

HOUSE BILL REPORT

HB 1772

As Passed House:

February 28, 2023

Title: An act relating to prohibiting the manufacture, importation, and sale of products that combine alcohol and tetrahydrocannabinol.

Brief Description: Prohibiting products that combine alcohol and tetrahydrocannabinol.

Sponsors: Representatives Waters, Orwall, Christian, Sandlin, Cheney, McClintock, Farivar, Timmons, Leavitt, Senn, Rule, Schmidt and Pollet.

Brief History:

Committee Activity:

Regulated Substances & Gaming: 2/13/23, 2/14/23 [DP].

Floor Activity:

Passed House: 2/28/23, 94-3.

Brief Summary of Bill

- Specifies that it is unlawful under liquor statutes and the Uniform Controlled Substances Act to manufacture, import, offer, or sell a consumable product that contains cannabis or any form of tetrahydrocannabinol in combination with beer, wine, spirits, or any other type of liquor in the same product.

HOUSE COMMITTEE ON REGULATED SUBSTANCES & GAMING

Majority Report: Do pass. Signed by 10 members: Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney, Orwall, Reeves, Walsh and Waters.

Minority Report: Do not pass. Signed by 1 member: Representative Morgan.

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

Staff: Peter Clodfelter (786-7127).

Background:

Liquor Laws.

The Washington State Liquor and Cannabis Board (LCB) licenses and regulates persons engaged in the manufacture, importation, distribution, sale, and service of beer, wine, spirits, and other liquor. Liquor businesses are regulated by the Steele Act of 1934 and subsequent laws. Federal law also requires a permit or registration from the Alcohol and Tobacco Tax and Trade Bureau to produce, import, or wholesale alcoholic beverages.

Washington's liquor statutes provide that every person guilty of a violation for which no penalty has been specifically provided is subject to a gross misdemeanor for a first offense, punishable by a fine of not more than \$500, or by imprisonment for not more than two months, or both. For a second offense a person is guilty of a gross misdemeanor punishable by imprisonment for not more than six months. For a third or subsequent offense, a person is guilty of a gross misdemeanor punishable by imprisonment for up to 364 days. If an offender is a corporation, it is liable to a penalty of not more than \$5,000 for a first offense, and for a second or subsequent offense to a penalty of not more than \$10,000, or to forfeiture of its corporate license, or both.

Cannabis and the Uniform Controlled Substances Act.

The LCB licenses and regulates persons engaged in the production, processing, or sale of cannabis. Cannabis businesses are regulated by the legal framework established by Initiative 502 (2012) and subsequent laws amending the state Uniform Controlled Substances Act (UCSA). Licensed cannabis producers, processors, and retailers may engage in activities expressly authorized in Washington law related to cannabis production, processing, and sales. Cannabis retailers may not sell products other than cannabis products and paraphernalia intended for the storage or use of cannabis products.

Cannabis and tetrahydrocannabinols are listed as controlled substances in Schedule I of the UCSA, and the Pharmacy Quality Assurance Commission has also separately placed "Marijuana Extract" as a Schedule I substance, defined as an extract containing one or more cannabinoids that has been derived from any plant of the genus *Cannabis*, other than the separated resin (whether crude or purified) obtained from the plant. The UCSA specifies that, except as authorized in law, it is unlawful for a person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. A violation is a class C felony with respect to a controlled substance classified in Schedule I or II that is not a narcotic drug or flunitrazepam.

Summary of Bill:

Liquor Laws.

It is established that it is unlawful pursuant to liquor statutes to manufacture, import, offer,

or sell a consumable product that contains cannabis or any form of tetrahydrocannabinol (THC) in combination with beer, wine, spirits, or any other type of liquor in the same product.

Cannabis and the Uniform Controlled Substances Act.

It is established that it is unlawful pursuant to the Uniform Controlled Substances Act to manufacture, import, offer, or sell a consumable product that contains cannabis or any form of THC in combination with beer, wine, spirits, or any other type of liquor in the same product.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Cannabis and alcohol are both depressant drugs. The United States Food and Drug Administration warns that alcohol may worsen sedation and drowsiness when combined with tetrahydrocannabinol (THC). The effects impair the brain's ability to function as it should. When alcohol and cannabis are mixed together, the effects of each individual substance become exaggerated. This can result in a person losing control of their actions or even overdosing. Drinking alcohol before consuming cannabis can ramp up effects of cannabis's active ingredient. Alcohol's active ingredient, ethanol, and cannabis's active ingredient, THC, both work on the same parts of the brain that affect self control, decision making, judgment, reflexes, emotions, and senses. Combining these two substances into one product is not a good idea and this legislation would make it illegal to do so. There is a tragic example in Washington of a high school student losing their life due to the effects of alcohol and THC combined. Brewery owners do not believe these types of products combining alcohol and THC are appropriate and support a ban. There is a concern that over the next several years these types of products could become more prevalent and be challenging to stop, particularly if federal regulations change. This bill helps get ahead of a problem.

(Opposed) None.

Persons Testifying: Representative Kevin Waters, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.