
SUBSTITUTE HOUSE BILL 1487

State of Washington

65th Legislature

2018 Regular Session

By House Commerce & Gaming (originally sponsored by Representatives Condotta and Sawyer)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to authorizing marijuana retailers to sell
2 marijuana merchandise; amending RCW 69.50.342 and 69.50.345; and
3 reenacting and amending RCW 69.50.357 and 69.50.101.

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

5 **Sec. 1.** RCW 69.50.357 and 2017 c 317 s 13 and 2017 c 131 s 1 are
6 each reenacted and amended to read as follows:

7 (1)(a) Retail outlets may not sell products or services other
8 than marijuana concentrates, useable marijuana, marijuana-infused
9 products, marijuana merchandise, or paraphernalia intended for the
10 storage or use of marijuana concentrates, useable marijuana, or
11 marijuana-infused products.

12 (b)(i) Retail outlets may receive lockable boxes, intended for
13 the secure storage of marijuana products and paraphernalia, and
14 related literature as a donation from another person or entity, that
15 is not a marijuana producer, processor, or retailer, for donation to
16 their customers.

17 (ii) Retail outlets may donate the lockable boxes and provide the
18 related literature to any person eligible to purchase marijuana
19 products under subsection (2) of this section. Retail outlets may not
20 use the donation of lockable boxes or literature as an incentive or

1 as a condition of a recipient's purchase of a marijuana product or
2 paraphernalia.

3 (iii) Retail outlets may also purchase and sell lockable boxes,
4 provided that the sales price is not less than the cost of
5 acquisition.

6 (2) Licensed marijuana retailers may not employ persons under
7 twenty-one years of age or allow persons under twenty-one years of
8 age to enter or remain on the premises of a retail outlet. However,
9 qualifying patients between eighteen and twenty-one years of age with
10 a recognition card may enter and remain on the premises of a retail
11 outlet holding a medical marijuana endorsement and may purchase
12 products for their personal medical use. Qualifying patients who are
13 under the age of eighteen with a recognition card and who accompany
14 their designated providers may enter and remain on the premises of a
15 retail outlet holding a medical marijuana endorsement, but may not
16 purchase products for their personal medical use.

17 (3)(a) Licensed marijuana retailers must ensure that all
18 employees are trained on the rules adopted to implement this chapter,
19 identification of persons under the age of twenty-one, and other
20 requirements adopted by the state liquor and cannabis board to ensure
21 that persons under the age of twenty-one are not permitted to enter
22 or remain on the premises of a retail outlet.

23 (b) Licensed marijuana retailers with a medical marijuana
24 endorsement must ensure that all employees are trained on the
25 subjects required by (a) of this subsection as well as identification
26 of authorizations and recognition cards. Employees must also be
27 trained to permit qualifying patients who hold recognition cards and
28 are between the ages of eighteen and twenty-one to enter the premises
29 and purchase marijuana for their personal medical use and to permit
30 qualifying patients who are under the age of eighteen with a
31 recognition card to enter the premises if accompanied by their
32 designated providers.

33 (4) Except for the purposes of disposal as authorized by the
34 state liquor and cannabis board, no licensed marijuana retailer or
35 employee of a retail outlet may open or consume, or allow to be
36 opened or consumed, any marijuana concentrates, useable marijuana, or
37 marijuana-infused product on the outlet premises.

38 (5) The state liquor and cannabis board must fine a licensee one
39 thousand dollars for each violation of any subsection of this

1 section. Fines collected under this section must be deposited into
2 the dedicated marijuana account created under RCW 69.50.530.

3 **Sec. 2.** RCW 69.50.101 and 2017 c 317 s 5, 2017 c 212 s 11, and
4 2017 c 153 s 1 are each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

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

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

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

18 (c) "CBD concentration" has the meaning provided in RCW
19 69.51A.010.

20 (d) "Commission" means the pharmacy quality assurance commission.

21 (e) "Controlled substance" means a drug, substance, or immediate
22 precursor included in Schedules I through V as set forth in federal
23 or state laws, or federal or commission rules, but does not include
24 industrial hemp as defined in RCW 15.120.010.

25 (f)(1) "Controlled substance analog" means a substance the
26 chemical structure of which is substantially similar to the chemical
27 structure of a controlled substance in Schedule I or II and:

28 (i) that has a stimulant, depressant, or hallucinogenic effect on
29 the central nervous system substantially similar to the stimulant,
30 depressant, or hallucinogenic effect on the central nervous system of
31 a controlled substance included in Schedule I or II; or

32 (ii) with respect to a particular individual, that the individual
33 represents or intends to have a stimulant, depressant, or
34 hallucinogenic effect on the central nervous system substantially
35 similar to the stimulant, depressant, or hallucinogenic effect on the
36 central nervous system of a controlled substance included in Schedule
37 I or II.

38 (2) The term does not include:

39 (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 (g) "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 (h) "Department" means the department of health.

15 (i) "Designated provider" has the meaning provided in RCW
16 69.51A.010.

17 (j) "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 (k) "Dispenser" means a practitioner who dispenses.

23 (l) "Distribute" means to deliver other than by administering or
24 dispensing a controlled substance.

25 (m) "Distributor" means a person who distributes.

26 (n) "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 (o) "Drug enforcement administration" means the drug enforcement
38 administration in the United States Department of Justice, or its
39 successor agency.

1 (p) "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 (q) "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 (r) "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 (s) "Isomer" means an optical isomer, but in subsection (ee)(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 (t) "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 (u) "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 (v) "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 (w) "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) Industrial hemp as defined in RCW 15.120.010.

21 (x) "Marijuana concentrates" means products consisting wholly or
22 in part of the resin extracted from any part of the plant *Cannabis*
23 and having a THC concentration greater than ten percent.

24 (y) "Marijuana processor" means a person licensed by the state
25 liquor and cannabis board to process marijuana into marijuana
26 concentrates, useable marijuana, and marijuana-infused products,
27 package and label marijuana concentrates, useable marijuana, and
28 marijuana-infused products for sale in retail outlets, and sell
29 marijuana concentrates, useable marijuana, and marijuana-infused
30 products at wholesale to marijuana retailers.

31 (z) "Marijuana producer" means a person licensed by the state
32 liquor and cannabis board to produce and sell marijuana at wholesale
33 to marijuana processors and other marijuana producers.

34 (aa) "Marijuana products" means useable marijuana, marijuana
35 concentrates, and marijuana-infused products as defined in this
36 section.

37 (bb) "Marijuana researcher" means a person licensed by the state
38 liquor and cannabis board to produce, process, and possess marijuana
39 for the purposes of conducting research on marijuana and marijuana-
40 derived drug products.

1 (cc) "Marijuana retailer" means a person licensed by the state
2 liquor and cannabis board to sell marijuana concentrates, useable
3 marijuana, and marijuana-infused products in a retail outlet.

4 (dd) "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 (w) 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 (ee) "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 subparagraphs (1) through (7).

34 (ff) "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 (gg) "Opium poppy" means the plant of the species *Papaver*
4 *somniferum* L., except its seeds.

5 (hh) "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 (ii) "Plant" has the meaning provided in RCW 69.51A.010.

10 (jj) "Poppy straw" means all parts, except the seeds, of the
11 opium poppy, after mowing.

12 (kk) "Practitioner" means:

13 (1) A physician under chapter 18.71 RCW; a physician assistant
14 under chapter 18.71A RCW; an osteopathic physician and surgeon under
15 chapter 18.57 RCW; an osteopathic physician assistant under chapter
16 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
17 limitations in RCW 18.57A.040; an optometrist licensed under chapter
18 18.53 RCW who is certified by the optometry board under RCW 18.53.010
19 subject to any limitations in RCW 18.53.010; a dentist under chapter
20 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
21 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
22 registered nurse practitioner, or licensed practical nurse under
23 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
24 who is licensed under RCW 18.36A.030 subject to any limitations in
25 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
26 investigator under this chapter, licensed, registered or otherwise
27 permitted insofar as is consistent with those licensing laws to
28 distribute, dispense, conduct research with respect to or administer
29 a controlled substance in the course of their professional practice
30 or research in this state.

31 (2) A pharmacy, hospital or other institution licensed,
32 registered, or otherwise permitted to distribute, dispense, conduct
33 research with respect to or to administer a controlled substance in
34 the course of professional practice or research in this state.

35 (3) A physician licensed to practice medicine and surgery, a
36 physician licensed to practice osteopathic medicine and surgery, a
37 dentist licensed to practice dentistry, a podiatric physician and
38 surgeon licensed to practice podiatric medicine and surgery, a
39 licensed physician assistant or a licensed osteopathic physician
40 assistant specifically approved to prescribe controlled substances by

1 his or her state's medical quality assurance commission or equivalent
2 and his or her supervising physician, an advanced registered nurse
3 practitioner licensed to prescribe controlled substances, or a
4 veterinarian licensed to practice veterinary medicine in any state of
5 the United States.

6 (ll) "Prescription" means an order for controlled substances
7 issued by a practitioner duly authorized by law or rule in the state
8 of Washington to prescribe controlled substances within the scope of
9 his or her professional practice for a legitimate medical purpose.

10 (mm) "Production" includes the manufacturing, planting,
11 cultivating, growing, or harvesting of a controlled substance.

12 (nn) "Qualifying patient" has the meaning provided in RCW
13 69.51A.010.

14 (oo) "Recognition card" has the meaning provided in RCW
15 69.51A.010.

16 (pp) "Retail outlet" means a location licensed by the state
17 liquor and cannabis board for the retail sale of marijuana
18 concentrates, useable marijuana, and marijuana-infused products.

19 (qq) "Secretary" means the secretary of health or the secretary's
20 designee.

21 (rr) "State," unless the context otherwise requires, means a
22 state of the United States, the District of Columbia, the
23 Commonwealth of Puerto Rico, or a territory or insular possession
24 subject to the jurisdiction of the United States.

25 (ss) "THC concentration" means percent of delta-9
26 tetrahydrocannabinol content per dry weight of any part of the plant
27 *Cannabis*, or per volume or weight of marijuana product, or the
28 combined percent of delta-9 tetrahydrocannabinol and
29 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
30 regardless of moisture content.

31 (tt) "Ultimate user" means an individual who lawfully possesses a
32 controlled substance for the individual's own use or for the use of a
33 member of the individual's household or for administering to an
34 animal owned by the individual or by a member of the individual's
35 household.

36 (uu) "Useable marijuana" means dried marijuana flowers. The term
37 "useable marijuana" does not include either marijuana-infused
38 products or marijuana concentrates.

39 (vv) "Marijuana merchandise" means wearable apparel that serves
40 to promote or advertise the retail outlet, or a product line sold by

1 the retail outlet, and that has labeling affixed to the wearable
2 apparel that includes:

3 (1) The retail outlet's name, logo, or other symbol associated
4 with the retail outlet; or

5 (2) A name, logo, or other symbol associated with a product line
6 sold by the retail outlet.

7 **Sec. 3.** RCW 69.50.342 and 2015 2nd sp.s. c 4 s 1601 are each
8 amended to read as follows:

9 (1) For the purpose of carrying into effect the provisions of
10 chapter 3, Laws of 2013 according to their true intent or of
11 supplying any deficiency therein, the state liquor and cannabis board
12 may adopt rules not inconsistent with the spirit of chapter 3, Laws
13 of 2013 as are deemed necessary or advisable. Without limiting the
14 generality of the preceding sentence, the state liquor and cannabis
15 board is empowered to adopt rules regarding the following:

16 (a) The equipment and management of retail outlets and premises
17 where marijuana is produced or processed, and inspection of the
18 retail outlets and premises where marijuana is produced or processed;

19 (b) The books and records to be created and maintained by
20 licensees, the reports to be made thereon to the state liquor and
21 cannabis board, and inspection of the books and records;

22 (c) Methods of producing, processing, and packaging marijuana,
23 useable marijuana, marijuana concentrates, and marijuana-infused
24 products; conditions of sanitation; safe handling requirements;
25 approved pesticides and pesticide testing requirements; and standards
26 of ingredients, quality, and identity of marijuana, useable
27 marijuana, marijuana concentrates, and marijuana-infused products
28 produced, processed, packaged, or sold by licensees;

29 (d) Security requirements for retail outlets and premises where
30 marijuana is produced or processed, and safety protocols for
31 licensees and their employees;

32 (e) Screening, hiring, training, and supervising employees of
33 licensees;

34 (f) Retail outlet locations and hours of operation;

35 (g) Labeling requirements and restrictions on advertisement of
36 marijuana, useable marijuana, marijuana concentrates, cannabis health
37 and beauty aids, and marijuana-infused products for sale in retail
38 outlets;

1 (h) Retail product design and marketing standards for marijuana
2 merchandise and other products sold by licensed retailers;

3 (i) Forms to be used for purposes of this chapter and chapter
4 69.51A RCW or the rules adopted to implement and enforce these
5 chapters, the terms and conditions to be contained in licenses issued
6 under this chapter and chapter 69.51A RCW, and the qualifications for
7 receiving a license issued under this chapter and chapter 69.51A RCW,
8 including a criminal history record information check. The state
9 liquor and cannabis board may submit any criminal history record
10 information check to the Washington state patrol and to the
11 identification division of the federal bureau of investigation in
12 order that these agencies may search their records for prior arrests
13 and convictions of the individual or individuals who filled out the
14 forms. The state liquor and cannabis board must require
15 fingerprinting of any applicant whose criminal history record
16 information check is submitted to the federal bureau of
17 investigation;

18 ~~((i))~~ (j) Application, reinstatement, and renewal fees for
19 licenses issued under this chapter and chapter 69.51A RCW, and fees
20 for anything done or permitted to be done under the rules adopted to
21 implement and enforce this chapter and chapter 69.51A RCW;

22 ~~((j))~~ (k) The manner of giving and serving notices required by
23 this chapter and chapter 69.51A RCW or rules adopted to implement or
24 enforce these chapters;

25 ~~((k))~~ (l) Times and periods when, and the manner, methods, and
26 means by which, licensees transport and deliver marijuana, marijuana
27 concentrates, useable marijuana, and marijuana-infused products
28 within the state;

29 ~~((l))~~ (m) Identification, seizure, confiscation, destruction,
30 or donation to law enforcement for training purposes of all
31 marijuana, marijuana concentrates, useable marijuana, and marijuana-
32 infused products produced, processed, sold, or offered for sale
33 within this state which do not conform in all respects to the
34 standards prescribed by this chapter or chapter 69.51A RCW or the
35 rules adopted to implement and enforce these chapters.

36 (2) Rules adopted on retail outlets holding medical marijuana
37 endorsements must be adopted in coordination and consultation with
38 the department.

1 **Sec. 4.** RCW 69.50.345 and 2015 c 70 s 8 are each amended to read
2 as follows:

3 The state liquor and cannabis board, subject to the provisions of
4 this chapter, must adopt rules that establish the procedures and
5 criteria necessary to implement the following:

6 (1) Licensing of marijuana producers, marijuana processors, and
7 marijuana retailers, including prescribing forms and establishing
8 application, reinstatement, and renewal fees.

9 (a) Application forms for marijuana producers must request the
10 applicant to state whether the applicant intends to produce marijuana
11 for sale by marijuana retailers holding medical marijuana
12 endorsements and the amount of or percentage of canopy the applicant
13 intends to commit to growing plants determined by the department
14 under RCW 69.50.375 to be of a THC concentration, CBD concentration,
15 or THC to CBD ratio appropriate for marijuana concentrates, useable
16 marijuana, or marijuana-infused products sold to qualifying patients.

17 (b) The state liquor and cannabis board must reconsider and
18 increase limits on the amount of square feet permitted to be in
19 production on July 24, 2015, and increase the percentage of
20 production space for those marijuana producers who intend to grow
21 plants for marijuana retailers holding medical marijuana endorsements
22 if the marijuana producer designates the increased production space
23 to plants determined by the department under RCW 69.50.375 to be of a
24 THC concentration, CBD concentration, or THC to CBD ratio appropriate
25 for marijuana concentrates, useable marijuana, or marijuana-infused
26 products to be sold to qualifying patients. If current marijuana
27 producers do not use all the increased production space, the state
28 liquor and cannabis board may reopen the license period for new
29 marijuana producer license applicants but only to those marijuana
30 producers who agree to grow plants for marijuana retailers holding
31 medical marijuana endorsements. Priority in licensing must be given
32 to marijuana producer license applicants who have an application
33 pending on July 24, 2015, but who are not yet licensed and then to
34 new marijuana producer license applicants. After January 1, 2017, any
35 reconsideration of the limits on the amount of square feet permitted
36 to be in production to meet the medical needs of qualifying patients
37 must consider information contained in the medical marijuana
38 authorization database established in RCW 69.51A.230;

1 (2) Determining, in consultation with the office of financial
2 management, the maximum number of retail outlets that may be licensed
3 in each county, taking into consideration:

4 (a) Population distribution;

5 (b) Security and safety issues;

6 (c) The provision of adequate access to licensed sources of
7 marijuana concentrates, useable marijuana, and marijuana-infused
8 products to discourage purchases from the illegal market; and

9 (d) The number of retail outlets holding medical marijuana
10 endorsements necessary to meet the medical needs of qualifying
11 patients. The state liquor and cannabis board must reconsider and
12 increase the maximum number of retail outlets it established before
13 July 24, 2015, and allow for a new license application period and a
14 greater number of retail outlets to be permitted in order to
15 accommodate the medical needs of qualifying patients and designated
16 providers. After January 1, 2017, any reconsideration of the maximum
17 number of retail outlets needed to meet the medical needs of
18 qualifying patients must consider information contained in the
19 medical marijuana authorization database established in RCW
20 69.51A.230;

21 (3) Determining the maximum quantity of marijuana a marijuana
22 producer may have on the premises of a licensed location at any time
23 without violating Washington state law;

24 (4) Determining the maximum quantities of marijuana, marijuana
25 concentrates, useable marijuana, and marijuana-infused products a
26 marijuana processor may have on the premises of a licensed location
27 at any time without violating Washington state law;

28 (5) Determining the maximum quantities of marijuana concentrates,
29 useable marijuana, and marijuana-infused products a marijuana
30 retailer may have on the premises of a retail outlet at any time
31 without violating Washington state law;

32 (6) In making the determinations required by this section, the
33 state liquor and cannabis board shall take into consideration:

34 (a) Security and safety issues;

35 (b) The provision of adequate access to licensed sources of
36 marijuana, marijuana concentrates, useable marijuana, and marijuana-
37 infused products to discourage purchases from the illegal market; and

38 (c) Economies of scale, and their impact on licensees' ability to
39 both comply with regulatory requirements and undercut illegal market
40 prices;

1 (7) Determining the nature, form, and capacity of all containers
2 to be used by licensees to contain marijuana, marijuana concentrates,
3 useable marijuana, and marijuana-infused products, and their labeling
4 requirements, to include but not be limited to:

5 (a) The business or trade name and Washington state unified
6 business identifier number of the licensees that processed and sold
7 the marijuana, marijuana concentrates, useable marijuana, or
8 marijuana-infused product;

9 (b) Lot numbers of the marijuana, marijuana concentrates, useable
10 marijuana, or marijuana-infused product;

11 (c) THC concentration and CBD concentration of the marijuana,
12 marijuana concentrates, useable marijuana, or marijuana-infused
13 product;

14 (d) Medically and scientifically accurate information about the
15 health and safety risks posed by marijuana use; and

16 (e) Language required by RCW 69.04.480;

17 (8) In consultation with the department of agriculture and the
18 department, establishing classes of marijuana, marijuana
19 concentrates, useable marijuana, and marijuana-infused products
20 according to grade, condition, cannabinoid profile, THC
21 concentration, CBD concentration, or other qualitative measurements
22 deemed appropriate by the state liquor and cannabis board;

23 (9) Establishing reasonable time, place, and manner restrictions
24 and requirements regarding advertising of marijuana, marijuana
25 concentrates, useable marijuana, and marijuana-infused products that
26 are not inconsistent with the provisions of this chapter, taking into
27 consideration:

28 (a) Federal laws relating to marijuana that are applicable within
29 Washington state;

30 (b) Minimizing exposure of people under twenty-one years of age
31 to the advertising;

32 (c) The inclusion of medically and scientifically accurate
33 information about the health and safety risks posed by marijuana use
34 in the advertising; and

35 (d) Ensuring that retail outlets with medical marijuana
36 endorsements may advertise themselves as medical retail outlets;

37 (10) Establishing retail product design and marketing standards
38 to ensure that marijuana merchandise and other products sold by
39 licensed retailers are not intended to appeal to minors or otherwise
40 encourage marijuana use by minors;

1 (11) Specifying and regulating the time and periods when, and the
2 manner, methods, and means by which, licensees shall transport and
3 deliver marijuana, marijuana concentrates, useable marijuana, and
4 marijuana-infused products within the state;

5 (~~(11)~~) (12) In consultation with the department and the
6 department of agriculture, establishing accreditation requirements
7 for testing laboratories used by licensees to demonstrate compliance
8 with standards adopted by the state liquor and cannabis board, and
9 prescribing methods of producing, processing, and packaging
10 marijuana, marijuana concentrates, useable marijuana, and marijuana-
11 infused products; conditions of sanitation; and standards of
12 ingredients, quality, and identity of marijuana, marijuana
13 concentrates, useable marijuana, and marijuana-infused products
14 produced, processed, packaged, or sold by licensees;

15 (~~(12)~~) (13) Specifying procedures for identifying, seizing,
16 confiscating, destroying, and donating to law enforcement for
17 training purposes all marijuana, marijuana concentrates, useable
18 marijuana, and marijuana-infused products produced, processed,
19 packaged, labeled, or offered for sale in this state that do not
20 conform in all respects to the standards prescribed by this chapter
21 or the rules of the state liquor and cannabis board.

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