H-4035.1

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**HOUSE BILL 2726**

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

**By** Representatives Tharinger, Appleton, Chapman, and Robinson

AN ACT Relating to the types of marijuana-infused edible products that may be lawfully processed and sold in the regulated marijuana market, including products requiring refrigeration; amending RCW 69.07.200; and adding a new section to chapter 69.50 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 69.50 RCW to read as follows:

Marijuana-infused edible products that, in order to remain shelf stable, require refrigeration, freezing, retorting, or pasteurization, are authorized types of marijuana products that may be processed and sold by marijuana licensees under the terms of their marijuana license. The board and the department of agriculture must adopt rules establishing standards applicable to marijuana processors and marijuana retailers for the processing, storing, transferring, and selling of marijuana-infused edible products requiring refrigeration, freezing, retorting, or pasteurization, to protect public health and safety while providing consumers with reasonable access to a variety of these product types.

**Sec.**  RCW 69.07.200 and 2017 c 138 s 4 are each amended to read as follows:

(1) In addition to the requirements administered by the board under chapter 69.50 RCW, the department shall regulate marijuana-infused edible processing the same as other food processing under this chapter, except:

(a) The department shall not consider foods containing marijuana to be adulterated when produced in compliance with chapter 69.50 RCW and the rules adopted by the board;

(b) Initial issuance and renewal for an annual marijuana-infused edible endorsement in lieu of a food processing license under RCW 69.07.040 must be made through the business licensing system under chapter 19.02 RCW;

(c) Renewal of the endorsement must coincide with renewal of the endorsement holder's marijuana processor license;

(d) The department shall adopt a penalty schedule specific to marijuana processors, which may have values equivalent to the penalty schedule adopted by the board. Such penalties are in addition to any penalties imposed under the penalty schedule adopted by the board; and

(e) The department shall notify the board of violations by marijuana processors under this chapter.

(2) A marijuana processor that processes, packages, or makes marijuana-infused edibles must obtain an annual marijuana-infused edible endorsement, as provided in this subsection (2).

(a) The marijuana processor must apply for issuance and renewal for the endorsement from the department through the business licensing system under chapter 19.02 RCW.

(b) The marijuana processor must have a valid marijuana processor license before submitting an application for initial endorsement. The application and initial endorsement fees total eight hundred ninety-five dollars. Applicants for endorsement otherwise must meet the same requirements as applicants for a food processing license under this chapter including, but not limited to, successful completion of inspection by the department.

(c) Annual renewal of the endorsement must coincide with renewal of the endorsement holder's marijuana processor license. The endorsement renewal fee is eight hundred ninety-five dollars.

(d) A marijuana processor must obtain a separate endorsement for each location at which the marijuana processor intends to process marijuana-infused edibles. Premises used for marijuana-infused edible processing may not be used for processing food that does not use marijuana as an ingredient, with the exception of edibles produced solely for tasting samples or internal product testing.

(3) The department may deny, suspend, or revoke a marijuana-infused edible endorsement on the same grounds as the department may deny, suspend, or revoke a food processor's license under this chapter.

(4) Information about processors otherwise exempt from public inspection and copying under chapter 42.56 RCW is also exempt from public inspection and copying if submitted to or used by the department.

(5) Rules adopted by the department regarding marijuana-infused edible products must be consistent with section 1 of this act.

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