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**SUBSTITUTE HOUSE BILL 1401**

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**State of Washington****66th Legislature****2019 Regular Session**

**By** House Commerce & Gaming (originally sponsored by Representatives Shea, Blake, Chandler, Walsh, Eslick, and Kloba)

READ FIRST TIME 02/22/19.

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

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

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

9           (1) Authorize and establish a new licensing and regulatory  
10 program for hemp production in this state in accordance with the  
11 agriculture improvement act of 2018;

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

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

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

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

9           (1) "Agriculture improvement act of 2018" means sections 7605,  
10 10113, 10114, and 12619 of the agriculture improvement act of 2018,  
11 P.L. 115-334.

12           (2) "Crop" means hemp grown as an agricultural commodity.

13           (3) "Cultivar" means a variation of the plant *Cannabis sativa L.*  
14 that has been developed through cultivation by selective breeding.

15           (4) "Department" means the Washington state department of  
16 agriculture.

17           (5) "Hemp" means the plant *Cannabis sativa L.* and any part of  
18 that plant, including the seeds thereof and all derivatives,  
19 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
20 whether growing or not, with a delta-9 tetrahydrocannabinol  
21 concentration of not more than 0.3 percent on a dry weight basis.

22           (6)(a) "Industrial hemp" means all parts and varieties of the  
23 genera *Cannabis*, cultivated or possessed by a grower, whether growing  
24 or not, that contain a tetrahydrocannabinol concentration of 0.3  
25 percent or less by dry weight that was grown under the industrial  
26 hemp research program as it existed on December 31, 2019.

27           (b) "Industrial hemp" does not include plants of the genera  
28 *Cannabis* that meet the definition of "marijuana" as defined in RCW  
29 69.50.101.

30           (7) "Postharvest test" means a test of delta-9  
31 tetrahydrocannabinol concentration levels of hemp after being  
32 harvested based on ground whole plant samples without heat applied.

33           (8) "Process" means the processing, compounding, or conversion of  
34 hemp into hemp commodities or products.

35           (9) "Produce" means the planting, cultivation, growing, or  
36 harvesting of hemp including hemp seed.

37        **NEW SECTION.**   **Sec. 3.**   (1) The department must develop an  
38 agricultural commodity program to replace the industrial hemp

1 research pilot program in chapter 15.120 RCW, in accordance with the  
2 agriculture improvement act of 2018.

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

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

15       **NEW SECTION.**   **Sec. 4.** (1) The department must develop the  
16 state's hemp plan to conform to the agriculture improvement act of  
17 2018, to include consultation with the governor and the attorney  
18 general and the plan elements required in the agriculture improvement  
19 act of 2018.

20 (2) Consistent with subsection (1) of this section, the state's  
21 hemp plan must include the following elements:

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

26 (b) A procedure for testing, using postdecarboxylation or other  
27 similarly reliable methods, delta-9 tetrahydrocannabinol  
28 concentration levels of hemp, without the application of heat;

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

32 (d) A procedure for enforcement of violations of the plan and for  
33 corrective action plans for licensees as required under the  
34 agriculture improvement act of 2018;

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

1       (f) A certification that the state has the resources and  
2 personnel to carry out the practices and procedures described in this  
3 section.

4       (3) The proposal for the state's plan may include any other  
5 practice or procedure established to the extent the practice or  
6 procedure is consistent with the agriculture improvement act of 2018.

7       NEW SECTION. **Sec. 5.** The department must develop a postharvest  
8 test protocol for testing hemp under this chapter that includes  
9 testing of whole plant samples or other testing protocol identified  
10 in regulations established by the United States department of  
11 agriculture, including the testing procedures for delta-9  
12 tetrahydrocannabinol concentration levels of hemp produced by growers  
13 under the state plan.

14       NEW SECTION. **Sec. 6.** (1) The department must issue hemp  
15 producer licenses to applicants qualified under this chapter and the  
16 agriculture improvement act of 2018. The department may adopt rules  
17 pursuant to this chapter and chapter 34.05 RCW as necessary to  
18 license persons to grow hemp under a commercial hemp program.

19       (2) The plan must identify qualifications for license applicants,  
20 to include adults and corporate persons and to exclude persons with  
21 felony convictions as required under the agriculture improvement act  
22 of 2018.

23       (3) The department must establish license fees in an amount that  
24 will fund the implementation of this chapter and sustain the hemp  
25 program. The department may adopt rules establishing fees for  
26 tetrahydrocannabinol testing, inspections, and additional services  
27 required by the United States department of agriculture. License fees  
28 and any money received by the department under this chapter must be  
29 deposited in the hemp regulatory account created in section 8 of this  
30 act.

31       NEW SECTION. **Sec. 7.** (1) The hemp authorized for production  
32 under this chapter must be propagated through certified,  
33 conventionally bred pedigreed seeds as determined by the department  
34 through its rule-making authority and as provided in this section.  
35 Except when grown by an accredited agricultural research institution  
36 or by a registered seed breeder developing a new Washington seed  
37 cultivar, hemp must be grown only from seed types identified on a

1 list of approved seed cultivars to be established by the department  
2 by rule.

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

8 (3) Hemp seeds are subject to the provisions and requirements of  
9 RCW 15.49.370, which establishes the general regulatory authority of  
10 the department with respect to agricultural seeds. Under this  
11 authority, the department may sample, inspect, analyze, and generally  
12 regulate the hemp seeds used by licensed growers in this state. The  
13 department may also charge fees and special assessments to licensed  
14 growers, as established by rule, related to the inspection, testing,  
15 and certification of hemp seeds.

16 (4) For the purposes of this chapter and RCW 15.49.370, hemp seed  
17 samples collected for inspection and testing purposes must be  
18 directly taken into the custody of an authorized employee of the  
19 department. Following collection, the department employee must  
20 package and transport the seeds in a manner that ensures that the  
21 integrity of the sample is maintained until delivery to the testing  
22 facility.

23 (5) The department is not responsible for:

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

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

28 **NEW SECTION.** **Sec. 8.** The hemp regulatory account is created in  
29 the custody of the state treasurer. All receipts from licensing fees  
30 established under this chapter must be deposited into the account.  
31 Expenditures from the account may be used only for implementing this  
32 chapter. Only the director of the state department of agriculture or  
33 the director's designee may authorize expenditures from the account.  
34 The account is subject to allotment procedures under chapter 43.88  
35 RCW, but an appropriation is not required for expenditures.

36 **NEW SECTION.** **Sec. 9.** Washington State University must develop  
37 and make accessible an internet-based application designed to assist

1 hemp producers by providing regional communications concerning  
2 recommended planting times for hemp crops in this state.

3       **NEW SECTION.**   **Sec. 10.** (1) There is no distance requirement,  
4 limitation, or buffer zone between any licensed hemp producer or hemp  
5 processing facility licensed or authorized under this chapter and any  
6 marijuana producer or marijuana processor licensed under chapter  
7 69.50 RCW. No rule may establish such a distance requirement,  
8 limitation, or buffer zone.

9       (2) Notwithstanding subsection (1) of this section, in an effort  
10 to prevent cross-pollination between hemp plants produced under this  
11 chapter and marijuana plants produced under chapter 69.50 RCW, the  
12 department, in consultation with the liquor and cannabis board, must  
13 review the state's policy regarding cross-pollination and pollen  
14 capture to ensure an appropriate policy is in place, and must modify  
15 policies or establish new policies as appropriate. Under any such  
16 policy, when a documented conflict involving cross-pollination exists  
17 between two farms or production facilities growing or producing hemp  
18 or marijuana, the farm or production facility operating first in time  
19 shall have the right to continue operating and the farm or production  
20 facility operating second in time must cease growing or producing  
21 hemp or marijuana, as applicable.

22       **NEW SECTION.**   **Sec. 11.** (1) The department must use expedited  
23 rule making to adopt the state hemp plan submitted to the United  
24 States department of agriculture upon receipt of approval of the plan  
25 by the United States department of agriculture. As allowed under this  
26 section, rule making by the department to adopt the approved hemp  
27 plan qualifies as expedited rule making under RCW 34.05.353. Upon the  
28 approval of the plan by the United States department of agriculture,  
29 the department may conduct initial expedited rule making under RCW  
30 34.05.353 to establish rules to allow hemp licenses to be issued  
31 without delay.

32       (2) On the effective date of rules adopted by the department  
33 regulating hemp production under chapter 15.--- RCW (the new chapter  
34 created in section 16 of this act), a licensed hemp grower under this  
35 chapter may immediately produce hemp pursuant to chapter 15.--- RCW  
36 (the new chapter created in section 16 of this act) with all the  
37 privileges of a hemp producer licensed under chapter 15.--- RCW (the  
38 new chapter created in section 16 of this act).

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

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

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

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

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

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

16       (c) "CBD concentration" has the meaning provided in RCW  
17 69.51A.010.

18       (d) "CBD product" means any product containing or consisting of  
19 cannabidiol.

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

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

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

29              (i) that has a stimulant, depressant, or hallucinogenic effect on  
30 the central nervous system substantially similar to the stimulant,  
31 depressant, or hallucinogenic effect on the central nervous system of  
32 a controlled substance included in Schedule I or II; or

33              (ii) with respect to a particular individual, that the individual  
34 represents or intends to have a stimulant, depressant, or  
35 hallucinogenic effect on the central nervous system substantially  
36 similar to the stimulant, depressant, or hallucinogenic effect on the  
37 central nervous system of a controlled substance included in Schedule  
38 I or II.

39       (2) The term does not include:

40              (i) a controlled substance;

1       (ii) a substance for which there is an approved new drug  
2 application;

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

8       (iv) any substance to the extent not intended for human  
9 consumption before an exemption takes effect with respect to the  
10 substance.

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

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

15      (j) "Designated provider" has the meaning provided in RCW  
16 69.51A.010.

17      (k) "Dispense" means the interpretation of a prescription or  
18 order for a controlled substance and, pursuant to that prescription  
19 or order, the proper selection, measuring, compounding, labeling, or  
20 packaging necessary to prepare that prescription or order for  
21 delivery.

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

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

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

26      (o) "Drug" means (1) a controlled substance recognized as a drug  
27 in the official United States pharmacopoeia/national formulary or the  
28 official homeopathic pharmacopoeia of the United States, or any  
29 supplement to them; (2) controlled substances intended for use in the  
30 diagnosis, cure, mitigation, treatment, or prevention of disease in  
31 individuals or animals; (3) controlled substances (other than food)  
32 intended to affect the structure or any function of the body of  
33 individuals or animals; and (4) controlled substances intended for  
34 use as a component of any article specified in (1), (2), or (3) of  
35 this subsection. The term does not include devices or their  
36 components, parts, or accessories.

37      (p) "Drug enforcement administration" means the drug enforcement  
38 administration in the United States Department of Justice, or its  
39 successor agency.

1       (q) "Electronic communication of prescription information" means  
2 the transmission of a prescription or refill authorization for a drug  
3 of a practitioner using computer systems. The term does not include a  
4 prescription or refill authorization verbally transmitted by  
5 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

23      (u) "Lot" means a definite quantity of marijuana, marijuana  
24 concentrates, useable marijuana, or marijuana-infused product  
25 identified by a lot number, every portion or package of which is  
26 uniform within recognized tolerances for the factors that appear in  
27 the labeling.

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

32      (w) "Manufacture" means the production, preparation, propagation,  
33 compounding, conversion, or processing of a controlled substance,  
34 either directly or indirectly or by extraction from substances of  
35 natural origin, or independently by means of chemical synthesis, or  
36 by a combination of extraction and chemical synthesis, and includes  
37 any packaging or repackaging of the substance or labeling or  
38 relabeling of its container. The term does not include the  
39 preparation, compounding, packaging, repackaging, labeling, or  
40 relabeling of a controlled substance:

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

4       (2) by a practitioner, or by the practitioner's authorized agent  
5 under the practitioner's supervision, for the purpose of, or as an  
6 incident to, research, teaching, or chemical analysis and not for  
7 sale.

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

14       (1) The mature stalks of the plant, fiber produced from the  
15 stalks, oil or cake made from the seeds of the plant, any other  
16 compound, manufacture, salt, derivative, mixture, or preparation of  
17 the mature stalks (except the resin extracted therefrom), fiber, oil,  
18 or cake, or the sterilized seed of the plant which is incapable of  
19 germination; or

20       (2) ~~((Industrial hemp as defined in RCW 15.120.010))~~ Hemp or  
21 industrial hemp as defined in section 2 of this act, seeds used for  
22 licensed hemp production under chapter 15.--- RCW (the new chapter  
23 created in section 16 of this act).

24       (y) "Marijuana concentrates" means products consisting wholly or  
25 in part of the resin extracted from any part of the plant *Cannabis*  
26 and having a THC concentration greater than ten percent.

27       (z) "Marijuana processor" means a person licensed by the state  
28 liquor and cannabis board to process marijuana into marijuana  
29 concentrates, useable marijuana, and marijuana-infused products,  
30 package and label marijuana concentrates, useable marijuana, and  
31 marijuana-infused products for sale in retail outlets, and sell  
32 marijuana concentrates, useable marijuana, and marijuana-infused  
33 products at wholesale to marijuana retailers.

34       (aa) "Marijuana producer" means a person licensed by the state  
35 liquor and cannabis board to produce and sell marijuana at wholesale  
36 to marijuana processors and other marijuana producers.

37       (bb) "Marijuana products" means useable marijuana, marijuana  
38 concentrates, and marijuana-infused products as defined in this  
39 section.

1       (cc) "Marijuana researcher" means a person licensed by the state  
2 liquor and cannabis board to produce, process, and possess marijuana  
3 for the purposes of conducting research on marijuana and marijuana-  
4 derived drug products.

5       (dd) "Marijuana retailer" means a person licensed by the state  
6 liquor and cannabis board to sell marijuana concentrates, useable  
7 marijuana, and marijuana-infused products in a retail outlet.

8       (ee) "Marijuana-infused products" means products that contain  
9 marijuana or marijuana extracts, are intended for human use, are  
10 derived from marijuana as defined in subsection (x) of this section,  
11 and have a THC concentration no greater than ten percent. The term  
12 "marijuana-infused products" does not include either useable  
13 marijuana or marijuana concentrates.

14       (ff) "Narcotic drug" means any of the following, whether produced  
15 directly or indirectly by extraction from substances of vegetable  
16 origin, or independently by means of chemical synthesis, or by a  
17 combination of extraction and chemical synthesis:

18       (1) Opium, opium derivative, and any derivative of opium or opium  
19 derivative, including their salts, isomers, and salts of isomers,  
20 whenever the existence of the salts, isomers, and salts of isomers is  
21 possible within the specific chemical designation. The term does not  
22 include the isoquinoline alkaloids of opium.

23       (2) Synthetic opiate and any derivative of synthetic opiate,  
24 including their isomers, esters, ethers, salts, and salts of isomers,  
25 esters, and ethers, whenever the existence of the isomers, esters,  
26 ethers, and salts is possible within the specific chemical  
27 designation.

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

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

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

33       (6) Cocaine base.

34       (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
35 thereof.

36       (8) Any compound, mixture, or preparation containing any quantity  
37 of any substance referred to in subparagraphs (1) through (7).

38       (gg) "Opiate" means any substance having an addiction-forming or  
39 addiction-sustaining liability similar to morphine or being capable  
40 of conversion into a drug having addiction-forming or addiction-

1 sustaining liability. The term includes opium, substances derived  
2 from opium (opium derivatives), and synthetic opiates. The term does  
3 not include, unless specifically designated as controlled under RCW  
4 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
5 and its salts (dextromethorphan). The term includes the racemic and  
6 levorotatory forms of dextromethorphan.

7 (hh) "Opium poppy" means the plant of the species *Papaver*  
8 *somniferum* L., except its seeds.

9 (ii) "Person" means individual, corporation, business trust,  
10 estate, trust, partnership, association, joint venture, government,  
11 governmental subdivision or agency, or any other legal or commercial  
12 entity.

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

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

16 (ll) "Practitioner" means:

17 (1) A physician under chapter 18.71 RCW; a physician assistant  
18 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
19 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
20 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
21 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
22 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
23 subject to any limitations in RCW 18.53.010; a dentist under chapter  
24 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
25 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
26 registered nurse practitioner, or licensed practical nurse under  
27 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
28 who is licensed under RCW 18.36A.030 subject to any limitations in  
29 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
30 investigator under this chapter, licensed, registered or otherwise  
31 permitted insofar as is consistent with those licensing laws to  
32 distribute, dispense, conduct research with respect to or administer  
33 a controlled substance in the course of their professional practice  
34 or research in this state.

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

39 (3) A physician licensed to practice medicine and surgery, a  
40 physician licensed to practice osteopathic medicine and surgery, a

1 dentist licensed to practice dentistry, a podiatric physician and  
2 surgeon licensed to practice podiatric medicine and surgery, a  
3 licensed physician assistant or a licensed osteopathic physician  
4 assistant specifically approved to prescribe controlled substances by  
5 his or her state's medical quality assurance commission or equivalent  
6 and his or her supervising physician, an advanced registered nurse  
7 practitioner licensed to prescribe controlled substances, or a  
8 veterinarian licensed to practice veterinary medicine in any state of  
9 the United States.

10 (mm) "Prescription" means an order for controlled substances  
11 issued by a practitioner duly authorized by law or rule in the state  
12 of Washington to prescribe controlled substances within the scope of  
13 his or her professional practice for a legitimate medical purpose.

14 (nn) "Production" includes the manufacturing, planting,  
15 cultivating, growing, or harvesting of a controlled substance.

16 (oo) "Qualifying patient" has the meaning provided in RCW  
17 69.51A.010.

18 (pp) "Recognition card" has the meaning provided in RCW  
19 69.51A.010.

20 (qq) "Retail outlet" means a location licensed by the state  
21 liquor and cannabis board for the retail sale of marijuana  
22 concentrates, useable marijuana, and marijuana-infused products.

23 (rr) "Secretary" means the secretary of health or the secretary's  
24 designee.

25 (ss) "State," unless the context otherwise requires, means a  
26 state of the United States, the District of Columbia, the  
27 Commonwealth of Puerto Rico, or a territory or insular possession  
28 subject to the jurisdiction of the United States.

29 (tt) "THC concentration" means percent of delta-9  
30 tetrahydrocannabinol content per dry weight of any part of the plant  
31 *Cannabis*, or per volume or weight of marijuana product, or the  
32 combined percent of delta-9 tetrahydrocannabinol and  
33 tetrahydronannabinolic acid in any part of the plant *Cannabis*  
34 regardless of moisture content.

35 (uu) "Ultimate user" means an individual who lawfully possesses a  
36 controlled substance for the individual's own use or for the use of a  
37 member of the individual's household or for administering to an  
38 animal owned by the individual or by a member of the individual's  
39 household.

1       (vv) "Useable marijuana" means dried marijuana flowers. The term  
2 "useable marijuana" does not include either marijuana-infused  
3 products or marijuana concentrates.

4       **Sec. 13.** RCW 69.50.204 and 2015 2nd sp.s. c 4 s 1203 are each  
5 amended to read as follows:

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

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

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

15       (2) Acetylmethadol;

16       (3) Allylprodine;

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

19       (5) Alphameprodine;

20       (6) Alphamethadol;

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

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

26       (9) Benzethidine;

27       (10) Betacetylmethadol;

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

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

33       (13) Betameprodine;

34       (14) Betamethadol;

35       (15) Betaprodine;

36       (16) Clonitazene;

37       (17) Dextromoramide;

38       (18) Diamppromide;

39       (19) Diethylthiambutene;

1 (20) Difenoxin;  
2 (21) Dimenoxadol;  
3 (22) Dimepheptanol;  
4 (23) Dimethylthiambutene;  
5 (24) Dioxaphetyl butyrate;  
6 (25) Dipipanone;  
7 (26) Ethylmethylthiambutene;  
8 (27) Etonitazene;  
9 (28) Etoxeridine;  
10 (29) Furethidine;  
11 (30) Hydroxypethidine;  
12 (31) Ketobemidone;  
13 (32) Levomoramide;  
14 (33) Levophenacylmorphan;  
15 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylprop anamide);  
16 (35) 3-Methylthiofentanyl (N-[ (3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);  
17 (36) Morpheridine;  
18 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);  
19 (38) Noracymethadol;  
20 (39) Norlevorphanol;  
21 (40) Normethadone;  
22 (41) Norpipanone;  
23 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);  
24 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxy piperidine);  
25 (44) Phenadoxone;  
26 (45) Phenam promide;  
27 (46) Phenomorphan;  
28 (47) Phenoperidine;  
29 (48) Piritramide;  
30 (49) Proheptazine;  
31 (50) Properidine;  
32 (51) Propiram;  
33 (52) Racemoramide;  
34 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-((propanamide)) propanamide);  
35 (54) Tiliidine;  
36 (55) Trimeperidine.

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

- 6           (1) Acetorphine;
- 7           (2) Acetyldihydrocodeine;
- 8           (3) Benzylmorphine;
- 9           (4) Codeine methylbromide;
- 10          (5) Codeine-N-Oxide;
- 11          (6) Cyprenorphine;
- 12          (7) Desomorphine;
- 13          (8) Dihydromorphine;
- 14          (9) Drotebanol;
- 15          (10) Etorphine, except hydrochloride salt;
- 16          (11) Heroin;
- 17          (12) Hydromorphanol;
- 18          (13) Methyldesorphine;
- 19          (14) Methyldihydromorphine;
- 20          (15) Morphine methylbromide;
- 21          (16) Morphine methylsulfonate;
- 22          (17) Morphine-N-Oxide;
- 23          (18) Myrophine;
- 24          (19) Nicocodeine;
- 25          (20) Nicomorphine;
- 26          (21) Normorphine;
- 27          (22) Pholcodine;
- 28          (23) Thebacon.

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

- 37           (1) Alpha-ethyltryptamine: Some trade or other names:  
38       Etryptamine; monase;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)  
39       indole;  $\alpha$ -ET; and AET;

1       (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:  
2 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;  
3       (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other  
4 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl  
5 DOB; 2C-B, nexus;  
6       (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-  
7 dimethoxy-a-methylphenethylamine; 2,5-DMA;  
8       (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);  
9       (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:  
10 2C-T-7;  
11       (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-  
12 methylphenethylamine; paramethoxyamphetamine, PMA;  
13       (8) 5-methoxy-3,4-methylenedioxy-amphetamine;  
14       (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other  
15 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and  
16 "STP";  
17       (10) 3,4-methylenedioxy amphetamine;  
18       (11) 3,4-methylenedioxymethamphetamine (MDMA);  
19       (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-  
20 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,  
21 MDE, MDEA;  
22       (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as  
23 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy  
24 MDA;  
25       (14) 3,4,5-trimethoxy amphetamine;  
26       (15) Alpha-methyltryptamine: Other name: AMT;  
27       (16) Bufotenine: Some trade or other names: 3-(beta-  
28 Dimethylaminoethyl)-5-hydroxindole; 3-(2-dimethylaminoethyl)-5-  
29 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;  
30 mappine;  
31       (17) Diethyltryptamine: Some trade or other names: N,N-  
32 Diethyltryptamine; DET;  
33       (18) Dimethyltryptamine: Some trade or other names: DMT;  
34       (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;  
35       (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6  
36 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'  
37 1,2) azepino (5,4-b) indole; Tabernanthe iboga;  
38       (21) Lysergic acid diethylamide;  
39       (22) Marihuana or marijuana;  
40       (23) Mescaline;

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

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

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

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

12      (28) Psilocybin;

13      (29) Psilocyn;

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

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

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

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

29      ((iv)) (D) That is chemically synthesized and either:

30      ((a)) (I) Has been demonstrated to have binding activity at one  
31 or more cannabinoid receptors; or

32      ((b)) (II) Is a chemical analog or isomer of a compound that  
33 has been demonstrated to have binding activity at one or more  
34 cannabinoid receptors;

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

38      (ii) Hemp and industrial hemp, as defined in section 2 of this  
39 act, are excepted from the categories of controlled substances  
40 identified under this section;

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

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

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

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

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

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

21 (2) Mecloqualone;

22 (3) Methaqualone.

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

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

30 (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;

33 (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;

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

3       (7) N-ethylamphetamine;

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

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

8       NEW SECTION.   **Sec. 14.**   The following acts or parts of acts, as  
9 now existing or hereafter amended, are each repealed, effective  
10 January 1, 2020:

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

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

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

16      (4) RCW 15.120.030 (Rule-making authority) and 2016 sp.s. c 11 s  
17 4;

18      (5) RCW 15.120.035 (Rule-making authority—Monetary penalties,  
19 license suspension or forfeiture, other sanctions—Rules to be  
20 consistent with section 7606 of federal agricultural act of 2014) and  
21 2017 c 317 s 10;

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

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

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

32       NEW SECTION.   **Sec. 15.**   The sum of three hundred thousand  
33 dollars, or as much thereof as may be necessary, is appropriated for  
34 the 2019-2021 biennium, from the general fund to the department of  
35 agriculture for the purposes of this act.

1        NEW SECTION.    **Sec. 16.**    Sections 1 through 11 of this act  
2 constitute a new chapter in Title 15 RCW.

3        NEW SECTION.    **Sec. 17.**    If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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

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