
HOUSE BILL 1945

State of Washington

66th Legislature

2019 Regular Session

By Representatives Kirby and Appleton

Read first time 02/07/19. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to marijuana, including special license
2 endorsements for marijuana retail lounges, direct sales and sampling
3 from some marijuana producers, and adding marijuana to certain
4 permits; amending RCW 69.50.325, 69.50.369, 69.50.445, 69.50.465,
5 69.50.535, 66.20.010, 66.20.040, 66.20.150, 66.20.160, 66.20.170,
6 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.20.400, 70.160.030,
7 70.160.060, and 66.04.010; reenacting and amending RCW 69.50.357 and
8 69.50.101; and adding new sections to chapter 69.50 RCW.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50
11 RCW to read as follows:

12 (1)(a) A marijuana retailer may apply for a special endorsement
13 as a marijuana consumption lounge subject to this section.

14 (b) The board may charge a marijuana consumption lounge
15 endorsement application fee to reimburse the board for costs directly
16 related to the board's administration of special endorsements issued
17 under this section.

18 (2) The board must issue a marijuana consumption lounge
19 endorsement under this section to a marijuana retailer who has
20 submitted an affidavit to the board certifying that the marijuana
21 retailer:

1 (a) Has designated part of the retail premises for the smoking of
2 marijuana products, purchased on the premises or elsewhere, that is
3 physically separated from any areas of the same or adjacent location
4 where smoking is prohibited under state law. For the purposes of this
5 subsection, "physically separated" means an area that is enclosed on
6 all sides by solid, impermeable walls or windows extending from the
7 floor to ceiling with self-closing doors or an open air area clearly
8 indicated and at least one hundred fifty feet separated from other
9 businesses or residences;

10 (b) Prohibits cigarettes to be smoked in the area designated
11 under (a) of this subsection;

12 (c) Is a marijuana retailer in good standing with the board;

13 (d) Has a valid uniform business identifier number and, if it is
14 an established business with reportable gross receipts, has paid all
15 applicable state business and occupation taxes in the year before its
16 application for endorsement;

17 (e) Has obtained a signed letter, on appropriate letterhead, from
18 a professional engineer holding a valid license in the state under
19 chapter 18.43 RCW, that certifies that the ventilation and exhaust
20 system for the area designated in (a) of this subsection:

21 (i) Is separate and distinct from the location's general heating,
22 ventilation, and air-conditioning system;

23 (ii) Has an air flow, as calculated in cubic feet per minute,
24 that will provide for at least thirteen or more air changes within
25 the space served by the ventilation and exhaust system;

26 (iii) Uses the correct quantity of filters recommended by the
27 manufacturer of the ventilation and exhaust system and that those
28 filters have a minimum efficiency rating value of fourteen or higher.
29 For the purposes of this subsection, "minimum efficiency rating
30 value" means the air-cleaning performance rating value as expressed
31 in American society of heating, refrigerating, and air conditioning
32 engineers standard 52.2-2007; and

33 (iv) Uses a loose-fill, rechargeable type sorbent material
34 positioned across the airflow in such a configuration that gaseous
35 contaminants will have a residence time of one-tenth of one second or
36 more within the sorbent material. For the purposes of this section,
37 "residence time" must be calculated consistent with the
38 recommendations outlined by the American society of heating,
39 refrigerating, and air conditioning engineers handbook entitled

1 "Control of Gaseous Indoor Air Contaminants" as it exists on the
2 effective date of this section;

3 (f) Has on file, from each employee that may work in the area
4 designated in (a) of this subsection, a signed acknowledgment that
5 the employee has been advised of and accepts that environmental
6 marijuana smoke may be present in their potential work area. The
7 acknowledgment must contain the signature of the employee, the
8 employer, and a disinterested third-party witness;

9 (g) Will post signage indicating that environmental marijuana
10 smoke may be present in the establishment or part of the
11 establishment. This signage must be in the form and manner provided
12 by the board and must be placed in a conspicuous location at each
13 entry to the area designated in (a) of this subsection; and

14 (h) Does not sell or serve alcohol in the proposed lounge area.

15 (3) No employer may discharge, threaten to discharge, demote,
16 deny a promotion to, sanction, discipline, retaliate against, harass,
17 or otherwise discriminate against an employee, employed by the
18 employer on or before the effective date of this section, solely for
19 refusing to consent to or sign the acknowledgment required in
20 subsection (2)(f) of this section.

21 (4) The affidavits required under this section must be submitted
22 in a form and manner as prescribed by the board to effectively
23 administer this chapter.

24 (5) The board may request additional documentation or information
25 from an applicant in order to verify that the business meets the
26 requirements of this section. The applicant must comply with requests
27 from the department under this subsection or the board may withhold
28 issuance of an endorsement.

29 (6) Endorsements granted under this section are effective for the
30 same period as the marijuana retailer's license. However, the
31 affidavit required under this section must be completed and verified
32 each year by the board.

33 (7) Endorsement decisions by the board must be made within
34 twenty-one business days following the submittal of a completed
35 affidavit. Rejections of an application for an endorsement under this
36 section may be appealed under the same process provided for other
37 licenses issued by the board.

38 (8) Producers with a direct sales endorsement under section 2 of
39 this act may contract to use a marijuana retailer's marijuana
40 consumption lounge endorsement if the contract:

- 1 (a) Is for a limited period of time;
- 2 (b) Clearly posts the duration of the contract and the name of
3 the contracting marijuana producer at the lounge area;
- 4 (c) Notifies the board of every marijuana retailer or marijuana
5 producer involved with the contract at least three days before the
6 contract begins; and
- 7 (d) Requires all parties to the contract to meet reporting and
8 transportation requirements as provided in board rule.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50
10 RCW to read as follows:

11 (1) A direct sales endorsement to a marijuana producer or
12 marijuana processor license is established to authorize producers or
13 processors to sell useable marijuana as well as marijuana products
14 directly to consumers if:

15 (a) Sales are limited to the marijuana producer's marijuana crop
16 and marijuana products created from their crop, or marijuana products
17 produced by the processor;

18 (b) Useable marijuana is sold in a minimum sale size of at least
19 three and one-half grams; and

20 (c) All applicable local sales, use, and excise taxes are applied
21 to the sale as required under RCW 69.50.535.

22 (2) Direct sales must comply with local land use requirements for
23 agricultural direct marketing activities. Marijuana may be sold from
24 a temporary stand erected within an outdoor controlled access area,
25 or a dedicated retail space. Marijuana may be sold from a tested lot
26 stored in a bulk container and weighed out, packaged, and labeled to
27 order for the customer meeting requirements established in rule and
28 using a standardized scale subject to chapter 19.94 RCW and rules
29 adopted under that chapter.

30 (3) Marijuana processors may be issued a direct sales endorsement
31 if they share a Washington state unified business identifier number
32 with a marijuana producer who holds a direct sales endorsement. A
33 marijuana producer may be issued a direct sales endorsement if the
34 marijuana producer:

35 (a) Meets the definition of small business under RCW 39.26.010;

36 (b) Is located ten miles or more from the nearest marijuana
37 retailer; and

1 (c) Has premises with a plant canopy of fifteen thousand feet or
2 less on the property that is zoned to permit retail sales as defined
3 in RCW 82.04.050.

4 (4) Direct sales endorsements do not count towards a
5 jurisdiction's retail outlet under RCW 69.50.345(2).

6 (5)(a) Producers with a direct sales endorsement may apply for
7 on-site sampling of marijuana products provided they submit an
8 affidavit to the board certifying they meet the standards of section
9 1(2) of this act and pay any applicable fees.

10 (b) Producers with a direct sales endorsement may contract to use
11 another licensee's sampling endorsement provided the contract:

12 (i) Is for a limited period of time;

13 (ii) Clearly posts the duration of the contract and the name of
14 the contracting producer at the sampling area;

15 (iii) Requires notification to the board of every marijuana
16 producer involved with the contract at least three days before the
17 contract begins;

18 (iv) Requires applicable reporting and transportation
19 requirements as provided in rule.

20 **Sec. 3.** RCW 69.50.325 and 2018 c 132 s 3 are each amended to
21 read as follows:

22 (1) There shall be a marijuana producer's license regulated by
23 the (~~state liquor and cannabis~~) board and subject to annual
24 renewal. The licensee is authorized to produce: (a) Marijuana for
25 sale at wholesale to marijuana processors and other marijuana
26 producers; (b) immature plants or clones and seeds for sale to
27 cooperatives as described under RCW 69.51A.250; (~~and~~) (c) immature
28 plants or clones and seeds for sale to qualifying patients and
29 designated providers as provided under RCW 69.51A.310; and (d)
30 marijuana for direct sale to consumers from their farm located on
31 rural or agricultural lands after obtaining a direct sales
32 endorsement for their license. The production, possession, delivery,
33 distribution, and sale of marijuana in accordance with the provisions
34 of this chapter and the rules adopted to implement and enforce it, by
35 a validly licensed marijuana producer, shall not be a criminal or
36 civil offense under Washington state law. Every marijuana producer's
37 license shall be issued in the name of the applicant, shall specify
38 the location at which the marijuana producer intends to operate,
39 which must be within the state of Washington, and the holder thereof

1 shall not allow any other person to use the license. The application
2 fee for a marijuana producer's license shall be two hundred fifty
3 dollars. The annual fee for issuance and renewal of a marijuana
4 producer's license shall be one thousand three hundred eighty-one
5 dollars. The annual fee for the direct sales endorsement is seventy-
6 five dollars. A separate license shall be required for each location
7 at which a marijuana producer intends to produce marijuana.

8 (2) There shall be a marijuana processor's license to process,
9 package, and label marijuana concentrates, useable marijuana, and
10 marijuana-infused products for sale at wholesale to marijuana
11 processors and marijuana retailers, regulated by the (~~state liquor~~
12 ~~and cannabis~~) board and subject to annual renewal. The processing,
13 packaging, possession, delivery, distribution, and sale of marijuana,
14 useable marijuana, marijuana-infused products, and marijuana
15 concentrates in accordance with the provisions of this chapter and
16 chapter 69.51A RCW and the rules adopted to implement and enforce
17 these chapters, by a validly licensed marijuana processor, shall not
18 be a criminal or civil offense under Washington state law. Every
19 marijuana processor's license shall be issued in the name of the
20 applicant, shall specify the location at which the licensee intends
21 to operate, which must be within the state of Washington, and the
22 holder thereof shall not allow any other person to use the license.
23 The application fee for a marijuana processor's license shall be two
24 hundred fifty dollars. The annual fee for issuance and renewal of a
25 marijuana processor's license shall be one thousand three hundred
26 eighty-one dollars. A separate license shall be required for each
27 location at which a marijuana processor intends to process marijuana.

28 (3)(a) There shall be a marijuana retailer's license to sell
29 marijuana concentrates, useable marijuana, and marijuana-infused
30 products at retail in retail outlets, regulated by the (~~state liquor~~
31 ~~and cannabis~~) board and subject to annual renewal. The possession,
32 delivery, distribution, and sale of marijuana concentrates, useable
33 marijuana, and marijuana-infused products in accordance with the
34 provisions of this chapter and the rules adopted to implement and
35 enforce it, by a validly licensed marijuana retailer, shall not be a
36 criminal or civil offense under Washington state law. Every marijuana
37 retailer's license shall be issued in the name of the applicant,
38 shall specify the location of the retail outlet the licensee intends
39 to operate, which must be within the state of Washington, and the
40 holder thereof shall not allow any other person to use the license.

1 The application fee for a marijuana retailer's license shall be two
2 hundred fifty dollars. The annual fee for issuance and renewal of a
3 marijuana retailer's license shall be one thousand three hundred
4 eighty-one dollars. A separate license shall be required for each
5 location at which a marijuana retailer intends to sell marijuana
6 concentrates, useable marijuana, and marijuana-infused products.

7 (b) An individual retail licensee and all other persons or
8 entities with a financial or other ownership interest in the business
9 operating under the license are limited, in the aggregate, to holding
10 a collective total of not more than five retail marijuana licenses.

11 (c) (i) A marijuana retailer's license is subject to forfeiture in
12 accordance with rules adopted by the (~~state liquor and cannabis~~)
13 board pursuant to this section.

14 (ii) The (~~state liquor and cannabis~~) board shall adopt rules to
15 establish a license forfeiture process for a licensed marijuana
16 retailer that is not fully operational and open to the public within
17 a specified period from the date of license issuance, as established
18 by the (~~state liquor and cannabis~~) board, subject to the following
19 restrictions:

20 (A) No marijuana retailer's license may be subject to forfeiture
21 within the first nine months of license issuance; and

22 (B) The (~~state liquor and cannabis~~) board must require license
23 forfeiture on or before twenty-four calendar months of license
24 issuance if a marijuana retailer is not fully operational and open to
25 the public, unless the board determines that circumstances out of the
26 licensee's control are preventing the licensee from becoming fully
27 operational and that, in the board's discretion, the circumstances
28 warrant extending the forfeiture period beyond twenty-four calendar
29 months.

30 (iii) The (~~state liquor and cannabis~~) board has discretion in
31 adopting rules under this subsection (3) (c).

32 (iv) This subsection (3) (c) applies to marijuana retailer's
33 licenses issued before and after July 23, 2017. However, no license
34 of a marijuana retailer that otherwise meets the conditions for
35 license forfeiture established pursuant to this subsection (3) (c) may
36 be subject to forfeiture within the first nine calendar months of
37 July 23, 2017.

38 (v) The (~~state liquor and cannabis~~) board may not require
39 license forfeiture if the licensee has been incapable of opening a
40 fully operational retail marijuana business due to actions by the

1 city, town, or county with jurisdiction over the licensee that
2 include any of the following:

3 (A) The adoption of a ban or moratorium that prohibits the
4 opening of a retail marijuana business; or

5 (B) The adoption of an ordinance or regulation related to zoning,
6 business licensing, land use, or other regulatory measure that has
7 the effect of preventing a licensee from receiving an occupancy
8 permit from the jurisdiction or which otherwise prevents a licensed
9 marijuana retailer from becoming operational.

10 **Sec. 4.** RCW 69.50.357 and 2017 c 317 s 13 and 2017 c 131 s 1 are
11 each reenacted and amended to read as follows:

12 (1)(a) Retail outlets may not sell products or services other
13 than marijuana concentrates, useable marijuana, marijuana-infused
14 products, or paraphernalia intended for the storage or use of
15 marijuana concentrates, useable marijuana, or marijuana-infused
16 products.

17 (b)(i) Retail outlets may receive lockable boxes, intended for
18 the secure storage of marijuana products and paraphernalia, and
19 related literature as a donation from another person or entity, that
20 is not a marijuana producer, processor, or retailer, for donation to
21 their customers.

22 (ii) Retail outlets may donate the lockable boxes and provide the
23 related literature to any person eligible to purchase marijuana
24 products under subsection (2) of this section. Retail outlets may not
25 use the donation of lockable boxes or literature as an incentive or
26 as a condition of a recipient's purchase of a marijuana product or
27 paraphernalia.

28 (iii) Retail outlets may also purchase and sell lockable boxes,
29 provided that the sales price is not less than the cost of
30 acquisition.

31 (2) Licensed marijuana retailers may not employ persons under
32 twenty-one years of age or allow persons under twenty-one years of
33 age to enter or remain on the premises of a retail outlet. However,
34 qualifying patients between eighteen and twenty-one years of age with
35 a recognition card may enter and remain on the premises of a retail
36 outlet holding a medical marijuana endorsement and may purchase
37 products for their personal medical use. Qualifying patients who are
38 under the age of eighteen with a recognition card and who accompany
39 their designated providers may enter and remain on the premises of a

1 retail outlet holding a medical marijuana endorsement, but may not
2 purchase products for their personal medical use.

3 (3) (a) Licensed marijuana retailers must ensure that all
4 employees are trained on the rules adopted to implement this chapter,
5 identification of persons under the age of twenty-one, and other
6 requirements adopted by the (~~state liquor and cannabis~~) board to
7 ensure that persons under the age of twenty-one are not permitted to
8 enter or remain on the premises of a retail outlet.

9 (b) Licensed marijuana retailers with a medical marijuana
10 endorsement must ensure that all employees are trained on the
11 subjects required by (a) of this subsection as well as identification
12 of authorizations and recognition cards. Employees must also be
13 trained to permit qualifying patients who hold recognition cards and
14 are between the ages of eighteen and twenty-one to enter the premises
15 and purchase marijuana for their personal medical use and to permit
16 qualifying patients who are under the age of eighteen with a
17 recognition card to enter the premises if accompanied by their
18 designated providers.

19 (4) Except as provided in section 1 of this act or for the
20 purposes of disposal as authorized by the (~~state liquor and~~
21 ~~cannabis~~) board, no licensed marijuana retailer or employee of a
22 retail outlet may open or consume, or allow to be opened or consumed,
23 any marijuana concentrates, useable marijuana, or marijuana-infused
24 product on the outlet premises.

25 (5) The (~~state liquor and cannabis~~) board must fine a licensee
26 one thousand dollars for each violation of any subsection of this
27 section. Fines collected under this section must be deposited into
28 the dedicated marijuana account created under RCW 69.50.530.

29 **Sec. 5.** RCW 69.50.369 and 2017 c 317 s 14 are each amended to
30 read as follows:

31 (1) No licensed marijuana producer, processor, researcher, or
32 retailer may place or maintain, or cause to be placed or maintained,
33 any sign or other advertisement for a marijuana business or marijuana
34 product, including useable marijuana, marijuana concentrates, or
35 marijuana-infused product, in any form or through any medium
36 whatsoever within one thousand feet of the perimeter of a school
37 grounds, playground, recreation center or facility, child care
38 center, public park, or library, or any game arcade admission to
39 which is not restricted to persons aged twenty-one years or older.

1 (2) Except for the use of billboards as authorized under this
2 section, licensed marijuana retailers may not display any signage
3 outside of the licensed premises, other than two signs identifying
4 the retail outlet by the licensee's business or trade name, stating
5 the location of the business, and identifying the nature of the
6 business. Each sign must be no larger than one thousand six hundred
7 square inches and be permanently affixed to a building or other
8 structure. The location and content of the retail marijuana signs
9 authorized under this subsection are subject to all other
10 requirements and restrictions established in this section for indoor
11 signs, outdoor signs, and other marijuana-related advertising
12 methods.

13 (3) A marijuana licensee may not utilize transit advertisements
14 for the purpose of advertising its business or product line. "Transit
15 advertisements" means advertising on or within private or public
16 vehicles and all advertisements placed at, on, or within any bus
17 stop, taxi stand, transportation waiting area, train station,
18 airport, or any similar transit-related location.

19 (4) A marijuana licensee may not engage in advertising or other
20 marketing practice that specifically targets persons residing outside
21 of the state of Washington.

22 (5) All signs, billboards, or other print advertising for
23 marijuana businesses or marijuana products must contain text stating
24 that marijuana products may be purchased or possessed only by persons
25 twenty-one years of age or older.

26 (6) A marijuana licensee may not:

27 (a) Take any action, directly or indirectly, to target youth in
28 the advertising, promotion, or marketing of marijuana and marijuana
29 products, or take any action the primary purpose of which is to
30 initiate, maintain, or increase the incidence of youth use of
31 marijuana or marijuana products;

32 (b) Use objects such as toys or inflatables, movie or cartoon
33 characters, or any other depiction or image likely to be appealing to
34 youth, where such objects, images, or depictions indicate an intent
35 to cause youth to become interested in the purchase or consumption of
36 marijuana products; or

37 (c) Use or employ a commercial mascot outside of, and in
38 proximity to, a licensed marijuana business. A "commercial mascot"
39 means live human being, animal, or mechanical device used for
40 attracting the attention of motorists and passersby so as to make

1 them aware of marijuana products or the presence of a marijuana
2 business. Commercial mascots include, but are not limited to,
3 inflatable tube displays, persons in costume, or wearing, holding, or
4 spinning a sign with a marijuana-related commercial message or image,
5 where the intent is to draw attention to a marijuana business or its
6 products.

7 (7) A marijuana licensee that engages in outdoor advertising is
8 subject to the advertising requirements and restrictions set forth in
9 this subsection (7) and elsewhere in this chapter.

10 (a) All outdoor advertising signs, including billboards, are
11 limited to text that identifies the retail outlet by the licensee's
12 business or trade name, states the location of the business, and
13 identifies the type or nature of the business. Such signs may not
14 contain any depictions of marijuana plants, marijuana products, or
15 images that might be appealing to children. The (~~state liquor and~~
16 ~~cannabis~~) board is granted rule-making authority to regulate the
17 text and images that are permissible on outdoor advertising. Such
18 rule making must be consistent with other administrative rules
19 generally applicable to the advertising of marijuana businesses and
20 products.

21 (b) Outdoor advertising is prohibited:

22 (i) On signs and placards in arenas, stadiums, shopping malls,
23 fairs that receive state allocations, farmers markets, and video game
24 arcades, whether any of the foregoing are open air or enclosed, but
25 not including any such sign or placard located in an adult only
26 facility; and

27 (ii) Billboards that are visible from any street, road, highway,
28 right-of-way, or public parking area are prohibited, except as
29 provided in (c) of this subsection.

30 (c) Licensed retail outlets may use a billboard or outdoor sign
31 solely for the purpose of identifying the name of the business, the
32 nature of the business, and providing the public with directional
33 information to the licensed retail outlet. Billboard advertising is
34 subject to the same requirements and restrictions as set forth in (a)
35 of this subsection.

36 (d) Advertising signs within the premises of a retail marijuana
37 business outlet that are visible to the public from outside the
38 premises must meet the signage regulations and requirements
39 applicable to outdoor signs as set forth in this section.

1 (e) The restrictions and regulations applicable to outdoor
2 advertising under this section are not applicable to:

3 (i) An advertisement inside a licensed retail establishment that
4 sells marijuana products that is not placed on the inside surface of
5 a window facing outward; or

6 (ii) An outdoor advertisement at the site of an event to be held
7 at an adult only facility that is placed at such site during the
8 period the facility or enclosed area constitutes an adult only
9 facility, but in no event more than fourteen days before the event,
10 and that does not advertise any marijuana product other than by using
11 a brand name to identify the event.

12 (8) Merchandising within a retail outlet or marijuana industry
13 show or event is not advertising for the purposes of this section.

14 (9) This section does not apply to a noncommercial message.

15 (10)(a) The (~~state liquor and cannabis~~) board must:

16 (i) Adopt rules implementing this section and specifically
17 including provisions regulating the billboards and outdoor signs
18 authorized under this section; and

19 (ii) Fine a licensee one thousand dollars for each violation of
20 this section until the (~~state liquor and cannabis~~) board adopts
21 rules prescribing penalties for violations of this section. The rules
22 must establish escalating penalties including fines and up to
23 suspension or revocation of a marijuana license for subsequent
24 violations.

25 (b) Fines collected under this subsection must be deposited into
26 the dedicated marijuana account created under RCW 69.50.530.

27 (11) A city, town, or county may adopt rules of outdoor
28 advertising by licensed marijuana retailers that are more restrictive
29 than the advertising restrictions imposed under this chapter.
30 Enforcement of restrictions to advertising by a city, town, or county
31 is the responsibility of the city, town, or county.

32 **Sec. 6.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each
33 amended to read as follows:

34 (1) It is unlawful to open a package containing marijuana,
35 useable marijuana, marijuana-infused products, or marijuana
36 concentrates, or consume marijuana, useable marijuana, marijuana-
37 infused products, or marijuana concentrates, in view of the general
38 public or in a public place, except as provided in sections 1 and 2
39 of this act.

1 (2) For the purposes of this section, "public place" has the same
2 meaning as defined in RCW 66.04.010, but the exclusions in RCW
3 66.04.011 do not apply.

4 (3) A person who violates this section is guilty of a class 3
5 civil infraction under chapter 7.80 RCW.

6 **Sec. 7.** RCW 69.50.465 and 2015 2nd sp.s. c 4 s 1401 are each
7 amended to read as follows:

8 (1) It is unlawful for any person to conduct or maintain a
9 marijuana club by himself or herself or by associating with others,
10 or in any manner aid, assist, or abet in conducting or maintaining a
11 marijuana club, except as provided in sections 1 and 2 of this act.

12 (2) It is unlawful for any person to conduct or maintain a public
13 place where marijuana is held or stored, except as provided for a
14 licensee under this chapter, or consumption of marijuana is
15 permitted, except as provided in sections 1 and 2 of this act.

16 (3) Any person who violates this section is guilty of a class C
17 felony punishable under chapter 9A.20 RCW.

18 (4) The following definitions apply throughout this section
19 unless the context clearly requires otherwise.

20 (a) "Marijuana club" means a club, association, or other
21 business, for profit or otherwise, that conducts or maintains a
22 premises for the primary or incidental purpose of providing a
23 location where members or other persons may keep or consume marijuana
24 on the premises.

25 (b) "Public place" means, in addition to the definition provided
26 in RCW 66.04.010, any place to which admission is charged or for
27 which any pecuniary gain is realized by the owner or operator of such
28 place.

29 **Sec. 8.** RCW 69.50.535 and 2015 2nd sp.s. c 4 s 205 are each
30 amended to read as follows:

31 (1)(a) There is levied and collected a marijuana excise tax equal
32 to thirty-seven percent of the selling price on each retail or direct
33 sale in this state of marijuana concentrates, useable marijuana, and
34 marijuana-infused products. This tax is separate and in addition to
35 general state and local sales and use taxes that apply to retail
36 sales of tangible personal property, and is not part of the total
37 retail price to which general state and local sales and use taxes

1 apply. The tax must be separately itemized from the state and local
2 retail sales tax on the sales receipt provided to the buyer.

3 (b) The tax levied in this section must be reflected in the price
4 list or quoted shelf price in the licensed marijuana retail store and
5 in any advertising that includes prices for all useable marijuana,
6 marijuana concentrates, or marijuana-infused products.

7 (2) All revenues collected from the marijuana excise tax imposed
8 under this section must be deposited each day in the dedicated
9 marijuana account.

10 (3) The tax imposed in this section must be paid by the buyer to
11 the seller. Each seller must collect from the buyer the full amount
12 of the tax payable on each taxable sale. The tax collected as
13 required by this section is deemed to be held in trust by the seller
14 until paid to the board. If any seller fails to collect the tax
15 imposed in this section or, having collected the tax, fails to pay it
16 as prescribed by the board, whether such failure is the result of the
17 seller's own acts or the result of acts or conditions beyond the
18 seller's control, the seller is, nevertheless, personally liable to
19 the state for the amount of the tax.

20 (4) The definitions in this subsection apply throughout this
21 section unless the context clearly requires otherwise.

22 (a) (~~"Board" means the state liquor and cannabis board.~~

23 ~~(b)~~) "Retail sale" has the same meaning as in RCW 82.08.010.

24 (~~(c)~~) (b) "Selling price" has the same meaning as in RCW
25 82.08.010, except that when product is sold under circumstances where
26 the total amount of consideration paid for the product is not
27 indicative of its true value, "selling price" means the true value of
28 the product sold.

29 (~~(d)~~) (c) "Product" means marijuana, marijuana concentrates,
30 useable marijuana, and marijuana-infused products.

31 (~~(e)~~) (d) "True value" means market value based on sales at
32 comparable locations in this state of the same or similar product of
33 like quality and character sold under comparable conditions of sale
34 to comparable purchasers. However, in the absence of such sales of
35 the same or similar product, true value means the value of the
36 product sold as determined by all of the seller's direct and indirect
37 costs attributable to the product.

38 (5) (a) The board must regularly review the tax level established
39 under this section and make recommendations, in consultation with the
40 department of revenue, to the legislature as appropriate regarding

1 adjustments that would further the goal of discouraging use while
2 undercutting illegal market prices.

3 (b) The (~~state liquor and cannabis~~) board must report, in
4 compliance with RCW 43.01.036, to the appropriate committees of the
5 legislature every two years. The report at a minimum must include the
6 following:

7 (i) The specific recommendations required under (a) of this
8 subsection;

9 (ii) A comparison of gross sales and tax collections prior to and
10 after any marijuana tax change;

11 (iii) The increase or decrease in the volume of legal marijuana
12 sold prior to and after any marijuana tax change;

13 (iv) Increases or decreases in the number of licensed marijuana
14 producers, processors, and retailers;

15 (v) The number of illegal and noncompliant marijuana outlets the
16 board requires to be closed;

17 (vi) Gross marijuana sales and tax collections in Oregon; and

18 (vii) The total amount of reported sales and use taxes exempted
19 for qualifying patients. The department of revenue must provide the
20 data of exempt amounts to the board.

21 (c) The board is not required to report to the legislature as
22 required in (b) of this subsection after January 1, 2025.

23 (6) The legislature does not intend and does not authorize any
24 person or entity to engage in activities or to conspire to engage in
25 activities that would constitute per se violations of state and
26 federal antitrust laws including, but not limited to, agreements
27 among retailers as to the selling price of any goods sold.

28 **Sec. 9.** RCW 66.20.010 and 2017 c 250 s 1 are each amended to
29 read as follows:

30 Upon application in the prescribed form being made to any
31 employee authorized by the board to issue permits, accompanied by
32 payment of the prescribed fee, and upon the employee being satisfied
33 that the applicant should be granted a permit under this title, the
34 employee must issue to the applicant under such regulations and at
35 such fee as may be prescribed by the board a permit of the class
36 applied for, as follows:

37 (1) Where the application is for a special permit by a physician
38 or dentist, or by any person in charge of an institution regularly
39 conducted as a hospital or sanitorium for the care of persons in ill

1 health, or as a home devoted exclusively to the care of aged people,
2 a special liquor purchase permit, except that the governor may waive
3 the requirement for a special liquor purchase permit under this
4 subsection pursuant to an order issued under RCW 43.06.220(2);

5 (2) Where the application is for a special permit by a person
6 engaged within the state in mechanical or manufacturing business or
7 in scientific pursuits requiring alcohol for use therein, or by any
8 private individual, a special permit to purchase alcohol for the
9 purpose named in the permit, except that the governor may waive the
10 requirement for a special liquor purchase permit under this
11 subsection pursuant to an order issued under RCW 43.06.220(2);

12 (3) Where the application is for a special permit to consume
13 liquor at a banquet, at a specified date and place, a special permit
14 to purchase liquor for consumption at such banquet, to such
15 applicants as may be fixed by the board;

16 (4) Where the application is for a special permit to consume
17 liquor or marijuana products on the premises of a business not
18 licensed under this title, a special permit to purchase liquor or
19 marijuana products for consumption thereon for such periods of time
20 and to such applicants as may be fixed by the board;

21 (5) Where the application is for a special permit by a
22 manufacturer to import or purchase within the state alcohol, malt,
23 and other materials containing alcohol to be used in the manufacture
24 of liquor, or other products, a special permit;

25 (6) Where the application is for a special permit by a person
26 operating a drug store to purchase liquor at retail prices only, to
27 be thereafter sold by such person on the prescription of a physician,
28 a special liquor purchase permit, except that the governor may waive
29 the requirement for a special liquor purchase permit under this
30 subsection pursuant to an order issued under RCW 43.06.220(2);

31 (7) Where the application is for a special permit by an
32 authorized representative of a military installation operated by or
33 for any of the armed forces within the geographical boundaries of the
34 state of Washington, a special permit to purchase liquor for use on
35 such military installation;

36 (8) Where the application is for a special permit by a vendor
37 that manufactures or sells a product which cannot be effectively
38 presented to potential buyers without serving it with liquor or
39 marijuana or by a manufacturer, importer, or distributor, or
40 representative thereof, to serve liquor or marijuana products without

1 charge to delegates and guests at a convention of a trade association
2 composed of licensees of the board, when the said liquor or marijuana
3 product is served in a hospitality room or from a booth in a board-
4 approved suppliers' display room at the convention, and when the
5 liquor or marijuana product so served is for consumption in the said
6 hospitality room or display room during the convention, anything in
7 this title to the contrary notwithstanding. Any such spirituous
8 liquor or marijuana product must be purchased from a spirits retailer
9 or distributor or marijuana processor, and any such liquor or
10 marijuana product is subject to the taxes imposed by RCW 82.08.150,
11 66.24.290, (~~and~~) 66.24.210, and 69.50.535;

12 (9) Where the application is for a special permit by a
13 manufacturer, importer, or distributor, or representative thereof, to
14 donate liquor for a reception, breakfast, luncheon, or dinner for
15 delegates and guests at a convention of a trade association composed
16 of licensees of the board, when the liquor so donated is for
17 consumption at the said reception, breakfast, luncheon, or dinner
18 during the convention, anything in this title to the contrary
19 notwithstanding. Any such spirituous liquor must be purchased from a
20 spirits retailer or distributor, and any such liquor is subject to
21 the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

22 (10) Where the application is for a special permit by a
23 manufacturer, importer, or distributor, or representative thereof, to
24 donate and/or serve liquor without charge to delegates and guests at
25 an international trade fair, show, or exposition held under the
26 auspices of a federal, state, or local governmental entity or
27 organized and promoted by a nonprofit organization, anything in this
28 title to the contrary notwithstanding. Any such spirituous liquor
29 must be purchased from a liquor spirits retailer or distributor, and
30 any such liquor is subject to the taxes imposed by RCW 82.08.150,
31 66.24.290, and 66.24.210;

32 (11) Where the application is for an annual special permit by a
33 person operating a bed and breakfast lodging facility to donate or
34 serve wine (~~or~~), beer, or marijuana products without charge to
35 overnight guests of the facility if the wine (~~or~~), beer, or
36 marijuana product is for consumption on the premises of the facility.
37 "Bed and breakfast lodging facility," as used in this subsection,
38 means a facility offering from one to eight lodging units and
39 breakfast to travelers and guests;

1 (12) Where the application is for a special permit to allow
2 tasting of alcohol by persons at least eighteen years of age under
3 the following circumstances:

4 (a) The application is from a community or technical college as
5 defined in RCW 28B.50.030, a regional university, or a state
6 university;

7 (b) The person who is permitted to taste under this subsection is
8 enrolled as a student in a required or elective class that is part of
9 a culinary, sommelier, wine business, enology, viticulture, wine
10 technology, beer technology, or spirituous technology-related degree
11 program;

12 (c) The alcohol served to any person in the degree-related
13 programs under (b) of this subsection is tasted but not consumed for
14 the purposes of educational training as part of the class curriculum
15 with the approval of the educational provider;

16 (d) The service and tasting of alcoholic beverages is supervised
17 by a faculty or staff member of the educational provider who is
18 twenty-one years of age or older. The supervising faculty or staff
19 member shall possess a class 12 or 13 alcohol server permit under the
20 provisions of RCW 66.20.310;

21 (e) The enrolled student permitted to taste the alcoholic
22 beverages does not purchase the alcoholic beverages; and

23 (f) The permit fee for the special permit provided for in this
24 subsection (12) must be waived by the board;

25 (13) Where the application is for a special permit by a
26 distillery or craft distillery for an event not open to the general
27 public to be held or conducted at a specific place, including at the
28 licensed premise of the applying distillery or craft distillery, upon
29 a specific date for the purpose of tasting and selling spirits of its
30 own production. The distillery or craft distillery must obtain a
31 permit for a fee of ten dollars per event. An application for the
32 permit must be submitted for private banquet permits prior to the
33 event and, once issued, must be posted in a conspicuous place at the
34 premises for which the permit was issued during all times the permit
35 is in use. No licensee may receive more than twelve permits under
36 this subsection (13) each year;

37 (14) Where the application is for a special permit by a
38 manufacturer of wine for an event not open to the general public to
39 be held or conducted at a specific place upon a specific date for the
40 purpose of tasting and selling wine of its own production. The winery

1 must obtain a permit for a fee of ten dollars per event. An
2 application for the permit must be submitted at least ten days before
3 the event and once issued, must be posted in a conspicuous place at
4 the premises for which the permit was issued during all times the
5 permit is in use. No more than twelve events per year may be held by
6 a single manufacturer under this subsection;

7 (15) Where the application is for a special permit by a
8 manufacturer of beer for an event not open to the general public to
9 be held or conducted at a specific place upon a specific date for the
10 purpose of tasting and selling beer of its own production. The
11 brewery or microbrewery must obtain a permit for a fee of ten dollars
12 per event. An application for the permit must be submitted at least
13 ten days before the event and, once issued, must be posted in a
14 conspicuous place at the premises for which the permit was issued
15 during all times the permit is in use. No more than twelve events per
16 year may be held by a single manufacturer under this subsection;

17 (16) Where the application is for a special permit by an
18 individual or business to sell a private collection of wine ((~~or~~),
19 spirits, or marijuana products to an individual or business. The
20 seller must obtain a permit at least five business days before the
21 sale, for a fee of twenty-five dollars per sale. The seller must
22 provide an inventory of products sold and the agreed price on a form
23 provided by the board. The seller shall submit the report and taxes
24 due to the board no later than twenty calendar days after the sale. A
25 permit may be issued under this section to allow the sale of a
26 private collection to licensees, but may not be issued to a licensee
27 to sell to a private individual or business which is not otherwise
28 authorized under the license held by the seller. If the liquor or
29 marijuana product is purchased by a licensee, all sales are subject
30 to taxes assessed as on liquor or marijuana products acquired from
31 any other source. The board may adopt rules to implement this
32 section;

33 (17)(a) A special permit, where the application is for a special
34 permit by a nonprofit organization to sell wine or marijuana products
35 through an auction, not open to the public, to be conducted at a
36 specific place, upon a specific date, and to allow wine or marijuana
37 product tastings at the auction of the wine or marijuana products to
38 be auctioned.

39 (b) A permit holder under this subsection (17) may at the
40 specified event:

1 (i) Sell wine or marijuana products by auction for off-premises
2 consumption; and

3 (ii) Allow tastings of samples of the wine or marijuana products
4 to be auctioned at the event.

5 (c) An application is required for a permit under this subsection
6 (17). The application must be submitted prior to the event and once
7 issued must be posted in a conspicuous place at the premises for
8 which the permit was issued during all times the permit is in use.

9 (d) Wine or marijuana products from more than one winery or
10 marijuana producer or processor may be sold at the auction; however,
11 each winery or marijuana producer or processor selling wine or
12 marijuana products at the auction must be listed on the permit
13 application. Only a single application form may be required for each
14 auction, regardless of the number of wineries or marijuana producers
15 or processors that are selling wine or marijuana products at the
16 auction. The total fee per event for a permit issued under this
17 subsection (17) is twenty-five dollars multiplied by the number of
18 wineries or marijuana producers or processors that are selling wine
19 or marijuana products at the auction.

20 (e) For the purposes of this subsection (17), "nonprofit
21 organization" means an entity incorporated as a nonprofit
22 organization under Washington state law.

23 (f) The board may adopt rules to implement this section.

24 **Sec. 10.** RCW 66.20.040 and 2012 c 117 s 274 are each amended to
25 read as follows:

26 No permit shall be valid or be accepted or used for the purchase
27 of liquor or marijuana products until the applicant for the permit
28 has written his or her signature thereon in the prescribed manner,
29 for the purposes of identification as the holder thereof, in the
30 presence of the employee to whom the application is made.

31 **Sec. 11.** RCW 66.20.150 and 2012 c 117 s 279 are each amended to
32 read as follows:

33 No person shall purchase or attempt to purchase liquor or
34 marijuana products under a permit which is suspended, or which has
35 been canceled, or of which he or she is not the holder.

36 **Sec. 12.** RCW 66.20.160 and 2012 c 2 s 110 are each amended to
37 read as follows:

1 As used in RCW 66.20.160 through 66.20.210, inclusive, "licensee"
2 means the holder of a retail liquor license or a marijuana producer
3 or marijuana processor license issued by the board, and includes any
4 employee or agent of the licensee.

5 **Sec. 13.** RCW 66.20.170 and 2016 c 235 s 7 are each amended to
6 read as follows:

7 A card of identification may for the purpose of this title and
8 for the purpose of procuring liquor or marijuana products, be
9 accepted as an identification card by any licensee and as evidence of
10 legal age of the person presenting such card, provided the licensee
11 complies with the conditions and procedures prescribed herein and
12 such regulations as may be made by the board.

13 **Sec. 14.** RCW 66.20.180 and 2016 c 235 s 8 are each amended to
14 read as follows:

15 A card of identification must be presented by the holder thereof
16 upon request of any licensee, peace officer, or enforcement officer
17 of the board for the purpose of aiding the licensee, peace officer,
18 or enforcement officer of the board to determine whether or not such
19 person is of legal age to purchase liquor or marijuana products when
20 such person desires to procure liquor or marijuana products from a
21 licensed establishment.

22 **Sec. 15.** RCW 66.20.190 and 2016 c 235 s 9 are each amended to
23 read as follows:

24 In addition to the presentation by the holder and verification by
25 the licensee of such card of identification, the licensee who is
26 still in doubt about the true age of the holder must require the
27 person whose age may be in question to sign a certification card and
28 record an accurate description and serial number of his or her card
29 of identification thereon. Such statement must be upon a five-inch by
30 eight-inch file card, which card must be filed alphabetically by the
31 licensee at or before the close of business on the day on which the
32 statement is executed, in the file box containing a suitable
33 alphabetical index and the card must be subject to examination by any
34 peace officer or agent or employee of the board at all times. The
35 certification card must also contain in bold-face type a statement
36 stating that the signer understands that conviction for unlawful
37 purchase of alcoholic beverages or marijuana products or misuse of

1 the certification card may result in criminal penalties including
2 imprisonment or fine or both.

3 **Sec. 16.** RCW 66.20.200 and 2016 c 235 s 10 are each amended to
4 read as follows:

5 (1) It is unlawful for the owner of a card of identification to
6 transfer the card to any other person for the purpose of aiding such
7 person to procure alcoholic beverages or marijuana products from any
8 licensee. Any person who permits his or her card of identification to
9 be used by another or transfer such card to another for the purpose
10 of aiding such transferee to obtain alcoholic beverages or marijuana
11 products from a licensee or gain admission to a premises or portion
12 of a premises classified by the board as off-limits to persons under
13 twenty-one years of age, is guilty of a misdemeanor punishable as
14 provided by RCW 9A.20.021, except that a minimum fine of two hundred
15 fifty dollars must be imposed and any sentence requiring community
16 restitution must require not fewer than twenty-five hours of
17 community restitution.

18 (2) Any person not entitled thereto who unlawfully procures or
19 has issued or transferred to him or her a card of identification, and
20 any person who possesses a card of identification not issued to him
21 or her, and any person who makes any false statement on any
22 certification card required by RCW 66.20.190, to be signed by him or
23 her, is guilty of a misdemeanor punishable as provided by RCW
24 9A.20.021, except that a minimum fine of two hundred fifty dollars
25 must be imposed and any sentence requiring community restitution must
26 require not fewer than twenty-five hours of community restitution.

27 **Sec. 17.** RCW 66.20.210 and 2016 c 235 s 11 are each amended to
28 read as follows:

29 (1) No licensee or the agent or employee of the licensee may be
30 prosecuted criminally or be sued in any civil action for serving
31 liquor or marijuana products to a person under legal age to purchase
32 liquor or marijuana products if such person has presented a card of
33 identification in accordance with RCW 66.20.180, and has signed a
34 certification card as provided in RCW 66.20.190.

35 (2) Such card in the possession of a licensee may be offered as a
36 defense in any hearing held by the board for serving liquor or
37 marijuana products to the person who signed the card and may be

1 considered by the board as evidence that the licensee acted in good
2 faith.

3 **Sec. 18.** RCW 66.20.400 and 2014 c 199 s 1 are each amended to
4 read as follows:

5 (1) There shall be a permit known as a day spa permit to allow
6 the holder to offer or supply without charge(~~(7)~~) wine or beer by the
7 individual glass or marijuana-infused products to a customer for
8 consumption on the premises. The customer must be at least twenty-one
9 years of age and may only be offered wine (~~(6)~~), beer, or marijuana-
10 infused products if the services he or she will be receiving will
11 last more than one hour. Wine (~~(6)~~), beer, or marijuana-infused
12 products served or consumed shall be purchased from a Washington
13 state licensed retailer. A customer may consume no more than one six
14 ounce glass of wine or one twelve ounce glass of beer per day under
15 this permit. A customer may consume no more than one serving of a
16 marijuana-infused product, regardless of form. Day spas with a day
17 spa permit may not advertise the service of complimentary wine
18 (~~(6)~~), beer, or marijuana-infused products and may not sell wine
19 (~~(6)~~), beer, or marijuana-infused products in any manner. Any
20 employee involved in the service of wine or beer must complete a
21 board-approved limited alcohol server training program, or in the
22 case of marijuana-infused products, be otherwise legally permitted to
23 be employed by a marijuana retailer.

24 (2) For the purposes of this section, "day spa" means a business
25 that offers at least three of the following four service categories:

- 26 (a) Hair care;
- 27 (b) Skin care;
- 28 (c) Nail care; and
- 29 (d) Body care, such as massages, wraps, and waxing.

30 Day spas must provide separate service areas of the day spa for
31 at least three of the service categories offered.

32 (3) The annual fee for this permit is one hundred twenty-five
33 dollars.

34 **Sec. 19.** RCW 70.160.030 and 2006 c 2 s 3 are each amended to
35 read as follows:

36 No person may smoke in a public place or in any place of
37 employment except as provided in sections 1 and 2 of this act.

1 **Sec. 20.** RCW 70.160.060 and 1995 c 369 s 60 are each amended to
2 read as follows:

3 This chapter is not intended to:

4 (1) Regulate smoking in a private enclosed workplace, within a
5 public place, even though such workplace may be visited by
6 nonsmokers, excepting places in which smoking is prohibited by the
7 chief of the Washington state patrol, through the director of fire
8 protection, or by other law, ordinance, or regulation; or

9 (2) Regulate the use or smoking of marijuana products, as that
10 term is defined under RCW 69.50.101, in a public place or place of
11 employment that holds a valid endorsement to their marijuana
12 retailer's or marijuana producer's license under sections 1 and 2 of
13 this act. The state liquor and cannabis board has sole enforcement
14 authority under this chapter regarding the designated areas which
15 receive an endorsement under section 1 of this act.

16 **Sec. 21.** RCW 66.04.010 and 2015 c 193 s 3 are each amended to
17 read as follows:

18 In this title, unless the context otherwise requires:

19 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
20 oxide of ethyl, or spirit of wine, which is commonly produced by the
21 fermentation or distillation of grain, starch, molasses, or sugar, or
22 other substances including all dilutions and mixtures of this
23 substance. The term "alcohol" does not include alcohol in the
24 possession of a manufacturer or distiller of alcohol fuel, as
25 described in RCW 66.12.130, which is intended to be denatured and
26 used as a fuel for use in motor vehicles, farm implements, and
27 machines or implements of husbandry.

28 (2) "Authorized representative" means a person who:

29 (a) Is required to have a federal basic permit issued pursuant to
30 the federal alcohol administration act, 27 U.S.C. Sec. 204;

31 (b) Has its business located in the United States outside of the
32 state of Washington;

33 (c) Acquires ownership of beer or wine for transportation into
34 and resale in the state of Washington; and which beer or wine is
35 produced by a brewery or winery in the United States outside of the
36 state of Washington; and

37 (d) Is appointed by the brewery or winery referenced in (c) of
38 this subsection as its authorized representative for marketing and
39 selling its products within the United States in accordance with a

1 written agreement between the authorized representative and such
2 brewery or winery pursuant to this title.

3 (3) "Beer" means any malt beverage, flavored malt beverage, or
4 malt liquor as these terms are defined in this chapter.

5 (4) "Beer distributor" means a person who buys beer from a
6 domestic brewery, microbrewery, beer certificate of approval holder,
7 or beer importers, or who acquires foreign produced beer from a
8 source outside of the United States, for the purpose of selling the
9 same pursuant to this title, or who represents such brewer or brewery
10 as agent.

11 (5) "Beer importer" means a person or business within Washington
12 who purchases beer from a beer certificate of approval holder or who
13 acquires foreign produced beer from a source outside of the United
14 States for the purpose of selling the same pursuant to this title.

15 (6) "Board" means the Washington state liquor ((control)) and
16 cannabis board, constituted under this title.

17 (7) "Brewer" or "brewery" means any person engaged in the
18 business of manufacturing beer and malt liquor. Brewer includes a
19 brand owner of malt beverages who holds a brewer's notice with the
20 federal bureau of alcohol, tobacco, and firearms at a location
21 outside the state and whose malt beverage is contract-produced by a
22 licensed in-state brewery, and who may exercise within the state,
23 under a domestic brewery license, only the privileges of storing,
24 selling to licensed beer distributors, and exporting beer from the
25 state.

26 (8) "Club" means an organization of persons, incorporated or
27 unincorporated, operated solely for fraternal, benevolent,
28 educational, athletic, or social purposes, and not for pecuniary
29 gain.

30 (9) "Confection" means a preparation of sugar, honey, or other
31 natural or artificial sweeteners in combination with chocolate,
32 fruits, nuts, dairy products, or flavorings, in the form of bars,
33 drops, or pieces.

34 (10) "Consume" includes the putting of liquor to any use, whether
35 by drinking or otherwise.

36 (11) "Contract liquor store" means a business that sells liquor
37 on behalf of the board through a contract with a contract liquor
38 store manager.

39 (12) "Craft distillery" means a distillery that pays the reduced
40 licensing fee under RCW 66.24.140.

1 (13) "Dentist" means a practitioner of dentistry duly and
2 regularly licensed and engaged in the practice of his or her
3 profession within the state pursuant to chapter 18.32 RCW.

4 (14) "Distiller" means a person engaged in the business of
5 distilling spirits.

6 (15) "Domestic brewery" means a place where beer and malt liquor
7 are manufactured or produced by a brewer within the state.

8 (16) "Domestic winery" means a place where wines are manufactured
9 or produced within the state of Washington.

10 (17) "Drug store" means a place whose principal business is, the
11 sale of drugs, medicines, and pharmaceutical preparations and
12 maintains a regular prescription department and employs a registered
13 pharmacist during all hours the drug store is open.

14 (18) "Druggist" means any person who holds a valid certificate
15 and is a registered pharmacist and is duly and regularly engaged in
16 carrying on the business of pharmaceutical chemistry pursuant to
17 chapter 18.64 RCW.

18 (19) "Employee" means any person employed by the board.

19 (20) "Flavored malt beverage" means:

20 (a) A malt beverage containing six percent or less alcohol by
21 volume to which flavoring or other added nonbeverage ingredients are
22 added that contain distilled spirits of not more than forty-nine
23 percent of the beverage's overall alcohol content; or

24 (b) A malt beverage containing more than six percent alcohol by
25 volume to which flavoring or other added nonbeverage ingredients are
26 added that contain distilled spirits of not more than one and
27 one-half percent of the beverage's overall alcohol content.

28 (21) "Fund" means 'liquor revolving fund.'

29 (22) "Hotel" means buildings, structures, and grounds, having
30 facilities for preparing, cooking, and serving food, that are kept,
31 used, maintained, advertised, or held out to the public to be a place
32 where food is served and sleeping accommodations are offered for pay
33 to transient guests, in which twenty or more rooms are used for the
34 sleeping accommodation of such transient guests. The buildings,
35 structures, and grounds must be located on adjacent property either
36 owned or leased by the same person or persons.

37 (23) "Importer" means a person who buys distilled spirits from a
38 distillery outside the state of Washington and imports such
39 spirituous liquor into the state for sale to the board or for export.

40 (24) "Imprisonment" means confinement in the county jail.

1 (25) "Liquor" includes the four varieties of liquor herein
2 defined (alcohol, spirits, wine, and beer), and all fermented,
3 spirituous, vinous, or malt liquor, or combinations thereof, and
4 mixed liquor, a part of which is fermented, spirituous, vinous or
5 malt liquor, or otherwise intoxicating; and every liquid or solid or
6 semisolid or other substance, patented or not, containing alcohol,
7 spirits, wine, or beer, and all drinks or drinkable liquids and all
8 preparations or mixtures capable of human consumption, and any
9 liquid, semisolid, solid, or other substance, which contains more
10 than one percent of alcohol by weight shall be conclusively deemed to
11 be intoxicating. Liquor does not include confections or food products
12 that contain one percent or less of alcohol by weight.

13 (26) "Malt beverage" or "malt liquor" means any beverage such as
14 beer, ale, lager beer, stout, and porter obtained by the alcoholic
15 fermentation of an infusion or decoction of pure hops, or pure
16 extract of hops and pure barley malt or other wholesome grain or
17 cereal in pure water containing not more than eight percent of
18 alcohol by weight, and not less than one-half of one percent of
19 alcohol by volume. For the purposes of this title, any such beverage
20 containing more than eight percent of alcohol by weight shall be
21 referred to as "strong beer."

22 (27) "Manufacturer" means a person engaged in the preparation of
23 liquor for sale, in any form whatsoever.

24 (28) "Nightclub" means an establishment that provides
25 entertainment and has as its primary source of revenue (a) the sale
26 of alcohol for consumption on the premises, (b) cover charges, or (c)
27 both.

28 (29) "Package" means any container or receptacle used for holding
29 liquor.

30 (30) "Passenger vessel" means any boat, ship, vessel, barge, or
31 other floating craft of any kind carrying passengers for
32 compensation.

33 (31) "Permit" means a permit for the purchase of liquor under
34 this title.

35 (32) "Person" means an individual, copartnership, association, or
36 corporation.

37 (33) "Physician" means a medical practitioner duly and regularly
38 licensed and engaged in the practice of his or her profession within
39 the state pursuant to chapter 18.71 RCW.

1 (34) "Powdered alcohol" means any powder or crystalline substance
2 containing alcohol that is produced for direct use or reconstitution.

3 (35) "Prescription" means a memorandum signed by a physician and
4 given by him or her to a patient for the obtaining of liquor pursuant
5 to this title for medicinal purposes.

6 (36) "Public place" includes streets and alleys of incorporated
7 cities and towns; state or county or township highways or roads;
8 buildings and grounds used for school purposes; public dance halls
9 and grounds adjacent thereto; those parts of establishments where
10 beer may be sold under this title, soft drink establishments, public
11 buildings, public meeting halls, lobbies, halls and dining rooms of
12 hotels, restaurants, theatres, stores, garages and filling stations
13 which are open to and are generally used by the public and to which
14 the public is permitted to have unrestricted access; railroad trains,
15 stages, and other public conveyances of all kinds and character, and
16 the depots and waiting rooms used in conjunction therewith which are
17 open to unrestricted use and access by the public; publicly owned
18 bathing beaches, parks, and/or playgrounds; and all other places of
19 like or similar nature to which the general public has unrestricted
20 right of access, and which are generally used by the public.

21 (37) "Regulations" means regulations made by the board under the
22 powers conferred by this title.

23 (38) "Restaurant" means any establishment provided with special
24 space and accommodations where, in consideration of payment, food,
25 without lodgings, is habitually furnished to the public, not
26 including drug stores and soda fountains.

27 (39) "Sale" and "sell" include exchange, barter, and traffic; and
28 also include the selling or supplying or distributing, by any means
29 whatsoever, of liquor, or of any liquid known or described as beer or
30 by any name whatever commonly used to describe malt or brewed liquor
31 or of wine, by any person to any person; and also include a sale or
32 selling within the state to a foreign consignee or his or her agent
33 in the state. "Sale" and "sell" shall not include the giving, at no
34 charge, of a reasonable amount of liquor by a person not licensed by
35 the board to a person not licensed by the board, for personal use
36 only. "Sale" and "sell" also does not include a raffle authorized
37 under RCW 9.46.0315: PROVIDED, That the nonprofit organization
38 conducting the raffle has obtained the appropriate permit from the
39 board.

1 (40) "Service bar" means a fixed or portable table, counter,
2 cart, or similar workstation primarily used to prepare, mix, serve,
3 and sell alcohol that is picked up by employees or customers.
4 Customers may not be seated or allowed to consume food or alcohol at
5 a service bar.

6 (41) "Soda fountain" means a place especially equipped with
7 apparatus for the purpose of dispensing soft drinks, whether mixed or
8 otherwise.

9 (42) "Spirits" means any beverage which contains alcohol obtained
10 by distillation, except flavored malt beverages, but including wines
11 exceeding twenty-four percent of alcohol by volume.

12 (43) "Store" means a state liquor store established under this
13 title.

14 (44) "Tavern" means any establishment with special space and
15 accommodation for sale by the glass and for consumption on the
16 premises, of beer, as herein defined.

17 (45) "VIP airport lounge" means an establishment within an
18 international airport located beyond security checkpoints that
19 provides a special space to sit, relax, read, work, and enjoy
20 beverages where access is controlled by the VIP airport lounge
21 operator and is generally limited to the following classifications of
22 persons:

23 (a) Airline passengers of any age whose admission is based on a
24 first-class, executive, or business class ticket;

25 (b) Airline passengers of any age who are qualified members or
26 allowed guests of certain frequent flyer or other loyalty incentive
27 programs maintained by airlines that have agreements describing the
28 conditions for access to the VIP airport lounge;

29 (c) Airline passengers of any age who are qualified members or
30 allowed guests of certain enhanced amenities programs maintained by
31 companies that have agreements describing the conditions for access
32 to the VIP airport lounge;

33 (d) Airport and airline employees, government officials, foreign
34 dignitaries, and other attendees of functions held by the airport
35 authority or airlines related to the promotion of business objectives
36 such as increasing international air traffic and enhancing foreign
37 trade where access to the VIP airport lounge will be controlled by
38 the VIP airport lounge operator; and

1 (e) Airline passengers of any age or airline employees whose
2 admission is based on a pass issued or permission given by the
3 airline for access to the VIP airport lounge.

4 (46) "VIP airport lounge operator" means an airline, port
5 district, or other entity operating a VIP airport lounge that: Is
6 accountable for compliance with the alcohol beverage control act
7 under this title; holds the license under chapter 66.24 RCW issued to
8 the VIP airport lounge; and provides a point of contact for
9 addressing any licensing and enforcement by the board.

10 (47)(a) "Wine" means any alcoholic beverage obtained by
11 fermentation of fruits (grapes, berries, apples, et cetera) or other
12 agricultural product containing sugar, to which any saccharine
13 substances may have been added before, during or after fermentation,
14 and containing not more than twenty-four percent of alcohol by
15 volume, including sweet wines fortified with wine spirits, such as
16 port, sherry, muscatel, and angelica, not exceeding twenty-four
17 percent of alcohol by volume and not less than one-half of one
18 percent of alcohol by volume. For purposes of this title, any
19 beverage containing no more than fourteen percent of alcohol by
20 volume when bottled or packaged by the manufacturer shall be referred
21 to as "table wine," and any beverage containing alcohol in an amount
22 more than fourteen percent by volume when bottled or packaged by the
23 manufacturer shall be referred to as "fortified wine." However,
24 "fortified wine" shall not include: (i) Wines that are both sealed or
25 capped by cork closure and aged two years or more; and (ii) wines
26 that contain more than fourteen percent alcohol by volume solely as a
27 result of the natural fermentation process and that have not been
28 produced with the addition of wine spirits, brandy, or alcohol.

29 (b) This subsection shall not be interpreted to require that any
30 wine be labeled with the designation "table wine" or "fortified
31 wine."

32 (48) "Wine distributor" means a person who buys wine from a
33 domestic winery, wine certificate of approval holder, or wine
34 importer, or who acquires foreign produced wine from a source outside
35 of the United States, for the purpose of selling the same not in
36 violation of this title, or who represents such vintner or winery as
37 agent.

38 (49) "Wine importer" means a person or business within Washington
39 who purchases wine from a wine certificate of approval holder or who

1 acquires foreign produced wine from a source outside of the United
2 States for the purpose of selling the same pursuant to this title.

3 (50) "Winery" means a business conducted by any person for the
4 manufacture of wine for sale, other than a domestic winery.

5 (51) "Marijuana" has the meaning provided in RCW 69.50.101.

6 (52) "Marijuana processor" has the meaning provided in RCW
7 69.50.101.

8 (53) "Marijuana producer" has the meaning provided in RCW
9 69.50.101.

10 (54) "Marijuana products" has the meaning provided in RCW
11 69.50.101.

12 (55) "Marijuana-infused products" has the meaning provided in RCW
13 69.50.101.

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

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

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

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

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

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

29 (c) "CBD concentration" has the meaning provided in RCW
30 69.51A.010.

31 (d) "CBD product" means any product containing or consisting of
32 cannabidiol.

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

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

1 (g) (1) "Controlled substance analog" means a substance the
2 chemical structure of which is substantially similar to the chemical
3 structure of a controlled substance in Schedule I or II and:

4 (i) that has a stimulant, depressant, or hallucinogenic effect on
5 the central nervous system substantially similar to the stimulant,
6 depressant, or hallucinogenic effect on the central nervous system of
7 a controlled substance included in Schedule I or II; or

8 (ii) with respect to a particular individual, that the individual
9 represents or intends to have a stimulant, depressant, or
10 hallucinogenic effect on the central nervous system substantially
11 similar to the stimulant, depressant, or hallucinogenic effect on the
12 central nervous system of a controlled substance included in Schedule
13 I or II.

14 (2) The term does not include:

15 (i) a controlled substance;

16 (ii) a substance for which there is an approved new drug
17 application;

18 (iii) a substance with respect to which an exemption is in effect
19 for investigational use by a particular person under Section 505 of
20 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
21 chapter 69.77 RCW to the extent conduct with respect to the substance
22 is pursuant to the exemption; or

23 (iv) any substance to the extent not intended for human
24 consumption before an exemption takes effect with respect to the
25 substance.

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

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

30 (j) "Designated provider" has the meaning provided in RCW
31 69.51A.010.

32 (k) "Dispense" means the interpretation of a prescription or
33 order for a controlled substance and, pursuant to that prescription
34 or order, the proper selection, measuring, compounding, labeling, or
35 packaging necessary to prepare that prescription or order for
36 delivery.

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

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

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

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

12 (p) "Drug enforcement administration" means the drug enforcement
13 administration in the United States Department of Justice, or its
14 successor agency.

15 (q) "Electronic communication of prescription information" means
16 the transmission of a prescription or refill authorization for a drug
17 of a practitioner using computer systems. The term does not include a
18 prescription or refill authorization verbally transmitted by
19 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

31 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)
32 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
33 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
34 (42), and 69.50.210(c) the term includes any positional isomer; and
35 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term
36 includes any positional or geometric isomer.

37 (u) "Lot" means a definite quantity of marijuana, marijuana
38 concentrates, useable marijuana, or marijuana-infused product
39 identified by a lot number, every portion or package of which is

1 uniform within recognized tolerances for the factors that appear in
2 the labeling.

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

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

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

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

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

29 (1) The mature stalks of the plant, fiber produced from the
30 stalks, oil or cake made from the seeds of the plant, any other
31 compound, manufacture, salt, derivative, mixture, or preparation of
32 the mature stalks (except the resin extracted therefrom), fiber, oil,
33 or cake, or the sterilized seed of the plant which is incapable of
34 germination; or

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

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

39 (z) "Marijuana processor" means a person licensed by the ((state
40 ~~liquor and cannabis~~)) board to process marijuana into marijuana

1 concentrates, useable marijuana, and marijuana-infused products,
2 package and label marijuana concentrates, useable marijuana, and
3 marijuana-infused products for sale in retail outlets, and sell
4 marijuana concentrates, useable marijuana, and marijuana-infused
5 products at wholesale to marijuana retailers.

6 (aa) "Marijuana producer" means a person licensed by the (~~state~~
7 ~~liquor and cannabis~~) board to produce and sell marijuana at
8 wholesale to marijuana processors and other marijuana producers.

9 (bb) "Marijuana products" means useable marijuana, marijuana
10 concentrates, and marijuana-infused products as defined in this
11 section.

12 (cc) "Marijuana researcher" means a person licensed by the
13 (~~state liquor and cannabis~~) board to produce, process, and possess
14 marijuana for the purposes of conducting research on marijuana and
15 marijuana-derived drug products.

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

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

25 (ff) "Narcotic drug" means any of the following, whether produced
26 directly or indirectly by extraction from substances of vegetable
27 origin, or independently by means of chemical synthesis, or by a
28 combination of extraction and chemical synthesis:

29 (1) Opium, opium derivative, and any derivative of opium or opium
30 derivative, including their salts, isomers, and salts of isomers,
31 whenever the existence of the salts, isomers, and salts of isomers is
32 possible within the specific chemical designation. The term does not
33 include the isoquinoline alkaloids of opium.

34 (2) Synthetic opiate and any derivative of synthetic opiate,
35 including their isomers, esters, ethers, salts, and salts of isomers,
36 esters, and ethers, whenever the existence of the isomers, esters,
37 ethers, and salts is possible within the specific chemical
38 designation.

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

1 (4) Coca leaves, except coca leaves and extracts of coca leaves
2 from which cocaine, ecgonine, and derivatives or ecgonine or their
3 salts have been removed.

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

5 (6) Cocaine base.

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

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

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

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

21 (ii) "Person" means individual, corporation, business trust,
22 estate, trust, partnership, association, joint venture, government,
23 governmental subdivision or agency, or any other legal or commercial
24 entity.

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

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

28 (ll) "Practitioner" means:

29 (1) A physician under chapter 18.71 RCW; a physician assistant
30 under chapter 18.71A RCW; an osteopathic physician and surgeon under
31 chapter 18.57 RCW; an osteopathic physician assistant under chapter
32 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
33 limitations in RCW 18.57A.040; an optometrist licensed under chapter
34 18.53 RCW who is certified by the optometry board under RCW 18.53.010
35 subject to any limitations in RCW 18.53.010; a dentist under chapter
36 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
37 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
38 registered nurse practitioner, or licensed practical nurse under
39 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
40 who is licensed under RCW 18.36A.030 subject to any limitations in

1 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
2 investigator under this chapter, licensed, registered or otherwise
3 permitted insofar as is consistent with those licensing laws to
4 distribute, dispense, conduct research with respect to or administer
5 a controlled substance in the course of their professional practice
6 or research in this state.

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

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

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

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

28 (oo) "Qualifying patient" has the meaning provided in RCW
29 69.51A.010.

30 (pp) "Recognition card" has the meaning provided in RCW
31 69.51A.010.

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

35 (rr) "Secretary" means the secretary of health or the secretary's
36 designee.

37 (ss) "State," unless the context otherwise requires, means a
38 state of the United States, the District of Columbia, the
39 Commonwealth of Puerto Rico, or a territory or insular possession
40 subject to the jurisdiction of the United States.

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

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

12 (vv) "Useable marijuana" means dried marijuana flowers. The term
13 "useable marijuana" does not include either marijuana-infused
14 products or marijuana concentrates.

15 (wv) "Board" means the Washington state liquor and cannabis
16 board.

17 NEW SECTION. **Sec. 23.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

--- **END** ---