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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5367

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State of Washington

68th Legislature

2023 Regular Session

**By** Senate Ways & Means (originally sponsored by Senators Robinson, Schoesler, Conway, Dozier, Keiser, Saldaña, and Wellman; by request of Liquor and Cannabis Board)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to the regulation of products containing THC;  
2 amending RCW 15.140.020, 69.50.326, and 69.50.346; reenacting and  
3 amending RCW 69.50.101; adding a new section to chapter 69.50 RCW;  
4 and creating a new section.

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

6 **Sec. 1.** RCW 15.140.020 and 2022 c 16 s 19 are each amended to  
7 read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

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

13 (2) "Cannabis" has the meaning provided in RCW 69.50.101.

14 (3) "Crop" means hemp grown as an agricultural commodity.

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

17 (5) "Department" means the Washington state department of  
18 agriculture.

19 (6) "Food" has the same meaning as defined in RCW 69.07.010.

20 (7) "Hemp" means the plant *Cannabis sativa L.* and any part of  
21 that plant, including the seeds thereof and all derivatives,

1 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
2 whether growing or not, with a delta-9 tetrahydrocannabinol  
3 concentration of not more than 0.3 percent on a dry weight basis.

4 (8) "Hemp processor" means a person who takes possession of raw  
5 hemp material with the intent to modify, package, or sell a  
6 transitional or finished hemp product.

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

12 (b) "Industrial hemp" does not include plants of the genera  
13 *Cannabis* that meet the definition of "cannabis."

14 (10) "Postharvest test" means a test of ((delta-9))  
15 tetrahydrocannabinol concentration levels of hemp after being  
16 harvested based on:

17 (a) Ground whole plant samples without heat applied; or

18 (b) Other approved testing methods.

19 (11) "Process" means the processing, compounding, or conversion  
20 of hemp into hemp commodities or products.

21 (12) "Produce" or "production" means the planting, cultivation,  
22 growing, or harvesting of hemp including hemp seed.

23 **Sec. 2.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and  
24 amended to read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

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

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

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

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

38 (c) "Board" means the Washington state liquor and cannabis board.

1 (d) "Cannabis" means all parts of the plant *Cannabis*, whether  
2 growing or not, with a THC concentration greater than 0.3 percent on  
3 a dry weight basis (~~(; the seeds thereof; the resin extracted from any~~  
4 ~~part of the plant; and every compound, manufacture, salt, derivative,~~  
5 ~~mixture, or preparation of the plant, its seeds or resin. The term~~  
6 ~~does not include:~~

7 ~~(1) The mature stalks of the plant, fiber produced from the~~  
8 ~~stalks, oil or cake made from the seeds of the plant, any other~~  
9 ~~compound, manufacture, salt, derivative, mixture, or preparation of~~  
10 ~~the mature stalks (except the resin extracted therefrom), fiber, oil,~~  
11 ~~or cake, or the sterilized seed of the plant which is incapable of~~  
12 ~~germination; or~~

13 ~~(2) Hemp or industrial hemp as defined in RCW 15.140.020,))~~  
14 during the growing cycle through harvest and usable cannabis.  
15 "Cannabis" does not include hemp or industrial hemp as defined in RCW  
16 15.140.020, or seeds used for licensed hemp production under chapter  
17 15.140 RCW.

18 (e) "Cannabis concentrates" means products consisting wholly or  
19 in part of the resin extracted from any part of the plant *Cannabis*  
20 and having a THC concentration greater than ten percent.

21 (f) "Cannabis processor" means a person licensed by the board to  
22 process cannabis into cannabis concentrates, useable cannabis, and  
23 cannabis-infused products, package and label cannabis concentrates,  
24 useable cannabis, and cannabis-infused products for sale in retail  
25 outlets, and sell cannabis concentrates, useable cannabis, and  
26 cannabis-infused products at wholesale to cannabis retailers.

27 (g) "Cannabis producer" means a person licensed by the board to  
28 produce and sell cannabis at wholesale to cannabis processors and  
29 other cannabis producers.

30 (h) (1) "Cannabis products" means useable cannabis, cannabis  
31 concentrates, and cannabis-infused products as defined in this  
32 section, including any product intended to be consumed or absorbed  
33 inside the body by any means including inhalation, ingestion, or  
34 insertion, with any amount of THC.

35 (2) "Cannabis products" also means any product containing only  
36 THC content.

37 (3) "Cannabis products" does not include cannabis health and  
38 beauty aids as defined in RCW 69.50.575.

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

4 (j) "Cannabis retailer" means a person licensed by the board to  
5 sell cannabis concentrates, useable cannabis, and cannabis-infused  
6 products in a retail outlet.

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

13 (l) "CBD concentration" has the meaning provided in RCW  
14 69.51A.010.

15 (m) "CBD product" means any product containing or consisting of  
16 cannabidiol.

17 (n) "Commission" means the pharmacy quality assurance commission.

18 (o) "Controlled substance" means a drug, substance, or immediate  
19 precursor included in Schedules I through V as set forth in federal  
20 or state laws, or federal or commission rules, but does not include  
21 hemp or industrial hemp as defined in RCW 15.140.020.

22 (p)(1) "Controlled substance analog" means a substance the  
23 chemical structure of which is substantially similar to the chemical  
24 structure of a controlled substance in Schedule I or II and:

25 (i) that has a stimulant, depressant, or hallucinogenic effect on  
26 the central nervous system substantially similar to the stimulant,  
27 depressant, or hallucinogenic effect on the central nervous system of  
28 a controlled substance included in Schedule I or II; or

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

35 (2) The term does not include:

36 (i) a controlled substance;

37 (ii) a substance for which there is an approved new drug  
38 application;

39 (iii) a substance with respect to which an exemption is in effect  
40 for investigational use by a particular person under Section 505 of

1 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
2 chapter 69.77 RCW to the extent conduct with respect to the substance  
3 is pursuant to the exemption; or

4 (iv) any substance to the extent not intended for human  
5 consumption before an exemption takes effect with respect to the  
6 substance.

7 (q) "Deliver" or "delivery" means the actual or constructive  
8 transfer from one person to another of a substance, whether or not  
9 there is an agency relationship.

10 (r) "Department" means the department of health.

11 (s) "Designated provider" has the meaning provided in RCW  
12 69.51A.010.

13 (t) "Dispense" means the interpretation of a prescription or  
14 order for a controlled substance and, pursuant to that prescription  
15 or order, the proper selection, measuring, compounding, labeling, or  
16 packaging necessary to prepare that prescription or order for  
17 delivery.

18 (u) "Dispenser" means a practitioner who dispenses.

19 (v) "Distribute" means to deliver other than by administering or  
20 dispensing a controlled substance.

21 (w) "Distributor" means a person who distributes.

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

33 (y) "Drug enforcement administration" means the drug enforcement  
34 administration in the United States Department of Justice, or its  
35 successor agency.

36 (z) "Electronic communication of prescription information" means  
37 the transmission of a prescription or refill authorization for a drug  
38 of a practitioner using computer systems. The term does not include a  
39 prescription or refill authorization verbally transmitted by  
40 telephone nor a facsimile manually signed by the practitioner.

1 (aa) "Immature plant or clone" means a plant or clone that has no  
2 flowers, is less than twelve inches in height, and is less than  
3 twelve inches in diameter.

4 (bb) "Immediate precursor" means a substance:

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

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

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

12 (cc) "Isomer" means an optical isomer, but in subsection (gg)(5)  
13 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
14 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
15 (42), and 69.50.210(c) the term includes any positional isomer;  
16 (~~and~~) in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the  
17 term includes any positional or geometric isomer; and in subsections  
18 (uu) and (vv) of this section the term includes any positional or  
19 geometric isomer.

20 (dd) "Lot" means a definite quantity of cannabis, cannabis  
21 concentrates, useable cannabis, or cannabis-infused product  
22 identified by a lot number, every portion or package of which is  
23 uniform within recognized tolerances for the factors that appear in  
24 the labeling.

25 (ee) "Lot number" must identify the licensee by business or trade  
26 name and Washington state unified business identifier number, and the  
27 date of harvest or processing for each lot of cannabis, cannabis  
28 concentrates, useable cannabis, or cannabis-infused product.

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

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

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

5 (gg) "Narcotic drug" means any of the following, whether produced  
6 directly or indirectly by extraction from substances of vegetable  
7 origin, or independently by means of chemical synthesis, or by a  
8 combination of extraction and chemical synthesis:

9 (1) Opium, opium derivative, and any derivative of opium or opium  
10 derivative, including their salts, isomers, and salts of isomers,  
11 whenever the existence of the salts, isomers, and salts of isomers is  
12 possible within the specific chemical designation. The term does not  
13 include the isoquinoline alkaloids of opium.

14 (2) Synthetic opiate and any derivative of synthetic opiate,  
15 including their isomers, esters, ethers, salts, and salts of isomers,  
16 esters, and ethers, whenever the existence of the isomers, esters,  
17 ethers, and salts is possible within the specific chemical  
18 designation.

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

20 (4) Coca leaves, except coca leaves and extracts of coca leaves  
21 from which cocaine, ecgonine, and derivatives or ecgonine or their  
22 salts have been removed.

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

24 (6) Cocaine base.

25 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
26 thereof.

27 (8) Any compound, mixture, or preparation containing any quantity  
28 of any substance referred to in (1) through (7) of this subsection.

29 (hh) "Opiate" means any substance having an addiction-forming or  
30 addiction-sustaining liability similar to morphine or being capable  
31 of conversion into a drug having addiction-forming or addiction-  
32 sustaining liability. The term includes opium, substances derived  
33 from opium (opium derivatives), and synthetic opiates. The term does  
34 not include, unless specifically designated as controlled under RCW  
35 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
36 and its salts (dextromethorphan). The term includes the racemic and  
37 levorotatory forms of dextromethorphan.

38 (ii) "Opium poppy" means the plant of the species *Papaver*  
39 *somniferum* L., except its seeds.

1 (jj) "Person" means individual, corporation, business trust,  
2 estate, trust, partnership, association, joint venture, government,  
3 governmental subdivision or agency, or any other legal or commercial  
4 entity.

5 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

6 (ll) "Poppy straw" means all parts, except the seeds, of the  
7 opium poppy, after mowing.

8 (mm) "Practitioner" means:

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

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

29 (3) A physician licensed to practice medicine and surgery, a  
30 physician licensed to practice osteopathic medicine and surgery, a  
31 dentist licensed to practice dentistry, a podiatric physician and  
32 surgeon licensed to practice podiatric medicine and surgery, a  
33 licensed physician assistant or a licensed osteopathic physician  
34 assistant specifically approved to prescribe controlled substances by  
35 his or her state's medical commission or equivalent and his or her  
36 supervising physician, an advanced registered nurse practitioner  
37 licensed to prescribe controlled substances, or a veterinarian  
38 licensed to practice veterinary medicine in any state of the United  
39 States.



1 (nn) "Prescription" means an order for controlled substances  
2 issued by a practitioner duly authorized by law or rule in the state  
3 of Washington to prescribe controlled substances within the scope of  
4 his or her professional practice for a legitimate medical purpose.

5 (oo) "Production" includes the manufacturing, planting,  
6 cultivating, growing, or harvesting of a controlled substance.

7 (pp) "Qualifying patient" has the meaning provided in RCW  
8 69.51A.010.

9 (qq) "Recognition card" has the meaning provided in RCW  
10 69.51A.010.

11 (rr) "Retail outlet" means a location licensed by the board for  
12 the retail sale of cannabis concentrates, useable cannabis, and  
13 cannabis-infused products.

14 (ss) "Secretary" means the secretary of health or the secretary's  
15 designee.

16 (tt) "State," unless the context otherwise requires, means a  
17 state of the United States, the District of Columbia, the  
18 Commonwealth of Puerto Rico, or a territory or insular possession  
19 subject to the jurisdiction of the United States.

20 (uu) "Tetrahydrocannabinol" or "THC" includes any isomers,  
21 esters, ethers, alkyl homologues, carboxylic acids, hydrogenations,  
22 and metabolites of such substances but does not include cannabigerol,  
23 cannabidiol, or cannabichromene.

24 (vv) "THC concentration" means percent of ~~((delta-9))~~  
25 tetrahydrocannabinol content ~~((per dry weight))~~ of any part of the  
26 plant *Cannabis*, or per volume or weight of cannabis product, or the  
27 combined percent of ~~((delta-9))~~ tetrahydrocannabinol and  
28 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
29 regardless of moisture content.

30 ~~((-vv))~~ (ww) "Ultimate user" means an individual who lawfully  
31 possesses a controlled substance for the individual's own use or for  
32 the use of a member of the individual's household or for  
33 administering to an animal owned by the individual or by a member of  
34 the individual's household.

35 ~~((-ww))~~ (xx) "Useable cannabis" means dried cannabis flowers.  
36 The term "useable cannabis" does not include either cannabis-infused  
37 products or cannabis concentrates.

38 ~~((-xx))~~ (yy) "Youth access" means the level of interest persons  
39 under the age of twenty-one may have in a vapor product, as well as  
40 the degree to which the product is available or appealing to such

1 persons, and the likelihood of initiation, use, or addiction by  
2 adolescents and young adults.

3 (zz) "Package" means a container that has a single unit or group  
4 of units.

5 (aaa) "Unit" means an individual consumable item within a package  
6 of one or more consumable items in solid, liquid, gas, or any form  
7 intended for human consumption.

8 **Sec. 3.** RCW 69.50.326 and 2022 c 16 s 55 are each amended to  
9 read as follows:

10 (1) Licensed cannabis producers and licensed cannabis processors  
11 may use a CBD product as an additive for the purpose of enhancing the  
12 cannabidiol concentration of any product authorized for production,  
13 processing, and sale under this chapter. Except as otherwise provided  
14 in subsection (2) of this section, such CBD product additives must be  
15 lawfully produced by, or purchased from, a producer or processor  
16 licensed under this chapter.

17 (2) Subject to the requirements set forth in (a) and (b) of this  
18 subsection, and for the purpose of enhancing the cannabidiol  
19 concentration of any product authorized for production, processing,  
20 or sale under this chapter, licensed cannabis producers and licensed  
21 cannabis processors may use a CBD product obtained from a source not  
22 licensed under this chapter, provided the CBD product:

23 (a) ~~((Has a THC level of 0.3 percent or less on a dry weight~~  
24 ~~basis; and~~

25 ~~(b))~~ Is not cannabis, or a cannabis product, as defined in this  
26 chapter; and

27 (b) Has been tested for contaminants and toxins by a testing  
28 laboratory accredited under this chapter and in accordance with  
29 testing standards established under this chapter and the applicable  
30 administrative rules.

31 (3) Subject to the requirements of this subsection (3), the board  
32 may enact rules necessary to implement the requirements of this  
33 section. Such rule making is limited to regulations pertaining to  
34 laboratory testing and product safety standards for those cannabidiol  
35 products used by licensed producers and processors in the manufacture  
36 of cannabis products marketed by licensed retailers under this  
37 chapter. The purpose of such rule making must be to ensure the safety  
38 and purity of cannabidiol products used by cannabis producers and  
39 processors licensed under this chapter and incorporated into products

1 sold by licensed recreational cannabis retailers. This rule-making  
2 authority does not include the authority to enact rules regarding  
3 either the production or processing practices of the industrial hemp  
4 industry or any cannabidiol products that are sold or marketed  
5 outside of the regulatory framework established under this chapter.

6 **Sec. 4.** RCW 69.50.346 and 2022 c 16 s 66 are each amended to  
7 read as follows:

8 (1) The label on a cannabis product (~~(container)~~) package,  
9 including cannabis concentrates, useable cannabis, or cannabis-  
10 infused products, sold at retail must include:

11 (a) The business or trade name and Washington state unified  
12 business identifier number of the cannabis producer and processor;

13 (b) The lot numbers of the product;

14 (c) The THC concentration and CBD concentration of the product;

15 (d) The amount of any synthetically derived CBD in the product  
16 sold or provided to the ultimate user;

17 (e) Medically and scientifically accurate and reliable  
18 information about the health and safety risks posed by cannabis use;

19 (~~(e)~~) (f) Language required by RCW 69.04.480; and

20 (~~(f)~~) (g) A disclaimer, subject to the following conditions:

21 (i) Where there is one statement made under subsection (2) of  
22 this section, or as described in subsection (5)(b) of this section,  
23 the disclaimer must state "This statement has not been evaluated by  
24 the State of Washington. This product is not intended to diagnose,  
25 treat, cure, or prevent any disease."; and

26 (ii) Where there is more than one statement made under subsection  
27 (2) of this section, or as described in subsection (5)(b) of this  
28 section, the disclaimer must state "These statements have not been  
29 evaluated by the State of Washington. This product is not intended to  
30 diagnose, treat, cure, or prevent any disease."

31 (2)(a) For cannabis products that have been identified by the  
32 department in rules adopted under RCW 69.50.375(4) in chapter 246-70  
33 WAC as being a compliant cannabis product, the product label and  
34 labeling may include a structure or function claim describing the  
35 intended role of a product to maintain the structure or any function  
36 of the body, or characterize the documented mechanism by which the  
37 product acts to maintain such structure or function, provided that  
38 the claim is truthful and not misleading.

1 (b) A statement made under (a) of this subsection may not claim  
2 to diagnose, mitigate, treat, cure, or prevent any disease.

3 (3) The labels and labeling may not be:

4 (a) False or misleading; or

5 (b) Especially appealing to children.

6 (4) The label is not required to include the business or trade  
7 name or Washington state unified business identifier number of, or  
8 any information about, the cannabis retailer selling the cannabis  
9 product.

10 (5) A cannabis product is not in violation of any Washington  
11 state law or rule of the board solely because its label or labeling  
12 contains:

13 (a) Directions or recommended conditions of use; or

14 (b) A warning describing the psychoactive effects of the cannabis  
15 product, provided that the warning is truthful and not misleading.

16 (6) This section does not create any civil liability on the part  
17 of the state, the board, any other state agency, officer, employee,  
18 or agent based on a cannabis licensee's description of a structure or  
19 function claim or the product's intended role under subsection (2) of  
20 this section.

21 (7) Nothing in this section shall apply to a drug, as defined in  
22 RCW 69.50.101, or a pharmaceutical product approved by the United  
23 States food and drug administration.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50  
25 RCW to read as follows:

26 Except as otherwise provided in this chapter, no person may  
27 manufacture, sell, or distribute cannabis, cannabis concentrates,  
28 useable cannabis, or cannabis-infused products, or any cannabis  
29 products without a valid license issued by the board or commission.  
30 Any person performing any act requiring a license under this title,  
31 without having in force an appropriate and valid license issued to  
32 the person, is in violation of this chapter.

33 NEW SECTION. **Sec. 6.** Nothing in this act shall be construed to  
34 require any agency to purchase a liquid chromatography-mass  
35 spectrometry instrument.

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