) Naturally occurring cannabinoid means a cannabinoid  
39 found in the plant *Cannabis*.



1        ~~(ss)~~ "Opiate" means any substance having an addiction-forming or  
2 addiction-sustaining liability similar to morphine or being capable  
3 of conversion into a drug having addiction-forming or addiction-  
4 sustaining liability. The term includes opium, substances derived  
5 from opium (opium derivatives), and synthetic opiates. The term does  
6 not include, unless specifically designated as controlled under RCW  
7 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
8 and its salts (dextromethorphan). The term includes the racemic and  
9 levorotatory forms of dextromethorphan.

10        ~~((+ii))~~ (tt) "Opium poppy" means the plant of the species  
11 *Papaver somniferum* L., except its seeds.

12        ~~((+jj))~~ (uu) "Person" means individual, corporation, business  
13 trust, estate, trust, partnership, association, joint venture,  
14 government, governmental subdivision or agency, or any other legal or  
15 commercial entity.

16        ~~((+kk))~~ (vv) "Plant" has the meaning provided in RCW 69.51A.010.

17        ~~((+ll))~~ (ww) "Plant *Cannabis*" means all plants of the genus  
18 *Cannabis*, including marijuana, and hemp as defined in RCW 15.140.020.

19        (xx) "Poppy straw" means all parts, except the seeds, of the  
20 opium poppy, after mowing.

21        ~~((+mm))~~ (yy) "Practitioner" means:

22        (1) A physician under chapter 18.71 RCW; a physician assistant  
23 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
24 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
25 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
26 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
27 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
28 subject to any limitations in RCW 18.53.010; a dentist under chapter  
29 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
30 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
31 registered nurse practitioner, or licensed practical nurse under  
32 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
33 who is licensed under RCW 18.36A.030 subject to any limitations in  
34 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
35 investigator under this chapter, licensed, registered or otherwise  
36 permitted insofar as is consistent with those licensing laws to  
37 distribute, dispense, conduct research with respect to or administer  
38 a controlled substance in the course of their professional practice  
39 or research in this state.

1 (2) A pharmacy, hospital or other institution licensed,  
2 registered, or otherwise permitted to distribute, dispense, conduct  
3 research with respect to or to administer a controlled substance in  
4 the course of professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a  
6 physician licensed to practice osteopathic medicine and surgery, a  
7 dentist licensed to practice dentistry, a podiatric physician and  
8 surgeon licensed to practice podiatric medicine and surgery, a  
9 licensed physician assistant or a licensed osteopathic physician  
10 assistant specifically approved to prescribe controlled substances by  
11 his or her state's medical commission or equivalent and his or her  
12 supervising physician, an advanced registered nurse practitioner  
13 licensed to prescribe controlled substances, or a veterinarian  
14 licensed to practice veterinary medicine in any state of the United  
15 States.

16 (~~(nn)~~) (zz) "Prescription" means an order for controlled  
17 substances issued by a practitioner duly authorized by law or rule in  
18 the state of Washington to prescribe controlled substances within the  
19 scope of his or her professional practice for a legitimate medical  
20 purpose.

21 (~~(oo)~~) (aaa) "Production" includes the manufacturing, planting,  
22 cultivating, growing, or harvesting of a controlled substance.

23 (~~(pp)~~) (bbb) "Qualifying patient" has the meaning provided in  
24 RCW 69.51A.010.

25 (~~(qq)~~) (ccc) "Recognition card" has the meaning provided in RCW  
26 69.51A.010.

27 (~~(rr)~~) (ddd) "Retail outlet" means a location licensed by the  
28 board for the retail sale of marijuana concentrates, useable  
29 marijuana, and marijuana-infused products.

30 (~~(ss)~~) (eee) "Secretary" means the secretary of health or the  
31 secretary's designee.

32 (~~(tt)~~) (fff) "State," unless the context otherwise requires,  
33 means a state of the United States, the District of Columbia, the  
34 Commonwealth of Puerto Rico, or a territory or insular possession  
35 subject to the jurisdiction of the United States.

36 (~~(uu)~~) (ggg) "THC concentration" means percent of delta-9  
37 tetrahydrocannabinol content per dry weight of any part of the plant  
38 *Cannabis*, or per volume or weight of marijuana product, or the  
39 combined percent of delta-9 tetrahydrocannabinol and

1 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
2 regardless of moisture content.

3 ~~((vv))~~ (hhh) "Ultimate user" means an individual who lawfully  
4 possesses a controlled substance for the individual's own use or for  
5 the use of a member of the individual's household or for  
6 administering to an animal owned by the individual or by a member of  
7 the individual's household.

8 ~~((ww))~~ (iii) "Useable marijuana" means dried marijuana flowers.  
9 The term "useable marijuana" does not include either marijuana-  
10 infused products or marijuana concentrates.

11 ~~((xx))~~ (jjj) "Youth access" means the level of interest persons  
12 under the age of twenty-one may have in a vapor product, as well as  
13 the degree to which the product is available or appealing to such  
14 persons, and the likelihood of initiation, use, or addiction by  
15 adolescents and young adults.

16 **Sec. 3.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are  
17 each reenacted and amended to read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

20 (a) "11-hydroxy-delta-9-tetrahydrocannabinol" means  
21 (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-  
22 benzo[c]chromen-1-ol, chemical abstracts service number 36557-05-8.

23 (b) "Administer" means to apply a controlled substance, whether  
24 by injection, inhalation, ingestion, or any other means, directly to  
25 the body of a patient or research subject by:

26 (1) a practitioner authorized to prescribe (or, by the  
27 practitioner's authorized agent); or

28 (2) the patient or research subject at the direction and in the  
29 presence of the practitioner.

30 ~~((b))~~ (c) "Agent" means an authorized person who acts on behalf  
31 of or at the direction of a manufacturer, distributor, or dispenser.  
32 It does not include a common or contract carrier, public  
33 warehouseperson, or employee of the carrier or warehouseperson.

34 ~~((e))~~ (d) "Artificial cannabinoid" means a cannabinoid that  
35 possesses either a similar chemical structure to any naturally  
36 occurring cannabinoid or exhibits agonist activity at one or more  
37 cannabinoid receptors and is not found in nature.

38 (e) "Board" means the Washington state liquor and cannabis board.

1       ~~((d))~~ (f) "Cannabinoid" means any of the chemical compounds  
2 that are the active constituents of the plant Cannabis including, but  
3 not limited to, tetrahydrocannabinol, tetrahydrocannabinolic acid,  
4 cannabidiol, cannabidiolic acid, cannabinol, cannabigerol,  
5 cannabichromence, cannabicyclol, cannabivarin,  
6 tetrahydrocannabivarin, cannabidivarin, cannabichromevarin,  
7 cannabigerovarin, cannabigerol monomethyl ether, cannabielsoin, and  
8 cannabicitran. Cannabinoids do not include artificial cannabinoids,  
9 as that term is defined in this section and in Schedules I through V  
10 of the Washington state controlled substances act.

11       (g) "CBD concentration" has the meaning provided in RCW  
12 69.51A.010.

13       ~~((e))~~ (h) "CBD product" means any product containing or  
14 consisting of cannabidiol.

15       ~~((f))~~ (i) "Commission" means the pharmacy quality assurance  
16 commission.

17       ~~((g))~~ (j) "Controlled substance" means a drug, substance, or  
18 immediate precursor included in Schedules I through V as set forth in  
19 federal or state laws, or federal or commission rules, but does not  
20 include hemp or industrial hemp as defined in RCW 15.140.020.

21       ~~((h))~~ (k) (1) "Controlled substance analog" means a substance  
22 the chemical structure of which is substantially similar to the  
23 chemical structure of a controlled substance in Schedule I or II and:

24       (i) that has a stimulant, depressant, or hallucinogenic effect on  
25 the central nervous system substantially similar to the stimulant,  
26 depressant, or hallucinogenic effect on the central nervous system of  
27 a controlled substance included in Schedule I or II; or

28       (ii) with respect to a particular individual, that the individual  
29 represents or intends to have a stimulant, depressant, or  
30 hallucinogenic effect on the central nervous system substantially  
31 similar to the stimulant, depressant, or hallucinogenic effect on the  
32 central nervous system of a controlled substance included in Schedule  
33 I or II.

34       (2) The term does not include:

35       (i) a controlled substance;

36       (ii) a substance for which there is an approved new drug  
37 application;

38       (iii) a substance with respect to which an exemption is in effect  
39 for investigational use by a particular person under Section 505 of  
40 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or

1 chapter 69.77 RCW to the extent conduct with respect to the substance  
2 is pursuant to the exemption; or

3 (iv) any substance to the extent not intended for human  
4 consumption before an exemption takes effect with respect to the  
5 substance.

6 ~~((i))~~ (l) "Deliver" or "delivery" means the actual or  
7 constructive transfer from one person to another of a substance,  
8 whether or not there is an agency relationship.

9 ~~((j))~~ (m) "Delta-7-tetrahydrocannabinol" means  
10 (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,9,10,10a-tetrahydro-6H-  
11 benzo[c]chromen-1-ol, chemical abstracts service number 162678-94-6.

12 (n) "Delta-8-tetrahydrocannabinol" has the meaning provided in  
13 RCW 69.50.204(c) (30) (i) (B).

14 (o) "Delta-9-tetrahydrocannabinol" has the meaning provided in  
15 RCW 69.50.204(c) (30) (i) (A).

16 (p) "Delta-9-tetrahydrocannabinolic acid" means (6aR,10aR)-1-  
17 hydroxy-6,6,9-trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-  
18 benzo[c]chromene-2-carboxylic acid, chemical abstracts service number  
19 23978-85-0 or (6aR,10aR)-1-hydroxy-6,6,9-trimethyl-3-  
20 pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromene-4-carboxylic acid.

21 (q) "Delta-9-tetrahydrocannabinophorol" means (6aR,10aR)-6,6,9-  
22 trimethyl-3-heptyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol,  
23 chemical abstracts service number 54763-99-4.

24 (r) "Delta-10-tetrahydrocannabinol" means (6aR)-6,6,9-  
25 trimethyl-3-pentyl-6a,7,8,9-tetrahydro-6H-benzo[c]chromen-1-ol,  
26 chemical abstracts service number 95543-62-7.

27 (s) "Department" means the department of health.

28 ~~((k))~~ (t) "Designated provider" has the meaning provided in RCW  
29 69.51A.010.

30 ~~((l))~~ (u) "Dispense" means the interpretation of a prescription  
31 or order for a controlled substance and, pursuant to that  
32 prescription or order, the proper selection, measuring, compounding,  
33 labeling, or packaging necessary to prepare that prescription or  
34 order for delivery.

35 ~~((m))~~ (v) "Dispenser" means a practitioner who dispenses.

36 ~~((n))~~ (w) "Distribute" means to deliver other than by  
37 administering or dispensing a controlled substance.

38 ~~((o))~~ (x) "Distributor" means a person who distributes.

39 ~~((p))~~ (y) "Drug" means (1) a controlled substance recognized as  
40 a drug in the official United States pharmacopoeia/national formulary

1 or the official homeopathic pharmacopoeia of the United States, or  
2 any supplement to them; (2) controlled substances intended for use in  
3 the diagnosis, cure, mitigation, treatment, or prevention of disease  
4 in individuals or animals; (3) controlled substances (other than  
5 food) intended to affect the structure or any function of the body of  
6 individuals or animals; and (4) controlled substances intended for  
7 use as a component of any article specified in (1), (2), or (3) of  
8 this subsection. The term does not include devices or their  
9 components, parts, or accessories.

10 ~~((g))~~ (z) "Drug enforcement administration" means the drug  
11 enforcement administration in the United States Department of  
12 Justice, or its successor agency.

13 ~~((r))~~ (aa) "Electronic communication of prescription  
14 information" means the transmission of a prescription or refill  
15 authorization for a drug of a practitioner using computer systems.  
16 The term does not include a prescription or refill authorization  
17 verbally transmitted by telephone nor a facsimile manually signed by  
18 the practitioner.

19 ~~((s))~~ (bb) "Immature plant or clone" means a plant or clone  
20 that has no flowers, is less than twelve inches in height, and is  
21 less than twelve inches in diameter.

22 ~~((t))~~ (cc) "Immediate precursor" means a substance:

23 (1) that the commission has found to be and by rule designates as  
24 being the principal compound commonly used, or produced primarily for  
25 use, in the manufacture of a controlled substance;

26 (2) that is an immediate chemical intermediary used or likely to  
27 be used in the manufacture of a controlled substance; and

28 (3) the control of which is necessary to prevent, curtail, or  
29 limit the manufacture of the controlled substance.

30 ~~((u))~~ (dd) "Impairing cannabinoid" means a substance that meets  
31 each of the following structural and functional criteria:

32 (1) Exhibits the structural backbone of tetrahydrocannabinols and  
33 tetrahydrocannabinol-like molecules that include the interconnected  
34 three-ring system of either a six-carbon aromatic ring, a pyran ring,  
35 or a cyclohexene ring. Known compounds that fit this description  
36 include:

37 (i) Tetrahydrocannabinols. A single double-bond in the C ring,  
38 such as delta-10 tetrahydrocannabinol and isomers, delta-9  
39 tetrahydrocannabinol and isomers, delta-8-tetrahydrocannabinol and  
40 isomers, delta-7-tetrahydrocannabinol and isomers, delta-6a

1 tetrahydrocannabinol and isomers, and delta-10a tetrahydrocannabinol  
2 and isomers;

3 (ii) Carboxylates (C-2 and C-4) of tetrahydrocannabinols, such as  
4 delta-9-tetrahydrocannabinolic acid, similar carboxylates of delta-9-  
5 tetrahydrocannabinolic acid for tetrahydrocannabinols such as in  
6 (1)(i) of this subsection, and carboxylate esters of  
7 tetrahydrocannabinols in (1)(i) of this subsection;

8 (iii) Alkyl analogues (C-3) of tetrahydrocannabinols, such as  
9 delta-9-tetrahydrocannabiphorol and n-alkyl analogues, and similar  
10 alkylated analogues of delta-9-tetrahydrocannabinol for  
11 tetrahydrocannabinols in (1)(i) of this subsection; and

12 (iv) Hydroxylated analogues of tetrahydrocannabinols, such as 11-  
13 hydroxy-delta-9-tetrahydrocannabinol and 8- and 10-hydroxy analogues,  
14 and similar hydroxylated analogues of delta-9 tetrahydrocannabinol  
15 for tetrahydrocannabinols in (1)(i) of this subsection;

16 (2) Possesses significant CB1 agonist activity as demonstrated by  
17 binding affinity ( $K_i$ ) to the CB1 receptors at less than 200 nM; and

18 (3) Results in positive effects for all four components of the  
19 tetrad test in rodents or reliably causes functional impairment in  
20 humans as assayed by a method possessing scientific consensus.

21 (ee) "Isomer" means an optical isomer, but in subsection (~~(gg)~~)  
22 (~~gg~~) (5) of this section, RCW 69.50.204(a) (12) and (34), and  
23 69.50.206(b) (4), the term includes any geometrical isomer; in RCW  
24 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any  
25 positional isomer; and in RCW 69.50.204(a) (35), 69.50.204(c), and  
26 69.50.208(a) the term includes any positional or geometric isomer.

27 (~~(v)~~) (~~ff~~) "Lot" means a definite quantity of marijuana,  
28 marijuana concentrates, useable marijuana, or marijuana-infused  
29 product identified by a lot number, every portion or package of which  
30 is uniform within recognized tolerances for the factors that appear  
31 in the labeling.

32 (~~(w)~~) (~~gg~~) "Lot number" must identify the licensee by business  
33 or trade name and Washington state unified business identifier  
34 number, and the date of harvest or processing for each lot of  
35 marijuana, marijuana concentrates, useable marijuana, or marijuana-  
36 infused product.

37 (~~(\*)~~) (~~hh~~) "Manufacture" means the production, preparation,  
38 propagation, compounding, conversion, or processing of a controlled  
39 substance, either directly or indirectly or by extraction from  
40 substances of natural origin, or independently by means of chemical

1 synthesis, or by a combination of extraction and chemical synthesis,  
2 and includes any packaging or repackaging of the substance or  
3 labeling or relabeling of its container. The term does not include  
4 the preparation, compounding, packaging, repackaging, labeling, or  
5 relabeling of a controlled substance:

6 (1) ~~((by))~~ By a practitioner as an incident to the practitioner's  
7 administering or dispensing of a controlled substance in the course  
8 of the practitioner's professional practice; ~~((or))~~

9 (2) ~~((by))~~ By a practitioner, or by the practitioner's authorized  
10 agent under the practitioner's supervision, for the purpose of, or as  
11 an incident to, research, teaching, or chemical analysis and not for  
12 sale ~~((-~~

13 ~~y))~~); or

14 (3) By a marijuana processor licensed under RCW 69.50.325 and  
15 operating within the privileges granted to marijuana processors under  
16 RCW 69.50.326.

17 (ii) "Marijuana" or "marihuana" means all parts of the plant  
18 *Cannabis*, whether growing or not, with a THC concentration greater  
19 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
20 extracted from any part of the plant; and every compound,  
21 manufacture, salt, derivative, mixture, or preparation of the plant,  
22 its seeds or resin. The term does not include:

23 (1) The mature stalks of the plant, fiber produced from the  
24 stalks, oil or cake made from the seeds of the plant, any other  
25 compound, manufacture, salt, derivative, mixture, or preparation of  
26 the mature stalks (except the resin extracted therefrom), fiber, oil,  
27 or cake, or the sterilized seed of the plant which is incapable of  
28 germination; or

29 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
30 used for licensed hemp production under chapter 15.140 RCW.

31 ~~((z))~~ (jj) "Marijuana concentrates" means products consisting  
32 wholly or in part of the resin extracted from any part of the plant  
33 *Cannabis* and having a THC concentration greater than ten percent.

34 ~~((aa))~~ (kk) "Marijuana processor" means a person licensed by  
35 the board to ~~((process))~~;

36 (1) Process marijuana into marijuana concentrates, useable  
37 marijuana, and marijuana-infused products ~~((package))~~;

38 (2) Convert cannabinoids derived from the plant *Cannabis* into  
39 naturally occurring cannabinoids;



1        (3) Package and label marijuana concentrates, useable marijuana,  
2 and marijuana-infused products for sale in retail outlets(~~(, and~~  
3 ~~sell)~~); and

4        (4) Sell marijuana concentrates, useable marijuana, and  
5 marijuana-infused products at wholesale to marijuana retailers.

6        (~~(bb)~~) (ll) "Marijuana producer" means a person licensed by the  
7 board to produce and sell marijuana at wholesale to marijuana  
8 processors and other marijuana producers.

9        (~~(ee)~~) (mm) "Marijuana products" means useable marijuana,  
10 marijuana concentrates, and marijuana-infused products as defined in  
11 this section.

12        (~~(dd)~~) (nn) "Marijuana researcher" means a person licensed by  
13 the board to produce, process, and possess marijuana for the purposes  
14 of conducting research on marijuana and marijuana-derived drug  
15 products.

16        (~~(ee)~~) (oo) "Marijuana retailer" means a person licensed by the  
17 board to sell marijuana concentrates, useable marijuana, and  
18 marijuana-infused products in a retail outlet.

19        (~~(ff)~~) (pp) "Marijuana-infused products" means products that  
20 contain marijuana or marijuana extracts, are intended for human use,  
21 are derived from marijuana (~~as defined in subsection (y) of this~~  
22 ~~section~~), and have a THC concentration no greater than ten percent.  
23 The term "marijuana-infused products" does not include either useable  
24 marijuana or marijuana concentrates.

25        (~~(gg)~~) (qq) "Narcotic drug" means any of the following, whether  
26 produced directly or indirectly by extraction from substances of  
27 vegetable origin, or independently by means of chemical synthesis, or  
28 by a combination of extraction and chemical synthesis:

29        (1) Opium, opium derivative, and any derivative of opium or opium  
30 derivative, including their salts, isomers, and salts of isomers,  
31 whenever the existence of the salts, isomers, and salts of isomers is  
32 possible within the specific chemical designation. The term does not  
33 include the isoquinoline alkaloids of opium.

34        (2) Synthetic opiate and any derivative of synthetic opiate,  
35 including their isomers, esters, ethers, salts, and salts of isomers,  
36 esters, and ethers, whenever the existence of the isomers, esters,  
37 ethers, and salts is possible within the specific chemical  
38 designation.

39        (3) Poppy straw and concentrate of poppy straw.

1 (4) Coca leaves, except coca leaves and extracts of coca leaves  
2 from which cocaine, ecgonine, and derivatives or ecgonine or their  
3 salts have been removed.

4 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

5 (6) Cocaine base.

6 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
7 thereof.

8 (8) Any compound, mixture, or preparation containing any quantity  
9 of any substance referred to in (1) through (7) of this subsection.

10 ~~((hh))~~ (rr) Naturally occurring cannabinoid means a cannabinoid  
11 found in the plant Cannabis.

12 (ss) "Opiate" means any substance having an addiction-forming or  
13 addiction-sustaining liability similar to morphine or being capable  
14 of conversion into a drug having addiction-forming or addiction-  
15 sustaining liability. The term includes opium, substances derived  
16 from opium (opium derivatives), and synthetic opiates. The term does  
17 not include, unless specifically designated as controlled under RCW  
18 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
19 and its salts (dextromethorphan). The term includes the racemic and  
20 levorotatory forms of dextromethorphan.

21 ~~((ii))~~ (tt) "Opium poppy" means the plant of the species  
22 *Papaver somniferum* L., except its seeds.

23 ~~((jj))~~ (uu) "Person" means individual, corporation, business  
24 trust, estate, trust, partnership, association, joint venture,  
25 government, governmental subdivision or agency, or any other legal or  
26 commercial entity.

27 ~~((kk))~~ (vv) "Plant" has the meaning provided in RCW 69.51A.010.

28 ~~((ll))~~ (ww) "Plant Cannabis" means all plants of the genus  
29 *Cannabis*, including marijuana, and hemp as defined in RCW 15.140.020.

30 (xx) "Poppy straw" means all parts, except the seeds, of the  
31 opium poppy, after mowing.

32 ~~((mm))~~ (yy) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant  
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
35 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW  
36 who is certified by the optometry board under RCW 18.53.010 subject  
37 to any limitations in RCW 18.53.010; a dentist under chapter 18.32  
38 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a  
39 veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
40 registered nurse practitioner, or licensed practical nurse under

1 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
2 who is licensed under RCW 18.36A.030 subject to any limitations in  
3 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
4 investigator under this chapter, licensed, registered or otherwise  
5 permitted insofar as is consistent with those licensing laws to  
6 distribute, dispense, conduct research with respect to or administer  
7 a controlled substance in the course of their professional practice  
8 or research in this state.

9 (2) A pharmacy, hospital or other institution licensed,  
10 registered, or otherwise permitted to distribute, dispense, conduct  
11 research with respect to or to administer a controlled substance in  
12 the course of professional practice or research in this state.

13 (3) A physician licensed to practice medicine and surgery, a  
14 physician licensed to practice osteopathic medicine and surgery, a  
15 dentist licensed to practice dentistry, a podiatric physician and  
16 surgeon licensed to practice podiatric medicine and surgery, a  
17 licensed physician assistant or a licensed osteopathic physician  
18 assistant specifically approved to prescribe controlled substances by  
19 his or her state's medical commission or equivalent and his or her  
20 supervising physician, an advanced registered nurse practitioner  
21 licensed to prescribe controlled substances, or a veterinarian  
22 licensed to practice veterinary medicine in any state of the United  
23 States.

24 (~~((nn))~~) (zz) "Prescription" means an order for controlled  
25 substances issued by a practitioner duly authorized by law or rule in  
26 the state of Washington to prescribe controlled substances within the  
27 scope of his or her professional practice for a legitimate medical  
28 purpose.

29 (~~((oo))~~) (aaa) "Production" includes the manufacturing, planting,  
30 cultivating, growing, or harvesting of a controlled substance.

31 (~~((pp))~~) (bbb) "Qualifying patient" has the meaning provided in  
32 RCW 69.51A.010.

33 (~~((qq))~~) (ccc) "Recognition card" has the meaning provided in RCW  
34 69.51A.010.

35 (~~((rr))~~) (ddd) "Retail outlet" means a location licensed by the  
36 board for the retail sale of marijuana concentrates, useable  
37 marijuana, and marijuana-infused products.

38 (~~((ss))~~) (eee) "Secretary" means the secretary of health or the  
39 secretary's designee.

1       (~~(ttt)~~) (fff) "State," unless the context otherwise requires,  
2 means a state of the United States, the District of Columbia, the  
3 Commonwealth of Puerto Rico, or a territory or insular possession  
4 subject to the jurisdiction of the United States.

5       (~~(uuu)~~) (ggg) "THC concentration" means percent of delta-9  
6 tetrahydrocannabinol content per dry weight of any part of the plant  
7 *Cannabis*, or per volume or weight of marijuana product, or the  
8 combined percent of delta-9 tetrahydrocannabinol and  
9 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
10 regardless of moisture content.

11       (~~(vvv)~~) (hhh) "Ultimate user" means an individual who lawfully  
12 possesses a controlled substance for the individual's own use or for  
13 the use of a member of the individual's household or for  
14 administering to an animal owned by the individual or by a member of  
15 the individual's household.

16       (~~(www)~~) (iii) "Useable marijuana" means dried marijuana flowers.  
17 The term "useable marijuana" does not include either marijuana-  
18 infused products or marijuana concentrates.

19       (~~(xxx)~~) (jjj) "Youth access" means the level of interest persons  
20 under the age of twenty-one may have in a vapor product, as well as  
21 the degree to which the product is available or appealing to such  
22 persons, and the likelihood of initiation, use, or addiction by  
23 adolescents and young adults.

24       **Sec. 4.** RCW 69.50.325 and 2020 c 236 s 6 are each amended to  
25 read as follows:

26       (1) There shall be a marijuana producer's license regulated by  
27 the board and subject to annual renewal. The licensee is authorized  
28 to produce: (a) Marijuana for sale at wholesale to marijuana  
29 processors and other marijuana producers; (b) immature plants or  
30 clones and seeds for sale to cooperatives as described under RCW  
31 69.51A.250; and (c) immature plants or clones and seeds for sale to  
32 qualifying patients and designated providers as provided under RCW  
33 69.51A.310. The production, possession, delivery, distribution, and  
34 sale of marijuana in accordance with the provisions of this chapter  
35 and the rules adopted to implement and enforce it, by a validly  
36 licensed marijuana producer, shall not be a criminal or civil offense  
37 under Washington state law. Every marijuana producer's license shall  
38 be issued in the name of the applicant, shall specify the location at  
39 which the marijuana producer intends to operate, which must be within

1 the state of Washington, and the holder thereof shall not allow any  
2 other person to use the license. The application fee for a marijuana  
3 producer's license shall be two hundred fifty dollars. The annual fee  
4 for issuance and renewal of a marijuana producer's license shall be  
5 one thousand three hundred eighty-one dollars. A separate license  
6 shall be required for each location at which a marijuana producer  
7 intends to produce marijuana.

8 (2) There shall be a marijuana processor's license to process,  
9 package, and label marijuana concentrates, useable marijuana, and  
10 marijuana-infused products, including the processing and use of  
11 cannabinoids in accordance with RCW 69.50.326, for sale at wholesale  
12 to marijuana processors and marijuana retailers, regulated by the  
13 board and subject to annual renewal. The processing, packaging,  
14 possession, delivery, distribution, and sale of marijuana, useable  
15 marijuana, marijuana-infused products, and marijuana concentrates,  
16 including the processing and use of cannabinoids in accordance with  
17 RCW 69.50.326, in accordance with the provisions of this chapter and  
18 chapter 69.51A RCW and the rules adopted to implement and enforce  
19 these chapters, by a validly licensed marijuana processor, shall not  
20 be a criminal or civil offense under Washington state law. Every  
21 marijuana processor's license shall be issued in the name of the  
22 applicant, shall specify the location at which the licensee intends  
23 to operate, which must be within the state of Washington, and the  
24 holder thereof shall not allow any other person to use the license.  
25 The application fee for a marijuana processor's license shall be two  
26 hundred fifty dollars. The annual fee for issuance and renewal of a  
27 marijuana processor's license shall be one thousand three hundred  
28 eighty-one dollars. A separate license shall be required for each  
29 location at which a marijuana processor intends to process marijuana.

30 (3)(a) There shall be a marijuana retailer's license to sell  
31 marijuana concentrates, useable marijuana, and marijuana-infused  
32 products at retail in retail outlets, regulated by the board and  
33 subject to annual renewal. The possession, delivery, distribution,  
34 and sale of marijuana concentrates, useable marijuana, and marijuana-  
35 infused products in accordance with the provisions of this chapter  
36 and the rules adopted to implement and enforce it, by a validly  
37 licensed marijuana retailer, shall not be a criminal or civil offense  
38 under Washington state law. Every marijuana retailer's license shall  
39 be issued in the name of the applicant, shall specify the location of  
40 the retail outlet the licensee intends to operate, which must be

1 within the state of Washington, and the holder thereof shall not  
2 allow any other person to use the license. The application fee for a  
3 marijuana retailer's license shall be two hundred fifty dollars. The  
4 annual fee for issuance and renewal of a marijuana retailer's license  
5 shall be one thousand three hundred eighty-one dollars. A separate  
6 license shall be required for each location at which a marijuana  
7 retailer intends to sell marijuana concentrates, useable marijuana,  
8 and marijuana-infused products.

9 (b) An individual retail licensee and all other persons or  
10 entities with a financial or other ownership interest in the business  
11 operating under the license are limited, in the aggregate, to holding  
12 a collective total of not more than five retail marijuana licenses.

13 (c) (i) A marijuana retailer's license is subject to forfeiture in  
14 accordance with rules adopted by the board pursuant to this section.

15 (ii) The board shall adopt rules to establish a license  
16 forfeiture process for a licensed marijuana retailer that is not  
17 fully operational and open to the public within a specified period  
18 from the date of license issuance, as established by the board,  
19 subject to the following restrictions:

20 (A) No marijuana retailer's license may be subject to forfeiture  
21 within the first nine months of license issuance; and

22 (B) The board must require license forfeiture on or before  
23 twenty-four calendar months of license issuance if a marijuana  
24 retailer is not fully operational and open to the public, unless the  
25 board determines that circumstances out of the licensee's control are  
26 preventing the licensee from becoming fully operational and that, in  
27 the board's discretion, the circumstances warrant extending the  
28 forfeiture period beyond twenty-four calendar months.

29 (iii) The board has discretion in adopting rules under this  
30 subsection (3) (c).

31 (iv) This subsection (3) (c) applies to marijuana retailer's  
32 licenses issued before and after July 23, 2017. However, no license  
33 of a marijuana retailer that otherwise meets the conditions for  
34 license forfeiture established pursuant to this subsection (3) (c) may  
35 be subject to forfeiture within the first nine calendar months of  
36 July 23, 2017.

37 (v) The board may not require license forfeiture if the licensee  
38 has been incapable of opening a fully operational retail marijuana  
39 business due to actions by the city, town, or county with  
40 jurisdiction over the licensee that include any of the following:

1 (A) The adoption of a ban or moratorium that prohibits the  
2 opening of a retail marijuana business; or

3 (B) The adoption of an ordinance or regulation related to zoning,  
4 business licensing, land use, or other regulatory measure that has  
5 the effect of preventing a licensee from receiving an occupancy  
6 permit from the jurisdiction or which otherwise prevents a licensed  
7 marijuana retailer from becoming operational.

8 (d) The board may issue marijuana retailer licenses pursuant to  
9 this chapter and RCW 69.50.335.

10 **Sec. 5.** RCW 69.50.326 and 2018 c 132 s 1 are each amended to  
11 read as follows:

12 (1) Licensed marijuana (~~producers and licensed marijuana~~  
13 ~~processors may use a CBD product as an additive for the purpose of~~  
14 ~~enhancing the cannabidiol concentration of any product authorized for~~  
15 ~~production, processing, and sale under this chapter. Except as~~  
16 ~~otherwise provided in subsection (2) of this section, such CBD~~  
17 ~~product additives must be lawfully produced by, or purchased from, a~~  
18 ~~producer or processor licensed)) processors may use and process hemp  
19 and hemp derivatives obtained in accordance with this section to use  
20 or derive cannabinoids to add to any marijuana product authorized for  
21 production, processing, and sale under this chapter.~~

22 (2) Subject to the requirements set forth in (a) (~~and (b)~~)  
23 through (c) of this subsection, (~~and for the purpose of enhancing~~  
24 ~~the cannabidiol concentration of any product authorized for~~  
25 ~~production, processing, or sale under this chapter, licensed~~  
26 ~~marijuana producers and~~) licensed marijuana processors may use ((  
27 ~~CBD product~~) hemp and hemp derivatives obtained from a source not  
28 licensed under this chapter, provided the ((~~CBD product~~) hemp and  
29 hemp derivatives:

30 (a) ((~~Has~~)) Have a THC ((~~level~~)) concentration of 0.3 percent or  
31 less on a dry weight basis, excluding in-process hemp; ((~~and~~))

32 (b) ((~~Has been~~)) Are tested ((~~for contaminants and toxins by a~~  
33 ~~testing laboratory accredited under this chapter and~~) in accordance  
34 with ((~~testing standards established under this chapter and the~~))  
35 applicable administrative rules and are accompanied by a certificate  
36 of analysis; and

37 (c) Were produced by a licensed hemp producer, handler, or  
38 processor in a state or country with a legal status and product  
39 safety protocols or any other plan or program authorized by the

1 department of agriculture or by a federally recognized Indian tribe  
2 with an approved United States department of agriculture hemp plan or  
3 pilot program. A producer or supplier in compliance with any future  
4 federal or state hemp program or in compliance with the laws and  
5 regulations on the manufacture or importation of food in the United  
6 States is acceptable.

7 ~~(3) ((Subject to the requirements of this subsection (3), the~~  
8 ~~liquor and cannabis board may enact rules necessary to implement the~~  
9 ~~requirements of this section. Such rule making is limited to~~  
10 ~~regulations pertaining to laboratory testing and product safety~~  
11 ~~standards for those cannabidiol products used by licensed producers~~  
12 ~~and processors in the manufacture of marijuana products marketed by~~  
13 ~~licensed retailers under chapter 69.50 RCW. The purpose of such rule~~  
14 ~~making must be to ensure the safety and purity of cannabidiol~~  
15 ~~products used by marijuana producers and processors licensed under~~  
16 ~~chapter 69.50 RCW and incorporated into products sold by licensed~~  
17 ~~recreational marijuana retailers. This rule-making authority does not~~  
18 ~~include the authority to enact rules regarding either the production~~  
19 ~~or processing practices of the industrial hemp industry or any~~  
20 ~~cannabidiol products that are sold or marketed outside of the~~  
21 ~~regulatory framework established under chapter 69.50 RCW.))~~ Any  
22 marijuana products containing hemp or hemp derivatives processed in  
23 accordance with this section must be accompanied by a disclosure  
24 statement declaring and identifying the product has been derived from  
25 hemp and the processor must make available, upon request, a compliant  
26 certificate of analysis and the name of the licensed hemp producer.

27 (4) Artificial cannabinoids may not be used, processed, or sold  
28 by any person.

29 (5) Subject to the requirements of this subsection, the board may  
30 adopt rules necessary to implement this section. Rule making is  
31 limited to rules pertaining to laboratory testing, product safety  
32 standards, and labeling for those hemp and hemp derivatives used by  
33 licensed processors in the manufacture of marijuana products marketed  
34 by marijuana retailers under this chapter. Rule making must ensure  
35 the safety and purity of hemp, hemp derivatives, and impairing  
36 cannabinoids used by marijuana processors licensed under this chapter  
37 and incorporated into products sold by marijuana retailers. This rule  
38 making authority does not include the authority to enact rules  
39 regarding either the production or processing practices of the



1 industrial hemp industry or any cannabidiol products sold or marketed  
2 outside of the regulatory framework established under this chapter.

3 **Sec. 6.** RCW 69.50.363 and 2015 c 207 s 7 are each amended to  
4 read as follows:

5 The following acts, when performed by a validly licensed  
6 marijuana processor or employee of a validly licensed marijuana  
7 processor in compliance with rules adopted by the (~~state liquor~~  
8 ~~control~~) board to implement and enforce chapter 3, Laws of 2013, do  
9 not constitute criminal or civil offenses under Washington state law:

10 (1) Purchase and receipt of marijuana that has been properly  
11 packaged and labeled from a marijuana producer validly licensed under  
12 chapter 3, Laws of 2013;

13 (2) Possession, processing, packaging, and labeling of quantities  
14 of marijuana, useable marijuana, and marijuana-infused products that  
15 do not exceed the maximum amounts established by the (~~state liquor~~  
16 ~~control~~) board under RCW 69.50.345(4);

17 (3) Delivery, distribution, and sale of useable marijuana or  
18 marijuana-infused products to a marijuana retailer validly licensed  
19 under chapter 3, Laws of 2013; (~~and~~)

20 (4) Delivery, distribution, and sale of useable marijuana,  
21 marijuana concentrates, or marijuana-infused products to a federally  
22 recognized Indian tribe as permitted under an agreement between the  
23 state and the tribe entered into under RCW 43.06.490; and

24 (5) Use, possession, processing, packaging, labeling, delivery,  
25 distribution, and sale of hemp and hemp derivatives in accordance  
26 with RCW 69.50.326.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 69.50  
28 RCW to read as follows:

29 (1) All marijuana producers, processors, certified labs, and  
30 certified lab employees must comply with the testing requirements  
31 described in this section.

32 (2) The following fields of testing are only required for samples  
33 of marijuana flower that have not been previously tested, or that  
34 have failed previous quality control testing:

35 (a) Potency analysis.

36 (i) Certified labs must test and report the following  
37 cannabinoids to the board when testing for potency:

38 (A) THCA;

1 (B) THC;

2 (C) Total THC, which must be calculated as follows, where M is  
3 the mass or mass fraction of delta-9 THC or delta-9 THCA:  $M \text{ total}$   
4  $\text{delta-9 THC} = M \text{ delta-9 THC} + (0.877 \text{ multiplied by } M \text{ delta-9 THCA});$

5 (D) CBDA;

6 (E) CBD; and

7 (F) Total CBD, which must be calculated as follows, where M is  
8 the mass or mass fraction of CBD and CBDA:  $M \text{ total CBD} = M \text{ CBD} +$   
9  $(0.877 \text{ multiplied by } M \text{ CBDA}).$

10 (ii) Any impairing cannabinoids intentionally added to the  
11 formula of a product must be tested for potency including, but not  
12 limited to, delta-8 tetrahydrocannabinol.

13 (iii) Regardless of analytical equipment or methodology,  
14 certified labs must accurately measure and report the acidic, THCA  
15 and CBDA, and neutral, THC and CBD, forms of the cannabinoids.

16 (b) Potency analysis for flower lots.

17 (i) Certified labs must test and report the results of the  
18 required flower lot samples for the following cannabinoids including,  
19 but not limited to:

20 (A) THCA;

21 (B) THC;

22 (C) Total THC, which must be calculated as follows, where M is  
23 the mass or mass fraction of delta-9 tetrahydrocannabinol or delta-9  
24 tetrahydrocannabinolic acid:  $M \text{ total delta-9 tetrahydrocannabinol} = M$   
25  $\text{delta-9 tetrahydrocannabinol} + (0.877 \text{ multiplied by } M \text{ delta-9}$   
26  $\text{tetrahydrocannabinolic acid});$

27 (D) CBDA;

28 (E) CBD; and

29 (F) Total CBD, which must be calculated as follows, where M is  
30 the mass or mass fraction of CBD and CBDA:  $M \text{ total CBD} = M \text{ CBD} +$   
31  $(0.877 \text{ multiplied by } M \text{ CBDA}).$

32 (ii) Certified labs must test each flower lot identified in rule  
33 by the board for the following:

34 (A) Moisture analysis. The sample and related lot or batch fails  
35 quality control testing for moisture analysis if the results exceed  
36 the following limits:

37 (I) Water activity rate greater than 0.65; or  
38 (II) Moisture content greater than 15 percent.

1 (B) Foreign matter screening. The sample and related lot or batch  
2 fail quality control testing for foreign matter screening if the  
3 results exceed the following limits:

4 (I) Five percent of stems three millimeters or more in diameter;

5 (II) Two percent of seeds or other foreign matter; or

6 (III) One insect fragment, one hair, or one mammalian excreta per  
7 sample.

8 (C) Microbiological screening. The sample and related lot or  
9 batch fail quality control testing for microbiological screening if  
10 the results for unprocessed plant material or extracted or processed  
11 botanical products exceed the following limits:

12 (I) For enterobacteria, bile-tolerant gram-negative bacteria, 10  
13 grams; and

14 (II) For *E.Coli*, pathogenic strains, and *Salmonella spp.*, not  
15 detective in one gram.

16 (D) Mycotoxin screening. For the purposes of mycotoxin screening,  
17 a sample passes quality control testing if it contains less than 20  
18 micrograms of medication per kilogram of body weight for the  
19 following:

20 (I) A total of aflatoxin B1, aflatoxin B2, aflatoxin G1, and  
21 aflatoxin G2; or

22 (II) Ochratoxin A.

23 (c) Residual solvent screening. Except as otherwise provided in  
24 this subsection (2)(c), a sample and related lot or batch fail  
25 quality control testing for residual solvents if the results exceed  
26 the limits provided in this subsection (2)(c). Residual solvent  
27 results greater than 5,000 parts per million for class three  
28 solvents, 50 parts per million for class two solvents, and two parts  
29 per million for class one solvents as defined in *United States*  
30 *Pharmacopeia, USP 30 Chemical Tests / <467> - Residual Solvents* and  
31 not listed in (c)(i) through (viii) of this subsection fail quality  
32 control testing. When residual solvent screening is required,  
33 certified labs must test, at minimum, for the following solvents and  
34 fail those solvents that exceed the following limits:

35 (i) Acetone, butanes, ethyl acetate, heptanes, isopropanol,  
36 pentanes, and propane, 5,000 parts per million;

37 (ii) Cyclohexane, 3,880 parts per million;

38 (iii) Methanol, 3,000 parts per million;

39 (iv) Xylene, 2,170 parts per million;

40 (v) Toulene, 890 parts per million;

- 1 (vi) Dichloromethane, 600 parts per million;
- 2 (vii) Benzene and Chloroform, two parts per million; and
- 3 (viii) Hexanes, zero parts per million.

4 (d) Heavy metal screening. A sample and related lot or batch fail  
5 quality control testing for heavy metals if the results exceed the  
6 following limits:

- 7 (i) Lead, 0.5 parts per million;
- 8 (ii) Arsenic and cadmium, 0.2 parts per million; and
- 9 (iii) Mercury, 0.1 parts per million.

10 (e) Pesticide screening. For the purposes of pesticide screening,  
11 a sample passes quality control testing if it meets the standards  
12 described in rule by the board regarding pesticide action levels and  
13 any rules adopted by the department of agriculture under chapter  
14 17.21 RCW.

15 (3) The following quality control tests are required for each of  
16 the marijuana products described below. Licensees and certified labs  
17 may opt to perform additional quality control tests on the same lot.

18 (a) Marijuana flower lots. Marijuana flower lots or other  
19 material that will not be extracted require the following quality  
20 control tests:

- 21 (i) Moisture analysis;
- 22 (ii) Potency analysis;
- 23 (iii) Foreign matter screening;
- 24 (iv) Microbiological screening;
- 25 (v) Mycotoxin screening;
- 26 (vi) Pesticide screening; and
- 27 (vii) Heavy metals screening.

28 (b) (i) Intermediate products. Intermediate products must meet the  
29 following requirements related to quality control testing or be  
30 tested as end products:

31 (A) All intermediate products must be homogenized before quality  
32 control testing;

33 (B) A batch of marijuana mix may not exceed 10 pounds, must be  
34 chopped or ground, and no particles may be greater than three  
35 millimeters; and

36 (C) All batches of intermediate products require the following  
37 quality control tests:

38 (I) For marijuana mix: Moisture analysis, potency analysis,  
39 foreign matter screening, microbiological screening, mycotoxin  
40 screening, pesticide screening, and heavy metals screening;

1 (II) For concentrate or extract, except as provided in  
2 (b)(i)(C)(III) of this subsection: Potency analysis, mycotoxin  
3 screening if using marijuana flower lots that have not passed quality  
4 assurance testing, residual solvent test, pesticide screening, and  
5 heavy metals screening; and

6 (III) For concentrate or extract nonsolvent including kief, hash,  
7 rosin, or bubble hash: Potency analysis, microbiological screening,  
8 mycotoxin screening, pesticide screening, and heavy metals screening.

9 (ii) For the purposes of this subsection (3)(b), batch means a  
10 single extraction or infusion process.

11 (c) End products. All marijuana, marijuana-infused products, and  
12 marijuana concentrates sold from a marijuana processor to a marijuana  
13 retailer require potency analysis for the following:

14 (i) Infused solid edible;

15 (ii) Infused liquid;

16 (iii) Packaged marijuana mix, loose or rolled;

17 (iv) Infused marijuana mix, loose or rolled;

18 (v) Concentrate or marijuana-infused product for inhalation; and

19 (vi) Other products provided in rule adopted by the board.

20 (d) End products consisting of only one intermediate product that  
21 has not been changed in any way are not subject to potency analysis.

22 (e) End products consisting of intermediate products that have  
23 not been tested for residual solvents, heavy metals, pesticides, and  
24 microbials must be tested for these items.

25 (4) Usable marijuana, marijuana concentrates, and marijuana-  
26 infused products may not be sold or transported until the required  
27 quality control testing is completed and passed, except:

28 (a) Business entities with multiple locations licensed under the  
29 same unified business identifier number may transfer marijuana  
30 products between the licensed locations; and

31 (b) Licensees may sell at wholesale and transfer:

32 (i) Marijuana flower lots or other material that will be  
33 extracted and marijuana mix and nonsolvent extracts for the purpose  
34 of further extraction before completing and passing the required  
35 quality control testing; and

36 (ii) Failed marijuana lots or batches to be extracted under this  
37 section, unless the marijuana lots or batches failed tests that  
38 require immediate destruction.

39 (5) The board must adopt rules regarding statistical sampling  
40 procedures consistent with 7 C.F.R. Sec. 52.38 and the United States

1 department of agriculture sampling manual, as it existed in January  
2 2019. The board must adopt rules providing a remediation process for  
3 licensees when their marijuana products fail one or more of the  
4 required quality control tests contained in this section.

- 5 (6) For the purposes of this section:  
6 (a) "CBD" means cannabidiol;  
7 (b) "CBDA" means cannabidiolic acid;  
8 (c) "THC" means tetrahydrocannabinol; and  
9 (d) "THCA" means tetrahydrocannabinolic acid.

10 NEW SECTION. **Sec. 8.** Sections 1, 2, and 4 through 7 of this act  
11 are necessary for the immediate preservation of the public peace,  
12 health, or safety, or support of the state government and its  
13 existing public institutions, and take effect immediately.

14 NEW SECTION. **Sec. 9.** Section 2 of this act expires July 1,  
15 2022.

16 NEW SECTION. **Sec. 10.** Section 3 of this act takes effect July  
17 1, 2022.

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