
Commerce & Gaming Committee

HB 2064

Brief Description: Removing industrial hemp from the scope of the uniform controlled substances act.

Sponsors: Representatives Shea, Blake, Taylor, Condotta, Buys, Kloba and Ormsby.

Brief Summary of Bill

- Removes industrial hemp from the Washington Uniform Controlled Substances Act's schedules of controlled substances.

Hearing Date: 2/14/17

Staff: Peter Clodfelter (786-7127).

Background:

The Washington Uniform Controlled Substances Act (Act) organizes certain drugs, substances, and immediate precursors in Schedules I through V. Specific drugs, substances, and immediate precursors are listed in Schedules I through V in statute, and the Pharmacy Quality Assurance Commission generally has authority to place additional drugs, substances, and immediate precursors onto the schedules, or remove drugs, substances, and immediate precursors from the schedules. Schedule I or II substances typically have a high potential for abuse, have no or some accepted medical use in treatment in the United States, and the abuse of the substance may lead to severe psychological or physical dependence.

Marijuana is categorized as a Schedule I substance. Marijuana is defined to include all parts of the plant *Cannabis*, whether growing or not, with a tetrahydrocannabinol (THC) concentration greater than 0.3 percent on a dry-weight basis, and includes the seeds, resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*, are also classified as a Schedule I Substance separately from marijuana.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by the Act. It is also unlawful to manufacture or deliver a controlled substance except as authorized by the Act. A violation of the prohibitions is generally punishable as a class C felony. Although marijuana is a Schedule I substance, the state legalizes certain conduct related to medical and adult recreational use, possession, purchase, and transfer of marijuana, through the establishment of a regulatory scheme involving licensing marijuana producers, processors, and retailers. Conduct related to possessing and transferring marijuana outside of the state-regulated system remains unlawful under the Act.

Also, in 2016 the Legislature established an industrial hemp research program under the authority of the Washington State Department of Agriculture (WSDA). Industrial hemp means all parts and varieties of the genera *Cannabis*, cultivated or possessed by a grower, whether growing or not, that contain a THC concentration of 0.3 percent or less by dry weight. Industrial hemp does not include plants of the genera *Cannabis* that meet the definition of marijuana in the Uniform Controlled Substances Act. The industrial hemp research program is an agricultural pilot program to study the growth, cultivation, or marketing of industrial hemp in the state. The Legislature requires the WSDA to establish rules to implement the program and to license individual farmers who will grow industrial hemp and transfer industrial hemp and industrial hemp products within the parameters of the program. Congress authorized states to adopt this type of industrial hemp research program in the Agricultural Act of 2014.

Summary of Bill:

Industrial hemp is removed from the Washington Uniform Controlled Substances Act's schedules of controlled substances.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.