

SENATE BILL REPORT

EHB 2056

As of Second Reading

Title: An act relating to correcting the definition of THC concentration as adopted by Initiative Measure No. 502 to avoid an implication that conversion, by combustion, of tetrahydrocannabinol acid into delta-9 tetrahydrocannabinol is not part of the THC content that differentiates marijuana from hemp

Brief Description: Correcting the definition of THC concentration as adopted by Initiative Measure No. 502 to avoid an implication that conversion, by combustion, of tetrahydrocannabinol acid into delta-9 tetrahydrocannabinol is not part of the THC content that differentiates marijuana from hemp.

Sponsors: Representatives Hurst and Condotta.

Brief History: Passed House: 4/26/13, 95-1.

Staff: Jessica Stevenson (786-7465)

Background: Two chemical compounds that are naturally present in the cannabis plant are delta-9 tetrahydrocannabinol (delta-9 THC) and tetrahydrocannabinolic acid (THCA). Delta-9 THC is the compound that provides the psychoactive effects of marijuana. In the cannabis plant, THCA is the precursor of delta-9 THC.

To some degree, THCA converts to delta-9 THC over time with drying. However, progressive conversion of THCA to delta-9 THC occurs under intense heating, such as when the plant is smoked or baked.

Initiative 502 (I-502) changed the definition of marijuana under the Uniform Controlled Substances Act to specify that marijuana means all parts of the cannabis plant with a THC concentration greater than 0.3 percent on a dry-weight basis. I-502 then defined THC concentration to mean the percent of delta-9 THC content per dry weight of any part of the cannabis plant. Therefore, based on the definitions, marijuana means a plant with a delta-9 THC concentration greater than 0.3 percent.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The definition of THC concentration does not take into account the total THC content, which means it is possible that some plants with a high total THC content—delta-9 THC plus THCA—would not meet the definition of marijuana.

Summary of Bill: The definition of THC concentration includes the combined percent of delta-9 THC and THCA, regardless of moisture content. Therefore, when determining whether a substance is marijuana, the total THC concentration may be considered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.