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**SUBSTITUTE HOUSE BILL 1911**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Commerce & Gaming (originally sponsored by Representatives Holy, Ormsby, Volz, and Condotta)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to authorizing the masking of odors by regulated  
2 marijuana facilities; and adding a new section to chapter 70.94 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94  
5 RCW to read as follows:

6 (1)(a) The rules adopted by the department pursuant to RCW  
7 70.94.331(2)(c) must authorize the concealment or masking of odors  
8 from the premises of a marijuana producer licensed under RCW  
9 69.50.325(1) or a marijuana processor licensed under RCW 69.50.325(2)  
10 by means of the planting of forms of vegetation other than marijuana  
11 plants.

12 (b) The department must adopt rules to authorize the concealment  
13 or masking of odors from the premises of a marijuana producer  
14 licensed under RCW 69.50.325(1) or a marijuana processor licensed  
15 under RCW 69.50.325(2) by means of natural odor masking mechanisms or  
16 natural odor concealing mechanisms if, after studying odors and  
17 emissions from marijuana producers and processors' facilities and  
18 best management practices for concealing or masking such odors and  
19 emissions, the department determines that the benefits of authorizing  
20 the concealing or masking of odors by specific natural odor masking  
21 mechanisms or natural odor concealing mechanisms outweigh the costs.

1           (2)(a) The department may not charge a fee for a marijuana  
2 producer or marijuana processor to conceal or mask odors from the  
3 premises of the marijuana producer or marijuana processor as  
4 authorized under this section.

5           (b)(i) The department must adopt the rules required pursuant to  
6 subsection (1)(a) of this section by January 1, 2018.

7           (ii) The rules the department must adopt pursuant to subsection  
8 (1)(a) of this section must authorize any marijuana producer or  
9 marijuana processor to conceal or mask odors from the premises of the  
10 marijuana producer or marijuana processor by means of the planting of  
11 forms of vegetation other than marijuana plants.

12           (iii) The rules the department may adopt pursuant to subsection  
13 (1)(b) of this section must authorize any marijuana producer or  
14 marijuana processor to conceal or mask odors from the premises of the  
15 marijuana producer or marijuana processor by means of natural odor  
16 masking mechanisms or natural odor concealing mechanisms approved by  
17 the department.

18           (3) For purposes of this section, "natural" means a substance or  
19 chemical compound that is produced by a living organism, is found in  
20 nature, and is not toxic.

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