H-0535.4

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**HOUSE BILL 1552**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Shea, Taylor, Condotta, Pike, Goodman, G. Hunt, Scott, Buys, Holy, Griffey, Blake, Fitzgibbon, Hurst, Ormsby, Young, and Magendanz

AN ACT Relating to industrial hemp; amending RCW 69.50.204; adding a new chapter to Title 15 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including, but not limited to: High strength fiber; textiles; clothing biofuel; paper products; protein rich food containing fatty acids and amino acids; biodegradable plastics; resins; nontoxic medicinal and cosmetic products; construction materials; rope; and value-added crafts.

The many beneficial agricultural and environmental uses of hemp include, but are not limited to: Livestock feed and bedding; carbon dioxide absorption and conversion; stream buffering; erosion control; water and soil purification; and weed control.

The hemp plant is an annual herbaceous plant that, on average, varies in height from three to nineteen feet and has a stem diameter averaging between one-quarter to one and one-half inches. The hemp plant is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

The agricultural act of 2014, known as the farm bill, passed by congress last year, authorizes the growing of hemp by institutions of higher learning and state departments of agriculture for academic or agricultural research purposes, but only in those states that have already legalized hemp production. At least eight states have passed legislation generally authorizing the production and marketing of industrial hemp and eleven others have authorized either hemp pilot studies or the production of hemp for agricultural research purposes, or both.

Hemp cultivation will enable the state of Washington to accelerate economic growth and job creation, promote environmental stewardship, and expand export opportunities.

Therefore, it is the intent of the legislature to legalize the agricultural production of industrial hemp and provide a regulatory framework that will ensure the security and safety of hemp crops while at the same time facilitate the ability of Washington farmers to successfully compete in the global hemp marketplace.

NEW SECTION. **Sec.**  Industrial hemp is an agricultural product that may be legally grown, produced, possessed, processed, and commercially traded in accordance with the provisions of this chapter. Interstate and international commercial transactions may be conducted by state licensed industrial hemp producers and processors with respect to industrial hemp and industrial hemp products produced in this state by licensees. The department of agriculture is granted the rule-making authority necessary to implement this chapter in accordance with the provisions of this chapter.

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

(1) "Cultivar" means a variation of genera *Cannabis* that has been developed through cultivation by selective breeding.

(2) "Grower" means any person or entity growing industrial hemp and being duly licensed in accordance with the provisions of this chapter.

(3) "Hemp products" include all products made from industrial hemp including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, building materials, plastics, seed, livestock feed, seed meal, seed oil intended for consumption, seed certified for cultivation, or any other hemp product derived from industrial hemp, provided the product is derived from seeds originating from industrial hemp cultivars approved by the department in accordance with the provisions of this chapter.

(4) "Industrial hemp" means all parts and varieties of the genera *Cannabis,* cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of 0.3 percent or less by weight, except that the THC concentration limit of 0.3 percent may be exceeded with respect to seeds used for licensed industrial hemp research conducted in accordance with the requirements of sections 8 and 10 of this act.

(5) "THC" or "tetrahydrocannabinol" means the component delta-9-tetrahydrocannibinol contained in the genera *Cannabis*, or in the resinous extractives of the genera *Cannabis*, or the synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity.

(6) "THC concentration" means percent of total THC, which is the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the genera *Cannabis,* regardless of moisture content.

NEW SECTION. **Sec.**  (1) The department shall administer and enforce the provisions of this chapter.

(2) The department is authorized to investigate compliance with this chapter, and have access, subject to the provisions of subsection (3) of this section, to all land, buildings, or places where industrial hemp is grown, kept, stored, or handled, and to all records relating to hemp production. The department may make copies of the records.

(3) The department may access properties and records specified in subsection (2) of this section during regular business hours upon the consent of the grower or when the department has probable cause to believe that any grower licensed under this chapter is otherwise in violation of this chapter or rules adopted under it.

NEW SECTION. **Sec.**  (1) Any person or entity wishing to engage in the production of industrial hemp must be licensed as an industrial hemp grower by the department. A department-issued license authorizes industrial hemp production only at the site or sites specified by the licensee in the licensee's license application.

(2) In order to obtain a license, a prospective licensee must file an application with the department. The department must make a determination to either grant or deny a license within sixty days of receipt of the application. A department-issued license is valid for thirty-six months and may be renewed, but may not be transferred.

(3) To qualify for a license, an applicant shall demonstrate to the satisfaction of the department, in a manner prescribed by the department, that the applicant intends to and is capable of growing industrial hemp and has adopted methods to ensure its safe production, which at a minimum include:

(a) Securing the supply of all industrial hemp seed obtained for planting in compliance with this chapter;

(b) Ensuring the integrity of the industrial hemp crop while it is in the field, which includes filing with the department the location and acreage of all parcels sown and other field reference information as may be required by the director;

(c) Agreeing to the provisions of section 4 of this act regarding inspections and records requests by the department; and

(d) Maintaining records that reflect compliance with the provisions of this chapter and with all other state law regulating the planting and cultivation of hemp.

(4) Every grower shall maintain all production records for at least three years at the production site.

(5) Every grower shall place signs at the natural access points of industrial hemp fields that communicate, at a minimum, that the crop is industrial hemp and that the THC content is insignificant. The minimum length of the signs is twenty-four inches and the minimum height is eighteen inches.

NEW SECTION. **Sec.**  (1) The department may deny, suspend, revoke, or refuse to renew the license of any grower that:

(a) Makes a false statement or misrepresentation on an application for a license or renewal of a license;

(b) Fails to comply with or violates any provision of this chapter or any rule adopted under it; or

(c) Fails to take any action required by the department under the provisions of this chapter.

(2) Revocation or suspension of a license may be in addition to any criminal penalties or fines imposed on a grower under other state law.

NEW SECTION. **Sec.**  (1) The department shall charge a fee for each license granted to a grower under this chapter. The fee amount charged for the first growing season after the effective date of this section is ten dollars per acre of land under cultivation. After the first growing season, the department shall adopt by rule a fee to fund and administer the program, to be used beginning with the growing season following the first growing season. All fee revenue must be deposited in the industrial hemp account created in section 11 of this act.

(2) After the third growing season, the department shall report to the legislature on the fee amount, the acres of industrial hemp in production, and the revenue generated from industrial hemp.

NEW SECTION. **Sec.**  (1) The industrial hemp authorized for production under this chapter must be propagated through certified, conventionally bred pedigreed seeds as determined by the department through its rule-making authority. Except when grown by an accredited agricultural research institution or by a registered seed breeder developing a new Washington seed cultivar, industrial hemp must be grown only from seed types identified on a list of approved seed cultivars to be established by the department by rule.

(2) The following varieties of seed cultivars are approved by the department for industrial hemp production and are exempt from the THC testing required under section 9 of this act: Alyssa; Anka; CFX-1; CFX-2; Delores; X-59 (Hemp Nut); Crag; CRS-1; USO 14; USO 31; and Zolotonosha 11.

(3) The following varieties of seed cultivars are approved by the department for industrial hemp production but must undergo THC testing as required under section 9 of this act until such time as the department determines they are exempt from THC testing: Canda; CanMa; Carmagnola; Carmen; CS; Deni; ESTA-1; Fasamo; Fedrina 74; Felina 34; Ferimon; Fibranova; Fibriko; Fibrimon 24; Fibrimon 56; Finola; Joey; Jutta; Komplti; Kompolti Hybrid TC; Kompolti Sargaszaru; Lovrin 110; Petera; Silesia; UC-RGM; Uniko B; Yvonne; and Zolotonosha 15.

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

(a) Industrial hemp seed cultivars that have been certified by January 1, 2013, by member organizations of the association of official seed certifying agencies, including, but not limited to, the Canadian seed growers' association; and

(b) Industrial hemp seed cultivars that have been certified by January 1, 2013, by the organization of economic cooperation and development.

NEW SECTION. **Sec.**  (1) Industrial hemp growers are required to annually submit plant samples to an independent, department-certified testing laboratory for the testing of THC levels in accordance with the requirements of this chapter. The annual test results must be retained by the grower for a period of three years. The samples must be from each noncontiguous, individually identifiable field, regardless of size, that is owned or controlled by the grower. The costs of the testing must be borne by the producer and the test results must be provided to the department by either the laboratory or the grower, or both, at the request of the department. The department has discretionary authority to require random testing at any time.

(2) The department may exempt a grower from the annual testing requirement established under this section if the annual test results of the hemp varieties grown by that producer prove to contain 0.3 percent THC or less for three consecutive years.

(3) The department shall adopt by rule the criteria for the certification of a testing laboratory and the testing standards and processes to be used by a laboratory under this section.

NEW SECTION. **Sec.**  (1) Subject to receiving federal or private funds for this purpose, Washington State University shall study the feasibility and desirability of industrial hemp production in Washington state. In conducting the study, Washington State University shall gather information from agricultural and scientific literature, consulting with experts and the public, and reviewing the best practices of other states and countries worldwide regarding the development of markets for industrial hemp and hemp products. The study must include an analysis of:

(a) The market economic conditions affecting the development of an industrial hemp industry in the state;

(b) The estimated value-added benefit that Washington's economy would obtain from having a developed industrial hemp industry in the state;

(c) Whether Washington soils and growing conditions are appropriate for economically viable levels of industrial hemp production;

(d) The threat posed to industrial hemp by agricultural pests and diseases and the potential remedies for these agricultural threats;

(e) The agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use; and

(f) Other legislative acts, experiences, and outcomes around the world regarding industrial hemp production.

(2)(a) Washington State University shall report its findings to the legislature by January 14, 2016.

(b) The report must include recommendations for any legislative actions necessary to encourage and support the development of an industrial hemp industry in the state of Washington.

(3) This section expires August 1, 2016.

NEW SECTION. **Sec.**  The industrial hemp account is created in the state treasury. All receipts from fees from section 7 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of defraying the cost of implementing this chapter.

NEW SECTION. **Sec.**  By January 15th of each year, the department must report to the relevant committees of the legislature with jurisdiction over agricultural activities regarding implementation of this chapter and on the commercialization of industrial hemp in this state and elsewhere in the world, and recommend any changes to this chapter deemed appropriate.

**Sec.**  RCW 69.50.204 and 2010 c 177 s 2 are each amended to read as follows:

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

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

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

(2) Acetylmethadol;

(3) Allylprodine;

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

(5) Alphameprodine;

(6) Alphamethadol;

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

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(9) Benzethidine;

(10) Betacetylmethadol;

(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)‑4-piperidinyl]-N-phenylpropanamide);

(12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

(13) Betameprodine;

(14) Betamethadol;

(15) Betaprodine;

(16) Clonitazene;

(17) Dextromoramide;

(18) Diampromide;

(19) Diethylthiambutene;

(20) Difenoxin;

(21) Dimenoxadol;

(22) Dimepheptanol;

(23) Dimethylthiambutene;

(24) Dioxaphetyl butyrate;

(25) Dipipanone;

(26) Ethylmethylthiambutene;

(27) Etonitazene;

(28) Etoxeridine;

(29) Furethidine;

(30) Hydroxypethidine;

(31) Ketobemidone;

(32) Levomoramide;

(33) Levophenacylmorphan;

(34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylprop anamide);

(35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(36) Morpheridine;

(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

(38) Noracymethadol;

(39) Norlevorphanol;

(40) Normethadone;

(41) Norpipanone;

(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);

(43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

(44) Phenadoxone;

(45) Phenampromide;

(46) Phenomorphan;

(47) Phenoperidine;

(48) Piritramide;

(49) Proheptazine;

(50) Properidine;

(51) Propiram;

(52) Racemoramide;

(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanaminde);

(54) Tilidine;

(55) Trimeperidine.

(b) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine, except hydrochloride salt;

(11) Heroin;

(12) Hydromorphinol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Morphine methylbromide;

(16) Morphine methylsulfonate;

(17) Morphine-N-Oxide;

(18) Myrophine;

(19) Nicocodeine;

(20) Nicomorphine;

(21) Normorphine;

(22) Pholcodine;

(23) Thebacon.

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

(1) Alpha‑ethyltryptamine: Some trade or other names: Etryptamine; monase; a‑ethyl‑1H‑indole‑3‑ethanamine; 3‑(2‑aminobutyl) indole; a‑ET; and AET;

(2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

(3) 4‑bromo‑2,5‑dimethoxyphenethylamine: Some trade or other names: 2‑(4‑bromo‑2,5‑dimethoxyphenyl)‑1‑aminoethane; alpha-desmethyl DOB; 2C‑B, nexus;

(4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;

(5) 2,5‑dimethoxy‑4‑ethylamphetamine (DOET);

(6) 2,5‑dimethoxy‑4‑(n)‑propylthiophenethylamine: Other name: 2C‑T‑7;

(7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA;

(8) 5-methoxy-3,4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4‑methylenedioxy‑N‑ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;

(13) N‑hydroxy‑3,4‑methylenedioxyamphetamine also known as N‑hydroxy‑alpha‑methyl‑3,4(methylenedioxy)phenethylamine,N-hydroxy MDA;

(14) 3,4,5-trimethoxy amphetamine;

(15) Alpha‑methyltryptamine: Other name: AMT;

(16) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

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

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

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

(20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2) azepino (5,4-b) indole; Tabernanthe iboga;

(21) Lysergic acid diethylamide;

(22) Marihuana or marijuana;

(23) Mescaline;

(24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;

(25) Peyote, meaning all parts of the plant presently classified botanically as Lophophora Williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c), Schedule I (c)(12));

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

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

(28) Psilocybin;

(29) Psilocyn;

(30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the ((~~genus~~))genera*Cannabis*((~~(cannabis plant)~~)), as well as synthetic equivalents of the substances contained in ((~~the~~))such plant, or in the resinous extractives of the genera*Cannabis*, ((~~species,~~)) and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

((~~(i)~~))(A) 1 - cis - or trans tetrahydrocannabinol, and their optical isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;

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

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

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

(ii) Industrial hemp, as defined under section 3 of this act, is excepted from the categories of controlled substances identified under this section;

(31) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexl) ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

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

(33) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thenyl]-cyclohexly)-pipendine; 2-thienylanalog of phencyclidine; TPCP; TCP;

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

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

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

(2) Mecloqualone;

(3) Methaqualone.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

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

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

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

(4) Fenethylline;

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

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

(7) N-ethylamphetamine;

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

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

NEW SECTION. **Sec.**  Sections 2 through 9, 11, and 12 of this act constitute a new chapter in Title 15 RCW.

**--- END ---**