H-3340.1

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**HOUSE BILL 2296**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives MacEwen and Irwin

AN ACT Relating to the regulation of hemp, including products derived from hemp; amending RCW 15.130.200 and 15.140.040; adding a new section to chapter 69.07 RCW; and adding a new section to chapter 69.10 RCW.

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

**Sec.**  RCW 15.130.200 and 2018 c 236 s 201 are each amended to read as follows:

(1) A person may not:

(a) Cause or intend to cause adulteration of food in intrastate commerce;

(b) Sell, process, or store adulterated food in intrastate commerce; or

(c) Receive for the purpose of sale in intrastate commerce food known to be adulterated.

(2) Food is adulterated if it is adulterated within the meaning of 21 U.S.C. Sec. 342, or is adulterated in accordance with department rules.

(3) A food is not adulterated solely by the inclusion of hemp, including cannabinoids, extracts, or derivatives from hemp, grown in compliance with chapter 15.140 RCW.

**Sec.**  RCW 15.140.040 and 2019 c 158 s 4 are each amended to read as follows:

(1) The department must develop the state's hemp plan to conform to the agriculture improvement act of 2018, to include consultation with the governor and the attorney general and the plan elements required in the agriculture improvement act of 2018.

(2) Consistent with subsection (1) of this section, the state's hemp plan must include the following elements:

(a) A practice for hemp producers to maintain relevant information regarding land on which hemp is produced, including a legal description of the land, for a period of not less than three calendar years;

(b) A procedure for testing, using postdecarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp, without the application of heat;

(c) A procedure for the effective disposal of plants, whether growing or not, that are produced in violation of this chapter, and products derived from such plants;

(d) A procedure for enforcement of violations of the plan and for corrective action plans for licensees as required under the agriculture improvement act of 2018;

(e) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify hemp is not produced in violation of this chapter; and

(f) A certification that the state has the resources and personnel to carry out the practices and procedures described in this section.

(3) The proposal for the state's plan may include any other practice or procedure established to the extent the practice or procedure is consistent with the agriculture improvement act of 2018.

(4) Hemp and processed hemp produced in accordance with this chapter or produced lawfully under the laws of another state, tribe, or country may be transferred and sold within this state, outside of this state, and internationally.

(5) The whole hemp plant may be used as food. The department shall regulate the processing of hemp for food products, that are allowable under federal law, in the same manner as other food processing under chapters 15.130 and 69.07 RCW and may adopt rules as necessary to properly regulate the processing of hemp for food products including, but not limited to, establishing standards for creating hemp extracts used for food.

(6) In regulating hemp processing for food products under subsection (5) of this section, the department shall not restrict or prohibit the processing of hemp, including cannabinoids, extracts, or derivatives from hemp, for use in food products based solely on the inclusion of hemp or products derived from hemp.

NEW SECTION. **Sec.**  A new section is added to chapter 69.07 RCW to read as follows:

Nothing in this chapter prohibits an entity licensed under this chapter from processing products that contain hemp, including cannabinoids, extracts, or derivatives from hemp, grown in compliance with chapter 15.140 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 69.10 RCW to read as follows:

Nothing in this chapter prohibits an entity licensed under this chapter from storing or distributing hemp, including cannabinoids, extracts, or derivatives from hemp, grown in compliance with chapter 15.140 RCW.

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