
HOUSE BILL 2726

State of Washington

66th Legislature

2020 Regular Session

By Representative Tharinger

1 AN ACT Relating to the types of marijuana-infused edible products
2 that may be lawfully processed and sold in the regulated marijuana
3 market, including products requiring refrigeration; amending RCW
4 69.07.200; and adding a new section to chapter 69.50 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
7 RCW to read as follows:

8 Marijuana-infused edible products that, in order to remain shelf
9 stable, require refrigeration, freezing, retorting, or
10 pasteurization, are authorized types of marijuana products that may
11 be processed and sold by marijuana licensees under the terms of their
12 marijuana license. The board and the department of agriculture must
13 adopt rules establishing standards applicable to marijuana processors
14 and marijuana retailers for the processing, storing, transferring,
15 and selling of marijuana-infused edible products requiring
16 refrigeration, freezing, retorting, or pasteurization, to protect
17 public health and safety while providing consumers with reasonable
18 access to a variety of these product types.

19 **Sec. 2.** RCW 69.07.200 and 2017 c 138 s 4 are each amended to
20 read as follows:

1 (1) In addition to the requirements administered by the board
2 under chapter 69.50 RCW, the department shall regulate marijuana-
3 infused edible processing the same as other food processing under
4 this chapter, except:

5 (a) The department shall not consider foods containing marijuana
6 to be adulterated when produced in compliance with chapter 69.50 RCW
7 and the rules adopted by the board;

8 (b) Initial issuance and renewal for an annual marijuana-infused
9 edible endorsement in lieu of a food processing license under RCW
10 69.07.040 must be made through the business licensing system under
11 chapter 19.02 RCW;

12 (c) Renewal of the endorsement must coincide with renewal of the
13 endorsement holder's marijuana processor license;

14 (d) The department shall adopt a penalty schedule specific to
15 marijuana processors, which may have values equivalent to the penalty
16 schedule adopted by the board. Such penalties are in addition to any
17 penalties imposed under the penalty schedule adopted by the board;
18 and

19 (e) The department shall notify the board of violations by
20 marijuana processors under this chapter.

21 (2) A marijuana processor that processes, packages, or makes
22 marijuana-infused edibles must obtain an annual marijuana-infused
23 edible endorsement, as provided in this subsection (2).

24 (a) The marijuana processor must apply for issuance and renewal
25 for the endorsement from the department through the business
26 licensing system under chapter 19.02 RCW.

27 (b) The marijuana processor must have a valid marijuana processor
28 license before submitting an application for initial endorsement. The
29 application and initial endorsement fees total eight hundred ninety-
30 five dollars. Applicants for endorsement otherwise must meet the same
31 requirements as applicants for a food processing license under this
32 chapter including, but not limited to, successful completion of
33 inspection by the department.

34 (c) Annual renewal of the endorsement must coincide with renewal
35 of the endorsement holder's marijuana processor license. The
36 endorsement renewal fee is eight hundred ninety-five dollars.

37 (d) A marijuana processor must obtain a separate endorsement for
38 each location at which the marijuana processor intends to process
39 marijuana-infused edibles. Premises used for marijuana-infused edible
40 processing may not be used for processing food that does not use

1 marijuana as an ingredient, with the exception of edibles produced
2 solely for tasting samples or internal product testing.

3 (3) The department may deny, suspend, or revoke a marijuana-
4 infused edible endorsement on the same grounds as the department may
5 deny, suspend, or revoke a food processor's license under this
6 chapter.

7 (4) Information about processors otherwise exempt from public
8 inspection and copying under chapter 42.56 RCW is also exempt from
9 public inspection and copying if submitted to or used by the
10 department.

11 (5) Rules adopted by the department regarding marijuana-infused
12 edible products must be consistent with section 1 of this act.

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