
HOUSE BILL 2123

State of Washington

67th Legislature

2022 Regular Session

By Representatives MacEwen and Springer

1 AN ACT Relating to ensuring consumers have legal access to
2 cannabinoid products that have been tested and that meet standards
3 for quality and safety while preventing intoxicating products from
4 being sold outside of the regulated adult-use cannabis market and
5 establishing a scientific panel to review cannabinoid science;
6 amending RCW 69.50.101; reenacting and amending RCW 69.50.101; adding
7 new sections to chapter 69.50 RCW; creating new sections; providing
8 an effective date; providing expiration dates; and declaring an
9 emergency.

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

11 NEW SECTION. **Sec. 1.** Due to advancements in research and
12 development in the cannabis industry nationwide, the legislature
13 finds there is a need to provide consumers legal access to products
14 that have been tested and which meet standards for quality and
15 safety, while preventing intoxicating products from being sold
16 outside of the regulated adult use marketplace, such as delta-8 THC,
17 THC-O, and HHC. The legislature further finds that a comprehensive
18 scientific review of cannabinoid science is needed to inform the
19 legislature as to the appropriate statutory framework for the
20 regulated industry.

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

16 (c) "Board" means the Washington state liquor and cannabis board.

17 (d) "CBD concentration" has the meaning provided in RCW
18 69.51A.010.

19 (e) "CBD product" means any product containing or consisting of
20 cannabidiol.

21 (f) "Commission" means the pharmacy quality assurance commission.

22 (g) "Controlled substance" means a drug, substance, or immediate
23 precursor included in Schedules I through V as set forth in federal
24 or state laws, or federal or commission rules, but does not include
25 hemp or industrial hemp as defined in RCW 15.140.020.

26 (h) (1) "Controlled substance analog" means a substance the
27 chemical structure of which is substantially similar to the chemical
28 structure of a controlled substance in Schedule I or II and:

29 (i) that has a stimulant, depressant, or hallucinogenic effect on
30 the central nervous system substantially similar to the stimulant,
31 depressant, or hallucinogenic effect on the central nervous system of
32 a controlled substance included in Schedule I or II; or

33 (ii) with respect to a particular individual, that the individual
34 represents or intends to have a stimulant, depressant, or
35 hallucinogenic effect on the central nervous system substantially
36 similar to the stimulant, depressant, or hallucinogenic effect on the
37 central nervous system of a controlled substance included in Schedule
38 I or II.

39 (2) The term does not include:

40 (i) a controlled substance;

1 (ii) a substance for which there is an approved new drug
2 application;

3 (iii) a substance with respect to which an exemption is in effect
4 for investigational use by a particular person under Section 505 of
5 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
6 chapter 69.77 RCW to the extent conduct with respect to the substance
7 is pursuant to the exemption; or

8 (iv) any substance to the extent not intended for human
9 consumption before an exemption takes effect with respect to the
10 substance.

11 (i) "Deliver" or "delivery" means the actual or constructive
12 transfer from one person to another of a substance, whether or not
13 there is an agency relationship.

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

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

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

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

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

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

26 (p) "Drug" means (1) a controlled substance recognized as a drug
27 in the official United States pharmacopoeia/national formulary or the
28 official homeopathic pharmacopoeia of the United States, or any
29 supplement to them; (2) controlled substances intended for use in the
30 diagnosis, cure, mitigation, treatment, or prevention of disease in
31 individuals or animals; (3) controlled substances (other than food)
32 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) "Drug enforcement administration" means the drug enforcement
38 administration in the United States Department of Justice, or its
39 successor agency.

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

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

9 (t) "Immediate precursor" means a substance:

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

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

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

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

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

28 (w) "Lot number" must identify the licensee by business or trade
29 name and Washington state unified business identifier number, and the
30 date of harvest or processing for each lot of marijuana, marijuana
31 concentrates, useable marijuana, or marijuana-infused product.

32 (x) "Manufacture" means the production, preparation, propagation,
33 compounding, conversion, or processing of a controlled substance,
34 either directly or indirectly or by extraction from substances of
35 natural origin, or independently by means of chemical synthesis, or
36 by a combination of extraction and chemical synthesis, and includes
37 any packaging or repackaging of the substance or labeling or
38 relabeling of its container. The term does not include the
39 preparation, compounding, packaging, repackaging, labeling, or
40 relabeling of a controlled substance:

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

4 (2) by a practitioner, or by the practitioner's authorized agent
5 under the practitioner's supervision, for the purpose of, or as an
6 incident to, research, teaching, or chemical analysis and not for
7 sale.

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

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

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

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

25 (aa) "Marijuana processor" means a person licensed by the board
26 to process marijuana into marijuana concentrates, useable marijuana,
27 and marijuana-infused products, package and label marijuana
28 concentrates, useable marijuana, and marijuana-infused products for
29 sale in retail outlets, and sell marijuana concentrates, useable
30 marijuana, and marijuana-infused products at wholesale to marijuana
31 retailers.

32 (bb) "Marijuana producer" means a person licensed by the board to
33 produce and sell marijuana at wholesale to marijuana processors and
34 other marijuana producers.

35 (cc) "Marijuana products" means useable marijuana, marijuana
36 concentrates, and marijuana-infused products as defined in this
37 section.

38 (dd) "Marijuana researcher" means a person licensed by the board
39 to produce, process, and possess marijuana for the purposes of
40 conducting research on marijuana and marijuana-derived drug products.

1 (ee) "Marijuana retailer" means a person licensed by the board to
2 sell marijuana concentrates, useable marijuana, and marijuana-infused
3 products in a retail outlet.

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

10 (gg) "Narcotic drug" means any of the following, whether produced
11 directly or indirectly by extraction from substances of vegetable
12 origin, or independently by means of chemical synthesis, or by a
13 combination of extraction and chemical synthesis:

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

19 (2) Synthetic opiate and any derivative of synthetic opiate,
20 including their isomers, esters, ethers, salts, and salts of isomers,
21 esters, and ethers, whenever the existence of the isomers, esters,
22 ethers, and salts is possible within the specific chemical
23 designation.

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

25 (4) Coca leaves, except coca leaves and extracts of coca leaves
26 from which cocaine, ecgonine, and derivatives or ecgonine or their
27 salts have been removed.

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

29 (6) Cocaine base.

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

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

34 (hh) "Opiate" means any substance having an addiction-forming or
35 addiction-sustaining liability similar to morphine or being capable
36 of conversion into a drug having addiction-forming or addiction-
37 sustaining liability. The term includes opium, substances derived
38 from opium (opium derivatives), and synthetic opiates. The term does
39 not include, unless specifically designated as controlled under RCW
40 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan

1 and its salts (dextromethorphan). The term includes the racemic and
2 levorotatory forms of dextromethorphan.

3 (ii) "Opium poppy" means the plant of the species *Papaver*
4 *somniferum* L., except its seeds.

5 (jj) "Person" means individual, corporation, business trust,
6 estate, trust, partnership, association, joint venture, government,
7 governmental subdivision or agency, or any other legal or commercial
8 entity.

9 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

10 (ll) "Plant Cannabis" means all plants of the genus Cannabis,
11 including marijuana as defined in subsection (y) of this section, and
12 hemp as defined in RCW 15.140.020.

13 (mm) "Poppy straw" means all parts, except the seeds, of the
14 opium poppy, after mowing.

15 (~~(mm)~~) (nn) "Practitioner" means:

16 (1) A physician under chapter 18.71 RCW; a physician assistant
17 under chapter 18.71A RCW; an osteopathic physician and surgeon under
18 chapter 18.57 RCW; an osteopathic physician assistant under chapter
19 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
20 limitations in RCW 18.57A.040; an optometrist licensed under chapter
21 18.53 RCW who is certified by the optometry board under RCW 18.53.010
22 subject to any limitations in RCW 18.53.010; a dentist under chapter
23 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
24 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
25 registered nurse practitioner, or licensed practical nurse under
26 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
27 who is licensed under RCW 18.36A.030 subject to any limitations in
28 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
29 investigator under this chapter, licensed, registered or otherwise
30 permitted insofar as is consistent with those licensing laws to
31 distribute, dispense, conduct research with respect to or administer
32 a controlled substance in the course of their professional practice
33 or research in this state.

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

38 (3) A physician licensed to practice medicine and surgery, a
39 physician licensed to practice osteopathic medicine and surgery, a
40 dentist licensed to practice dentistry, a podiatric physician and

1 surgeon licensed to practice podiatric medicine and surgery, a
2 licensed physician assistant or a licensed osteopathic physician
3 assistant specifically approved to prescribe controlled substances by
4 his or her state's medical commission or equivalent and his or her
5 supervising physician, an advanced registered nurse practitioner
6 licensed to prescribe controlled substances, or a veterinarian
7 licensed to practice veterinary medicine in any state of the United
8 States.

9 ~~((nn))~~ (oo) "Prescription" means an order for controlled
10 substances issued by a practitioner duly authorized by law or rule in
11 the state of Washington to prescribe controlled substances within the
12 scope of his or her professional practice for a legitimate medical
13 purpose.

14 ~~((oo))~~ (pp) "Production" includes the manufacturing, planting,
15 cultivating, growing, or harvesting of a controlled substance.

16 ~~((pp))~~ (qq) "Qualifying patient" has the meaning provided in
17 RCW 69.51A.010.

18 ~~((qq))~~ (rr) "Recognition card" has the meaning provided in RCW
19 69.51A.010.

20 ~~((rr))~~ (ss) "Retail outlet" means a location licensed by the
21 board for the retail sale of marijuana concentrates, useable
22 marijuana, and marijuana-infused products.

23 ~~((ss))~~ (tt) "Secretary" means the secretary of health or the
24 secretary's designee.

25 ~~((tt))~~ (uu) "State," unless the context otherwise requires,
26 means a state of the United States, the District of Columbia, the
27 Commonwealth of Puerto Rico, or a territory or insular possession
28 subject to the jurisdiction of the United States.

29 ~~((uu))~~ (vv) "THC concentration" means percent of ~~((delta-9))~~
30 tetrahydrocannabinol content per dry weight of any part of the plant
31 *Cannabis*, or per volume or weight of marijuana product, or the
32 combined percent of ~~((delta-9))~~ tetrahydrocannabinol and
33 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
34 regardless of moisture content.

35 ~~((vv))~~ (ww) "Ultimate user" means an individual who lawfully
36 possesses a controlled substance for the individual's own use or for
37 the use of a member of the individual's household or for
38 administering to an animal owned by the individual or by a member of
39 the individual's household.

1 (~~(ww)~~) (xx) "Useable marijuana" means dried marijuana flowers.
2 The term "useable marijuana" does not include either marijuana-
3 infused products or marijuana concentrates.

4 (~~(xx)~~) (yy) "Youth access" means the level of interest persons
5 under the age of twenty-one may have in a vapor product, as well as
6 the degree to which the product is available or appealing to such
7 persons, and the likelihood of initiation, use, or addiction by
8 adolescents and young adults.

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

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

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

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

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

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

24 (c) "Board" means the Washington state liquor and cannabis board.

25 (d) "CBD concentration" has the meaning provided in RCW
26 69.51A.010.

27 (e) "CBD product" means any product containing or consisting of
28 cannabidiol.

29 (f) "Commission" means the pharmacy quality assurance commission.

30 (g) "Controlled substance" means a drug, substance, or immediate
31 precursor included in Schedules I through V as set forth in federal
32 or state laws, or federal or commission rules, but does not include
33 hemp or industrial hemp as defined in RCW 15.140.020.

34 (h) (1) "Controlled substance analog" means a substance the
35 chemical structure of which is substantially similar to the chemical
36 structure of a controlled substance in Schedule I or II and:

37 (i) that has a stimulant, depressant, or hallucinogenic effect on
38 the central nervous system substantially similar to the stimulant,

1 depressant, or hallucinogenic effect on the central nervous system of
2 a controlled substance included in Schedule I or II; or

3 (ii) with respect to a particular individual, that the individual
4 represents or intends to have a stimulant, depressant, or
5 hallucinogenic effect on the central nervous system substantially
6 similar to the stimulant, depressant, or hallucinogenic effect on the
7 central nervous system of a controlled substance included in Schedule
8 I or II.

9 (2) The term does not include:

10 (i) a controlled substance;

11 (ii) a substance for which there is an approved new drug
12 application;

13 (iii) a substance with respect to which an exemption is in effect
14 for investigational use by a particular person under Section 505 of
15 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
16 chapter 69.77 RCW to the extent conduct with respect to the substance
17 is pursuant to the exemption; or

18 (iv) any substance to the extent not intended for human
19 consumption before an exemption takes effect with respect to the
20 substance.

21 (i) "Deliver" or "delivery" means the actual or constructive
22 transfer from one person to another of a substance, whether or not
23 there is an agency relationship.

24 (j) "Department" means the department of health.

25 (k) "Designated provider" has the meaning provided in RCW
26 69.51A.010.

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

32 (m) "Dispenser" means a practitioner who dispenses.

33 (n) "Distribute" means to deliver other than by administering or
34 dispensing a controlled substance.

35 (o) "Distributor" means a person who distributes.

36 (p) "Drug" means (1) a controlled substance recognized as a drug
37 in the official United States pharmacopoeia/national formulary or the
38 official homeopathic pharmacopoeia of the United States, or any
39 supplement to them; (2) controlled substances intended for use in the
40 diagnosis, cure, mitigation, treatment, or prevention of disease in

1 individuals or animals; (3) controlled substances (other than food)
2 intended to affect the structure or any function of the body of
3 individuals or animals; and (4) controlled substances intended for
4 use as a component of any article specified in (1), (2), or (3) of
5 this subsection. The term does not include devices or their
6 components, parts, or accessories.

7 (q) "Drug enforcement administration" means the drug enforcement
8 administration in the United States Department of Justice, or its
9 successor agency.

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

15 (s) "Immature plant or clone" means a plant or clone that has no
16 flowers, is less than twelve inches in height, and is less than
17 twelve inches in diameter.

18 (t) "Immediate precursor" means a substance:

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

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

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

26 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
27 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
28 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
29 (42), and 69.50.210(c) the term includes any positional isomer; and
30 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term
31 includes any positional or geometric isomer.

32 (v) "Lot" means a definite quantity of marijuana, marijuana
33 concentrates, useable marijuana, or marijuana-infused product
34 identified by a lot number, every portion or package of which is
35 uniform within recognized tolerances for the factors that appear in
36 the labeling.

37 (w) "Lot number" must identify the licensee by business or trade
38 name and Washington state unified business identifier number, and the
39 date of harvest or processing for each lot of marijuana, marijuana
40 concentrates, useable marijuana, or marijuana-infused product.

1 (x) "Manufacture" means the production, preparation, propagation,
2 compounding, conversion, or processing of a controlled substance,
3 either directly or indirectly or by extraction from substances of
4 natural origin, or independently by means of chemical synthesis, or
5 by a combination of extraction and chemical synthesis, and includes
6 any packaging or repackaging of the substance or labeling or
7 relabeling of its container. The term does not include the
8 preparation, compounding, packaging, repackaging, labeling, or
9 relabeling of a controlled substance:

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

13 (2) by a practitioner, or by the practitioner's authorized agent
14 under the practitioner's supervision, for the purpose of, or as an
15 incident to, research, teaching, or chemical analysis and not for
16 sale.

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

34 (aa) "Marijuana processor" means a person licensed by the board
35 to process marijuana into marijuana concentrates, useable marijuana,
36 and marijuana-infused products, package and label marijuana
37 concentrates, useable marijuana, and marijuana-infused products for
38 sale in retail outlets, and sell marijuana concentrates, useable
39 marijuana, and marijuana-infused products at wholesale to marijuana
40 retailers.

1 (bb) "Marijuana producer" means a person licensed by the board to
2 produce and sell marijuana at wholesale to marijuana processors and
3 other marijuana producers.

4 (cc) "Marijuana products" means useable marijuana, marijuana
5 concentrates, and marijuana-infused products as defined in this
6 section.

7 (dd) "Marijuana researcher" means a person licensed by the board
8 to produce, process, and possess marijuana for the purposes of
9 conducting research on marijuana and marijuana-derived drug products.

10 (ee) "Marijuana retailer" means a person licensed by the board to
11 sell marijuana concentrates, useable marijuana, and marijuana-infused
12 products in a retail outlet.

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

19 (gg) "Narcotic drug" means any of the following, whether produced
20 directly or indirectly by extraction from substances of vegetable
21 origin, or independently by means of chemical synthesis, or by a
22 combination of extraction and chemical synthesis:

23 (1) Opium, opium derivative, and any derivative of opium or opium
24 derivative, including their salts, isomers, and salts of isomers,
25 whenever the existence of the salts, isomers, and salts of isomers is
26 possible within the specific chemical designation. The term does not
27 include the isoquinoline alkaloids of opium.

28 (2) Synthetic opiate and any derivative of synthetic opiate,
29 including their isomers, esters, ethers, salts, and salts of isomers,
30 esters, and ethers, whenever the existence of the isomers, esters,
31 ethers, and salts is possible within the specific chemical
32 designation.

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

34 (4) Coca leaves, except coca leaves and extracts of coca leaves
35 from which cocaine, ecgonine, and derivatives or ecgonine or their
36 salts have been removed.

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

38 (6) Cocaine base.

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

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

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

12 (ii) "Opium poppy" means the plant of the species *Papaver*
13 *somniferum* L., except its seeds.

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

18 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

19 (ll) "Plant Cannabis" means all plants of the genus Cannabis,
20 including marijuana as defined in subsection (y) of this section, and
21 hemp as defined in RCW 15.140.020.

22 (mm) "Poppy straw" means all parts, except the seeds, of the
23 opium poppy, after mowing.

24 (~~((mm))~~) (nn) "Practitioner" means:

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

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

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

27 (~~(rr)~~) (ss) "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)~~) (tt) "Secretary" means the secretary of health or the
31 secretary's designee.

32 (~~(tt)~~) (uu) "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)~~) (vv) "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~~)~~) (ww) "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~~)~~) (xx) "Useable marijuana" means dried marijuana flowers.
9 The term "useable marijuana" does not include either marijuana-
10 infused products or marijuana concentrates.

11 ~~((~~xx~~)~~) (yy) "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 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.50
17 RCW to read as follows:

18 Products containing or consisting of cannabinoids produced and
19 processed for any type of consumption into a human body, whether
20 marketed as such or not, exceeding a THC concentration 0.3 percent,
21 may only be sold by a marijuana producer, marijuana processor, or
22 marijuana retailer licensed by the board unless authorized as a drug
23 by the federal food and drug administration.

24 NEW SECTION. **Sec. 5.** (1) The Washington State University center
25 for cannabis policy, research, and outreach shall convene a
26 scientific panel consisting of the following members:

- 27 (a) An expert in pharmacology;
28 (b) An expert in toxicology;
29 (c) An expert with regulatory affairs experience in
30 nutraceutical, pharmaceutical, or dietary supplements;
31 (d) An expert in organic chemistry; and
32 (e) An expert in cannabis research.

33 (2) Of the members in subsection (1) of this section, at least
34 one member must be a representative of the University of Washington
35 and one member must be a representative of Washington State
36 University. The member representing Washington State University shall
37 serve as chair of the scientific panel and shall form and oversee the
38 scientific panel.

1 (3) The scientific panel shall review available research, data,
2 and regulations of other jurisdictions related to cannabinoids
3 including but not limited to:

4 (a) Definitions of the term impairing in relation to a
5 cannabinoid, as well as definitions of artificial and synthetically
6 derived cannabinoids; and

7 (b) Recommendations on potential guidelines for safe methods of
8 manufacturing, extracting, and synthesizing cannabinoids.

9 (4) The panel shall compile findings and make recommendations to
10 the legislature regarding regulating cannabinoids in the adult use
11 cannabis market, by December 1, 2022.

12 (5) This section expires January 1, 2023.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50
14 RCW to read as follows:

15 (1) When funded, the department of health shall establish a grant
16 program to assist local government health departments with enforcing
17 and ensuring compliance with section 4 of this act. Local government
18 health departments and agencies may apply for grants, when funded
19 under this section.

20 (2) Each grant applicant shall:

21 (a) Show a significant problem of the sale in the jurisdiction of
22 products in violation of section 4 of this act by businesses not
23 licensed by the board as cannabis producers, processors, or
24 retailers;

25 (b) Verify that grant awards are sufficient to cover increased
26 costs associated with undertaking enforcement and compliance
27 activities related to section 4 of this act;

28 (c) Design an enforcement and compliance program that best suits
29 the specific problems in the jurisdiction related to violations of
30 section 4 of this act;

31 (d) Demonstrate community coordination focusing on prevention,
32 intervention, and suppression of violations of section 4 of this act;
33 and

34 (e) Collect data on performance.

35 (3) The cost of administering the grants shall not exceed
36 \$60,000, or three percent of appropriated funding, whichever is
37 greater.

1 (4) Grant awards may not be used to supplant preexisting funding
2 sources for special enforcement targeting enforcement of laws that
3 prohibit the sale of products identified in section 4 of this act.

4 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
5 sections 5 and 6 of this act, referencing this act by bill or chapter
6 number, is not provided by June 30, 2022, in the omnibus
7 appropriations act, sections 5 and 6 of this act are null and void.

8 NEW SECTION. **Sec. 8.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 9.** Section 2 of this act expires July 1,
13 2022.

14 NEW SECTION. **Sec. 10.** Section 3 of this act takes effect July
15 1, 2022.

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

--- END ---