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**HOUSE BILL 1401**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Shea, Blake, Chandler, Walsh, Eslick, and Kloba

Read first time 01/21/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to hemp production; amending RCW 69.50.204;  
2 reenacting and amending RCW 69.50.101; adding a new section to  
3 chapter 15.120 RCW; adding a new chapter to Title 15 RCW; repealing  
4 RCW 15.120.005, 15.120.010, 15.120.020, 15.120.030, 15.120.035,  
5 15.120.040, 15.120.050, and 15.120.060; making an appropriation;  
6 providing an effective date; providing an expiration date; and  
7 declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature intends to:

10 (1) Authorize and establish a new licensing and regulatory  
11 program for hemp production in this state in accordance with the  
12 agricultural improvement act of 2018, P.L. 115-334;

13 (2) Replace the industrial hemp research program in chapter  
14 15.120 RCW, with the new licensing and regulatory program established  
15 in this chapter, and enable hemp growers licensed under the  
16 industrial research program on the effective date of rules  
17 implementing this chapter and regulating hemp production, to transfer  
18 into the program created in this chapter; and

19 (3) Authorize the growing of hemp as a legal, agricultural  
20 activity in this state. Hemp is an agricultural product that may be  
21 legally grown, produced, processed, possessed, transferred,

1 commercially sold, and traded. Hemp and hemp products produced in  
2 accordance with this chapter may be transferred and sold within the  
3 state, outside of this state, and internationally. Nothing in this  
4 chapter is intended to prevent or restrain commerce in this state  
5 involving hemp or hemp products produced lawfully under the laws of  
6 another state or country.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires  
9 otherwise.

- 10 (1) "CBD" means cannabidiol.
- 11 (2) "CBD product" has the same meaning as in RCW 69.50.101.
- 12 (3) "Crop" means hemp grown as an agricultural commodity.
- 13 (4) "Cultivar" means a variation of the plant *Cannabis sativa L.*  
14 that has been developed through cultivation by selective breeding.
- 15 (5) "Department" means the Washington state department of  
16 agriculture.
- 17 (6) "Food" means articles used for food or drink for human  
18 consumption or food for animals.
- 19 (7) "Hemp" means the plant *Cannabis sativa L.* and any part of  
20 that plant, including the seeds thereof and all derivatives,  
21 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
22 whether growing or not, with a delta-9 tetrahydrocannabinol  
23 concentration of not more than 0.3 percent on a dry weight basis.
- 24 (8) "Postharvest test" means a test of delta-9  
25 tetrahydrocannabinol concentration levels of hemp after harvested  
26 based on ground whole plant samples without heat applied.
- 27 (9) "Process" means the processing, compounding, or conversion of  
28 hemp into hemp commodities or products.
- 29 (10) "Produce" means the planting, cultivation, growing, or  
30 harvesting of hemp including hemp seed.

31 NEW SECTION. **Sec. 3.** (1) The department must develop an  
32 agricultural commodity program to replace the industrial hemp  
33 research pilot program in chapter 15.120 RCW, in accordance with the  
34 agricultural improvement act of 2018, P.L. 115-334.

35 (2) The department has sole regulatory authority over the  
36 production of hemp and may adopt rules to implement this chapter. All  
37 rules relating to hemp, including any testing of hemp, are outside of  
38 the control and authority of the liquor and cannabis board.

1 (3) If the department adopts rules implementing this chapter that  
2 are effective by June 1, 2019, people licensed to grow hemp under  
3 chapter 15.120 RCW may transfer into the regulatory program  
4 established in this chapter, and continue hemp production under this  
5 chapter. If the department adopts rules implementing this chapter  
6 that are effective after June 1, 2019, people licensed to grow hemp  
7 under chapter 15.120 RCW may continue hemp production under this  
8 chapter as of the effective date of the rules.

9 NEW SECTION. **Sec. 4.** (1) The department must develop a proposal  
10 outlining the state's plan for regulating hemp production in  
11 accordance with this chapter and the agricultural improvement act of  
12 2018, P.L. 115-334.

13 (2) The proposal for the state's plan must include the following  
14 requirements and components:

15 (a) A practice for hemp producers to maintain relevant  
16 information regarding land on which hemp is produced including a  
17 legal description of the land, for a period of not less than three  
18 calendar years;

19 (b) A procedure for testing, using post-decarboxylation or other  
20 similarly reliable methods, delta-9 tetrahydrocannabinol  
21 concentration levels of hemp, without the application of heat;

22 (c) A procedure for the effective disposal of plants, whether  
23 growing or not, that are produced in violation of this chapter, and  
24 products derived from such plants;

25 (d) Procedures for enforcement required under the agricultural  
26 improvement act of 2018, P.L. 115-334, including a process for  
27 licensees to comply with this chapter through a corrective action  
28 plan in appropriate circumstances;

29 (e) A procedure for conducting annual inspections of, at a  
30 minimum, a random sample of hemp producers to verify hemp is not  
31 produced in violation of this chapter;

32 (f) A procedure for obtaining and submitting the information  
33 described in section 297C(d)(2) of the agricultural improvement act  
34 of 2018, P.L. 115-334, as applicable, to the secretary of the United  
35 States department of agriculture not more than thirty days after the  
36 date on which the information is received; and

37 (g) A certification that the state has the resources and  
38 personnel to carry out the practices and procedures described in this  
39 section.

1 (3) The proposal for the state's plan may include any other  
2 practice or procedure established to the extent the practice or  
3 procedure is consistent with the agricultural improvement act of  
4 2018, P.L. 115-334.

5 NEW SECTION. **Sec. 5.** The department must develop a post harvest  
6 test protocol for testing hemp under this chapter that includes  
7 testing of whole plant samples.

8 NEW SECTION. **Sec. 6.** CBD and CBD products derived from hemp are  
9 considered a food product that must be tested and treated in  
10 accordance with other agricultural crop derived food products for  
11 human and animal consumption.

12 NEW SECTION. **Sec. 7.** (1) There is a hemp producer license  
13 issued by the department to applicants qualified under this chapter  
14 and the agricultural improvement act of 2018, P.L. 115-334.

15 (2) The department must establish license fees in an amount that  
16 will fund the implementation of this chapter and sustain the hemp  
17 program. License fees and any money received by the department under  
18 this chapter must be deposited in the hemp regulatory account created  
19 in section 9 of this act.

20 NEW SECTION. **Sec. 8.** (1) The hemp authorized for production  
21 under this chapter must be propagated through certified,  
22 conventionally bred pedigreed seeds as determined by the department  
23 through its rule-making authority and as provided in this section.  
24 Except when grown by an accredited agricultural research institution  
25 or by a registered seed breeder developing a new Washington seed  
26 cultivar, hemp must be grown only from seed types identified in  
27 subsection (2) of this section or identified on a list of approved  
28 seed cultivars to be established by the department by rule.

29 (2) The following varieties of seed cultivars are deemed approved  
30 for hemp production: Alyssa; Anka; CFX-1; CFX-2; Delores; X-59 (Hemp  
31 Nut); Crag; CRS-1; USO 14; USO 31; and Zolotonosha 11.

32 (3) Except as provided in subsection (5) of this section, the  
33 following varieties of seed cultivars are deemed approved for hemp  
34 production but must undergo THC testing unless and until such time as  
35 the department determines they are exempt from THC testing: Canda;  
36 CanMa; Carmagnola; Carmen; CS; Deni; Epsilon 68; ESTA-1; Fasamo;

1 Fedrina 74; Fedura 17; Felina 34; Ferimon; Fibranova; Fibriko;  
2 Fibrimon 24; Fibrimon 56; Finola; Futura 75; Joey; Jutta; Komplti;  
3 Kompolti Hybrid TC; Kompolti Sargaszaru; Lovrin 110; Petera; Santhica  
4 27; Silesia; UC-RGM; Uniko B; Yvonne; and Zolotonosha 15.

5 (4) In addition to those approved cultivars identified in  
6 subsections (2) and (3) of this section, the department must  
7 determine and adopt by rule a list of approved seed cultivars. In  
8 establishing the list of department-approved seed cultivars, the  
9 department should consider the following:

10 (a) Hemp seed cultivars that have been certified after December  
11 31, 2012, by member organizations of the association of official seed  
12 certifying agencies, including, but not limited to, the Canadian seed  
13 growers' association; and

14 (b) Hemp seed cultivars that have been certified after December  
15 31, 2012, by the organization of economic cooperation and  
16 development.

17 (5) In addition to the hemp seed cultivars identified in  
18 subsections (2), (3), and (4) of this section, until January 1, 2022,  
19 a licensed hemp producer may produce hemp from any cultivar brought  
20 into this state that has planting, growth, and stability records  
21 covering at least three years. Any such cultivar is deemed approved  
22 for planting.

23 (6) Hemp seeds are subject to the provisions and requirements of  
24 RCW 15.49.370, which establishes the general regulatory authority of  
25 the department with respect to agricultural seeds. Under this  
26 authority, the department may sample, inspect, analyze, and generally  
27 regulate the hemp seeds used by licensed growers in this state. The  
28 department may also charge fees and special assessments to licensed  
29 growers, as established by rule, related to the inspection, testing,  
30 and certification of hemp seeds.

31 (7) For the purposes of this chapter and RCW 15.49.370, hemp seed  
32 samples collected for inspection and testing purposes must be  
33 directly taken into the custody of an authorized employee of the  
34 department. Following collection, the department employee must  
35 package and transport the seeds in a manner that ensures that the  
36 integrity of the sample is maintained until delivery to the testing  
37 facility.

38 (8) The department is not responsible for:

39 (a) Determining whether a specific hemp product has been derived  
40 from approved hemp cultivars; or

1 (b) Taking any enforcement action requiring the determination of  
2 whether a hemp product has been derived from approved hemp cultivars.

3 NEW SECTION. **Sec. 9.** The hemp regulatory account is created in  
4 the custody of the state treasurer. All receipts from licensing fees  
5 established under this chapter must be deposited into the account.  
6 Expenditures from the account may be used only for implementing this  
7 chapter. Only the director of the state department of agriculture or  
8 the director's designee may authorize expenditures from the account.  
9 The account is subject to allotment procedures under chapter 43.88  
10 RCW, but an appropriation is not required for expenditures.

11 NEW SECTION. **Sec. 10.** The department must develop and make  
12 accessible an internet-based application designed to assist hemp  
13 producers by providing regional communications concerning recommended  
14 planting times for hemp crops in this state.

15 NEW SECTION. **Sec. 11.** In an effort to prevent cross-pollination  
16 between hemp plants produced under this chapter and marijuana plants  
17 produced under chapter 69.50 RCW, the department, in consultation  
18 with the liquor and cannabis board, must review the state's policy  
19 regarding cross-pollination and pollen capture to ensure an  
20 appropriate policy is in place, and must modify policies or establish  
21 new policies as appropriate. Under any such policy, when a documented  
22 conflict involving cross-pollination exists between two farms or  
23 production facilities growing or producing hemp or marijuana, the  
24 farm or production facility operating first in time shall have the  
25 right to continue operating and the farm or production facility  
26 operating second in time must cease growing or producing hemp or  
27 marijuana, as applicable.

28 NEW SECTION. **Sec. 12.** (1)(a) A legislative task force on the  
29 availability of crop insurance for hemp producers is established,  
30 with members as provided in this subsection.

31 (i) The president of the senate shall appoint one member from  
32 each of the two largest caucuses of the senate.

33 (ii) The speaker of the house of representatives shall appoint  
34 one member from each of the two largest caucuses of the house of  
35 representatives.

1 (iii) The president of the senate and the speaker of the house of  
2 representatives shall jointly appoint the following members:

3 (A) One member who is a representative of the farm services  
4 agency within the United States department of agriculture;

5 (B) One member who is a representative of the risk management  
6 agency within the United States department of agriculture;

7 (C) One member who represents the Washington state department of  
8 agriculture;

9 (D) One member who represents a state farm bureau within the  
10 state; and

11 (E) One member who represents the hemp industry.

12 (b) The task force must choose its chair from among its  
13 legislative membership. A member appointed under (a)(i) or (ii) of  
14 this subsection (1) must convene the initial meeting of the task  
15 force.

16 (2) The task force must review the following issue: Ensuring crop  
17 insurance is available in this state for hemp producers so hemp  
18 production can be expeditiously and successfully integrated into this  
19 state's economy and people in this state can take full advantage of  
20 the agricultural and economic opportunities created for hemp  
21 production and commerce in the agriculture improvement act of 2018,  
22 P.L. 115-334.

23 (3) Staff support for the task force must be provided by the  
24 house of representatives office of program research and the senate  
25 committee services.

26 (4) Legislative members of the task force are reimbursed for  
27 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
28 members are not entitled to be reimbursed for travel expenses if they  
29 are elected officials or are participating on behalf of an employer,  
30 governmental entity, or other organization. Any reimbursement for  
31 other nonlegislative members is subject to chapter 43.03 RCW.

32 (5) The expenses of the task force must be paid jointly by the  
33 senate and the house of representatives. Task force expenditures are  
34 subject to approval by the senate facilities and operations committee  
35 and the house of representatives executive rules committee, or their  
36 successor committees.

37 (6) The task force shall report its findings and recommendations  
38 to the speaker of the house of representatives, the president of the  
39 senate, the governor, and the appropriate committees of the  
40 legislature by December 1, 2020.

1 (7) This section expires June 30, 2021.

2 NEW SECTION. **Sec. 13.** A new section is added to chapter 15.120  
3 RCW to read as follows:

4 (1) On the effective date of rules adopted by the department  
5 regulating hemp production under chapter 15.--- RCW (the new chapter  
6 created in section 18 of this act), a licensed hemp grower under this  
7 chapter may immediately produce hemp pursuant to chapter 15.--- RCW  
8 (the new chapter created in section 18 of this act) with all the  
9 privileges of a hemp producer licensed under chapter 15.--- RCW (the  
10 new chapter created in section 18 of this act).

11 (2) This section expires January 1, 2020.

12 **Sec. 14.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and  
13 amended to read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise.

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

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

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

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

27 (c) "CBD concentration" has the meaning provided in RCW  
28 69.51A.010.

29 (d) "CBD product" means any product containing or consisting of  
30 cannabidiol.

31 (e) "Commission" means the pharmacy quality assurance commission.

32 (f) "Controlled substance" means a drug, substance, or immediate  
33 precursor included in Schedules I through V as set forth in federal  
34 or state laws, or federal or commission rules, but does not include  
35 hemp as defined in section 2 of this act or industrial hemp as  
36 defined in RCW 15.120.010.



1 (g) (1) "Controlled substance analog" means a substance the  
2 chemical structure of which is substantially similar to the chemical  
3 structure of a controlled substance in Schedule I or II and:

4 (i) that has a stimulant, depressant, or hallucinogenic effect on  
5 the central nervous system substantially similar to the stimulant,  
6 depressant, or hallucinogenic effect on the central nervous system of  
7 a controlled substance included in Schedule I or II; or

8 (ii) with respect to a particular individual, that the individual  
9 represents or intends to have a stimulant, depressant, or  
10 hallucinogenic effect on the central nervous system substantially  
11 similar to the stimulant, depressant, or hallucinogenic effect on the  
12 central nervous system of a controlled substance included in Schedule  
13 I or II.

14 (2) The term does not include:

15 (i) a controlled substance;

16 (ii) a substance for which there is an approved new drug  
17 application;

18 (iii) a substance with respect to which an exemption is in effect  
19 for investigational use by a particular person under Section 505 of  
20 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
21 chapter 69.77 RCW to the extent conduct with respect to the substance  
22 is pursuant to the exemption; or

23 (iv) any substance to the extent not intended for human  
24 consumption before an exemption takes effect with respect to the  
25 substance.

26 (h) "Deliver" or "delivery" means the actual or constructive  
27 transfer from one person to another of a substance, whether or not  
28 there is an agency relationship.

29 (i) "Department" means the department of health.

30 (j) "Designated provider" has the meaning provided in RCW  
31 69.51A.010.

32 (k) "Dispense" means the interpretation of a prescription or  
33 order for a controlled substance and, pursuant to that prescription  
34 or order, the proper selection, measuring, compounding, labeling, or  
35 packaging necessary to prepare that prescription or order for  
36 delivery.

37 (l) "Dispenser" means a practitioner who dispenses.

38 (m) "Distribute" means to deliver other than by administering or  
39 dispensing a controlled substance.

40 (n) "Distributor" means a person who distributes.

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

12 (p) "Drug enforcement administration" means the drug enforcement  
13 administration in the United States Department of Justice, or its  
14 successor agency.

15 (q) "Electronic communication of prescription information" means  
16 the transmission of a prescription or refill authorization for a drug  
17 of a practitioner using computer systems. The term does not include a  
18 prescription or refill authorization verbally transmitted by  
19 telephone nor a facsimile manually signed by the practitioner.

20 (r) "Immature plant or clone" means a plant or clone that has no  
21 flowers, is less than twelve inches in height, and is less than  
22 twelve inches in diameter.

23 (s) "Immediate precursor" means a substance:

24 (1) that the commission has found to be and by rule designates as  
25 being the principal compound commonly used, or produced primarily for  
26 use, in the manufacture of a controlled substance;

27 (2) that is an immediate chemical intermediary used or likely to  
28 be used in the manufacture of a controlled substance; and

29 (3) the control of which is necessary to prevent, curtail, or  
30 limit the manufacture of the controlled substance.

31 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)  
32 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
33 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
34 (42), and 69.50.210(c) the term includes any positional isomer; and  
35 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
36 includes any positional or geometric isomer.

37 (u) "Lot" means a definite quantity of marijuana, marijuana  
38 concentrates, useable marijuana, or marijuana-infused product  
39 identified by a lot number, every portion or package of which is

1 uniform within recognized tolerances for the factors that appear in  
2 the labeling.

3 (v) "Lot number" must identify the licensee by business or trade  
4 name and Washington state unified business identifier number, and the  
5 date of harvest or processing for each lot of marijuana, marijuana  
6 concentrates, useable marijuana, or marijuana-infused product.

7 (w) "Manufacture" means the production, preparation, propagation,  
8 compounding, conversion, or processing of a controlled substance,  
9 either directly or indirectly or by extraction from substances of  
10 natural origin, or independently by means of chemical synthesis, or  
11 by a combination of extraction and chemical synthesis, and includes  
12 any packaging or repackaging of the substance or labeling or  
13 relabeling of its container. The term does not include the  
14 preparation, compounding, packaging, repackaging, labeling, or  
15 relabeling of a controlled substance:

16 (1) by a practitioner as an incident to the practitioner's  
17 administering or dispensing of a controlled substance in the course  
18 of the practitioner's professional practice; or

19 (2) by a practitioner, or by the practitioner's authorized agent  
20 under the practitioner's supervision, for the purpose of, or as an  
21 incident to, research, teaching, or chemical analysis and not for  
22 sale.

23 (x) "Marijuana" or "marihuana" means all parts of the plant  
24 *Cannabis*, whether growing or not, with a THC concentration greater  
25 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
26 extracted from any part of the plant; and every compound,  
27 manufacture, salt, derivative, mixture, or preparation of the plant,  
28 its seeds or resin. The term does not include:

29 (1) The mature stalks of the plant, fiber produced from the  
30 stalks, oil or cake made from the seeds of the plant, any other  
31 compound, manufacture, salt, derivative, mixture, or preparation of  
32 the mature stalks (except the resin extracted therefrom), fiber, oil,  
33 or cake, or the sterilized seed of the plant which is incapable of  
34 germination; or

35 (2) Hemp as defined in section 2 of this act, seeds used for  
36 licensed hemp production under chapter 15.--- RCW (the new chapter  
37 created in section 18 of this act), or industrial hemp as defined in  
38 RCW 15.120.010.

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

17 (cc) "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 (dd) "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 (ee) "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 (x) 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 (ff) "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 (gg) "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 (hh) "Opium poppy" means the plant of the species *Papaver*  
24 *somniferum* L., except its seeds.

25 (ii) "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 (jj) "Plant" has the meaning provided in RCW 69.51A.010.

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

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

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

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

36 (qq) "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 (rr) "Secretary" means the secretary of health or the secretary's  
40 designee.

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

19 **Sec. 15.** RCW 69.50.204 and 2015 2nd sp.s. c 4 s 1203 are each  
20 amended to read as follows:

21 Unless specifically excepted by state or federal law or  
22 regulation or more specifically included in another schedule, the  
23 following controlled substances are listed in Schedule I:

24 (a) Any of the following opiates, including their isomers,  
25 esters, ethers, salts, and salts of isomers, esters, and ethers  
26 whenever the existence of these isomers, esters, ethers, and salts is  
27 possible within the specific chemical designation:

28 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
29 piperidinyl]-N-phenylacetamide);

30 (2) Acetylmethadol;

31 (3) Allylprodine;

32 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also  
33 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

34 (5) Alphameprodine;

35 (6) Alphamethadol;

36 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)  
37 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-  
38 propanilido) piperidine);

- 1 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 2 piperidinyl]-N-phenylpropanamide);
- 3 (9) Benzethidine;
- 4 (10) Betacetylmethadol;
- 5 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 6 piperidinyl]-N-phenylpropanamide);
- 7 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:
- 8 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 9 phenylpropanamide;
- 10 (13) Betameprodine;
- 11 (14) Betamethadol;
- 12 (15) Betaprodine;
- 13 (16) Clonitazene;
- 14 (17) Dextromoramide;
- 15 (18) Diampromide;
- 16 (19) Diethylthiambutene;
- 17 (20) Difenoquin;
- 18 (21) Dimenoxadol;
- 19 (22) Dimepheptanol;
- 20 (23) Dimethylthiambutene;
- 21 (24) Dioxaphetyl butyrate;
- 22 (25) Dipipanone;
- 23 (26) Ethylmethylthiambutene;
- 24 (27) Etonitazene;
- 25 (28) Etoxadine;
- 26 (29) Furethidine;
- 27 (30) Hydroxypethidine;
- 28 (31) Ketobemidone;
- 29 (32) Levomoramide;
- 30 (33) Levophenacetylmorphan;
- 31 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 32 piperidyl]-N-phenylprop anamide);
- 33 (35) 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-
- 34 piperidinyl]-N-phenylpropanamide);
- 35 (36) Morpheridine;
- 36 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 37 (38) Noracetylmethadol;
- 38 (39) Norlevorphanol;
- 39 (40) Normethadone;
- 40 (41) Norpipanone;



- 1 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-  
2 phenethyl)-4-piperidinyl] propanamide);  
3 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
4 (44) Phenadoxone;  
5 (45) Phenampromide;  
6 (46) Phenomorphan;  
7 (47) Phenoperidine;  
8 (48) Piritramide;  
9 (49) Proheptazine;  
10 (50) Properidine;  
11 (51) Propiram;  
12 (52) Racemoramide;  
13 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-  
14 (~~propanamide~~) propanamide);  
15 (54) Tilidine;  
16 (55) Trimeperidine.  
17 (b) Opium derivatives. Unless specifically excepted or unless  
18 listed in another schedule, any of the following opium derivatives,  
19 including their salts, isomers, and salts of isomers whenever the  
20 existence of those salts, isomers, and salts of isomers is possible  
21 within the specific chemical designation:  
22 (1) Acetorphine;  
23 (2) Acetyldihydrocodeine;  
24 (3) Benzylmorphine;  
25 (4) Codeine methylbromide;  
26 (5) Codeine-N-Oxide;  
27 (6) Cyprenorphine;  
28 (7) Desomorphine;  
29 (8) Dihydromorphine;  
30 (9) Drotebanol;  
31 (10) Etorphine, except hydrochloride salt;  
32 (11) Heroin;  
33 (12) Hydromorphanol;  
34 (13) Methyldesorphine;  
35 (14) Methyldihydromorphine;  
36 (15) Morphine methylbromide;  
37 (16) Morphine methylsulfonate;  
38 (17) Morphine-N-Oxide;  
39 (18) Myrophine;  
40 (19) Nicocodeine;

- 1 (20) Nicomorphine;
- 2 (21) Normorphine;
- 3 (22) Pholcodine;
- 4 (23) Thebacon.

5 (c) Hallucinogenic substances. Unless specifically excepted or  
6 unless listed in another schedule, any material, compound, mixture,  
7 or preparation which contains any quantity of the following  
8 hallucinogenic substances, including their salts, isomers, and salts  
9 of isomers whenever the existence of those salts, isomers, and salts  
10 of isomers is possible within the specific chemical designation. For  
11 the purposes of this subsection only, the term "isomer" includes the  
12 optical, position, and geometric isomers:

- 13 (1) Alpha-ethyltryptamine: Some trade or other names:  
14 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)  
15 indole; a-ET; and AET;
- 16 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:  
17 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
- 18 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other  
19 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl  
20 DOB; 2C-B, nexus;
- 21 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-  
22 dimethoxy-a-methylphenethylamine; 2,5-DMA;
- 23 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 24 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:  
25 2C-T-7;
- 26 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-  
27 methylphenethylamine; paramethoxyamphetamine, PMA;
- 28 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 29 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other  
30 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and  
31 "STP";
- 32 (10) 3,4-methylenedioxy amphetamine;
- 33 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 34 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-  
35 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,  
36 MDE, MDEA;
- 37 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as  
38 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy  
39 MDA;
- 40 (14) 3,4,5-trimethoxy amphetamine;

1 (15) Alpha-methyltryptamine: Other name: AMT;

2 (16) Bufotenine: Some trade or other names: 3-(beta-

3 Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-

4 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;

5 mappine;

6 (17) Diethyltryptamine: Some trade or other names: N,N-

7 Diethyltryptamine; DET;

8 (18) Dimethyltryptamine: Some trade or other names: DMT;

9 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;

10 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6

11 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'

12 1,2) azepino (5,4-b) indole; Tabernanthe iboga;

13 (21) Lysergic acid diethylamide;

14 (22) Marihuana or marijuana;

15 (23) Mescaline;

16 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-

17 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-

18 dibenzo[b,d]pyran; synhexyl;

19 (25) Peyote, meaning all parts of the plant presently classified

20 botanically as Lophophora Williamsii Lemaire, whether growing or not,

21 the seeds thereof, any extract from any part of such plant, and every

22 compound, manufacture, salts, derivative, mixture, or preparation of

23 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812

24 (c), Schedule I (c) (12));

25 (26) N-ethyl-3-piperidyl benzilate;

26 (27) N-methyl-3-piperidyl benzilate;

27 (28) Psilocybin;

28 (29) Psilocyn;

29 (30) (i) Tetrahydrocannabinols, meaning tetrahydrocannabinols

30 naturally contained in a plant of the (~~genus~~) genera Cannabis

31 (~~(cannabis plant)~~), as well as synthetic equivalents of the

32 substances contained in the plant, or in the resinous extractives of

33 the genera Cannabis, (~~(species)~~) and/or synthetic substances,

34 derivatives, and their isomers with similar chemical structure and

35 pharmacological activity such as the following:

36 (~~(i)~~) (A) 1 - cis - or trans tetrahydrocannabinol, and their

37 optical isomers, excluding tetrahydrocannabinol in sesame oil and

38 encapsulated in a soft gelatin capsule in a drug product approved by

39 the United States Food and Drug Administration;

1       (~~(iii)~~) (B) 6 - cis - or trans tetrahydrocannabinol, and their  
2 optical isomers;

3       (~~(iii)~~) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its  
4 optical isomers; or

5       (~~(iv)~~) (D) That is chemically synthesized and either:

6       (~~(a)~~) (I) Has been demonstrated to have binding activity at one  
7 or more cannabinoid receptors; or

8       (~~(b)~~) (II) Is a chemical analog or isomer of a compound that  
9 has been demonstrated to have binding activity at one or more  
10 cannabinoid receptors;

11 (Since nomenclature of these substances is not internationally  
12 standardized, compounds of these structures, regardless of numerical  
13 designation of atomic positions covered.)

14       (ii) Hemp, as defined in section 2 of this act, and industrial  
15 hemp, as defined in chapter 15.120 RCW, are excepted from the  
16 categories of controlled substances identified under this section;

17       (31) Ethylamine analog of phencyclidine: Some trade or other  
18 names:       N-ethyl-1-phenylcyclohexylamine,       (1-phenylcyclohexyl)  
19 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

20       (32) Pyrrolidine analog of phencyclidine: Some trade or other  
21 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

22       (33) Thiophene analog of phencyclidine: Some trade or other  
23 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of  
24 phencyclidine; TPCP; TCP;

25       (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other  
26 name is TCPy.

27       (d) Depressants. Unless specifically excepted or unless listed in  
28 another schedule, any material, compound, mixture, or preparation  
29 which contains any quantity of the following substances having a  
30 depressant effect on the central nervous system, including its salts,  
31 isomers, and salts of isomers whenever the existence of such salts,  
32 isomers, and salts of isomers is possible within the specific  
33 chemical designation.

34       (1) Gamma-hydroxybutyric acid: Some other names include GHB;  
35 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;  
36 sodium oxybate; sodium oxybutyrate;

37       (2) Mecloqualone;

38       (3) Methaqualone.

39       (e) Stimulants. Unless specifically excepted or unless listed in  
40 another schedule, any material, compound, mixture, or preparation

1 which contains any quantity of the following substances having a  
2 stimulant effect on the central nervous system, including its salts,  
3 isomers, and salts of isomers:

4 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-  
5 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

6 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

7 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,  
8 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

9 (4) Fenethylamine;

10 (5) Methcathinone: Some other names: 2-(methylamino)-  
11 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-  
12 phenylpropan-1-one; alpha-N-methylaminopropiophenone;  
13 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;  
14 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and  
15 salts of optical isomers;

16 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-  
17 phenyl-2-oxazolamine);

18 (7) N-ethylamphetamine;

19 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-  
20 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

21 The controlled substances in this section may be added,  
22 rescheduled, or deleted as provided for in RCW 69.50.201.

23 NEW SECTION. **Sec. 16.** The following acts or parts of acts, as  
24 now existing or hereafter amended, are each repealed, effective  
25 January 1, 2020:

26 (1) RCW 15.120.005 (Intent) and 2016 sp.s. c 11 s 1;

27 (2) RCW 15.120.010 (Definitions) and 2016 sp.s. c 11 s 2;

28 (3) RCW 15.120.020 (Industrial hemp—Agricultural product—  
29 Exclusively as part of industrial hemp research program) and 2016  
30 sp.s. c 11 s 3;

31 (4) RCW 15.120.030 (Rule-making authority) and 2016 sp.s. c 11 s  
32 4;

33 (5) RCW 15.120.035 (Rule-making authority—Monetary penalties,  
34 license suspension or forfeiture, other sanctions—Rules to be  
35 consistent with section 7606 of federal agricultural act of 2014) and  
36 2017 c 317 s 10;

1 (6) RCW 15.120.040 (Industrial hemp research program—Established  
2 —Licensure—Seed certification program—Permission/waiver from  
3 appropriate federal entity) and 2016 sp.s. c 11 s 5;

4 (7) RCW 15.120.050 (Application form—Fee—Licensure—Renewal—  
5 Record of license forwarded to county sheriff—Public disclosure  
6 exemption) and 2016 sp.s. c 11 s 6; and

7 (8) RCW 15.120.060 (Sales and transfers of industrial hemp  
8 produced for processing—Department and state liquor and cannabis  
9 board to study feasibility and practicality of implementing  
10 legislatively authorized regulatory framework) and 2017 c 317 s 9.

11 NEW SECTION. **Sec. 17.** The sum of three hundred thousand  
12 dollars, or as much thereof as may be necessary, is appropriated for  
13 the 2019-2021 biennium, from the general fund to the department of  
14 agriculture for the purposes of this act.

15 NEW SECTION. **Sec. 18.** Sections 1 through 12 of this act  
16 constitute a new chapter in Title 15 RCW.

17 NEW SECTION. **Sec. 19.** This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of  
19 the state government and its existing public institutions, and takes  
20 effect immediately.

--- END ---