
Commerce & Gaming Committee

HB 2726

Brief Description: Regarding marijuana-infused edible products.

Sponsors: Representatives Tharinger, Appleton, Chapman and Robinson.

Brief Summary of Bill

- Provides that marijuana-infused edible products requiring refrigeration, freezing, retorting, or pasteurization, in order to remain shelf stable, are authorized types of marijuana products that may be processed and sold by marijuana licensees under the terms of their marijuana license.
- Requires agency rule-making to establish standards applicable to marijuana processors and marijuana retailers for the processing, storing, transferring, and selling of marijuana-infused edible products requiring refrigeration, freezing, retorting, or pasteurization.

Hearing Date: 1/30/20

Staff: Peter Clodfelter (786-7127).

Background:

State laws regulating legal marijuana production, processing, and sales establish three primary categories of marijuana products sold at retail. The product categories are: (1) marijuana-infused products in solid and liquid form; (2) useable marijuana (which is dried marijuana flowers); and (3) marijuana concentrates. Marijuana-infused products are products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a delta-9 tetrahydrocannabinol (THC) concentration no greater than 10 percent. This product category does not include either useable marijuana or marijuana concentrates.

Rules adopted by the Liquor and Cannabis Board (LCB) provide that potentially hazardous foods and any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human

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consumption may not be infused with marijuana. Other food items that, pursuant to the LCB's rules, may not be infused with marijuana to be sold in a retail store include the following:

- any food that has to be acidified to make it shelf stable;
- food items made shelf stable by canning or retorting;
- fruit or vegetable juices (this does not include shelf stable concentrates);
- fruit or vegetable butters;
- pumpkin pies, custard pies, or any pies that contain egg;
- dairy products of any kind such as butter, cheese, ice cream, or milk; and
- dried or cured meats.

The Department of Agriculture (Department) issues an endorsement for marijuana-infused edible processors. The Department will not approve a marijuana-infused edible product for commercial sale unless it complies with the LCB's requirements for permissible marijuana-infused foods and is a low hazard food that typically does not support bacterial or toxigenic growth. The Department's rules prohibit approval of marijuana-infused edibles that, among other things, require pasteurization to remain stable.

Summary of Bill:

It is established that marijuana-infused edible products that, in order to remain shelf stable, require refrigeration, freezing, retorting, or pasteurization, are authorized types of marijuana products that may be processed and sold by marijuana licensees under the terms of their marijuana license. The Liquor and Cannabis Board and the Department of Agriculture must adopt rules establishing standards applicable to marijuana processors and marijuana retailers for the processing, storing, transferring, and selling of marijuana-infused edible products requiring refrigeration, freezing, retorting, or pasteurization, to protect public health and safety while providing consumers with reasonable access to a variety of these product types.

Appropriation: None.

Fiscal Note: Available.

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