

ESSB 5318 - H COMM AMD
By Committee on Appropriations

ADOPTED AND ENGROSSED 4/16/19

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) In the years since the creation of a legal and regulated
5 marketplace for adult use of cannabis, the industry, stakeholders,
6 and state agencies have collaborated to develop a safe, fully
7 regulated marketplace.

8 (2) As the regulated marketplace has been developing, Washington
9 residents with a strong entrepreneurial spirit have taken great
10 financial and personal risk to become licensed and part of this
11 nascent industry.

12 (3) It should not be surprising that mistakes have been made both
13 by licensees and regulators, and that both have learned from these
14 mistakes leading to a stronger, safer industry.

15 (4) While a strong focus on enforcement is an important component
16 of the regulated marketplace, a strong focus on compliance and
17 education is also critically necessary to assist licensees who strive
18 for compliance and in order to allow the board to focus its
19 enforcement priorities on those violations that directly harm public
20 health and safety.

21 (5) The risk taking entrepreneurs who are trying to comply with
22 board regulations should not face punitive consequences for mistakes
23 made during this initial phase of the industry that did not pose a
24 direct threat to public health and safety.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.05
26 RCW to read as follows:

27 (1) If, during an inspection or visit to a marijuana business
28 licensed under chapter 69.50 RCW that is not a technical assistance
29 visit, the liquor and cannabis board becomes aware of conditions that
30 are not in compliance with applicable laws and rules enforced by the
31 board and are not subject to civil penalties as provided for in

1 section 3 of this act, the board may issue a notice of correction to
2 the licensee that includes:

3 (a) A description of the condition that is not in compliance and
4 the text of the specific section or subsection of the applicable
5 state law or rule;

6 (b) A statement of what is required to achieve compliance;

7 (c) The date by which the board requires compliance to be
8 achieved;

9 (d) Notice of the means to contact any technical assistance
10 services provided by the board or others; and

11 (e) Notice of when, where, and to whom a request to extend the
12 time to achieve compliance for good cause may be filed with the
13 board.

14 (2) A notice of correction is not a formal enforcement action, is
15 not subject to appeal, and is a public record.

16 (3) If the liquor and cannabis board issues a notice of
17 correction, it may not issue a civil penalty for the violations
18 identified in the notice of correction unless the licensee fails to
19 comply with the notice.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50
21 RCW to read as follows:

22 (1) The liquor and cannabis board may issue a civil penalty
23 without first issuing a notice of correction if:

24 (a) The licensee has previously been subject to an enforcement
25 action for the same or similar type of violation of the same statute
26 or rule or has been given previous notice of the same or similar type
27 of violation of the same statute or rule;

28 (b) Compliance is not achieved by the date established by the
29 liquor and cannabis board in a previously issued notice of correction
30 and if the board has responded to a request for review of the date by
31 reaffirming the original date or establishing a new date; or

32 (c) The board can prove by a preponderance of the evidence:

33 (i) Diversion of marijuana product to the illicit market or sales
34 across state lines;

35 (ii) Furnishing of marijuana product to minors;

36 (iii) Diversion of revenue to criminal enterprises, gangs,
37 cartels, or parties not qualified to hold a marijuana license based
38 on criminal history requirements;

39 (iv) The commission of nonmarijuana-related crimes; or

1 (v) Knowingly making a misrepresentation of fact to the board, an
2 officer of the board, or an employee of the board related to conduct
3 or an action that is, or is alleged to be, any of the violations
4 identified in (c)(i) through (c)(iv) of this subsection (1).

5 (2) The liquor and cannabis board may adopt rules to implement
6 this section and section 2 of this act.

7 **Sec. 4.** RCW 69.50.342 and 2015 2nd sp.s. c 4 s 1601 are each
8 amended to read as follows:

9 (1) For the purpose of carrying into effect the provisions of
10 chapter 3, Laws of 2013 according to their true intent or of
11 supplying any deficiency therein, the state liquor and cannabis board
12 may adopt rules not inconsistent with the spirit of chapter 3, Laws
13 of 2013 as are deemed necessary or advisable. Without limiting the
14 generality of the preceding sentence, the state liquor and cannabis
15 board is empowered to adopt rules regarding the following:

16 (a) The equipment and management of retail outlets and premises
17 where marijuana is produced or processed, and inspection of the
18 retail outlets and premises where marijuana is produced or processed;

19 (b) The books and records to be created and maintained by
20 licensees, the reports to be made thereon to the state liquor and
21 cannabis board, and inspection of the books and records;

22 (c) Methods of producing, processing, and packaging marijuana,
23 useable marijuana, marijuana concentrates, and marijuana-infused
24 products; conditions of sanitation; safe handling requirements;
25 approved pesticides and pesticide testing requirements; and standards
26 of ingredients, quality, and identity of marijuana, useable
27 marijuana, marijuana concentrates, and marijuana-infused products
28 produced, processed, packaged, or sold by licensees;

29 (d) Security requirements for retail outlets and premises where
30 marijuana is produced or processed, and safety protocols for
31 licensees and their employees;

32 (e) Screening, hiring, training, and supervising employees of
33 licensees;

34 (f) Retail outlet locations and hours of operation;

35 (g) Labeling requirements and restrictions on advertisement of
36 marijuana, useable marijuana, marijuana concentrates, cannabis health
37 and beauty aids, and marijuana-infused products for sale in retail
38 outlets;

1 (h) Forms to be used for purposes of this chapter and chapter
2 69.51A RCW or the rules adopted to implement and enforce these
3 chapters, the terms and conditions to be contained in licenses issued
4 under this chapter and chapter 69.51A RCW, and the qualifications for
5 receiving a license issued under this chapter and chapter 69.51A RCW,
6 including a criminal history record information check. The state
7 liquor and cannabis board may submit any criminal history record
8 information check to the Washington state patrol and to the
9 identification division of the federal bureau of investigation in
10 order that these agencies may search their records for prior arrests
11 and convictions of the individual or individuals who filled out the
12 forms. The state liquor and cannabis board must require
13 fingerprinting of any applicant whose criminal history record
14 information check is submitted to the federal bureau of
15 investigation;

16 (i) Application, reinstatement, and renewal fees for licenses
17 issued under this chapter and chapter 69.51A RCW, and fees for
18 anything done or permitted to be done under the rules adopted to
19 implement and enforce this chapter and chapter 69.51A RCW;

20 (j) The manner of giving and serving notices required by this
21 chapter and chapter 69.51A RCW or rules adopted to implement or
22 enforce these chapters;

23 (k) Times and periods when, and the manner, methods, and means by
24 which, licensees transport and deliver marijuana, marijuana
25 concentrates, useable marijuana, and marijuana-infused products
26 within the state;

27 (1) Identification, seizure, confiscation, destruction, or
28 donation to law enforcement for training purposes of all marijuana,
29 marijuana concentrates, useable marijuana, and marijuana-infused
30 products produced, processed, sold, or offered for sale within this
31 state which do not conform in all respects to the standards
32 prescribed by this chapter or chapter 69.51A RCW or the rules adopted
33 to implement and enforce these chapters.

34 (2) Rules adopted on retail outlets holding medical marijuana
35 endorsements must be adopted in coordination and consultation with
36 the department.

37 (3) The board must adopt rules to perfect and expand existing
38 programs for compliance education for licensed marijuana businesses
39 and their employees. The rules must include a voluntary compliance
40 program created in consultation with licensed marijuana businesses

1 and their employees. The voluntary compliance program must include
2 recommendations on abating violations of this chapter and rules
3 adopted under this chapter.

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

6 (1) The board may grant a licensee's application for advice and
7 consultation as provided in RCW 69.50.342(3) and visit the licensee's
8 licensed premises in order to provide such advice and consultation.
9 Advice and consultation services are limited to the matters specified
10 in the request affecting the interpretation and applicability of the
11 standards in this chapter to the conditions, structures, machines,
12 equipment, apparatus, devices, materials, methods, means, and
13 practices in the licensee's licensed premises. The board may provide
14 for an alternative means of affording consultation and advice other
15 than on-site consultation.

16 (2) The board must make recommendations on eliminating areas of
17 concern disclosed within the scope of the on-site consultation. A
18 visit to a licensee's licensed premises may not be considered an
19 inspection or investigation under this chapter. During the visit, the
20 board may not issue notices or citations and may not assess civil
21 penalties. However, if the on-site visit discloses a violation with a
22 direct or immediate relationship to public safety and the violation
23 is not corrected, the board may investigate.

24 (3) This section does not provide immunity to a licensee who has
25 applied for consultative services from inspections or investigations
26 conducted under this chapter or from any inspection conducted as a
27 result of a complaint before, during, or after the provision of
28 consultative services.

29 (4) This section does not require an inspection of a licensee's
30 licensed premises that has been visited for consultative purposes.
31 However, if the premises are inspected after a visit, the board may
32 consider any information obtained during the consultation visit in
33 determining the nature of an alleged violation and the amount of
34 penalties to be assessed, if any.

35 (5) Rules adopted under section 6 of this act must provide that
36 violations with a direct or immediate relationship to public safety
37 discovered during the consultation visit must be corrected within a
38 specified period of time and an inspection must be conducted at the
39 end of that time period.

1 (6) All licensees requesting consultative services must be
2 advised of this section and the rules adopted by the board relating
3 to the voluntary compliance program. Valuable formulae or financial
4 or proprietary commercial information records received during a
5 consultative visit or while providing consultative services in
6 accordance with this section are not subject to inspection pursuant
7 to chapter 42.56 RCW.

8 (7) The board may adopt rules on the frequency, manner, and
9 method of providing consultative services to licensees. Rules may
10 include scheduling of consultative services and prioritizing requests
11 for the services while maintaining the enforcement requirements of
12 this chapter.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50
14 RCW to read as follows:

15 (1) The board must prescribe procedures for the following:

16 (a) Issuance of written warnings or notices to correct in lieu of
17 penalties, sanctions, or other violations with respect to regulatory
18 violations that have no direct or immediate relationship to public
19 safety as defined by the board;

20 (b) Waiving any fines, civil penalties, or administrative
21 sanctions for violations, that have no direct or immediate
22 relationship to public safety, and are corrected by the licensee
23 within a reasonable amount of time as designated by the board; and

24 (c) A compliance program in accordance with chapter 43.05 RCW and
25 RCW 69.50.342, whereby licensees may request compliance assistance
26 and inspections without issuance of a penalty, sanction, or other
27 violation provided that any noncompliant issues are resolved within a
28 specified period of time.

29 (2) The board must adopt rules prescribing penalties for
30 violations of this chapter. The board:

31 (a) May establish escalating penalties for violation of this
32 chapter, provided that the cumulative effect of any such escalating
33 penalties cannot last beyond two years and the escalation applies
34 only to multiple violations that are the same or similar in nature;

35 (b) May not include cancellation of a license for a single
36 violation, unless the board can prove by a preponderance of the
37 evidence:

38 (i) Diversion of marijuana product to the illicit market or sales
39 across state lines;

1 (ii) Furnishing of marijuana product to minors;
2 (iii) Diversion of revenue to criminal enterprises, gangs,
3 cartels, or parties not qualified to hold a marijuana license based
4 on criminal history requirements;
5 (iv) The commission of nonmarijuana-related crimes; or
6 (v) Knowingly making a misrepresentation of fact to the board, an
7 officer of the board, or an employee of the board related to conduct
8 or an action that is, or alleged to be, any of the violations
9 identified in (b) (i) through (b) (iv) of this subsection (2);
10 (c) May include cancellation of a license for cumulative
11 violations only if a marijuana licensee commits at least four
12 violations within a two-year period of time;
13 (d) Must consider aggravating and mitigating circumstances and
14 deviate from the prescribed penalties accordingly, and must authorize
15 enforcement officers to do the same, provided that such penalty may
16 not exceed the maximum escalating penalty prescribed by the board for
17 that violation; and
18 (e) Must give substantial consideration to mitigating any penalty
19 imposed on a licensee when there is employee misconduct that led to
20 the violation and the licensee:
21 (i) Established a compliance program designed to prevent the
22 violation;
23 (ii) Performed meaningful training with employees designed to
24 prevent the violation; and
25 (iii) Had not enabled or ignored the violation or other similar
26 violations in the past.
27 (3) The board may not consider any violation that occurred more
28 than two years prior as grounds for denial, suspension, revocation,
29 cancellation, or nonrenewal, unless the board can prove by a
30 preponderance of the evidence that the prior administrative violation
31 evidences:
32 (a) Diversion of marijuana product to the illicit market or sales
33 across state lines;
34 (b) Furnishing of marijuana product to minors;
35 (c) Diversion of revenue to criminal enterprises, gangs, cartels,
36 or parties not qualified to hold a marijuana license based on
37 criminal history requirements;
38 (d) The commission of nonmarijuana-related crimes; or
39 (e) Knowingly making a misrepresentation of fact to the board, an
40 officer of the board, or an employee of the board related to conduct

1 or an action that is, or is alleged to be, any of the violations
2 identified in (a) through (d) of this subsection (3).

3 **Sec. 7.** RCW 69.50.331 and 2017 c 317 s 2 are each amended to
4 read as follows:

5 (1) For the purpose of considering any application for a license
6 to produce, process, research, transport, or deliver marijuana,
7 useable marijuana, marijuana concentrates, or marijuana-infused
8 products subject to the regulations established under RCW 69.50.385,
9 or sell marijuana, or for the renewal of a license to produce,
10 process, research, transport, or deliver marijuana, useable
11 marijuana, marijuana concentrates, or marijuana-infused products
12 subject to the regulations established under RCW 69.50.385, or sell
13 marijuana, the ((state liquor and cannabis)) board must conduct a
14 comprehensive, fair, and impartial evaluation of the applications
15 timely received.

16 (a) The ((state liquor and cannabis)) board may cause an
17 inspection of the premises to be made, and may inquire into all
18 matters in connection with the construction and operation of the
19 premises. For the purpose of reviewing any application for a license
20 and for considering the denial, suspension, revocation, cancellation,
21 or renewal or denial thereof, of any license, the ((state liquor and
22 cannabis)) board may consider any prior criminal ((conduct)) arrests
23 or convictions of the applicant ((including an)), any public safety
24 administrative violation history record with the ((state liquor and
25 cannabis)) board, and a criminal history record information check.
26 The ((state liquor and cannabis)) board may submit the criminal
27 history record information check to the Washington state patrol and
28 to the identification division of the federal bureau of investigation
29 in order that these agencies may search their records for prior
30 arrests and convictions of the individual or individuals who filled
31 out the forms. The ((state liquor and cannabis)) board must require
32 fingerprinting of any applicant whose criminal history record
33 information check is submitted to the federal bureau of
34 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A
35 RCW do not apply to these cases. Subject to the provisions of this
36 section, the ((state liquor and cannabis)) board may, in its
37 discretion, grant or deny the renewal or license applied for. Denial
38 may be based on, without limitation, the existence of chronic illegal
39 activity documented in objections submitted pursuant to subsections

1 (7)(c) and (10) of this section. Authority to approve an uncontested
2 or unopposed license may be granted by the (~~state liquor and~~
3 ~~cannabis~~) board to any staff member the board designates in writing.
4 Conditions for granting this authority must be adopted by rule.

5 (b) No license of any kind may be issued to:

6 (i) A person under the age of twenty-one years;

7 (ii) A person doing business as a sole proprietor who has not
8 lawfully resided in the state for at least six months prior to
9 applying to receive a license;

10 (iii) A partnership, employee cooperative, association, nonprofit
11 corporation, or corporation unless formed under the laws of this
12 state, and unless all of the members thereof are qualified to obtain
13 a license as provided in this section; or

14 (iv) A person whose place of business is conducted by a manager
15 or agent, unless the manager or agent possesses the same
16 qualifications required of the licensee.

17 (2)(a) The (~~state liquor and cannabis~~) board may, in its
18 discretion, subject to (~~the provisions of~~) sections 2, 3, and 6 of
19 this act, RCW 69.50.334, and 69.50.342(3) suspend or cancel any
20 license; and all protections of the licensee from criminal or civil
21 sanctions under state law for producing, processing, researching, or
22 selling marijuana, marijuana concentrates, useable marijuana, or
23 marijuana-infused products thereunder must be suspended or
24 terminated, as the case may be.

25 (b) The (~~state liquor and cannabis~~) board must immediately
26 suspend the license of a person who has been certified pursuant to
27 RCW 74.20A.320 by the department of social and health services as a
28 person who is not in compliance with a support order. If the person
29 has continued to meet all other requirements for reinstatement during
30 the suspension, reissuance of the license is automatic upon the
31 (~~state liquor and cannabis~~) board's receipt of a release issued by
32 the department of social and health services stating that the
33 licensee is in compliance with the order.

34 (c) The (~~state liquor and cannabis~~) board may request the
35 appointment of administrative law judges under chapter 34.12 RCW who
36 shall have power to administer oaths, issue subpoenas for the
37 attendance of witnesses and the production of papers, books,
38 accounts, documents, and testimony, examine witnesses, (~~and to~~)
39 receive testimony in any inquiry, investigation, hearing, or
40 proceeding in any part of the state, and consider mitigating and

1 aggravating circumstances in any case and deviate from any prescribed
2 penalty, under rules ~~((and regulations))~~ the ~~((state liquor and~~
3 ~~cannabis))~~ board may adopt.

4 (d) Witnesses must be allowed fees and mileage each way to and
5 from any inquiry, investigation, hearing, or proceeding at the rate
6 authorized by RCW 34.05.446. Fees need not be paid in advance of
7 appearance of witnesses to testify or to produce books, records, or
8 other legal evidence.

9 (e) In case of disobedience of any person to comply with the
10 order of the ~~((state liquor and cannabis))~~ board or a subpoena issued
11 by the ~~((state liquor and cannabis))~~ board, or any of its members, or
12 administrative law judges, or on the refusal of a witness to testify
13 to any matter regarding which he or she may be lawfully interrogated,
14 the judge of the superior court of the county in which the person
15 resides, on application of any member of the board or administrative
16 law judge, compels obedience by contempt proceedings, as in the case
17 of disobedience of the requirements of a subpoena issued from said
18 court or a refusal to testify therein.

19 (3) Upon receipt of notice of the suspension or cancellation of a
20 license, the licensee must forthwith deliver up the license to the
21 ~~((state liquor and cannabis))~~ board. Where the license has been
22 suspended only, the ~~((state liquor and cannabis))~~ board must return
23 the license to the licensee at the expiration or termination of the
24 period of suspension. The ~~((state liquor and cannabis))~~ board must
25 notify all other licensees in the county where the subject licensee
26 has its premises of the suspension or cancellation of the license;
27 and no other licensee or employee of another licensee may allow or
28 cause any marijuana, marijuana concentrates, useable marijuana, or
29 marijuana-infused products to be delivered to or for any person at
30 the premises of the subject licensee.

31 (4) Every license issued under this chapter is subject to all
32 conditions and restrictions imposed by this chapter or by rules
33 adopted by the ~~((state liquor and cannabis))~~ board to implement and
34 enforce this chapter. All conditions and restrictions imposed by the
35 ~~((state liquor and cannabis))~~ board in the issuance of an individual
36 license must be listed on the face of the individual license along
37 with the trade name, address, and expiration date.

38 (5) Every licensee must post and keep posted its license, or
39 licenses, in a conspicuous place on the premises.

1 (6) No licensee may employ any person under the age of twenty-one
2 years.

3 (7) (a) Before the (~~state liquor and cannabis~~) board issues a
4 new or renewed license to an applicant it must give notice of the
5 application to the chief executive officer of the incorporated city
6 or town, if the application is for a license within an incorporated
7 city or town, or to the county legislative authority, if the
8 application is for a license outside the boundaries of incorporated
9 cities or towns, or to the tribal government if the application is
10 for a license within Indian country, or to the port authority if the
11 application for a license is located on property owned by a port
12 authority.

13 (b) The incorporated city or town through the official or
14 employee selected by it, the county legislative authority or the
15 official or employee selected by it, the tribal government, or port
16 authority has the right to file with the (~~state liquor and~~
17 ~~cannabis~~) board within twenty days after the date of transmittal of
18 the notice for applications, or at least thirty days prior to the
19 expiration date for renewals, written objections against the
20 applicant or against the premises for which the new or renewed
21 license is asked. The (~~state liquor and cannabis~~) board may extend
22 the time period for submitting written objections upon request from
23 the authority notified by the (~~state liquor and cannabis~~) board.

24 (c) The written objections must include a statement of all facts
25 upon which the objections are based, and in case written objections
26 are filed, the city or town or county legislative authority may
27 request, and the (~~state liquor and cannabis~~) board may in its
28 discretion hold, a hearing subject to the applicable provisions of
29 Title 34 RCW. If the (~~state liquor and cannabis~~) board makes an
30 initial decision to deny a license or renewal based on the written
31 objections of an incorporated city or town or county legislative
32 authority, the applicant may request a hearing subject to the
33 applicable provisions of Title 34 RCW. If a hearing is held at the
34 request of the applicant, (~~state liquor and cannabis~~) board
35 representatives must present and defend the (~~state liquor and~~
36 ~~cannabis~~) board's initial decision to deny a license or renewal.

37 (d) Upon the granting of a license under this title the (~~state~~
38 ~~liquor and cannabis~~) board must send written notification to the
39 chief executive officer of the incorporated city or town in which the
40 license is granted, or to the county legislative authority if the

1 license is granted outside the boundaries of incorporated cities or
2 towns.

3 (8) (a) Except as provided in (b) through (d) of this subsection,
4 the ((~~state liquor and cannabis~~)) board may not issue a license for
5 any premises within one thousand feet of the perimeter of the grounds
6 of any elementary or secondary school, playground, recreation center
7 or facility, child care center, public park, public transit center,
8 or library, or any game arcade admission to which is not restricted
9 to persons aged twenty-one years or older.

10 (b) A city, county, or town may permit the licensing of premises
11 within one thousand feet but not less than one hundred feet of the
12 facilities described in (a) of this subsection, except elementary
13 schools, secondary schools, and playgrounds, by enacting an ordinance
14 authorizing such distance reduction, provided that such distance
15 reduction will not negatively impact the jurisdiction's civil
16 regulatory enforcement, criminal law enforcement interests, public
17 safety, or public health.

18 (c) A city, county, or town may permit the licensing of research
19 premises allowed under RCW 69.50.372 within one thousand feet but not
20 less than one hundred feet of the facilities described in (a) of this
21 subsection by enacting an ordinance authorizing such distance
22 reduction, provided that the ordinance will not negatively impact the
23 jurisdiction's civil regulatory enforcement, criminal law
24 enforcement, public safety, or public health.

25 (d) The ((~~state liquor and cannabis~~)) board may license premises
26 located in compliance with the distance requirements set in an
27 ordinance adopted under (b) or (c) of this subsection. Before issuing
28 or renewing a research license for premises within one thousand feet
29 but not less than one hundred feet of an elementary school, secondary
30 school, or playground in compliance with an ordinance passed pursuant
31 to (c) of this subsection, the board must ensure that the facility:

32 (i) Meets a security standard exceeding that which applies to
33 marijuana producer, processor, or retailer licensees;

34 (ii) Is inaccessible to the public and no part of the operation
35 of the facility is in view of the general public; and

36 (iii) Bears no advertising or signage indicating that it is a
37 marijuana research facility.

38 (e) The ((~~state liquor and cannabis~~)) board may not issue a
39 license for any premises within Indian country, as defined in 18
40 U.S.C. Sec. 1151, including any fee patent lands within the exterior

1 boundaries of a reservation, without the consent of the federally
2 recognized tribe associated with the reservation or Indian country.

3 (9) A city, town, or county may adopt an ordinance prohibiting a
4 marijuana producer or marijuana processor from operating or locating
5 a business within areas zoned primarily for residential use or rural
6 use with a minimum lot size of five acres or smaller.

7 (10) In determining whether to grant or deny a license or renewal
8 of any license, the (~~state liquor and cannabis~~) board must give
9 substantial weight to objections from an incorporated city or town or
10 county legislative authority based upon chronic illegal activity
11 associated with the applicant's operations of the premises proposed
12 to be licensed or the applicant's operation of any other licensed
13 premises, or the conduct of the applicant's patrons inside or outside
14 the licensed premises. "Chronic illegal activity" means (a) a
15 pervasive pattern of activity that threatens the public health,
16 safety, and welfare of the city, town, or county including, but not
17 limited to, open container violations, assaults, disturbances,
18 disorderly conduct, or other criminal law violations, or as
19 documented in crime statistics, police reports, emergency medical
20 response data, calls for service, field data, or similar records of a
21 law enforcement agency for the city, town, county, or any other
22 municipal corporation or any state agency; or (b) an unreasonably
23 high number of citations for violations of RCW 46.61.502 associated
24 with the applicant's or licensee's operation of any licensed premises
25 as indicated by the reported statements given to law enforcement upon
26 arrest.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 69.50
28 RCW to read as follows:

29 (1) This section applies to the board's issuance of
30 administrative violations to licensed marijuana producers,
31 processors, retailers, transporters, and researchers, when a
32 settlement conference is held between a hearing officer or designee
33 of the board and the marijuana licensee that received a notice of an
34 alleged administrative violation or violations.

35 (2) If a settlement agreement is entered between a marijuana
36 licensee and a hearing officer or designee of the board at or after a
37 settlement conference, the terms of the settlement agreement must be
38 given substantial weight by the board.

39 (3) For the purposes of this section:

1 (a) "Settlement agreement" means the agreement or compromise
2 between a licensed marijuana producer, processor, retailer,
3 researcher, transporter, or researcher and the hearing officer or
4 designee of the board with authority to participate in the settlement
5 conference, that:

6 (i) Includes the terms of the agreement or compromise regarding
7 an alleged violation or violations by the licensee of this chapter,
8 chapter 69.51A RCW, or rules adopted under either chapter, and any
9 related penalty or licensing restriction; and

10 (ii) Is in writing and signed by the licensee and the hearing
11 officer or designee of the board.

12 (b) "Settlement conference" means a meeting or discussion between
13 a licensed marijuana producer, processor, retailer, researcher,
14 transporter, researcher, or authorized representative of any of the
15 preceding licensees, and a hearing officer or designee of the board,
16 held for purposes such as discussing the circumstances surrounding an
17 alleged violation of law or rules by the licensee, the recommended
18 penalty, and any aggravating or mitigating factors, and that is
19 intended to resolve the alleged violation before an administrative
20 hearing or judicial proceeding is initiated.

21 **Sec. 9.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and
22 amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

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

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

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

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

36 (c) "CBD concentration" has the meaning provided in RCW
37 69.51A.010.

38 (d) "CBD product" means any product containing or consisting of
39 cannabidiol.

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

2 (f) "Controlled substance" means a drug, substance, or immediate
3 precursor included in Schedules I through V as set forth in federal
4 or state laws, or federal or commission rules, but does not include
5 industrial hemp as defined in RCW 15.120.010.

6 (g) (1) "Controlled substance analog" means a substance the
7 chemical structure of which is substantially similar to the chemical
8 structure of a controlled substance in Schedule I or II and:
9 (i) that has a stimulant, depressant, or hallucinogenic effect on
10 the central nervous system substantially similar to the stimulant,
11 depressant, or hallucinogenic effect on the central nervous system of
12 a controlled substance included in Schedule I or II; or
13 (ii) with respect to a particular individual, that the individual
14 represents or intends to have a stimulant, depressant, or
15 hallucinogenic effect on the central nervous system substantially
16 similar to the stimulant, depressant, or hallucinogenic effect on the
17 central nervous system of a controlled substance included in Schedule
18 I or II.

19 (2) The term does not include:
20 (i) a controlled substance;
21 (ii) a substance for which there is an approved new drug
22 application;
23 (iii) a substance with respect to which an exemption is in effect
24 for investigational use by a particular person under Section 505 of
25 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
26 chapter 69.77 RCW to the extent conduct with respect to the substance
27 is pursuant to the exemption; or
28 (iv) any substance to the extent not intended for human
29 consumption before an exemption takes effect with respect to the
30 substance.

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

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

35 (j) "Designated provider" has the meaning provided in RCW
36 69.51A.010.

37 (k) "Dispense" means the interpretation of a prescription or
38 order for a controlled substance and, pursuant to that prescription
39 or order, the proper selection, measuring, compounding, labeling, or

1 packaging necessary to prepare that prescription or order for
2 delivery.

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

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

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

7 (o) "Drug" means (1) a controlled substance recognized as a drug
8 in the official United States pharmacopoeia/national formulary or the
9 official homeopathic pharmacopoeia of the United States, or any
10 supplement to them; (2) controlled substances intended for use in the
11 diagnosis, cure, mitigation, treatment, or prevention of disease in
12 individuals or animals; (3) controlled substances (other than food)
13 intended to affect the structure or any function of the body of
14 individuals or animals; and (4) controlled substances intended for
15 use as a component of any article specified in (1), (2), or (3) of
16 this subsection. The term does not include devices or their
17 components, parts, or accessories.

18 (p) "Drug enforcement administration" means the drug enforcement
19 administration in the United States Department of Justice, or its
20 successor agency.

21 (q) "Electronic communication of prescription information" means
22 the transmission of a prescription or refill authorization for a drug
23 of a practitioner using computer systems. The term does not include a
24 prescription or refill authorization verbally transmitted by
25 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

37 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)
38 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
39 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
40 (42), and 69.50.210(c) the term includes any positional isomer; and

1 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
2 includes any positional or geometric isomer.

3 (u) "Lot" means a definite quantity of marijuana, marijuana
4 concentrates, useable marijuana, or marijuana-infused product
5 identified by a lot number, every portion or package of which is
6 uniform within recognized tolerances for the factors that appear in
7 the labeling.

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

12 (w) "Manufacture" means the production, preparation, propagation,
13 compounding, conversion, or processing of a controlled substance,
14 either directly or indirectly or by extraction from substances of
15 natural origin, or independently by means of chemical synthesis, or
16 by a combination of extraction and chemical synthesis, and includes
17 any packaging or repackaging of the substance or labeling or
18 relabeling of its container. The term does not include the
19 preparation, compounding, packaging, repackaging, labeling, or
20 relabeling of a controlled substance:

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

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

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

34 (1) The mature stalks of the plant, fiber produced from the
35 stalks, oil or cake made from the seeds of the plant, any other
36 compound, manufacture, salt, derivative, mixture, or preparation of
37 the mature stalks (except the resin extracted therefrom), fiber, oil,
38 or cake, or the sterilized seed of the plant which is incapable of
39 germination; or

40 (2) Industrial hemp as defined in RCW 15.120.010.

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

4 (z) "Marijuana processor" means a person licensed by the state
5 liquor and cannabis board to process marijuana into marijuana
6 concentrates, useable marijuana, and marijuana-infused products,
7 package and label marijuana concentrates, useable marijuana, and
8 marijuana-infused products for sale in retail outlets, and sell
9 marijuana concentrates, useable marijuana, and marijuana-infused
10 products at wholesale to marijuana retailers.

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

14 (bb) "Marijuana products" means useable marijuana, marijuana
15 concentrates, and marijuana-infused products as defined in this
16 section.

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

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

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

30 (ff) "Narcotic drug" means any of the following, whether produced
31 directly or indirectly by extraction from substances of vegetable
32 origin, or independently by means of chemical synthesis, or by a
33 combination of extraction and chemical synthesis:

34 (1) Opium, opium derivative, and any derivative of opium or opium
35 derivative, including their salts, isomers, and salts of isomers,
36 whenever the existence of the salts, isomers, and salts of isomers is
37 possible within the specific chemical designation. The term does not
38 include the isoquinoline alkaloids of opium.

39 (2) Synthetic opiate and any derivative of synthetic opiate,
40 including their isomers, esters, ethers, salts, and salts of isomers,

1 esters, and ethers, whenever the existence of the isomers, esters,
2 ethers, and salts is possible within the specific chemical
3 designation.

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

5 (4) Coca leaves, except coca leaves and extracts of coca leaves
6 from which cocaine, ecgonine, and derivatives or ecgonine or their
7 salts have been removed.

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

9 (6) Cocaine base.

10 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
11 thereof.

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

14 (gg) "Opiate" means any substance having an addiction-forming or
15 addiction-sustaining liability similar to morphine or being capable
16 of conversion into a drug having addiction-forming or addiction-
17 sustaining liability. The term includes opium, substances derived
18 from opium (opium derivatives), and synthetic opiates. The term does
19 not include, unless specifically designated as controlled under RCW
20 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
21 and its salts (dextromethorphan). The term includes the racemic and
22 levorotatory forms of dextromethorphan.

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

25 (ii) "Person" means individual, corporation, business trust,
26 estate, trust, partnership, association, joint venture, government,
27 governmental subdivision or agency, or any other legal or commercial
28 entity.

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

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

32 (ll) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under
35 chapter 18.57 RCW; an osteopathic physician assistant under chapter
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010
39 subject to any limitations in RCW 18.53.010; a dentist under chapter
40 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;

1 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
2 registered nurse practitioner, or licensed practical nurse under
3 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
4 who is licensed under RCW 18.36A.030 subject to any limitations in
5 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
6 investigator under this chapter, licensed, registered or otherwise
7 permitted insofar as is consistent with those licensing laws to
8 distribute, dispense, conduct research with respect to or administer
9 a controlled substance in the course of their professional practice
10 or research in this state.

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

15 (3) A physician licensed to practice medicine and surgery, a
16 physician licensed to practice osteopathic medicine and surgery, a
17 dentist licensed to practice dentistry, a podiatric physician and
18 surgeon licensed to practice podiatric medicine and surgery, a
19 licensed physician assistant or a licensed osteopathic physician
20 assistant specifically approved to prescribe controlled substances by
21 his or her state's medical quality assurance commission or equivalent
22 and his or her supervising physician, an advanced registered nurse
23 practitioner licensed to prescribe controlled substances, or a
24 veterinarian licensed to practice veterinary medicine in any state of
25 the United States.

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

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

32 (oo) "Qualifying patient" has the meaning provided in RCW
33 69.51A.010.

34 (pp) "Recognition card" has the meaning provided in RCW
35 69.51A.010.

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

39 (rr) "Secretary" means the secretary of health or the secretary's
40 designee.

1 (ss) "State," unless the context otherwise requires, means a
2 state of the United States, the District of Columbia, the
3 Commonwealth of Puerto Rico, or a territory or insular possession
4 subject to the jurisdiction of the United States.

5 (tt) "THC concentration" means percent of delta-9
6 tetrahydrocannabinol content per dry weight of any part of the plant
7 *Cannabis*, or per volume or weight of marijuana product, or the
8 combined percent of delta-9 tetrahydrocannabinol and
9 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
10 regardless of moisture content.

11 (uu) "Ultimate user" means an individual who lawfully possesses a
12 controlled substance for the individual's own use or for the use of a
13 member of the individual's household or for administering to an
14 animal owned by the individual or by a member of the individual's
15 household.

16 (vv) "Useable marijuana" means dried marijuana flowers. The term
17 "useable marijuana" does not include either marijuana-infused
18 products or marijuana concentrates.

19 (ww) "Board" means the Washington state liquor and cannabis
20 board.

21 **Sec. 10.** RCW 42.56.270 and 2018 c 201 s 8008, 2018 c 196 s 21,
22 and 2018 c 4 s 9 are each reenacted and amended to read as follows:

23 The following financial, commercial, and proprietary information
24 is exempt from disclosure under this chapter:

25 (1) Valuable formulae, designs, drawings, computer source code or
26 object code, and research data obtained by any agency within five
27 years of the request for disclosure when disclosure would produce
28 private gain and public loss;

29 (2) Financial information supplied by or on behalf of a person,
30 firm, or corporation for the purpose of qualifying to submit a bid or
31 proposal for (a) a ferry system construction or repair contract as
32 required by RCW 47.60.680 through 47.60.750 or (b) highway
33 construction or improvement as required by RCW 47.28.070;

34 (3) Financial and commercial information and records supplied by
35 private persons pertaining to export services provided under chapters
36 43.163 and 53.31 RCW, and by persons pertaining to export projects
37 under RCW 43.23.035;

38 (4) Financial and commercial information and records supplied by
39 businesses or individuals during application for loans or program

1 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
2 43.168 RCW, or during application for economic development loans or
3 program services provided by any local agency;

4 (5) Financial information, business plans, examination reports,
5 and any information produced or obtained in evaluating or examining a
6 business and industrial development corporation organized or seeking
7 certification under chapter 31.24 RCW;

8 (6) Financial and commercial information supplied to the state
9 investment board by any person when the information relates to the
10 investment of public trust or retirement funds and when disclosure
11 would result in loss to such funds or in private loss to the
12 providers of this information;

13 (7) Financial and valuable trade information under RCW 51.36.120;

14 (8) Financial, commercial, operations, and technical and research
15 information and data submitted to or obtained by the clean Washington
16 center in applications for, or delivery of, program services under
17 chapter 70.95H RCW;

18 (9) Financial and commercial information requested by the public
19 stadium authority from any person or organization that leases or uses
20 the stadium and exhibition center as defined in RCW 36.102.010;

21 (10)(a) Financial information, including but not limited to
22 account numbers and values, and other identification numbers supplied
23 by or on behalf of a person, firm, corporation, limited liability
24 company, partnership, or other entity related to an application for a
25 horse racing license submitted pursuant to RCW 67.16.260(1)(b),
26 marijuana producer, processor, or retailer license, liquor license,
27 gambling license, or lottery retail license;

28 (b) Internal control documents, independent auditors' reports and
29 financial statements, and supporting documents: (i) Of house-banked
30 social card game licensees required by the gambling commission
31 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted
32 by tribes with an approved tribal/state compact for class III gaming;

33 (c) Valuable formulae or financial or proprietary commercial
34 information records received during a consultative visit or while
35 providing consultative services to a licensed marijuana business in
36 accordance with section 5 of this act;

37 (11) Proprietary data, trade secrets, or other information that
38 relates to: (a) A vendor's unique methods of conducting business; (b)
39 data unique to the product or services of the vendor; or (c)
40 determining prices or rates to be charged for services, submitted by

1 any vendor to the department of social and health services or the
2 health care authority for purposes of the development, acquisition,
3 or implementation of state purchased health care as defined in RCW
4 41.05.011;

5 (12)(a) When supplied to and in the records of the department of
6 commerce:

7 (i) Financial and proprietary information collected from any
8 person and provided to the department of commerce pursuant to RCW
9 43.330.050(8); and

10 (ii) Financial or proprietary information collected from any
11 person and provided to the department of commerce or the office of
12 the governor in connection with the siting, recruitment, expansion,
13 retention, or relocation of that person's business and until a siting
14 decision is made, identifying information of any person supplying
15 information under this subsection and the locations being considered
16 for siting, relocation, or expansion of a business;

17 (b) When developed by the department of commerce based on
18 information as described in (a)(i) of this subsection, any work
19 product is not exempt from disclosure;

20 (c) For the purposes of this subsection, "siting decision" means
21 the decision to acquire or not to acquire a site;

22 (d) If there is no written contact for a period of sixty days to
23 the department of commerce from a person connected with siting,
24 recruitment, expansion, retention, or relocation of that person's
25 business, information described in (a)(ii) of this subsection will be
26 available to the public under this chapter;

27 (13) Financial and proprietary information submitted to or
28 obtained by the department of ecology or the authority created under
29 chapter 70.95N RCW to implement chapter 70.95N RCW;

30 (14) Financial, commercial, operations, and technical and
31 research information and data submitted to or obtained by the life
32 sciences discovery fund authority in applications for, or delivery
33 of, grants under chapter 43.350 RCW, to the extent that such
34 information, if revealed, would reasonably be expected to result in
35 private loss to the providers of this information;

36 (15) Financial and commercial information provided as evidence to
37 the department of licensing as required by RCW 19.112.110 or
38 19.112.120, except information disclosed in aggregate form that does
39 not permit the identification of information related to individual
40 fuel licensees;

1 (16) Any production records, mineral assessments, and trade
2 secrets submitted by a permit holder, mine operator, or landowner to
3 the department of natural resources under RCW 78.44.085;

4 (17)(a) Farm plans developed by conservation districts, unless
5 permission to release the farm plan is granted by the landowner or
6 operator who requested the plan, or the farm plan is used for the
7 application or issuance of a permit;

8 (b) Farm plans developed under chapter 90.48 RCW and not under
9 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject
10 to RCW 42.56.610 and 90.64.190;

11 (18) Financial, commercial, operations, and technical and
12 research information and data submitted to or obtained by a health
13 sciences and services authority in applications for, or delivery of,
14 grants under RCW 35.104.010 through 35.104.060, to the extent that
15 such information, if revealed, would reasonably be expected to result
16 in private loss to providers of this information;

17 (19) Information gathered under chapter 19.85 RCW or RCW
18 34.05.328 that can be identified to a particular business;

19 (20) Financial and commercial information submitted to or
20 obtained by the University of Washington, other than information the
21 university is required to disclose under RCW 28B.20.150, when the
22 information relates to investments in private funds, to the extent
23 that such information, if revealed, would reasonably be expected to
24 result in loss to the University of Washington consolidated endowment
25 fund or to result in private loss to the providers of this
26 information;

27 (21) Market share data submitted by a manufacturer under RCW
28 70.95N.190(4);

29 (22) Financial information supplied to the department of
30 financial institutions or to a portal under RCW 21.20.883, when filed
31 by or on behalf of an issuer of securities for the purpose of
32 obtaining the exemption from state securities registration for small
33 securities offerings provided under RCW 21.20.880 or when filed by or
34 on behalf of an investor for the purpose of purchasing such
35 securities;

36 (23) Unaggregated or individual notices of a transfer of crude
37 oil that is financial, proprietary, or commercial information,
38 submitted to the department of ecology pursuant to RCW
39 90.56.565(1)(a), and that is in the possession of the department of

1 ecology or any entity with which the department of ecology has shared
2 the notice pursuant to RCW 90.56.565;

3 (24) Financial institution and retirement account information,
4 and building security plan information, supplied to the liquor and
5 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and
6 69.50.345, when filed by or on behalf of a licensee or prospective
7 licensee for the purpose of obtaining, maintaining, or renewing a
8 license to produce, process, transport, or sell marijuana as allowed
9 under chapter 69.50 RCW;

10 (25) Marijuana transport information, vehicle and driver
11 identification data, and account numbers or unique access identifiers
12 issued to private entities for traceability system access, submitted
13 by an individual or business to the liquor and cannabis board under
14 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and
15 69.50.345 for the purpose of marijuana product traceability.
16 Disclosure to local, state, and federal officials is not considered
17 public disclosure for purposes of this section;

18 (26) Financial and commercial information submitted to or
19 obtained by the retirement board of any city that is responsible for
20 the management of an employees' retirement system pursuant to the
21 authority of chapter 35.39 RCW, when the information relates to
22 investments in private funds, to the extent that such information, if
23 revealed, would reasonably be expected to result in loss to the
24 retirement fund or to result in private loss to the providers of this
25 information except that (a) the names and commitment amounts of the
26 private funds in which retirement funds are invested and (b) the
27 aggregate quarterly performance results for a retirement fund's
28 portfolio of investments in such funds are subject to disclosure;

29 (27) Proprietary financial, commercial, operations, and technical
30 and research information and data submitted to or obtained by the
31 liquor and cannabis board in applications for marijuana research
32 licenses under RCW 69.50.372, or in reports submitted by marijuana
33 research licensees in accordance with rules adopted by the liquor and
34 cannabis board under RCW 69.50.372;

35 (28) Trade secrets, technology, proprietary information, and
36 financial considerations contained in any agreements or contracts,
37 entered into by a licensed marijuana business under RCW 69.50.395,
38 which may be submitted to or obtained by the state liquor and
39 cannabis board; and

1 (29) Financial, commercial, operations, and technical and
2 research information and data submitted to or obtained by the Andy
3 Hill cancer research endowment program in applications for, or
4 delivery of, grants under chapter 43.348 RCW, to the extent that such
5 information, if revealed, would reasonably be expected to result in
6 private loss to providers of this information; and

7 (30) Proprietary information filed with the department of health
8 under chapter 69.48 RCW."

9 Correct the title.

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