

SENATE BILL REPORT

SB 6209

As of January 22, 2024

Title: An act relating to hemp consumable products.

Brief Description: Concerning hemp consumable products.

Sponsors: Senator Rivers.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/22/24.

Brief Summary of Bill

- Requires a hemp processor who wishes to engage in the production of hemp extract or other parts of the hemp plant not already approved for use as a food ingredient to apply for a hemp consumable license.
- Requires the Department of Agriculture to regulate hemp extract processing and hemp consumable foods the same as other food processing, with some exceptions.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: In 2019, the Legislature created a new agricultural commodity program for commercial hemp production in Washington. The Department of Agriculture (WSDA) developed the state's hemp plan and the plan includes elements required in the Agriculture Improvement Act of 2018, including testing and enforcement. WSDA administers the program and licenses individual hemp producers.

Hemp Processor Registration. A hemp processor that processes hemp for commercial use or

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sale may register with WSDA. WSDA may adopt rules as necessary to register hemp processors. The registration application must include the physical address of all locations where hemp is processed or stored, a registration fee as set in rule, and any other information required by WSDA.

A registered hemp processor is not required to obtain a hemp producer license. A registered hemp processor must be a registered business entity in Washington State or a foreign entity compliant with state laws. Hemp processor is defined as a person who takes possession of raw hemp material with the intent to modify, package, or sell a transitional or finished hemp product.

Hemp Extract Certification. Until hemp extract is federally authorized for use as a food ingredient, it is not an approved food ingredient in the state. A hemp processor may obtain a hemp extract certification to allow its use as a food ingredient in another state that allows the use of hemp extract as a food ingredient. WSDA must regulate hemp extract processing the same as other food processing and issue a hemp extract certification in lieu of a food processing license to a hemp processor who meets application requirements. WSDA's oversight is limited to certifying a hemp processor's compliance with applicable inspection and good manufacturing practices requirements. WSDA may adopt rules specific to hemp extract certification and must establish application, initial certification, and renewal fees.

A hemp processor holding a hemp extract certification must apply for renewal of the certification annually. Applicants for certification must meet the same requirements as applicants for a food processing license including, but not limited to, successful completion of an inspection by WSDA. WSDA may deny, suspend, or revoke a hemp extract certification on the same grounds that are used for denial, suspension, or revocation of a food processor's license.

When federal authorization of hemp extracts as a food ingredient occurs, WSDA must cease issuance of hemp extract certifications and at renewal, hemp processors with a hemp extract certification must apply for a food processor license.

Hemp in Food Task Force. In the 2022 supplemental operating budget, the Legislature created a hemp in food task force (task force) and required WSDA to appoint task force members representing relevant state agencies, the scientific community, and stakeholder organizations. The task force submitted its final report to the Legislature in December 2022 regarding its recommendations for regulating hemp in food.

2023 Legislation. Legislation passed in 2023 defined hemp consumable to mean a product that is sold or provided to another person, that is:

- made of hemp;
- not a cannabis product; and
- intended to be consumed or absorbed inside the body by any means, including inhalation, ingestion, or insertion.

The legislation also amended the definition of cannabis products to include any product intended to be consumed or absorbed inside the body by any means including inhalation, ingestion, or insertion, with any detectable amount of THC. Cannabis products also includes any product with only THC content but does not include cannabis health and beauty aids or products approved by the U.S. Food and Drug Administration.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): The hemp plant may be used as food, rather than the whole hemp plant. WSDA must regulate the processing of hemp consumables in the same manner as other food processing. WSDA must adopt rules to properly regulate the processing of hemp consumables including, establishing standards for creating hemp extracts used in a hemp consumable.

A hemp processor who wishes to engage in the production of hemp extract or other parts of the hemp plant not already approved for use as a food ingredient must apply for a hemp consumable license. WSDA must regulate hemp extract processing and hemp consumable foods the same as other food processing, with some exceptions. WSDA's oversight is limited to certifying a hemp processor's compliance with applicable inspection and good manufacturing practices.

WSDA must issue a hemp consumable license in lieu of a food processing license to a hemp processor who meets application requirements. Applicants for a hemp consumable license must meet the same requirements as applicants for a food processing license, including successful completion of an inspection by WSDA.

WSDA must establish fees for the application, initial license, and renewal. A hemp processor holding a hemp consumable license must apply for renewal annually.

WSDA may deny, suspend, or revoke a hemp consumable license on the same grounds as a food processor's license.

When federal authorization of hemp extracts as a food ingredient occurs, WSDA must cease issuance of hemp consumable licenses and at renewal, hemp processors with a hemp consumable licenses must apply for a food processor license.

The provisions for hemp extract certification are repealed.

Appropriation: None.

Fiscal Note: Requested on January 20, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.