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SENATE BILL 5201

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State of Washington

66th Legislature

2019 Regular Session

By Senators Palumbo, Rivers, and Mullet

Read first time 01/16/19. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to authorizing marijuana retailers to sell  
2 certain products and merchandise; amending RCW 69.50.342, 69.50.345,  
3 and 66.04.010; and reenacting and amending RCW 69.50.357 and  
4 69.50.101.

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

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

8 (1)(a) Retail outlets may not sell products or services other  
9 than:

10 (i) Marijuana concentrates((~~r~~));

11 (ii) Useable marijuana((~~r~~));

12 (iii) Marijuana-infused products((~~r~~ or ~~r~~));

13 (iv) Any CBD products from: (A) A marijuana producer or processor  
14 as provided under RCW 69.50.326, or (B) a manufacturer who sells and  
15 markets its products outside the regulatory framework;

16 (v) Marijuana merchandise;

17 (vi) Paraphernalia intended for the storage or use of marijuana  
18 concentrates, useable marijuana, or marijuana-infused products; or

19 (vii) Other products not intended for consumption.

20 (b)(i) Retail outlets may receive lockable boxes, intended for  
21 the secure storage of marijuana products and paraphernalia, and

1 related literature as a donation from another person or entity, that  
2 is not a marijuana producer, processor, or retailer, for donation to  
3 their customers.

4 (ii) Retail outlets may donate the lockable boxes and provide the  
5 related literature to any person eligible to purchase marijuana  
6 products under subsection (2) of this section. Retail outlets may not  
7 use the donation of lockable boxes or literature as an incentive or  
8 as a condition of a recipient's purchase of a marijuana product or  
9 paraphernalia.

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

13 (2) Licensed marijuana retailers may not employ persons under  
14 twenty-one years of age or allow persons under twenty-one years of  
15 age to enter or remain on the premises of a retail outlet. However,  
16 qualifying patients between eighteen and twenty-one years of age with  
17 a recognition card may enter and remain on the premises of a retail  
18 outlet holding a medical marijuana endorsement and may purchase  
19 products for their personal medical use. Qualifying patients who are  
20 under the age of eighteen with a recognition card and who accompany  
21 their designated providers may enter and remain on the premises of a  
22 retail outlet holding a medical marijuana endorsement, but may not  
23 purchase products for their personal medical use.

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

30 (b) Licensed marijuana retailers with a medical marijuana  
31 endorsement must ensure that all employees are trained on the  
32 subjects required by (a) of this subsection as well as identification  
33 of authorizations and recognition cards. Employees must also be  
34 trained to permit qualifying patients who hold recognition cards and  
35 are between the ages of eighteen and twenty-one to enter the premises  
36 and purchase marijuana for their personal medical use and to permit  
37 qualifying patients who are under the age of eighteen with a  
38 recognition card to enter the premises if accompanied by their  
39 designated providers.

1 (4) Except for the purposes of disposal as authorized by the  
2 (~~state liquor and cannabis~~) board, no licensed marijuana retailer  
3 or employee of a retail outlet may open or consume, or allow to be  
4 opened or consumed, any marijuana concentrates, useable marijuana, or  
5 marijuana-infused product on the outlet premises.

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

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

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

19 (a) The equipment and management of retail outlets and premises  
20 where marijuana is produced or processed, and inspection of the  
21 retail outlets and premises where marijuana is produced or processed;

22 (b) The books and records to be created and maintained by  
23 licensees, the reports to be made thereon to the (~~state liquor and~~  
24 ~~cannabis~~) board, and inspection of the books and records;

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

32 (d) Security requirements for retail outlets and premises where  
33 marijuana is produced or processed, and safety protocols for  
34 licensees and their employees;

35 (e) Screening, hiring, training, and supervising employees of  
36 licensees;

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

38 (g) Labeling requirements and restrictions on advertisement of  
39 marijuana, useable marijuana, marijuana concentrates, cannabis health

1 and beauty aids, and marijuana-infused products for sale in retail  
2 outlets;

3 (h) Retail product design and marketing standards for marijuana  
4 merchandise and other products sold by licensed retailers;

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

20 ~~((i))~~ (j) Application, reinstatement, and renewal fees for  
21 licenses issued under this chapter and chapter 69.51A RCW, and fees  
22 for anything done or permitted to be done under the rules adopted to  
23 implement and enforce this chapter and chapter 69.51A RCW;

24 ~~((j))~~ (k) The manner of giving and serving notices required by  
25 this chapter and chapter 69.51A RCW or rules adopted to implement or  
26 enforce these chapters;

27 ~~((k))~~ (l) Times and periods when, and the manner, methods, and  
28 means by which, licensees transport and deliver marijuana, marijuana  
29 concentrates, useable marijuana, and marijuana-infused products  
30 within the state;

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

38 (2) Rules adopted on retail outlets holding medical marijuana  
39 endorsements must be adopted in coordination and consultation with  
40 the department.

1       **Sec. 3.** RCW 69.50.345 and 2018 c 43 s 2 are each amended to read  
2 as follows:

3       The (~~state liquor and cannabis~~) board, subject to the  
4 provisions of this chapter, must adopt rules that establish the  
5 procedures and criteria necessary to implement the following:

6       (1) Licensing of marijuana producers, marijuana processors, and  
7 marijuana retailers, including prescribing forms and establishing  
8 application, reinstatement, and renewal fees.

9       (a) Application forms for marijuana producers must request the  
10 applicant to state whether the applicant intends to produce marijuana  
11 for sale by marijuana retailers holding medical marijuana  
12 endorsements and the amount of or percentage of canopy the applicant  
13 intends to commit to growing plants determined by the department  
14 under RCW 69.50.375 to be of a THC concentration, CBD concentration,  
15 or THC to CBD ratio appropriate for marijuana concentrates, useable  
16 marijuana, or marijuana-infused products sold to qualifying patients.

17       (b) The (~~state liquor and cannabis~~) board must reconsider and  
18 increase limits on the amount of square feet permitted to be in  
19 production on July 24, 2015, and increase the percentage of  
20 production space for those marijuana producers who intend to grow  
21 plants for marijuana retailers holding medical marijuana endorsements  
22 if the marijuana producer designates the increased production space  
23 to plants determined by the department under RCW 69.50.375 to be of a  
24 THC concentration, CBD concentration, or THC to CBD ratio appropriate  
25 for marijuana concentrates, useable marijuana, or marijuana-infused  
26 products to be sold to qualifying patients. If current marijuana  
27 producers do not use all the increased production space, the (~~state  
28 liquor and cannabis~~) board may reopen the license period for new  
29 marijuana producer license applicants but only to those marijuana  
30 producers who agree to grow plants for marijuana retailers holding  
31 medical marijuana endorsements. Priority in licensing must be given  
32 to marijuana producer license applicants who have an application  
33 pending on July 24, 2015, but who are not yet licensed and then to  
34 new marijuana producer license applicants. After January 1, 2017, any  
35 reconsideration of the limits on the amount of square feet permitted  
36 to be in production to meet the medical needs of qualifying patients  
37 must consider information contained in the medical marijuana  
38 authorization database established in RCW 69.51A.230;

1 (2) Determining, in consultation with the office of financial  
2 management, the maximum number of retail outlets that may be licensed  
3 in each county, taking into consideration:

4 (a) Population distribution;

5 (b) Security and safety issues;

6 (c) The provision of adequate access to licensed sources of  
7 marijuana concentrates, useable marijuana, and marijuana-infused  
8 products to discourage purchases from the illegal market; and

9 (d) The number of retail outlets holding medical marijuana  
10 endorsements necessary to meet the medical needs of qualifying  
11 patients. The (~~state liquor and cannabis~~) board must reconsider and  
12 increase the maximum number of retail outlets it established before  
13 July 24, 2015, and allow for a new license application period and a  
14 greater number of retail outlets to be permitted in order to  
15 accommodate the medical needs of qualifying patients and designated  
16 providers. After January 1, 2017, any reconsideration of the maximum  
17 number of retail outlets needed to meet the medical needs of  
18 qualifying patients must consider information contained in the  
19 medical marijuana authorization database established in RCW  
20 69.51A.230;

21 (3) Determining the maximum quantity of marijuana a marijuana  
22 producer may have on the premises of a licensed location at any time  
23 without violating Washington state law;

24 (4) Determining the maximum quantities of marijuana, marijuana  
25 concentrates, useable marijuana, and marijuana-infused products a  
26 marijuana processor may have on the premises of a licensed location  
27 at any time without violating Washington state law;

28 (5) Determining the maximum quantities of marijuana concentrates,  
29 useable marijuana, and marijuana-infused products a marijuana  
30 retailer may have on the premises of a retail outlet at any time  
31 without violating Washington state law;

32 (6) In making the determinations required by this section, the  
33 (~~state liquor and cannabis~~) board shall take into consideration:

34 (a) Security and safety issues;

35 (b) The provision of adequate access to licensed sources of  
36 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
37 infused products to discourage purchases from the illegal market; and

38 (c) Economies of scale, and their impact on licensees' ability to  
39 both comply with regulatory requirements and undercut illegal market  
40 prices;

1 (7) Determining the nature, form, and capacity of all containers  
2 to be used by licensees to contain marijuana, marijuana concentrates,  
3 useable marijuana, and marijuana-infused products, and their labeling  
4 requirements, to include but not be limited to:

5 (a) The business or trade name and Washington state unified  
6 business identifier number of the licensees that produced and  
7 processed the marijuana, marijuana concentrates, useable marijuana,  
8 or marijuana-infused product;

9 (b) Lot numbers of the marijuana, marijuana concentrates, useable  
10 marijuana, or marijuana-infused product;

11 (c) THC concentration and CBD concentration of the marijuana,  
12 marijuana concentrates, useable marijuana, or marijuana-infused  
13 product;

14 (d) Medically and scientifically accurate information about the  
15 health and safety risks posed by marijuana use; and

16 (e) Language required by RCW 69.04.480;

17 (8) In consultation with the department of agriculture and the  
18 department, establishing classes of marijuana, marijuana  
19 concentrates, useable marijuana, and marijuana-infused products  
20 according to grade, condition, cannabinoid profile, THC  
21 concentration, CBD concentration, or other qualitative measurements  
22 deemed appropriate by the (~~state liquor and cannabis~~) board;

23 (9) Establishing reasonable time, place, and manner restrictions  
24 and requirements regarding advertising of marijuana, marijuana  
25 concentrates, useable marijuana, and marijuana-infused products that  
26 are not inconsistent with the provisions of this chapter, taking into  
27 consideration:

28 (a) Federal laws relating to marijuana that are applicable within  
29 Washington state;

30 (b) Minimizing exposure of people under twenty-one years of age  
31 to the advertising;

32 (c) The inclusion of medically and scientifically accurate  
33 information about the health and safety risks posed by marijuana use  
34 in the advertising; and

35 (d) Ensuring that retail outlets with medical marijuana  
36 endorsements may advertise themselves as medical retail outlets;

37 (10) Establishing retail product design and marketing standards  
38 to ensure that marijuana merchandise and other products sold by  
39 marijuana retailers are not intended to appeal to minors or otherwise  
40 encourage marijuana use by minors;

1        (11) Specifying and regulating the time and periods when, and the  
2 manner, methods, and means by which, licensees shall transport and  
3 deliver marijuana, marijuana concentrates, useable marijuana, and  
4 marijuana-infused products within the state;

5        ~~((11))~~ (12) In consultation with the department and the  
6 department of agriculture, establishing accreditation requirements  
7 for testing laboratories used by licensees to demonstrate compliance  
8 with standards adopted by the ~~((state liquor and cannabis))~~ board,  
9 and prescribing methods of producing, processing, and packaging  
10 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
11 infused products; conditions of sanitation; and standards of  
12 ingredients, quality, and identity of marijuana, marijuana  
13 concentrates, useable marijuana, and marijuana-infused products  
14 produced, processed, packaged, or sold by licensees;

15        ~~((12))~~ (13) Specifying procedures for identifying, seizing,  
16 confiscating, destroying, and donating to law enforcement for  
17 training purposes all marijuana, marijuana concentrates, useable  
18 marijuana, and marijuana-infused products produced, processed,  
19 packaged, labeled, or offered for sale in this state that do not  
20 conform in all respects to the standards prescribed by this chapter  
21 or the rules of the ~~((state liquor and cannabis))~~ board.

22        **Sec. 4.** RCW 66.04.010 and 2015 c 193 s 3 are each amended to  
23 read as follows:

24        In this title, unless the context otherwise requires:

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

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

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

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



1 (c) Acquires ownership of beer or wine for transportation into  
2 and resale in the state of Washington; and which beer or wine is  
3 produced by a brewery or winery in the United States outside of the  
4 state of Washington; and

5 (d) Is appointed by the brewery or winery referenced in (c) of  
6 this subsection as its authorized representative for marketing and  
7 selling its products within the United States in accordance with a  
8 written agreement between the authorized representative and such  
9 brewery or winery pursuant to this title.

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

12 (4) "Beer distributor" means a person who buys beer from a  
13 domestic brewery, microbrewery, beer certificate of approval holder,  
14 or beer importers, or who acquires foreign produced beer from a  
15 source outside of the United States, for the purpose of selling the  
16 same pursuant to this title, or who represents such brewer or brewery  
17 as agent.

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

22 (6) "Board" means the liquor (~~control~~) and cannabis board,  
23 constituted under this title.

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

33 (8) "Club" means an organization of persons, incorporated or  
34 unincorporated, operated solely for fraternal, benevolent,  
35 educational, athletic, or social purposes, and not for pecuniary  
36 gain.

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

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

3 (11) "Contract liquor store" means a business that sells liquor  
4 on behalf of the board through a contract with a contract liquor  
5 store manager.

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

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

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

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

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

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

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

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

26 (20) "Flavored malt beverage" means:

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

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

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

36 (22) "Hotel" means buildings, structures, and grounds, having  
37 facilities for preparing, cooking, and serving food, that are kept,  
38 used, maintained, advertised, or held out to the public to be a place  
39 where food is served and sleeping accommodations are offered for pay  
40 to transient guests, in which twenty or more rooms are used for the

1 sleeping accommodation of such transient guests. The buildings,  
2 structures, and grounds must be located on adjacent property either  
3 owned or leased by the same person or persons.

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

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

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

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

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

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

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

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

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

3 (32) "Person" means an individual, copartnership, association, or  
4 corporation.

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

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

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

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

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

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

34 (39) "Sale" and "sell" include exchange, barter, and traffic; and  
35 also include the selling or supplying or distributing, by any means  
36 whatsoever, of liquor, or of any liquid known or described as beer or  
37 by any name whatever commonly used to describe malt or brewed liquor  
38 or of wine, by any person to any person; and also include a sale or  
39 selling within the state to a foreign consignee or his or her agent  
40 in the state. "Sale" and "sell" shall not include the giving, at no

1 charge, of a reasonable amount of liquor by a person not licensed by  
2 the board to a person not licensed by the board, for personal use  
3 only. "Sale" and "sell" also does not include a raffle authorized  
4 under RCW 9.46.0315: PROVIDED, That the nonprofit organization  
5 conducting the raffle has obtained the appropriate permit from the  
6 board.

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

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

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

18 (43) "Store" means a state liquor store established under this  
19 title.

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

23 (45) "VIP airport lounge" means an establishment within an  
24 international airport located beyond security checkpoints that  
25 provides a special space to sit, relax, read, work, and enjoy  
26 beverages where access is controlled by the VIP airport lounge  
27 operator and is generally limited to the following classifications of  
28 persons:

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

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

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

39 (d) Airport and airline employees, government officials, foreign  
40 dignitaries, and other attendees of functions held by the airport

1 authority or airlines related to the promotion of business objectives  
2 such as increasing international air traffic and enhancing foreign  
3 trade where access to the VIP airport lounge will be controlled by  
4 the VIP airport lounge operator; and

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

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

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

33 (b) This subsection shall not be interpreted to require that any  
34 wine be labeled with the designation "table wine" or "fortified  
35 wine."

36 (48) "Wine distributor" means a person who buys wine from a  
37 domestic winery, wine certificate of approval holder, or wine  
38 importer, or who acquires foreign produced wine from a source outside  
39 of the United States, for the purpose of selling the same not in

1 violation of this title, or who represents such vintner or winery as  
2 agent.

3 (49) "Wine importer" means a person or business within Washington  
4 who purchases wine from a wine certificate of approval holder or who  
5 acquires foreign produced wine from a source outside of the United  
6 States for the purpose of selling the same pursuant to this title.

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

9 **Sec. 5.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and  
10 amended to read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

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

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

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

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

24 (c) "CBD concentration" has the meaning provided in RCW  
25 69.51A.010.

26 (d) "CBD product" means any product containing or consisting of  
27 cannabidiol.

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

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

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

36 (i) that has a stimulant, depressant, or hallucinogenic effect on  
37 the central nervous system substantially similar to the stimulant,  
38 depressant, or hallucinogenic effect on the central nervous system of  
39 a controlled substance included in Schedule I or II; or

1 (ii) with respect to a particular individual, that the individual  
2 represents or intends to have a stimulant, depressant, or  
3 hallucinogenic effect on the central nervous system substantially  
4 similar to the stimulant, depressant, or hallucinogenic effect on the  
5 central nervous system of a controlled substance included in Schedule  
6 I or II.

7 (2) The term does not include:

8 (i) a controlled substance;

9 (ii) a substance for which there is an approved new drug  
10 application;

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

16 (iv) any substance to the extent not intended for human  
17 consumption before an exemption takes effect with respect to the  
18 substance.

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

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

23 (j) "Designated provider" has the meaning provided in RCW  
24 69.51A.010.

25 (k) "Dispense" means the interpretation of a prescription or  
26 order for a controlled substance and, pursuant to that prescription  
27 or order, the proper selection, measuring, compounding, labeling, or  
28 packaging necessary to prepare that prescription or order for  
29 delivery.

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

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

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

34 (o) "Drug" means (1) a controlled substance recognized as a drug  
35 in the official United States pharmacopoeia/national formulary or the  
36 official homeopathic pharmacopoeia of the United States, or any  
37 supplement to them; (2) controlled substances intended for use in the  
38 diagnosis, cure, mitigation, treatment, or prevention of disease in  
39 individuals or animals; (3) controlled substances (other than food)  
40 intended to affect the structure or any function of the body of



1 individuals or animals; and (4) controlled substances intended for  
2 use as a component of any article specified in (1), (2), or (3) of  
3 this subsection. The term does not include devices or their  
4 components, parts, or accessories.

5 (p) "Drug enforcement administration" means the drug enforcement  
6 administration in the United States Department of Justice, or its  
7 successor agency.

8 (q) "Electronic communication of prescription information" means  
9 the transmission of a prescription or refill authorization for a drug  
10 of a practitioner using computer systems. The term does not include a  
11 prescription or refill authorization verbally transmitted by  
12 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

30 (u) "Lot" means a definite quantity of marijuana, marijuana  
31 concentrates, useable marijuana, or marijuana-infused product  
32 identified by a lot number, every portion or package of which is  
33 uniform within recognized tolerances for the factors that appear in  
34 the labeling.

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

39 (w) "Manufacture" means the production, preparation, propagation,  
40 compounding, conversion, or processing of a controlled substance,

1 either directly or indirectly or by extraction from substances of  
2 natural origin, or independently by means of chemical synthesis, or  
3 by a combination of extraction and chemical synthesis, and includes  
4 any packaging or repackaging of the substance or labeling or  
5 relabeling of its container. The term does not include the  
6 preparation, compounding, packaging, repackaging, labeling, or  
7 relabeling of a controlled substance:

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

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

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

21 (1) The mature stalks of the plant, fiber produced from the  
22 stalks, oil or cake made from the seeds of the plant, any other  
23 compound, manufacture, salt, derivative, mixture, or preparation of  
24 the mature stalks (except the resin extracted therefrom), fiber, oil,  
25 or cake, or the sterilized seed of the plant which is incapable of  
26 germination; or

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

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

31 (z) "Marijuana processor" means a person licensed by the ((state  
32 ~~liquor and cannabis~~)) board to process marijuana into marijuana  
33 concentrates, useable marijuana, and marijuana-infused products,  
34 package and label marijuana concentrates, useable marijuana, and  
35 marijuana-infused products for sale in retail outlets, and sell  
36 marijuana concentrates, useable marijuana, and marijuana-infused  
37 products at wholesale to marijuana retailers.

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

1 (bb) "Marijuana products" means useable marijuana, marijuana  
2 concentrates, and marijuana-infused products as defined in this  
3 section.

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

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

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

17 (ff) "Narcotic drug" means any of the following, whether produced  
18 directly or indirectly by extraction from substances of vegetable  
19 origin, or independently by means of chemical synthesis, or by a  
20 combination of extraction and chemical synthesis:

21 (1) Opium, opium derivative, and any derivative of opium or opium  
22 derivative, including their salts, isomers, and salts of isomers,  
23 whenever the existence of the salts, isomers, and salts of isomers is  
24 possible within the specific chemical designation. The term does not  
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,  
27 including their isomers, esters, ethers, salts, and salts of isomers,  
28 esters, and ethers, whenever the existence of the isomers, esters,  
29 ethers, and salts is possible within the specific chemical  
30 designation.

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

32 (4) Coca leaves, except coca leaves and extracts of coca leaves  
33 from which cocaine, ecgonine, and derivatives or ecgonine or their  
34 salts have been removed.

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

36 (6) Cocaine base.

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

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

1 (gg) "Opiate" means any substance having an addiction-forming or  
2 addiction-sustaining liability similar to morphine or being capable  
3 of conversion into a drug having addiction-forming or addiction-  
4 sustaining liability. The term includes opium, substances derived  
5 from opium (opium derivatives), and synthetic opiates. The term does  
6 not include, unless specifically designated as controlled under RCW  
7 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
8 and its salts (dextromethorphan). The term includes the racemic and  
9 levorotatory forms of dextromethorphan.

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

12 (ii) "Person" means individual, corporation, business trust,  
13 estate, trust, partnership, association, joint venture, government,  
14 governmental subdivision or agency, or any other legal or commercial  
15 entity.

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

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

19 (ll) "Practitioner" means:

20 (1) A physician under chapter 18.71 RCW; a physician assistant  
21 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
22 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
23 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
24 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
25 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
26 subject to any limitations in RCW 18.53.010; a dentist under chapter  
27 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
28 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
29 registered nurse practitioner, or licensed practical nurse under  
30 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
31 who is licensed under RCW 18.36A.030 subject to any limitations in  
32 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
33 investigator under this chapter, licensed, registered or otherwise  
34 permitted insofar as is consistent with those licensing laws to  
35 distribute, dispense, conduct research with respect to or administer  
36 a controlled substance in the course of their professional practice  
37 or research in this state.

38 (2) A pharmacy, hospital or other institution licensed,  
39 registered, or otherwise permitted to distribute, dispense, conduct

1 research with respect to or to administer a controlled substance in  
2 the course of professional practice or research in this state.

3 (3) A physician licensed to practice medicine and surgery, a  
4 physician licensed to practice osteopathic medicine and surgery, a  
5 dentist licensed to practice dentistry, a podiatric physician and  
6 surgeon licensed to practice podiatric medicine and surgery, a  
7 licensed physician assistant or a licensed osteopathic physician  
8 assistant specifically approved to prescribe controlled substances by  
9 his or her state's medical quality assurance commission or equivalent  
10 and his or her supervising physician, an advanced registered nurse  
11 practitioner licensed to prescribe controlled substances, or a  
12 veterinarian licensed to practice veterinary medicine in any state of  
13 the United States.

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

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

20 (oo) "Qualifying patient" has the meaning provided in RCW  
21 69.51A.010.

22 (pp) "Recognition card" has the meaning provided in RCW  
23 69.51A.010.

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

27 (rr) "Secretary" means the secretary of health or the secretary's  
28 designee.

29 (ss) "State," unless the context otherwise requires, means a  
30 state of the United States, the District of Columbia, the  
31 Commonwealth of Puerto Rico, or a territory or insular possession  
32 subject to the jurisdiction of the United States.

33 (tt) "THC concentration" means percent of delta-9  
34 tetrahydrocannabinol content per dry weight of any part of the plant  
35 *Cannabis*, or per volume or weight of marijuana product, or the  
36 combined percent of delta-9 tetrahydrocannabinol and  
37 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
38 regardless of moisture content.

39 (uu) "Ultimate user" means an individual who lawfully possesses a  
40 controlled substance for the individual's own use or for the use of a

1 member of the individual's household or for administering to an  
2 animal owned by the individual or by a member of the individual's  
3 household.

4 (vv) "Useable marijuana" means dried marijuana flowers. The term  
5 "useable marijuana" does not include either marijuana-infused  
6 products or marijuana concentrates.

7 (ww) "Board" means the liquor and cannabis board.

8 (xx) "Marijuana merchandise" means wearable apparel that serves  
9 to promote or advertise the retail outlet, or a product line sold by  
10 the retail outlet, and that has labeling affixed to the wearable  
11 apparel that includes:

12 (1) The retail outlet's name, logo, or other symbol associated  
13 with the retail outlet; or

14 (2) A name, logo, or other symbol associated with a product line  
15 sold by the retail outlet.

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