H-1775.3

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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)

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

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

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

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

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

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

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

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

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

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

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