H-3579.1

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**HOUSE BILL 2300**

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

**By** Representatives MacEwen, Fitzgibbon, and Young

AN ACT Relating to authorizing marijuana retailers to sell cannabidiol products; amending RCW 69.50.348 and 69.50.348; reenacting and amending RCW 69.50.357; providing an effective date; and providing an expiration date.

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

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

(1)(a) Retail outlets may not sell products or services other than ((~~marijuana~~)):

(i) Marijuana concentrates((~~, useable~~));

(ii) Useable marijuana((~~, marijuana-infused~~));

(iii) Marijuana-infused products((~~, or paraphernalia~~));

(iv) CBD products lawfully obtained from a marijuana processor or a person or entity who is not required to be licensed as a marijuana producer or processor under this chapter, provided that the CBD products:

(A) Have a THC level of 0.3 percent or less on a dry weight basis; and

(B) Have been tested for potency, pesticides, and heavy metals by a testing laboratory accredited under this chapter and in accordance with testing standards established under this chapter and applicable administrative rules; or

(v) Paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

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

(ii) Retail outlets may donate the lockable boxes and provide the related literature to any person eligible to purchase marijuana products under subsection (2) of this section. Retail outlets may not use the donation of lockable boxes or literature as an incentive or as a condition of a recipient's purchase of a marijuana product or paraphernalia.

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

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

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

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

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

(5) The ((~~state liquor and cannabis~~)) board must fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana account created under RCW 69.50.530.

**Sec.**  RCW 69.50.348 and 2019 c 277 s 1 are each amended to read as follows:

(1) On a schedule determined by the ((~~state liquor and cannabis~~)) board, every licensed marijuana producer and processor must submit representative samples of CBD products, marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the ((~~state liquor and cannabis~~)) board, for inspection and testing to certify compliance with quality assurance and product standards adopted by the ((~~state liquor and cannabis~~)) board under RCW 69.50.342. Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Licensees must submit the results of inspection and testing for quality assurance and product standards required under subsection (1) of this section to the ((~~state liquor and cannabis~~)) board on a form developed by the ((~~state liquor and cannabis~~)) board.

(3) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the ((~~state liquor and cannabis~~)) board, the entire lot from which the sample was taken must be destroyed.

(4) The ((~~state liquor and cannabis~~)) board may adopt rules necessary to implement this section.

**Sec.**  RCW 69.50.348 and 2019 c 277 s 2 are each amended to read as follows:

(1) On a schedule determined by the ((~~state liquor and cannabis~~)) board, every licensed marijuana producer and processor must submit representative samples of CBD products, marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state department of ecology, for inspection and testing to certify compliance with quality assurance and product standards adopted by the ((~~state liquor and cannabis~~)) board under RCW 69.50.342. Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Licensees must submit the results of inspection and testing for quality assurance and product standards required under RCW 69.50.342 to the ((~~state liquor and cannabis~~)) board on a form developed by the ((~~state liquor and cannabis~~)) board.

(3) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the ((~~state liquor and cannabis~~)) board, the entire lot from which the sample was taken must be destroyed.

(4)(a) The department of ecology may determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing a state marijuana product testing laboratory accreditation program, except for the initial program development costs. The department of ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited marijuana product testing laboratories. The department of ecology may establish a payment schedule requiring periodic installments of the annual fee. The fee schedule must be established in amounts to fully cover, but not exceed, the administrative and oversight costs. The department of ecology must review and update its fee schedule biennially. The costs of marijuana product testing laboratory accreditation are those incurred by the department of ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

(i) Evaluating the protocols and procedures used by a laboratory;

(ii) Performing on-site audits;

(iii) Evaluating participation and successful completion of proficiency testing;

(iv) Determining the capability of a laboratory to produce accurate and reliable test results; and

(v) Such other accreditation activities as the department of ecology deems appropriate.

(b) The state marijuana product testing laboratory accreditation program initial development costs must be fully paid from the dedicated marijuana account created in RCW 69.50.530.

(5) The department of ecology and the ((~~liquor and cannabis~~)) board must act cooperatively to ensure effective implementation and administration of this section.

(6) All fees collected under this section must be deposited in the dedicated marijuana account created in RCW 69.50.530.

NEW SECTION. **Sec.**  Section 2 of this act expires July 1, 2024.

NEW SECTION. **Sec.**  Section 3 of this act takes effect July 1, 2024.

**--- END ---**