

---

**HOUSE BILL 2123**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives MacEwen, Springer, Young, Robertson, Vick, Chapman, Corry, and Walen

Read first time 02/22/22. Referred to Committee on Appropriations.

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 ---