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**SENATE BILL 6209**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Rivers

1 AN ACT Relating to hemp consumable products; and amending RCW  
2 15.140.040 and 69.07.220.

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

4 **Sec. 1.** RCW 15.140.040 and 2019 c 158 s 4 are each amended to  
5 read as follows:

6 (1) The department must develop the state's hemp plan to conform  
7 to the agriculture improvement act of 2018, to include consultation  
8 with the governor and the attorney general and the plan elements  
9 required in the agriculture improvement act of 2018.

10 (2) Consistent with subsection (1) of this section, the state's  
11 hemp plan must include the following elements:

12 (a) A practice for hemp producers to maintain relevant  
13 information regarding land on which hemp is produced, including a  
14 legal description of the land, for a period of not less than three  
15 calendar years;

16 (b) A procedure for testing, using postdecarboxylation or other  
17 similarly reliable methods, delta-9 tetrahydrocannabinol  
18 concentration levels of hemp, without the application of heat;

19 (c) A procedure for the effective disposal of plants, whether  
20 growing or not, that are produced in violation of this chapter, and  
21 products derived from such plants;

1 (d) A procedure for enforcement of violations of the plan and for  
2 corrective action plans for licensees as required under the  
3 agriculture improvement act of 2018;

4 (e) A procedure for conducting annual inspections of, at a  
5 minimum, a random sample of hemp producers to verify hemp is not  
6 produced in violation of this chapter; and

7 (f) A certification that the state has the resources and  
8 personnel to carry out the practices and procedures described in this  
9 section.

10 (3) The proposal for the state's plan may include any other  
11 practice or procedure established to the extent the practice or  
12 procedure is consistent with the agriculture improvement act of 2018.

13 (4) Hemp and processed hemp produced in accordance with this  
14 chapter or produced lawfully under the laws of another state, tribe,  
15 or country may be transferred and sold within this state, outside of  
16 this state, and internationally.

17 (5) The (~~whole~~) hemp plant may be used as food. The department  
18 shall regulate the processing of hemp for food products (~~(, that are~~  
19 ~~allowable under federal law,)~~) in a hemp consumable in the same  
20 manner as other food processing under chapter (~~(s)~~) 15.130 RCW and  
21 (~~(69.07)~~) RCW 69.07.220 and may adopt rules as necessary to properly  
22 regulate the processing of hemp for food products in a hemp  
23 consumable including, but not limited to, establishing standards for  
24 creating hemp extracts used for food in a hemp consumable.

25 **Sec. 2.** RCW 69.07.220 and 2021 c 104 s 6 are each amended to  
26 read as follows:

27 (1) (~~(Until such time as hemp extract is federally authorized for~~  
28 ~~use as a food ingredient, hemp extract is not an approved food~~  
29 ~~ingredient in Washington state.)~~) A hemp processor who wishes to  
30 engage in the production of hemp extract for use as a food ingredient  
31 (~~(in another state that allows its use as a food ingredient)~~) may  
32 apply for a hemp extract certification to certify the hemp  
33 processor's compliance with Washington's inspection and good  
34 manufacturing practices requirements. The department shall regulate  
35 hemp extract processing the same as other food processing under  
36 chapters 15.130, 69.07, and 69.22 RCW with the exceptions contained  
37 in subsections (2) through (~~(+6)~~) (5) of this section.

38 (2) The department's oversight is limited to certifying a hemp  
39 processor's compliance with applicable inspection and good

1 manufacturing practices requirements as adopted by the department  
2 under chapter 15.130 RCW.

3 (3) The department must issue a hemp extract certification in  
4 lieu of a food processing license under RCW 69.07.040 to a hemp  
5 processor who meets the application requirements described in  
6 subsection (4) of this section. A hemp processor holding a hemp  
7 extract certification must apply for renewal of the certification  
8 annually.

9 (4) The application, initial certification, and renewal fees must  
10 be in an amount established by the department. Applicants for  
11 certification otherwise must meet the same requirements as applicants  
12 for a food processing license under chapter 69.07 RCW including, but  
13 not limited to, successful completion of an inspection by the  
14 department.

15 (5) The department may deny, suspend, or revoke a hemp extract  
16 certification on the same grounds as the department may deny,  
17 suspend, or revoke a food processor's license under this chapter.

18 ~~((6) At such time as federal authorization of hemp extracts as a  
19 food ingredient occurs, the department must cease issuance of  
20 certifications under this chapter. At renewal, hemp processors  
21 certified under this section must apply for a food processor license  
22 in accordance with RCW 69.07.040.))~~

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