
SUBSTITUTE HOUSE BILL 1019

State of Washington

67th Legislature

2021 Regular Session

By House Commerce & Gaming (originally sponsored by Representatives Kloba, MacEwen, Ryu, Wicks, Dolan, Fitzgibbon, Peterson, Goodman, Young, Vick, Ormsby, Springer, Stonier, Santos, Macri, and Harris-Talley)

READ FIRST TIME 01/26/21.

1 AN ACT Relating to residential marijuana agriculture; amending
2 RCW 69.50.4013, 69.50.505, and 69.50.101; reenacting and amending RCW
3 69.50.101; prescribing penalties; providing an effective date; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to
7 read as follows:

8 (1) It is unlawful for any person to possess a controlled
9 substance unless the substance was obtained directly from, or
10 pursuant to, a valid prescription or order of a practitioner while
11 acting in the course of his or her professional practice, or except
12 as otherwise authorized by this chapter.

13 (2) Except as provided in RCW 69.50.4014, any person who violates
14 this section is guilty of a class C felony punishable under chapter
15 9A.20 RCW.

16 (3)(a) The possession, by a person twenty-one years of age or
17 older, of useable marijuana, marijuana concentrates, or marijuana-
18 infused products in amounts that do not exceed those set forth in RCW
19 69.50.360(3) is not a violation of this section, this chapter, or any
20 other provision of Washington state law.

1 (b) The possession of marijuana, useable marijuana, marijuana
2 concentrates, and marijuana-infused products being physically
3 transported or delivered within the state, in amounts not exceeding
4 those that may be established under RCW 69.50.385(3), by a licensed
5 employee of a common carrier when performing the duties authorized in
6 accordance with RCW 69.50.382 and 69.50.385, is not a violation of
7 this section, this chapter, or any other provision of Washington
8 state law.

9 (4)(a) The delivery by a person twenty-one years of age or older
10 to one or more persons twenty-one years of age or older, during a
11 single twenty-four hour period, for noncommercial purposes and not
12 conditioned upon or done in connection with the provision or receipt
13 of financial consideration, of any of the following marijuana
14 products, is not a violation of this section, this chapter, or any
15 other provisions of Washington state law:

16 (i) One-half ounce of useable marijuana;

17 (ii) Eight ounces of marijuana-infused product in solid form;

18 (iii) Thirty-six ounces of marijuana-infused product in liquid
19 form; or

20 (iv) Three and one-half grams of marijuana concentrates.

21 (b) The act of delivering marijuana or a marijuana product as
22 authorized under this subsection (4) must meet one of the following
23 requirements:

24 (i) The delivery must be done in a location outside of the view
25 of general public and in a nonpublic place; or

26 (ii) The marijuana or marijuana product must be in the original
27 packaging as purchased from the marijuana retailer.

28 (5) No person under twenty-one years of age may possess,
29 manufacture, sell, or distribute marijuana, marijuana-infused
30 products, or marijuana concentrates, regardless of THC concentration.
31 This does not include qualifying patients with a valid authorization.

32 (6) The possession by a qualifying patient or designated provider
33 of marijuana concentrates, useable marijuana, marijuana-infused
34 products, or plants in accordance with chapter 69.51A RCW is not a
35 violation of this section, this chapter, or any other provision of
36 Washington state law.

37 (7)(a) It is not a violation of this section, this chapter, or
38 any other provision of Washington state law for a person twenty-one
39 years of age or older to produce or possess no more than six plants

1 on the premises of the housing unit occupied by the person, provided
2 the person complies with the requirements of this subsection.

3 (b) It is not a violation of this section, this chapter, or any
4 other provision of Washington state law for a person twenty-one years
5 of age or older to produce or possess marijuana, including all stalks
6 and roots, produced from no more than six plants grown by the person
7 on the premises of the housing unit occupied by the person, subject
8 to the limitations provided in (c) of this subsection, if the person
9 complies with the requirements of this subsection.

10 (c) The quantity of marijuana and marijuana products a person may
11 produce or possess under this subsection is subject to the following
12 limits:

13 (i) A person may possess useable marijuana in an amount not to
14 exceed what is produced by the person's plants in addition to useable
15 marijuana obtained in the manner and according to the limits
16 specified in RCW 69.50.360(3). However, a person may not possess
17 marijuana capable of being processed into useable marijuana,
18 marijuana-infused products, or marijuana concentrates, unless the
19 person possesses fewer than sixteen ounces of useable marijuana,
20 irrespective of source;

21 (ii) A person may not produce or possess a total of more than
22 sixteen ounces of marijuana-infused products in solid form,
23 irrespective of source;

24 (iii) A person may not produce or possess a total of more than
25 seventy-two ounces of marijuana-infused products in liquid form,
26 irrespective of source; and

27 (iv) A person may not produce or possess a total of more than
28 seven grams of marijuana concentrates, irrespective of source.

29 (d) No more than fifteen plants may be grown at any one time on
30 the premises of a single housing unit, regardless of the number of
31 residents living on the premises of the housing unit.

32 (e) All plants grown under this subsection must be clearly marked
33 with the name, residential address, and date of birth of the person
34 growing the plants, and the date on which the plants were planted.

35 (f) All marijuana capable of being processed into useable
36 marijuana, marijuana-infused products, or marijuana concentrate must
37 be clearly marked with the name, date of birth, and residential
38 address of the person who grew the plants from which the marijuana is
39 derived, the date on which the plants were planted, and the date on
40 which the plants were harvested.

1 (g) All containers containing more than one ounce of useable
2 marijuana must be clearly marked with the name, date of birth,
3 residential address of the person who grew the plants from which the
4 useable marijuana is derived, the date on which the plants were
5 planted, and the date on which the plants were harvested. Any
6 containers containing one ounce or less of useable marijuana are not
7 required to be labeled.

8 (h) Any extraction or separation of resin from marijuana and any
9 production or processing of any form of marijuana concentrates or
10 marijuana-infused products must be performed in accordance with rules
11 adopted under RCW 69.51A.270.

12 (i) This subsection (7) does not apply to plants or useable
13 marijuana possessed or delivered other than on the premises of the
14 housing unit at which the plants were grown.

15 (j) Nothing in this subsection (7) prevents or restricts a
16 property owner from prohibiting the cultivation of plants by a renter
17 or lessee upon or within the property under the terms of a rental
18 agreement, lease, or other contract.

19 (k) The production, possession, delivery, and acquisition of
20 plants or marijuana capable of being processed into useable
21 marijuana, marijuana-infused products, or marijuana concentrate, and
22 useable marijuana under this subsection (7) may not form the basis of
23 a seizure or forfeiture action pursuant to RCW 69.50.505.

24 (l) A person twenty-one years of age or older who possesses
25 marijuana in compliance with this subsection (7) is considered an
26 ultimate user who may not sell marijuana, useable marijuana,
27 marijuana concentrate, or marijuana-infused products produced from
28 the person's plants, and is not required to obtain a registration
29 under RCW 69.50.302 or a license under RCW 69.50.325.

30 (m) No production, processing, or possession of plants or
31 marijuana from those plants, as authorized in this subsection (7),
32 may occur in a housing unit that is used to provide early childhood
33 education and early learning services by a family day care provider
34 as defined in RCW 43.216.010 or a foster family home as defined in
35 RCW 74.15.020.

36 (n) For purposes of this subsection (7), "housing unit" has the
37 meaning provided in RCW 69.51A.010.

38 (8)(a) The production, processing, or possession of plants or
39 marijuana from those plants, as authorized in subsection (7) of this

1 section, may not result in marijuana being readily smelled from a
2 public place or the private property of another housing unit.

3 (b) It is unlawful for a person to produce or possess plants or
4 marijuana from those plants, as otherwise authorized under subsection
5 (7) of this section, if the plants or marijuana are visible within
6 the ordinary public view. For purposes of this subsection, "ordinary
7 public view" means within the sight line with normal visual range of
8 a person, unassisted by any elevating devices, visual aids, or manned
9 or unmanned aircraft, from a public street or sidewalk adjacent to
10 real property, or from within an adjacent property.

11 (c) A violation of (a) or (b) of this subsection is a class 3
12 civil infraction punishable as provided in chapter 7.80 RCW.

13 (9) The board has no authority or responsibility to investigate
14 or enforce requirements in subsection (7) or (8) of this section.
15 Nothing in this subsection limits the board's authority to enforce
16 state laws related to commercial marijuana production, processing, or
17 sales, when there is evidence of a violation of another provision of
18 this chapter.

19 **Sec. 2.** RCW 69.50.505 and 2013 c 3 s 25 are each amended to read
20 as follows:

21 (1) The following are subject to seizure and forfeiture and no
22 property right exists in them:

23 (a) All controlled substances which have been manufactured,
24 distributed, dispensed, acquired, or possessed in violation of this
25 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals,
26 as defined in RCW 64.44.010, used or intended to be used in the
27 manufacture of controlled substances;

28 (b) All raw materials, products, and equipment of any kind which
29 are used, or intended for use, in manufacturing, compounding,
30 processing, delivering, importing, or exporting any controlled
31 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

32 (c) All property which is used, or intended for use, as a
33 container for property described in (a) or (b) of this subsection;

34 (d) All conveyances, including aircraft, vehicles, or vessels,
35 which are used, or intended for use, in any manner to facilitate the
36 sale, delivery, or receipt of property described in (a) or (b) of
37 this subsection, except that:

38 (i) No conveyance used by any person as a common carrier in the
39 transaction of business as a common carrier is subject to forfeiture

1 under this section unless it appears that the owner or other person
2 in charge of the conveyance is a consenting party or privy to a
3 violation of this chapter or chapter 69.41 or 69.52 RCW;

4 (ii) No conveyance is subject to forfeiture under this section by
5 reason of any act or omission established by the owner thereof to
6 have been committed or omitted without the owner's knowledge or
7 consent;

8 (iii) No conveyance is subject to forfeiture under this section
9 if used in the receipt of only an amount of marijuana for which
10 possession constitutes a misdemeanor under RCW 69.50.4014;

11 (iv) A forfeiture of a conveyance encumbered by a bona fide
12 security interest is subject to the interest of the secured party if
13 the secured party neither had knowledge of nor consented to the act
14 or omission; and

15 (v) When the owner of a conveyance has been arrested under this
16 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
17 person is arrested may not be subject to forfeiture unless it is
18 seized or process is issued for its seizure within ten days of the
19 owner's arrest;

20 (e) All books, records, and research products and materials,
21 including formulas, microfilm, tapes, and data which are used, or
22 intended for use, in violation of this chapter or chapter 69.41 or
23 69.52 RCW;

24 (f) All drug paraphernalia ((21)) other than paraphernalia
25 possessed, sold, or used solely to facilitate marijuana-related
26 activities that are not violations of this chapter;

27 (g) All moneys, negotiable instruments, securities, or other
28 tangible or intangible property of value furnished or intended to be
29 furnished by any person in exchange for a controlled substance in
30 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
31 or intangible personal property, proceeds, or assets acquired in
32 whole or in part with proceeds traceable to an exchange or series of
33 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
34 and all moneys, negotiable instruments, and securities used or
35 intended to be used to facilitate any violation of this chapter or
36 chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable
37 instruments, securities, or other tangible or intangible property
38 encumbered by a bona fide security interest is subject to the
39 interest of the secured party if, at the time the security interest
40 was created, the secured party neither had knowledge of nor consented

1 to the act or omission. No personal property may be forfeited under
2 this subsection (1)(g), to the extent of the interest of an owner, by
3 reason of any act or omission which that owner establishes was
4 committed or omitted without the owner's knowledge or consent; and

5 (h) All real property, including any right, title, and interest
6 in the whole of any lot or tract of land, and any appurtenances or
7 improvements which are being used with the knowledge of the owner for
8 the manufacturing, compounding, processing, delivery, importing, or
9 exporting of any controlled substance, or which have been acquired in
10 whole or in part with proceeds traceable to an exchange or series of
11 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
12 if such activity is not less than a class C felony and a substantial
13 nexus exists between the commercial production or sale of the
14 controlled substance and the real property. However:

15 (i) No property may be forfeited pursuant to this subsection
16 (1)(h), to the extent of the interest of an owner, by reason of any
17 act or omission committed or omitted without the owner's knowledge or
18 consent;

19 (ii) The bona fide gift of a controlled substance, legend drug,
20 or imitation controlled substance shall not result in the forfeiture
21 of real property;

22 (iii) The acquisition, delivery, production, or possession of
23 marijuana, useable marijuana, marijuana concentrates, or marijuana-
24 infused products, including in the manner and in the amount provided
25 in RCW 69.50.4013(7), shall not result in the forfeiture of real
26 property unless the marijuana is possessed for commercial purposes
27 that are unlawful under Washington state law, the amount possessed is
28 ((five or more plants or one pound or more)) sixteen or more plants
29 or, except as authorized in RCW 69.50.4013(7), more than one pound of
30 marijuana, and a substantial nexus exists between the possession of
31 marijuana and the real property. In such a case, the intent of the
32 offender shall be determined by the preponderance of the evidence,
33 including the offender's prior criminal history, the amount of
34 marijuana possessed by the offender, the sophistication of the
35 activity or equipment used by the offender, whether the offender was
36 licensed to produce, process, or sell marijuana, or was an employee
37 of a licensed producer, processor, or retailer, and other evidence
38 which demonstrates the offender's intent to engage in unlawful
39 commercial activity;

1 (iv) The unlawful sale of marijuana or a legend drug shall not
2 result in the forfeiture of real property unless the sale was forty
3 grams or more in the case of marijuana or one hundred dollars or more
4 in the case of a legend drug, and a substantial nexus exists between
5 the unlawful sale and the real property; and

6 (v) A forfeiture of real property encumbered by a bona fide
7 security interest is subject to the interest of the secured party if
8 the secured party, at the time the security interest was created,
9 neither had knowledge of nor consented to the act or omission.

10 (2) Real or personal property subject to forfeiture under this
11 chapter may be seized by any ((board)) commission inspector or law
12 enforcement officer of this state upon process issued by any superior
13 court having jurisdiction over the property. Seizure of real property
14 shall include the filing of a lis pendens by the seizing agency. Real
15 property seized under this section shall not be transferred or
16 otherwise conveyed until ninety days after seizure or until a
17 judgment of forfeiture is entered, whichever is later(~~(:—PROVIDED,~~
18 ~~That)~~). However, real property seized under this section may be
19 transferred or conveyed to any person or entity who acquires title by
20 foreclosure or deed in lieu of foreclosure of a security interest.
21 Seizure of personal property without process may be made if:

22 (a) The seizure is incident to an arrest or a search under a
23 search warrant or an inspection under an administrative inspection
24 warrant;

25 (b) The property subject to seizure has been the subject of a
26 prior judgment in favor of the state in a criminal injunction or
27 forfeiture proceeding based upon this chapter;

28 (c) A ((board)) commission inspector or law enforcement officer
29 has probable cause to believe that the property is directly or
30 indirectly dangerous to health or safety; or

31 (d) The ((board)) commission inspector or law enforcement officer
32 has probable cause to believe that the property was used or is
33 intended to be used in violation of this chapter.

34 (3) In the event of seizure pursuant to subsection (2) of this
35 section, proceedings for forfeiture shall be deemed commenced by the
36 seizure. The law enforcement agency under whose authority the seizure
37 was made shall cause notice to be served within fifteen days
38 following the seizure on the owner of the property seized and the
39 person in charge thereof and any person having any known right or
40 interest therein, including any community property interest, of the

1 seizure and intended forfeiture of the seized property. Service of
2 notice of seizure of real property shall be made according to the
3 rules of civil procedure. However, the state may not obtain a default
4 judgment with respect to real property against a party who is served
5 by substituted service absent an affidavit stating that a good faith
6 effort has been made to ascertain if the defaulted party is
7 incarcerated within the state, and that there is no present basis to
8 believe that the party is incarcerated within the state. Notice of
9 seizure in the case of property subject to a security interest that
10 has been perfected by filing a financing statement in accordance with
11 chapter 62A.9A RCW, or a certificate of title, shall be made by
12 service upon the secured party or the secured party's assignee at the
13 address shown on the financing statement or the certificate of title.
14 The notice of seizure in other cases may be served by any method
15 authorized by law or court rule including but not limited to service
16 by certified mail with return receipt requested. Service by mail
17 shall be deemed complete upon mailing within the fifteen day period
18 following the seizure.

19 (4) If no person notifies the seizing law enforcement agency in
20 writing of the person's claim of ownership or right to possession of
21 items specified in subsection (1)(d), (g), or (h) of this section
22 within forty-five days of the service of notice from the seizing
23 agency in the case of personal property and ninety days in the case
24 of real property, the item seized shall be deemed forfeited. The
25 community property interest in real property of a person whose spouse
26 or domestic partner committed a violation giving rise to seizure of
27 the real property may not be forfeited if the person did not
28 participate in the violation.

29 (5) If any person notifies the seizing law enforcement agency in
30 writing of the person's claim of ownership or right to possession of
31 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)
32 of this section within forty-five days of the service of notice from
33 the seizing agency in the case of personal property and ninety days
34 in the case of real property, the person or persons shall be afforded
35 a reasonable opportunity to be heard as to the claim or right. The
36 notice of claim may be served by any method authorized by law or
37 court rule including, but not limited to, service by first-class
38 mail. Service by mail shall be deemed complete upon mailing within
39 the forty-five day period following service of the notice of seizure
40 in the case of personal property and within the ninety-day period

1 following service of the notice of seizure in the case of real
2 property. The hearing shall be before the chief law enforcement
3 officer of the seizing agency or the chief law enforcement officer's
4 designee, except where the seizing agency is a state agency as
5 defined in RCW 34.12.020(4), the hearing shall be before the chief
6 law enforcement officer of the seizing agency or an administrative
7 law judge appointed under chapter 34.12 RCW, except that any person
8 asserting a claim or right may remove the matter to a court of
9 competent jurisdiction. Removal of any matter involving personal
10 property may only be accomplished according to the rules of civil
11 procedure. The person seeking removal of the matter must serve
12 process against the state, county, political subdivision, or
13 municipality that operates the seizing agency, and any other party of
14 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-
15 five days after the person seeking removal has notified the seizing
16 law enforcement agency of the person's claim of ownership or right to
17 possession. The court to which the matter is to be removed shall be
18 the district court when the aggregate value of personal property is
19 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
20 before the seizing agency and any appeal therefrom shall be under
21 Title 34 RCW. In all cases, the burden of proof is upon the law
22 enforcement agency to establish, by a preponderance of the evidence,
23 that the property is subject to forfeiture.

24 The seizing law enforcement agency shall promptly return the
25 article or articles to the claimant upon a determination by the
26 administrative law judge or court that the claimant is the present
27 lawful owner or is lawfully entitled to possession thereof of items
28 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of
29 this section.

30 (6) In any proceeding to forfeit property under this title, where
31 the claimant substantially prevails, the claimant is entitled to
32 reasonable attorneys' fees reasonably incurred by the claimant. In
33 addition, in a court hearing between two or more claimants to the
34 article or articles involved, the prevailing party is entitled to a
35 judgment for costs and reasonable attorneys' fees.

36 (7) When property is forfeited under this chapter the (~~board~~)
37 commission or seizing law enforcement agency may:

38 (a) Retain it for official use or upon application by any law
39 enforcement agency of this state release such property to such agency
40 for the exclusive use of enforcing the provisions of this chapter;

1 (b) Sell that which is not required to be destroyed by law and
2 which is not harmful to the public;

3 (c) Request the appropriate sheriff or director of public safety
4 to take custody of the property and remove it for disposition in
5 accordance with law; or

6 (d) Forward it to the drug enforcement administration for
7 disposition.

8 (8)(a) When property is forfeited, the seizing agency shall keep
9 a record indicating the identity of the prior owner, if known, a
10 description of the property, the disposition of the property, the
11 value of the property at the time of seizure, and the amount of
12 proceeds realized from disposition of the property.

13 (b) Each seizing agency shall retain records of forfeited
14 property for at least seven years.

15 (c) Each seizing agency shall file a report including a copy of
16 the records of forfeited property with the state treasurer each
17 calendar quarter.

18 (d) The quarterly report need not include a record of forfeited
19 property that is still being held for use as evidence during the
20 investigation or prosecution of a case or during the appeal from a
21 conviction.

22 (9)(a) By January 31st of each year, each seizing agency shall
23 remit to the state treasurer an amount equal to ten percent of the
24 net proceeds of any property forfeited during the preceding calendar
25 year. Money remitted shall be deposited in the state general fund.

26 (b) The net proceeds of forfeited property is the value of the
27 forfeitable interest in the property after deducting the cost of
28 satisfying any bona fide security interest to which the property is
29 subject at the time of seizure; and in the case of sold property,
30 after deducting the cost of sale, including reasonable fees or
31 commissions paid to independent selling agents, and the cost of any
32 valid landlord's claim for damages under subsection (15) of this
33 section.

34 (c) The value of sold forfeited property is the sale price. The
35 value of retained forfeited property is the fair market value of the
36 property at the time of seizure, determined when possible by
37 reference to an applicable commonly used index, such as the index
38 used by the department of licensing for valuation of motor vehicles.
39 A seizing agency may use, but need not use, an independent qualified
40 appraiser to determine the value of retained property. If an

1 appraiser is used, the value of the property appraised is net of the
2 cost of the appraisal. The value of destroyed property and retained
3 firearms or illegal property is zero.

4 (10) Forfeited property and net proceeds not required to be paid
5 to the state treasurer shall be retained by the seizing law
6 enforcement agency exclusively for the expansion and improvement of
7 controlled substances related law enforcement activity. Money
8 retained under this section may not be used to supplant preexisting
9 funding sources.

10 (11) Controlled substances listed in Schedule I, II, III, IV, and
11 V that are possessed, transferred, sold, or offered for sale in
12 violation of this chapter are contraband and shall be seized and
13 summarily forfeited to the state. Controlled substances listed in
14 Schedule I, II, III, IV, and V, which are seized or come into the
15 possession of the ((board)) commission, the owners of which are
16 unknown, are contraband and shall be summarily forfeited to the
17 ((board)) commission.

18 (12) Species of plants from which controlled substances in
19 Schedules I and II may be derived which have been planted or
20 cultivated in violation of this chapter, or of which the owners or
21 cultivators are unknown, or which are wild growths, may be seized and
22 summarily forfeited to the ((board)) commission.

23 (13) The failure, upon demand by a ((board)) commission inspector
24 or law enforcement officer, of the person in occupancy or in control
25 of land or premises upon which the species of plants are growing or
26 being stored to produce an appropriate registration or proof that he
27 or she is the holder thereof constitutes authority for the seizure
28 and forfeiture of the plants.

29 (14) Upon the entry of an order of forfeiture of real property,
30 the court shall forward a copy of the order to the assessor of the
31 county in which the property is located. Orders for the forfeiture of
32 real property shall be entered by the superior court, subject to
33 court rules. Such an order shall be filed by the seizing agency in
34 the county auditor's records in the county in which the real property
35 is located.

36 (15)(a) A landlord may assert a claim against proceeds from the
37 sale of assets seized and forfeited under subsection (7)(b) of this
38 section, only if:

39 (i) A law enforcement officer, while acting in his or her
40 official capacity, directly caused damage to the complaining

1 landlord's property while executing a search of a tenant's residence;
2 and

3 (ii) The landlord has applied any funds remaining in the tenant's
4 deposit, to which the landlord has a right under chapter 59.18 RCW,
5 to cover the damage directly caused by a law enforcement officer
6 prior to asserting a claim under the provisions of this section;

7 (A) Only if the funds applied under (a)(ii) of this subsection
8 are insufficient to satisfy the damage directly caused by a law
9 enforcement officer, may the landlord seek compensation for the
10 damage by filing a claim against the governmental entity under whose
11 authority the law enforcement agency operates within thirty days
12 after the search;

13 (B) Only if the governmental entity denies or fails to respond to
14 the landlord's claim within sixty days of the date of filing, may the
15 landlord collect damages under this subsection by filing within
16 thirty days of denial or the expiration of the sixty-day period,
17 whichever occurs first, a claim with the seizing law enforcement
18 agency. The seizing law enforcement agency must notify the landlord
19 of the status of the claim by the end of the thirty-day period.
20 Nothing in this section requires the claim to be paid by the end of
21 the sixty-day or thirty-day period.

22 (b) For any claim filed under (a)(ii) of this subsection, the law
23 enforcement agency shall pay the claim unless the agency provides
24 substantial proof that the landlord either:

25 (i) Knew or consented to actions of the tenant in violation of
26 this chapter or chapter 69.41 or 69.52 RCW; or

27 (ii) Failed to respond to a notification of the illegal activity,
28 provided by a law enforcement agency under RCW 59.18.075, within
29 seven days of receipt of notification of the illegal activity.

30 (16) The landlord's claim for damages under subsection (15) of
31 this section may not include a claim for loss of business and is
32 limited to:

33 (a) Damage to tangible property and clean-up costs;

34 (b) The lesser of the cost of repair or fair market value of the
35 damage directly caused by a law enforcement officer;

36 (c) The proceeds from the sale of the specific tenant's property
37 seized and forfeited under subsection (7)(b) of this section; and

38 (d) The proceeds available after the seizing law enforcement
39 agency satisfies any bona fide security interest in the tenant's

1 property and costs related to sale of the tenant's property as
2 provided by subsection (9)(b) of this section.

3 (17) Subsections (15) and (16) of this section do not limit any
4 other rights a landlord may have against a tenant to collect for
5 damages. However, if a law enforcement agency satisfies a landlord's
6 claim under subsection (15) of this section, the rights the landlord
7 has against the tenant for damages directly caused by a law
8 enforcement officer under the terms of the landlord and tenant's
9 contract are subrogated to the law enforcement agency.

10 **Sec. 3.** RCW 69.50.101 and 2020 c 133 s 2 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

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

25 (c) "Board" means the Washington state liquor and cannabis board.

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

28 (e) "CBD product" means any product containing or consisting of
29 cannabidiol.

30 (f) "Commission" means the pharmacy quality assurance commission.

31 (g) "Controlled substance" means a drug, substance, or immediate
32 precursor included in Schedules I through V as set forth in federal
33 or state laws, or federal or commission rules, but does not include
34 hemp or industrial hemp as defined in RCW 15.140.020.

35 (h)(1) "Controlled substance analog" means a substance the
36 chemical structure of which is substantially similar to the chemical
37 structure of a controlled substance in Schedule I or II and:

38 (i) that has a stimulant, depressant, or hallucinogenic effect on
39 the central nervous system substantially similar to the stimulant,

1 depressant, or hallucinogenic effect on the central nervous system of
2 a controlled substance included in Schedule I or II; or

3 (ii) with respect to a particular individual, that the individual
4 represents or intends to have a stimulant, depressant, or
5 hallucinogenic effect on the central nervous system substantially
6 similar to the stimulant, depressant, or hallucinogenic effect on the
7 central nervous system of a controlled substance included in Schedule
8 I or II.

9 (2) The term does not include:

10 (i) a controlled substance;

11 (ii) a substance for which there is an approved new drug
12 application;

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

18 (iv) any substance to the extent not intended for human
19 consumption before an exemption takes effect with respect to the
20 substance.

21 (i) "Deliver" or "delivery" means the actual or constructive
22 transfer from one person to another of a substance, whether or not
23 there is an agency relationship.

24 (j) "Department" means the department of health.

25 (k) "Designated provider" has the meaning provided in RCW
26 69.51A.010.

27 (l) "Dispense" means the interpretation of a prescription or
28 order for a controlled substance and, pursuant to that prescription
29 or order, the proper selection, measuring, compounding, labeling, or
30 packaging necessary to prepare that prescription or order for
31 delivery.

32 (m) "Dispenser" means a practitioner who dispenses.

33 (n) "Distribute" means to deliver other than by administering or
34 dispensing a controlled substance.

35 (o) "Distributor" means a person who distributes.

36 (p) "Drug" means (1) a controlled substance recognized as a drug
37 in the official United States pharmacopoeia/national formulary or the
38 official homeopathic pharmacopoeia of the United States, or any
39 supplement to them; (2) controlled substances intended for use in the
40 diagnosis, cure, mitigation, treatment, or prevention of disease in

1 individuals or animals; (3) controlled substances (other than food)
2 intended to affect the structure or any function of the body of
3 individuals or animals; and (4) controlled substances intended for
4 use as a component of any article specified in (1), (2), or (3) of
5 this subsection. The term does not include devices or their
6 components, parts, or accessories.

7 (q) "Drug enforcement administration" means the drug enforcement
8 administration in the United States Department of Justice, or its
9 successor agency.

10 (r) "Electronic communication of prescription information" means
11 the transmission of a prescription or refill authorization for a drug
12 of a practitioner using computer systems. The term does not include a
13 prescription or refill authorization verbally transmitted by
14 telephone nor a facsimile manually signed by the practitioner.

15 (s) "Immature plant or clone" means a plant or clone that has no
16 flowers, is less than twelve inches in height, and is less than
17 twelve inches in diameter.

18 (t) "Immediate precursor" means a substance:

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

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

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

26 (u) "Isomer" means an optical isomer, but in subsection (gg)(5)
27 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
28 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
29 (42), and 69.50.210(c) the term includes any positional isomer; and
30 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
31 includes any positional or geometric isomer.

32 (v) "Lot" means a definite quantity of marijuana, marijuana
33 concentrates, useable marijuana, or marijuana-infused product
34 identified by a lot number, every portion or package of which is
35 uniform within recognized tolerances for the factors that appear in
36 the labeling.

37 (w) "Lot number" must identify the licensee by business or trade
38 name and Washington state unified business identifier number, and the
39 date of harvest or processing for each lot of marijuana, marijuana
40 concentrates, useable marijuana, or marijuana-infused product.

1 (x) "Manufacture" means the production, preparation, propagation,
2 compounding, conversion, or processing of a controlled substance,
3 either directly or indirectly or by extraction from substances of
4 natural origin, or independently by means of chemical synthesis, or
5 by a combination of extraction and chemical synthesis, and includes
6 any packaging or repackaging of the substance or labeling or
7 relabeling of its container. The term does not include the
8 preparation, compounding, packaging, repackaging, labeling, or
9 relabeling of a controlled substance:

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

13 (2) by a practitioner, or by the practitioner's authorized agent
14 under the practitioner's supervision, for the purpose of, or as an
15 incident to, research, teaching, or chemical analysis and not for
16 sale.

17 (y) "Marijuana" or "marihuana" means all parts of the plant
18 *Cannabis*, whether growing or not, with a THC concentration greater
19 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
20 extracted from any part of the plant; and every compound,
21 manufacture, salt, derivative, mixture, or preparation of the plant,
22 its seeds or resin. The term does not include:

23 (1) The mature stalks of the plant, fiber produced from the
24 stalks, oil or cake made from the seeds of the plant, any other
25 compound, manufacture, salt, derivative, mixture, or preparation of
26 the mature stalks (except the resin extracted therefrom), fiber, oil,
27 or cake, or the sterilized seed of the plant which is incapable of
28 germination; or

29 (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
30 used for licensed hemp production under chapter 15.140 RCW.

31 (z) "Marijuana concentrates" means products consisting wholly or
32 in part of the resin extracted from any part of the plant *Cannabis*
33 and having a THC concentration greater than ten percent.

34 (aa) "Marijuana processor" means a person licensed by the board
35 to process marijuana into marijuana concentrates, useable marijuana,
36 and marijuana-infused products, package and label marijuana
37 concentrates, useable marijuana, and marijuana-infused products for
38 sale in retail outlets, and sell marijuana concentrates, useable
39 marijuana, and marijuana-infused products at wholesale to marijuana
40 retailers.

1 (bb) "Marijuana producer" means a person licensed by the board to
2 produce and sell marijuana at wholesale to marijuana processors and
3 other marijuana producers.

4 (cc) "Marijuana products" means useable marijuana, marijuana
5 concentrates, and marijuana-infused products as defined in this
6 section.

7 (dd) "Marijuana researcher" means a person licensed by the board
8 to produce, process, and possess marijuana for the purposes of
9 conducting research on marijuana and marijuana-derived drug products.

10 (ee) "Marijuana retailer" means a person licensed by the board to
11 sell marijuana concentrates, useable marijuana, and marijuana-infused
12 products in a retail outlet.

13 (ff) "Marijuana-infused products" means products that contain
14 marijuana or marijuana extracts, are intended for human use, are
15 derived from marijuana as defined in subsection (y) of this section,
16 and have a THC concentration no greater than ten percent. The term
17 "marijuana-infused products" does not include either useable
18 marijuana or marijuana concentrates.

19 (gg) "Narcotic drug" means any of the following, whether produced
20 directly or indirectly by extraction from substances of vegetable
21 origin, or independently by means of chemical synthesis, or by a
22 combination of extraction and chemical synthesis:

23 (1) Opium, opium derivative, and any derivative of opium or opium
24 derivative, including their salts, isomers, and salts of isomers,
25 whenever the existence of the salts, isomers, and salts of isomers is
26 possible within the specific chemical designation. The term does not
27 include the isoquinoline alkaloids of opium.

28 (2) Synthetic opiate and any derivative of synthetic opiate,
29 including their isomers, esters, ethers, salts, and salts of isomers,
30 esters, and ethers, whenever the existence of the isomers, esters,
31 ethers, and salts is possible within the specific chemical
32 designation.

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

34 (4) Coca leaves, except coca leaves and extracts of coca leaves
35 from which cocaine, ecgonine, and derivatives or ecgonine or their
36 salts have been removed.

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

38 (6) Cocaine base.

39 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
40 thereof.

1 (8) Any compound, mixture, or preparation containing any quantity
2 of any substance referred to in (1) through (7) of this subsection.

3 (hh) "Opiate" means any substance having an addiction-forming or
4 addiction-sustaining liability similar to morphine or being capable
5 of conversion into a drug having addiction-forming or addiction-
6 sustaining liability. The term includes opium, substances derived
7 from opium (opium derivatives), and synthetic opiates. The term does
8 not include, unless specifically designated as controlled under RCW
9 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
10 and its salts (dextromethorphan). The term includes the racemic and
11 levorotatory forms of dextromethorphan.

12 (ii) "Opium poppy" means the plant of the species *Papaver*
13 *somniferum* L., except its seeds.

14 (jj) "Person" means individual, corporation, business trust,
15 estate, trust, partnership, association, joint venture, government,
16 governmental subdivision or agency, or any other legal or commercial
17 entity.

18 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

19 (ll) "Poppy straw" means all parts, except the seeds, of the
20 opium poppy, after mowing.

21 (mm) "Practitioner" means:

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

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

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathic medicine and surgery, a
7 dentist licensed to practice dentistry, a podiatric physician and
8 surgeon licensed to practice podiatric medicine and surgery, a
9 licensed physician assistant or a licensed osteopathic physician
10 assistant specifically approved to prescribe controlled substances by
11 his or her state's medical commission or equivalent and his or her
12 supervising physician, an advanced registered nurse practitioner
13 licensed to prescribe controlled substances, or a veterinarian
14 licensed to practice veterinary medicine in any state of the United
15 States.

16 (nn) "Prescription" means an order for controlled substances
17 issued by a practitioner duly authorized by law or rule in the state
18 of Washington to prescribe controlled substances within the scope of
19 his or her professional practice for a legitimate medical purpose.

20 (oo) "Production" includes the manufacturing, planting,
21 cultivating, growing, or harvesting of a controlled substance.

22 (pp) "Qualifying patient" has the meaning provided in RCW
23 69.51A.010.

24 (qq) "Recognition card" has the meaning provided in RCW
25 69.51A.010.

26 (rr) "Retail outlet" means a location licensed by the board for
27 the retail sale of marijuana concentrates, useable marijuana, and
28 marijuana-infused products.

29 (ss) "Secretary" means the secretary of health or the secretary's
30 designee.

31 (tt) "State," unless the context otherwise requires, means a
32 state of the United States, the District of Columbia, the
33 Commonwealth of Puerto Rico, or a territory or insular possession
34 subject to the jurisdiction of the United States.

35 (uu) "THC concentration" means percent of delta-9
36 tetrahydrocannabinol content per dry weight of any part of the plant
37 *Cannabis*, or per volume or weight of marijuana product, or the
38 combined percent of delta-9 tetrahydrocannabinol and
39 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
40 regardless of moisture content.

1 (vv) "Ultimate user" means an individual who lawfully possesses a
2 controlled substance for the individual's own use or for the use of a
3 member of the individual's household or for administering to an
4 animal owned by the individual or by a member of the individual's
5 household.

6 (ww) "Useable marijuana" means dried marijuana flowers. The term
7 "useable marijuana" does not include either marijuana-infused
8 products or marijuana concentrates.

9 (xx) "Youth access" means the level of interest persons under the
10 age of twenty-one may have in a vapor product, as well as the degree
11 to which the product is available or appealing to such persons, and
12 the likelihood of initiation, use, or addiction by adolescents and
13 young adults.

14 (yy) "Commercial activity" means an activity related to or
15 connected with buying, selling, or bartering.

16 **Sec. 4.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are
17 each reenacted and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

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

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

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

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

31 (c) "Board" means the Washington state liquor and cannabis board.

32 (d) "CBD concentration" has the meaning provided in RCW
33 69.51A.010.

34 (e) "CBD product" means any product containing or consisting of
35 cannabidiol.

36 (f) "Commission" means the pharmacy quality assurance commission.

37 (g) "Controlled substance" means a drug, substance, or immediate
38 precursor included in Schedules I through V as set forth in federal

1 or state laws, or federal or commission rules, but does not include
2 hemp or industrial hemp as defined in RCW 15.140.020.

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

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

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

16 (2) The term does not include:

17 (i) a controlled substance;

18 (ii) a substance for which there is an approved new drug
19 application;

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

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

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

31 (j) "Department" means the department of health.

32 (k) "Designated provider" has the meaning provided in RCW
33 69.51A.010.

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

39 (m) "Dispenser" means a practitioner who dispenses.

1 (n) "Distribute" means to deliver other than by administering or
2 dispensing a controlled substance.

3 (o) "Distributor" means a person who distributes.

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

15 (q) "Drug enforcement administration" means the drug enforcement
16 administration in the United States Department of Justice, or its
17 successor agency.

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

23 (s) "Immature plant or clone" means a plant or clone that has no
24 flowers, is less than twelve inches in height, and is less than
25 twelve inches in diameter.

26 (t) "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 (u) "Isomer" means an optical isomer, but in subsection (gg)(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 (v) "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 (w) "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 (x) "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 (y) "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) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
39 used for licensed hemp production under chapter 15.140 RCW.

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

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

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

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

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

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

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

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

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

1 ethers, and salts is possible within the specific chemical
2 designation.

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

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

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

8 (6) Cocaine base.

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

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

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

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

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

28 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

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

31 (mm) "Practitioner" means:

32 (1) A physician under chapter 18.71 RCW; a physician assistant
33 under chapter 18.71A RCW; an osteopathic physician and surgeon under
34 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
35 who is certified by the optometry board under RCW 18.53.010 subject
36 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
37 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
38 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
39 registered nurse practitioner, or licensed practical nurse under
40 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW

1 who is licensed under RCW 18.36A.030 subject to any limitations in
2 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
3 investigator under this chapter, licensed, registered or otherwise
4 permitted insofar as is consistent with those licensing laws to
5 distribute, dispense, conduct research with respect to or administer
6 a controlled substance in the course of their professional practice
7 or research in this state.

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

12 (3) A physician licensed to practice medicine and surgery, a
13 physician licensed to practice osteopathic medicine and surgery, a
14 dentist licensed to practice dentistry, a podiatric physician and
15 surgeon licensed to practice podiatric medicine and surgery, a
16 licensed physician assistant or a licensed osteopathic physician
17 assistant specifically approved to prescribe controlled substances by
18 his or her state's medical commission or equivalent and his or her
19 supervising physician, an advanced registered nurse practitioner
20 licensed to prescribe controlled substances, or a veterinarian
21 licensed to practice veterinary medicine in any state of the United
22 States.

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

27 (oo) "Production" includes the manufacturing, planting,
28 cultivating, growing, or harvesting of a controlled substance.

29 (pp) "Qualifying patient" has the meaning provided in RCW
30 69.51A.010.

31 (qq) "Recognition card" has the meaning provided in RCW
32 69.51A.010.

33 (rr) "Retail outlet" means a location licensed by the board for
34 the retail sale of marijuana concentrates, useable marijuana, and
35 marijuana-infused products.

36 (ss) "Secretary" means the secretary of health or the secretary's
37 designee.

38 (tt) "State," unless the context otherwise requires, means a
39 state of the United States, the District of Columbia, the

1 Commonwealth of Puerto Rico, or a territory or insular possession
2 subject to the jurisdiction of the United States.

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

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

14 (ww) "Useable marijuana" means dried marijuana flowers. The term
15 "useable marijuana" does not include either marijuana-infused
16 products or marijuana concentrates.

17 (xx) "Youth access" means the level of interest persons under the
18 age of twenty-one may have in a vapor product, as well as the degree
19 to which the product is available or appealing to such persons, and
20 the likelihood of initiation, use, or addiction by adolescents and
21 young adults.

22 (yy) "Commercial activity" means an activity related to or
23 connected with buying, selling, or bartering.

24 NEW SECTION. **Sec. 5.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 6.** Section 3 of this act expires July 1,
29 2022.

30 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect July 1,
31 2022.

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