
HOUSE BILL 2064

State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, Blake, Taylor, and Condotta

1 AN ACT Relating to removing industrial hemp from the scope of the
2 uniform controlled substances act; and reenacting and amending RCW
3 69.50.101.

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

5 **Sec. 1.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each
6 reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

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

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

20 (c) "CBD concentration" has the meaning provided in RCW
21 69.51A.010.

1 (d) "Commission" means the pharmacy quality assurance commission.

2 (e) "Controlled substance" means a drug, substance, or immediate
3 precursor included in Schedules I through V as set forth in federal
4 or state laws, or federal or commission rules, but does not include
5 industrial hemp as defined in RCW 15.120.010.

6 (f)(1) "Controlled substance analog" means a substance the
7 chemical structure of which is substantially similar to the chemical
8 structure of a controlled substance in Schedule I or II and:

9 (i) that has a stimulant, depressant, or hallucinogenic effect on
10 the central nervous system substantially similar to the stimulant,
11 depressant, or hallucinogenic effect on the central nervous system of
12 a controlled substance included in Schedule I or II; or

13 (ii) with respect to a particular individual, that the individual
14 represents or intends to have a stimulant, depressant, or
15 hallucinogenic effect on the central nervous system substantially
16 similar to the stimulant, depressant, or hallucinogenic effect on the
17 central nervous system of a controlled substance included in Schedule
18 I or II.

19 (2) The term does not include:

20 (i) a controlled substance;

21 (ii) a substance for which there is an approved new drug
22 application;

23 (iii) a substance with respect to which an exemption is in effect
24 for investigational use by a particular person under Section 505 of
25 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the
26 extent conduct with respect to the substance is pursuant to the
27 exemption; or

28 (iv) any substance to the extent not intended for human
29 consumption before an exemption takes effect with respect to the
30 substance.

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

34 (h) "Department" means the department of health.

35 (i) "Designated provider" has the meaning provided in RCW
36 69.51A.010.

37 (j) "Dispense" means the interpretation of a prescription or
38 order for a controlled substance and, pursuant to that prescription
39 or order, the proper selection, measuring, compounding, labeling, or

1 packaging necessary to prepare that prescription or order for
2 delivery.

3 (k) "Dispenser" means a practitioner who dispenses.

4 (l) "Distribute" means to deliver other than by administering or
5 dispensing a controlled substance.

6 (m) "Distributor" means a person who distributes.

7 (n) "Drug" means (1) a controlled substance recognized as a drug
8 in the official United States pharmacopoeia/national formulary or the
9 official homeopathic pharmacopoeia of the United States, or any
10 supplement to them; (2) controlled substances intended for use in the
11 diagnosis, cure, mitigation, treatment, or prevention of disease in
12 individuals or animals; (3) controlled substances (other than food)
13 intended to affect the structure or any function of the body of
14 individuals or animals; and (4) controlled substances intended for
15 use as a component of any article specified in (1), (2), or (3) of
16 this subsection. The term does not include devices or their
17 components, parts, or accessories.

18 (o) "Drug enforcement administration" means the drug enforcement
19 administration in the United States Department of Justice, or its
20 successor agency.

21 (p) "Electronic communication of prescription information" means
22 the transmission of a prescription or refill authorization for a drug
23 of a practitioner using computer systems. The term does not include a
24 prescription or refill authorization verbally transmitted by
25 telephone nor a facsimile manually signed by the practitioner.

26 (q) "Immediate precursor" means a substance:

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

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

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

34 (r) "Isomer" means an optical isomer, but in subsection (dd)(5)
35 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
36 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
37 (42), and 69.50.210(c) the term includes any positional isomer; and
38 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
39 includes any positional or geometric isomer.

1 (s) "Lot" means a definite quantity of marijuana, marijuana
2 concentrates, useable marijuana, or marijuana-infused product
3 identified by a lot number, every portion or package of which is
4 uniform within recognized tolerances for the factors that appear in
5 the labeling.

6 (t) "Lot number" must identify the licensee by business or trade
7 name and Washington state unified business identifier number, and the
8 date of harvest or processing for each lot of marijuana, marijuana
9 concentrates, useable marijuana, or marijuana-infused product.

10 (u) "Manufacture" means the production, preparation, propagation,
11 compounding, conversion, or processing of a controlled substance,
12 either directly or indirectly or by extraction from substances of
13 natural origin, or independently by means of chemical synthesis, or
14 by a combination of extraction and chemical synthesis, and includes
15 any packaging or repackaging of the substance or labeling or
16 relabeling of its container. The term does not include the
17 preparation, compounding, packaging, repackaging, labeling, or
18 relabeling of a controlled substance:

19 (1) by a practitioner as an incident to the practitioner's
20 administering or dispensing of a controlled substance in the course
21 of the practitioner's professional practice; or

22 (2) by a practitioner, or by the practitioner's authorized agent
23 under the practitioner's supervision, for the purpose of, or as an
24 incident to, research, teaching, or chemical analysis and not for
25 sale.

26 (v) "Marijuana" or "marihuana" means all parts of the plant
27 *Cannabis*, whether growing or not, with a THC concentration greater
28 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
29 extracted from any part of the plant; and every compound,
30 manufacture, salt, derivative, mixture, or preparation of the plant,
31 its seeds or resin. The term does not include:

32 (1) The mature stalks of the plant, fiber produced from the
33 stalks, oil or cake made from the seeds of the plant, any other
34 compound, manufacture, salt, derivative, mixture, or preparation of
35 the mature stalks (except the resin extracted therefrom), fiber, oil,
36 or cake, or the sterilized seed of the plant which is incapable of
37 germination; or

38 (2) Industrial hemp as defined in RCW 15.120.010.

1 (w) "Marijuana concentrates" means products consisting wholly or
2 in part of the resin extracted from any part of the plant *Cannabis*
3 and having a THC concentration greater than ten percent.

4 (x) "Marijuana processor" means a person licensed by the state
5 liquor and cannabis board to process marijuana into marijuana
6 concentrates, useable marijuana, and marijuana-infused products,
7 package and label marijuana concentrates, useable marijuana, and
8 marijuana-infused products for sale in retail outlets, and sell
9 marijuana concentrates, useable marijuana, and marijuana-infused
10 products at wholesale to marijuana retailers.

11 (y) "Marijuana producer" means a person licensed by the state
12 liquor and cannabis board to produce and sell marijuana at wholesale
13 to marijuana processors and other marijuana producers.

14 (z) "Marijuana products" means useable marijuana, marijuana
15 concentrates, and marijuana-infused products as defined in this
16 section.

17 (aa) "Marijuana researcher" means a person licensed by the state
18 liquor and cannabis board to produce, process, and possess marijuana
19 for the purposes of conducting research on marijuana and marijuana-
20 derived drug products.

21 (bb) "Marijuana retailer" means a person licensed by the state
22 liquor and cannabis board to sell marijuana concentrates, useable
23 marijuana, and marijuana-infused products in a retail outlet.

24 (cc) "Marijuana-infused products" means products that contain
25 marijuana or marijuana extracts, are intended for human use, are
26 derived from marijuana as defined in subsection (v) of this section,
27 and have a THC concentration no greater than ten percent. The term
28 "marijuana-infused products" does not include either useable
29 marijuana or marijuana concentrates.

30 (dd) "Narcotic drug" means any of the following, whether produced
31 directly or indirectly by extraction from substances of vegetable
32 origin, or independently by means of chemical synthesis, or by a
33 combination of extraction and chemical synthesis:

34 (1) Opium, opium derivative, and any derivative of opium or opium
35 derivative, including their salts, isomers, and salts of isomers,
36 whenever the existence of the salts, isomers, and salts of isomers is
37 possible within the specific chemical designation. The term does not
38 include the isoquinoline alkaloids of opium.

39 (2) Synthetic opiate and any derivative of synthetic opiate,
40 including their isomers, esters, ethers, salts, and salts of isomers,

1 esters, and ethers, whenever the existence of the isomers, esters,
2 ethers, and salts is possible within the specific chemical
3 designation.

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

5 (4) Coca leaves, except coca leaves and extracts of coca leaves
6 from which cocaine, ecgonine, and derivatives or ecgonine or their
7 salts have been removed.

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

9 (6) Cocaine base.

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

12 (8) Any compound, mixture, or preparation containing any quantity
13 of any substance referred to in subparagraphs (1) through (7).

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

23 (ff) "Opium poppy" means the plant of the species *Papaver*
24 *somniferum* L., except its seeds.

25 (gg) "Person" means individual, corporation, business trust,
26 estate, trust, partnership, association, joint venture, government,
27 governmental subdivision or agency, or any other legal or commercial
28 entity.

29 (hh) "Plant" has the meaning provided in RCW 69.51A.010.

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

32 (jj) "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 osteopathic physician assistant under chapter
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010
39 subject to any limitations in RCW 18.53.010; a dentist under chapter
40 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;

1 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
2 registered nurse practitioner, or licensed practical nurse under
3 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
4 who is licensed under RCW 18.36A.030 subject to any limitations in
5 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
6 investigator under this chapter, licensed, registered or otherwise
7 permitted insofar as is consistent with those licensing laws to
8 distribute, dispense, conduct research with respect to or administer
9 a controlled substance in the course of their professional practice
10 or research in this state.

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

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

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

30 (ll) "Production" includes the manufacturing, planting,
31 cultivating, growing, or harvesting of a controlled substance.

32 (mm) "Qualifying patient" has the meaning provided in RCW
33 69.51A.010.

34 (nn) "Recognition card" has the meaning provided in RCW
35 69.51A.010.

36 (oo) "Retail outlet" means a location licensed by the state
37 liquor and cannabis board for the retail sale of marijuana
38 concentrates, useable marijuana, and marijuana-infused products.

39 (pp) "Secretary" means the secretary of health or the secretary's
40 designee.

1 (qq) "State," unless the context otherwise requires, means a
2 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 (rr) "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 (ss) "Ultimate user" means an individual who lawfully possesses a
12 controlled substance for the individual's own use or for the use of a
13 member of the individual's household or for administering to an
14 animal owned by the individual or by a member of the individual's
15 household.

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

19 NEW SECTION. **Sec. 2.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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