
SUBSTITUTE SENATE BILL 5983

State of Washington

67th Legislature

2022 Regular Session

By Senate Ways & Means (originally sponsored by Senators Keiser, Schoesler, Conway, and Saldaña)

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 cannabis as defined in this section, and hemp as defined in
12 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) "Tetrahydrocannabinol" or "THC" includes all
30 tetrahydrocannabinols that are artificially, synthetically, or
31 naturally derived including, but not limited to, delta-8
32 tetrahydrocannabinol, delta-9 tetrahydrocannabinol, delta-10
33 tetrahydrocannabinol, THCV tetrahydrocannabivarin, THCP
34 tetrahydrocannabiphorol, THC-O-Acetate, and the optical isomers of
35 THC cannabinoids.

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

11 ~~((zx))~~ (zz) "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 **Sec. 3.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are
17 each reenacted and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

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

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

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

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

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

32 (d) "CBD concentration" has the meaning provided in RCW
33 69.51A.010.

34 (e) "CBD product" means any product containing or consisting of
35 cannabidiol.

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

37 (g) "Controlled substance" means a drug, substance, or immediate
38 precursor included in Schedules I through V as set forth in federal

1 or state laws, or federal or commission rules, but does not include
2 hemp or industrial hemp as defined in RCW 15.140.020.

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

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

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

16 (2) The term does not include:

17 (i) a controlled substance;

18 (ii) a substance for which there is an approved new drug
19 application;

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

25 (iv) any substance to the extent not intended for human
26 consumption before an exemption takes effect with respect to the
27 substance.

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

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

32 (k) "Designated provider" has the meaning provided in RCW
33 69.51A.010.

34 (l) "Dispense" means the interpretation of a prescription or
35 order for a controlled substance and, pursuant to that prescription
36 or order, the proper selection, measuring, compounding, labeling, or
37 packaging necessary to prepare that prescription or order for
38 delivery.

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

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

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

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

15 (q) "Drug enforcement administration" means the drug enforcement
16 administration in the United States Department of Justice, or its
17 successor agency.

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

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

26 (t) "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 (u) "Isomer" means an optical isomer, but in subsection (gg)(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 (v) "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 (w) "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 (x) "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 (y) "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) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
39 used for licensed hemp production under chapter 15.140 RCW.

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

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

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

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

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

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

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

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

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

1 ethers, and salts is possible within the specific chemical
2 designation.

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

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

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

8 (6) Cocaine base.

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

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

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

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

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

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

29 (ll) "Plant Cannabis" means all plants of the genus Cannabis,
30 including cannabis as defined in this section, and hemp as defined in
31 RCW 15.140.020.

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

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

35 (1) A physician under chapter 18.71 RCW; a physician assistant
36 under chapter 18.71A RCW; an osteopathic physician and surgeon under
37 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
38 who is certified by the optometry board under RCW 18.53.010 subject
39 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
40 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a

1 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 commission or equivalent and his or her
22 supervising physician, an advanced registered nurse practitioner
23 licensed to prescribe controlled substances, or a veterinarian
24 licensed to practice veterinary medicine in any state of the United
25 States.

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

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

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

35 (~~(qq)~~) (rr) "Recognition card" has the meaning provided in RCW
36 69.51A.010.

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

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

3 (~~(ttt)~~) (uu) "State," unless the context otherwise requires,
4 means a state of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, or a territory or insular possession
6 subject to the jurisdiction of the United States.

7 (~~(uu)~~) (vv) "Tetrahydrocannabinol" or "THC" includes all
8 tetrahydrocannabinols that are artificially, synthetically, or
9 naturally derived including, but not limited to, delta-8
10 tetrahydrocannabinol, delta-9 tetrahydrocannabinol, delta-10
11 tetrahydrocannabinol, THCv tetrahydrocannabivarin, THCP
12 tetrahydrocannabiphorol, THC-O-Acetate, and the optical isomers of
13 THC cannabinoids.

14 (ww) "THC concentration" means percent of (~~delta-9~~)
15 tetrahydrocannabinol content per dry weight of any part of the plant
16 *Cannabis*, or per volume or weight of marijuana product, or the
17 combined percent of (~~delta-9~~) tetrahydrocannabinol and
18 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
19 regardless of moisture content.

20 (~~(vv)~~) (xx) "Ultimate user" means an individual who lawfully
21 possesses a controlled substance for the individual's own use or for
22 the use of a member of the individual's household or for
23 administering to an animal owned by the individual or by a member of
24 the individual's household.

25 (~~(ww)~~) (yy) "Useable marijuana" means dried marijuana flowers.
26 The term "useable marijuana" does not include either marijuana-
27 infused products or marijuana concentrates.

28 (~~(xx)~~) (zz) "Youth access" means the level of interest persons
29 under the age of twenty-one may have in a vapor product, as well as
30 the degree to which the product is available or appealing to such
31 persons, and the likelihood of initiation, use, or addiction by
32 adolescents and young adults.

33 NEW SECTION. Sec. 4. A new section is added to chapter 69.50
34 RCW to read as follows:

35 (1) Products containing or consisting of cannabinoids produced
36 and processed for any type of consumption into a human body, whether
37 marketed as such or not, exceeding a THC concentration of 0.3
38 percent, may only be sold by a cannabis producer, cannabis processor,

1 or cannabis retailer licensed by the board unless authorized as a
2 drug by the federal food and drug administration.

3 (2) Products containing a THC concentration of 0.3 percent or
4 less sold by any person other than a cannabis producer, cannabis
5 processor, or cannabis retailer licensed by the board must contain at
6 least a 20:1 ratio of cannabidiol or other non-THC cannabinoids to
7 THC, and must not exceed two milligrams of THC per serving.

8 (3) This section does not apply to unadulterated hemp flower that
9 is not further processed into extracts, infused products, or
10 concentrates.

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

14 (a) An expert in pharmacology;

15 (b) An expert in toxicology;

16 (c) An expert with regulatory affairs experience in
17 nutraceutical, pharmaceutical, or dietary supplements;

18 (d) An expert in organic chemistry; and

19 (e) An expert in cannabis research.

20 (2) Of the members in subsection (1) of this section, at least
21 one member must be a representative of the University of Washington
22 and one member must be a representative of Washington State
23 University. The member representing Washington State University shall
24 serve as chair of the scientific panel and shall form and oversee the
25 scientific panel.

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

29 (a) Definitions of the term impairing in relation to a
30 cannabinoid, as well as definitions of artificial and synthetically
31 derived cannabinoids; and

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

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

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

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

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

8 (2) Each grant applicant shall:

9 (a) Show a significant problem of the sale in the jurisdiction of
10 products in violation of section 4 of this act by businesses not
11 licensed by the board as cannabis producers, processors, or
12 retailers;

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

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

19 (d) Demonstrate community coordination focusing on prevention,
20 intervention, and suppression of violations of section 4 of this act;
21 and

22 (e) Collect data on performance.

23 (3) The cost of administering the grants shall not exceed
24 \$60,000, or three percent of appropriated funding, whichever is
25 greater.

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

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

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

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

3 NEW SECTION. **Sec. 10.** Section 3 of this act takes effect July
4 1, 2022.

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

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