

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2064**

65th Legislature  
2017 Regular Session

Passed by the House February 28, 2017  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 12, 2017  
Yeas 49 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2064** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 2064

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Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Shea, Blake, Taylor, Condotta, Buys, Kloba, and Ormsby

Read first time 02/09/17. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to removing industrial hemp from the scope of the  
2 uniform controlled substances act; and reenacting and amending RCW  
3 69.50.101.

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

5 **Sec. 1.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each  
6 reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

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

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

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

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

20 (c) "CBD concentration" has the meaning provided in RCW  
21 69.51A.010.

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

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

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

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

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

19 (2) The term does not include:

20 (i) a controlled substance;

21 (ii) a substance for which there is an approved new drug  
22 application;

23 (iii) a substance with respect to which an exemption is in effect  
24 for investigational use by a particular person under Section 505 of  
25 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the  
26 extent conduct with respect to the substance is pursuant to the  
27 exemption; or

28 (iv) any substance to the extent not intended for human  
29 consumption before an exemption takes effect with respect to the  
30 substance.

31 (g) "Deliver" or "delivery(( $\tau$ ))" means the actual or constructive  
32 transfer from one person to another of a substance, whether or not  
33 there is an agency relationship.

34 (h) "Department" means the department of health.

35 (i) "Designated provider" has the meaning provided in RCW  
36 69.51A.010.

37 (j) "Dispense" means the interpretation of a prescription or  
38 order for a controlled substance and, pursuant to that prescription  
39 or order, the proper selection, measuring, compounding, labeling, or

1 packaging necessary to prepare that prescription or order for  
2 delivery.

3 (k) "Dispenser" means a practitioner who dispenses.

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

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

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

18 (o) "Drug enforcement administration" means the drug enforcement  
19 administration in the United States Department of Justice, or its  
20 successor agency.

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

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

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

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

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

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

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

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

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

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

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

1 esters, and ethers, whenever the existence of the isomers, esters,  
2 ethers, and salts is possible within the specific chemical  
3 designation.

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

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

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

9 (6) Cocaine base.

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

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

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

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

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

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

30 (ii) "Poppy straw" means all parts, except the seeds, of the  
31 opium poppy, after mowing.

32 (jj) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant  
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
35 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
39 subject to any limitations in RCW 18.53.010; a dentist under chapter  
40 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;

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

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

30 (ll) "Production" includes the manufacturing, planting,  
31 cultivating, growing, or harvesting of a controlled substance.

32 (mm) "Qualifying patient" has the meaning provided in RCW  
33 69.51A.010.

34 (nn) "Recognition card" has the meaning provided in RCW  
35 69.51A.010.

36 (oo) "Retail outlet" means a location licensed by the state  
37 liquor and cannabis board for the retail sale of marijuana  
38 concentrates, useable marijuana, and marijuana-infused products.

39 (pp) "Secretary" means the secretary of health or the secretary's  
40 designee.

1 (qq) "State," unless the context otherwise requires, means a  
2 state of the United States, the District of Columbia, the  
3 Commonwealth of Puerto Rico, or a territory or insular possession  
4 subject to the jurisdiction of the United States.

5 (rr) "THC concentration" means percent of delta-9  
6 tetrahydrocannabinol content per dry weight of any part of the plant  
7 *Cannabis*, or per volume or weight of marijuana product, or the  
8 combined percent of delta-9 tetrahydrocannabinol and  
9 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
10 regardless of moisture content.

11 (ss) "Ultimate user" means an individual who lawfully possesses a  
12 controlled substance for the individual's own use or for the use of a  
13 member of the individual's household or for administering to an  
14 animal owned by the individual or by a member of the individual's  
15 household.

16 (tt) "Useable marijuana" means dried marijuana flowers. The term  
17 "useable marijuana" does not include either marijuana-infused  
18 products or marijuana concentrates.

19 NEW SECTION. **Sec. 2.** If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.

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