

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5276

Chapter 158, Laws of 2019

66th Legislature
2019 Regular Session

HEMP PRODUCTION

EFFECTIVE DATE: April 26, 2019

Passed by the Senate April 24, 2019
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 23, 2019
Yeas 89 Nays 7

FRANK CHOPP

Speaker of the House of Representatives

Approved April 26, 2019 11:37 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5276** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 29, 2019

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5276

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Ericksen, Takko, and Wellman)

READ FIRST TIME 02/27/19.

1 AN ACT Relating to hemp production; amending RCW 69.50.204 and
2 15.120.020; reenacting and amending RCW 69.50.101; adding a new
3 chapter to Title 15 RCW; repealing RCW 15.120.005, 15.120.010,
4 15.120.020, 15.120.030, 15.120.035, 15.120.040, 15.120.050, and
5 15.120.060; providing an effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to:

8 (1) Authorize and establish a new licensing and regulatory
9 program for hemp production in this state in accordance with the
10 agriculture improvement act of 2018;

11 (2) Replace the industrial hemp research program in chapter
12 15.120 RCW, with the new licensing and regulatory program established
13 in this chapter, and enable hemp growers licensed under the
14 industrial hemp research program on the effective date of rules
15 implementing this chapter and regulating hemp production, to transfer
16 into the program created in this chapter; and

17 (3) Authorize the growing of hemp as a legal, agricultural
18 activity in this state. Hemp is an agricultural product that may be
19 legally grown, produced, processed, possessed, transferred,
20 commercially sold, and traded. Hemp and processed hemp produced in
21 accordance with this chapter or produced lawfully under the laws of

1 another state, tribe, or country may be transferred and sold within
2 the state, outside of this state, and internationally. Nothing in
3 this chapter is intended to prevent or restrain commerce in this
4 state involving hemp or hemp products produced lawfully under the
5 laws of another state, tribe, or country.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Agriculture improvement act of 2018" means sections 7605,
10 10113, 10114, and 12619 of the agriculture improvement act of 2018,
11 P.L. 115-334.

12 (2) "Crop" means hemp grown as an agricultural commodity.

13 (3) "Cultivar" means a variation of the plant *Cannabis sativa L.*
14 that has been developed through cultivation by selective breeding.

15 (4) "Department" means the Washington state department of
16 agriculture.

17 (5) "Hemp" means the plant *Cannabis sativa L.* and any part of
18 that plant, including the seeds thereof and all derivatives,
19 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
20 whether growing or not, with a delta-9 tetrahydrocannabinol
21 concentration of not more than 0.3 percent on a dry weight basis.

22 (6)(a) "Industrial hemp" means all parts and varieties of the
23 genera *Cannabis*, cultivated or possessed by a grower, whether growing
24 or not, that contain a tetrahydrocannabinol concentration of 0.3
25 percent or less by dry weight that was grown under the industrial
26 hemp research program as it existed on December 31, 2019.

27 (b) "Industrial hemp" does not include plants of the genera
28 *Cannabis* that meet the definition of "marijuana" as defined in RCW
29 69.50.101.

30 (7) "Postharvest test" means a test of delta-9
31 tetrahydrocannabinol concentration levels of hemp after being
32 harvested based on:

33 (a) Ground whole plant samples without heat applied; or

34 (b) Other approved testing methods.

35 (8) "Process" means the processing, compounding, or conversion of
36 hemp into hemp commodities or products.

37 (9) "Produce" or "production" means the planting, cultivation,
38 growing, or harvesting of hemp including hemp seed.

1 NEW SECTION. **Sec. 3.** (1) The department must develop an
2 agricultural commodity program to replace the industrial hemp
3 research pilot program in chapter 15.120 RCW, in accordance with the
4 agriculture improvement act of 2018.

5 (2) The department has sole regulatory authority over the
6 production of hemp and may adopt rules to implement this chapter. All
7 rules relating to hemp, including any testing of hemp, are outside of
8 the control and authority of the liquor and cannabis board.

9 (3) If the department adopts rules implementing this chapter that
10 are effective by June 1, 2019, persons licensed to grow hemp under
11 chapter 15.120 RCW may transfer into the regulatory program
12 established in this chapter, and continue hemp production under this
13 chapter. If the department adopts rules implementing this chapter
14 that are effective after June 1, 2019, people licensed to grow hemp
15 under chapter 15.120 RCW may continue hemp production under this
16 chapter as of the effective date of the rules.

17 (4) Immediately upon the effective date of this section, and
18 before the adoption of rules implementing this chapter, persons
19 licensed to grow hemp under chapter 15.120 RCW may produce hemp in a
20 manner otherwise consistent with the provisions of this chapter and
21 the agriculture improvement act of 2018.

22 NEW SECTION. **Sec. 4.** (1) The department must develop the
23 state's hemp plan to conform to the agriculture improvement act of
24 2018, to include consultation with the governor and the attorney
25 general and the plan elements required in the agriculture improvement
26 act of 2018.

27 (2) Consistent with subsection (1) of this section, the state's
28 hemp plan must include the following elements:

29 (a) A practice for hemp producers to maintain relevant
30 information regarding land on which hemp is produced, including a
31 legal description of the land, for a period of not less than three
32 calendar years;

33 (b) A procedure for testing, using postdecarboxylation or other
34 similarly reliable methods, delta-9 tetrahydrocannabinol
35 concentration levels of hemp, without the application of heat;

36 (c) A procedure for the effective disposal of plants, whether
37 growing or not, that are produced in violation of this chapter, and
38 products derived from such plants;

1 (d) A procedure for enforcement of violations of the plan and for
2 corrective action plans for licensees as required under the
3 agriculture improvement act of 2018;

4 (e) A procedure for conducting annual inspections of, at a
5 minimum, a random sample of hemp producers to verify hemp is not
6 produced in violation of this chapter; and

7 (f) A certification that the state has the resources and
8 personnel to carry out the practices and procedures described in this
9 section.

10 (3) The proposal for the state's plan may include any other
11 practice or procedure established to the extent the practice or
12 procedure is consistent with the agriculture improvement act of 2018.

13 (4) Hemp and processed hemp produced in accordance with this
14 chapter or produced lawfully under the laws of another state, tribe,
15 or country may be transferred and sold within this state, outside of
16 this state, and internationally.

17 (5) The whole hemp plant may be used as food. The department
18 shall regulate the processing of hemp for food products, that are
19 allowable under federal law, in the same manner as other food
20 processing under chapters 15.130 and 69.07 RCW and may adopt rules as
21 necessary to properly regulate the processing of hemp for food
22 products including, but not limited to, establishing standards for
23 creating hemp extracts used for food.

24 NEW SECTION. **Sec. 5.** The department must develop a postharvest
25 test protocol for testing hemp under this chapter that includes
26 testing of whole plant samples or other testing protocol identified
27 in regulations established by the United States department of
28 agriculture, including the testing procedures for delta-9
29 tetrahydrocannabinol concentration levels of hemp produced by
30 producers under the state plan.

31 NEW SECTION. **Sec. 6.** (1) The department must issue hemp
32 producer licenses to applicants qualified under this chapter and the
33 agriculture improvement act of 2018. The department may adopt rules
34 pursuant to this chapter and chapter 34.05 RCW as necessary to
35 license persons to grow hemp under a commercial hemp program.

36 (2) The plan must identify qualifications for license applicants,
37 to include adults and corporate persons and to exclude persons with

1 felony convictions as required under the agriculture improvement act
2 of 2018.

3 (3) The department must establish license fees in an amount that
4 will fund the implementation of this chapter and sustain the hemp
5 program. The department may adopt rules establishing fees for
6 tetrahydrocannabinol testing, inspections, and additional services
7 required by the United States department of agriculture. License fees
8 and any money received by the department under this chapter must be
9 deposited in the hemp regulatory account created in section 8 of this
10 act.

11 NEW SECTION. **Sec. 7.** A person producing hemp pursuant to this
12 chapter must notify the department of the source of the hemp seed or
13 clones solely for the purpose of maintaining a record of the sources
14 of seeds and clones being used or having been used for hemp
15 production in this state. Hemp seed is an agricultural seed.

16 NEW SECTION. **Sec. 8.** The hemp regulatory account is created in
17 the custody of the state treasurer. All receipts from fees
18 established under this chapter must be deposited into the account.
19 Expenditures from the account may be used only for implementing this
20 chapter. Only the director of the state department of agriculture or
21 the director's designee may authorize expenditures from the account.
22 The account is subject to allotment procedures under chapter 43.88
23 RCW, but an appropriation is not required for expenditures.

24 NEW SECTION. **Sec. 9.** Washington State University may, within
25 existing resources, develop and make accessible an internet-based
26 application designed to assist hemp producers by providing regional
27 communications concerning recommended planting times for hemp crops
28 in this state.

29 NEW SECTION. **Sec. 10.** (1) There is no distance requirement,
30 limitation, or buffer zone between any licensed hemp producer or hemp
31 processing facility licensed or authorized under this chapter and any
32 marijuana producer or marijuana processor licensed under chapter
33 69.50 RCW. No rule may establish such a distance requirement,
34 limitation, or buffer zone without the evaluation of sufficient data
35 showing impacts to either crop as a result of cross-pollination.

1 (2) Notwithstanding subsection (1) of this section, in an effort
2 to prevent cross-pollination between hemp plants produced under this
3 chapter and marijuana plants produced under chapter 69.50 RCW, the
4 department, in consultation with the liquor and cannabis board, must
5 review the state's policy regarding cross-pollination and pollen
6 capture to ensure an appropriate policy is in place, and must modify
7 policies or establish new policies as appropriate. Under any such
8 policy, when a documented conflict involving cross-pollination exists
9 between two farms or production facilities growing or producing hemp
10 or marijuana, the farm or production facility operating first in time
11 shall have the right to continue operating and the farm or production
12 facility operating second in time must cease growing or producing
13 hemp or marijuana, as applicable.

14 NEW SECTION. **Sec. 11.** (1) The department must use expedited
15 rule making to adopt the state hemp plan submitted to the United
16 States department of agriculture. As allowed under this section, rule
17 making by the department to adopt the approved hemp plan qualifies as
18 expedited rule making under RCW 34.05.353. Upon the submittal of the
19 plan to the United States department of agriculture, the department
20 may conduct initial expedited rule making under RCW 34.05.353 to
21 establish rules to allow hemp licenses to be issued without delay.

22 (2) On the effective date of rules adopted by the department
23 regulating hemp production under chapter 15.--- RCW (the new chapter
24 created in section 17 of this act), a licensed hemp producer under
25 this chapter may immediately produce hemp pursuant to chapter 15.---
26 RCW (the new chapter created in section 17 of this act) with all the
27 privileges of a hemp producer licensed under chapter 15.--- RCW (the
28 new chapter created in section 17 of this act).

29 **Sec. 12.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and
30 amended to read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

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

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

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

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

7 (c) "CBD concentration" has the meaning provided in RCW
8 69.51A.010.

9 (d) "CBD product" means any product containing or consisting of
10 cannabidiol.

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

12 (f) "Controlled substance" means a drug, substance, or immediate
13 precursor included in Schedules I through V as set forth in federal
14 or state laws, or federal or commission rules, but does not include
15 hemp or industrial hemp as defined in (~~RCW 15.120.010~~) section 2 of
16 this act.

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

20 (i) that has a stimulant, depressant, or hallucinogenic effect on
21 the central nervous system substantially similar to the stimulant,
22 depressant, or hallucinogenic effect on the central nervous system of
23 a controlled substance included in Schedule I or II; or

24 (ii) with respect to a particular individual, that the individual
25 represents or intends to have a stimulant, depressant, or
26 hallucinogenic effect on the central nervous system substantially
27 similar to the stimulant, depressant, or hallucinogenic effect on the
28 central nervous system of a controlled substance included in Schedule
29 I or II.

30 (2) The term does not include:

31 (i) a controlled substance;

32 (ii) a substance for which there is an approved new drug
33 application;

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

1 (iv) any substance to the extent not intended for human
2 consumption before an exemption takes effect with respect to the
3 substance.

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

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

8 (j) "Designated provider" has the meaning provided in RCW
9 69.51A.010.

10 (k) "Dispense" means the interpretation of a prescription or
11 order for a controlled substance and, pursuant to that prescription
12 or order, the proper selection, measuring, compounding, labeling, or
13 packaging necessary to prepare that prescription or order for
14 delivery.

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

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

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

19 (o) "Drug" means (1) a controlled substance recognized as a drug
20 in the official United States pharmacopoeia/national formulary or the
21 official homeopathic pharmacopoeia of the United States, or any
22 supplement to them; (2) controlled substances intended for use in the
23 diagnosis, cure, mitigation, treatment, or prevention of disease in
24 individuals or animals; (3) controlled substances (other than food)
25 intended to affect the structure or any function of the body of
26 individuals or animals; and (4) controlled substances intended for
27 use as a component of any article specified in (1), (2), or (3) of
28 this subsection. The term does not include devices or their
29 components, parts, or accessories.

30 (p) "Drug enforcement administration" means the drug enforcement
31 administration in the United States Department of Justice, or its
32 successor agency.

33 (q) "Electronic communication of prescription information" means
34 the transmission of a prescription or refill authorization for a drug
35 of a practitioner using computer systems. The term does not include a
36 prescription or refill authorization verbally transmitted by
37 telephone nor a facsimile manually signed by the practitioner.

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

1 (s) "Immediate precursor" means a substance:
2 (1) that the commission has found to be and by rule designates as
3 being the principal compound commonly used, or produced primarily for
4 use, in the manufacture of a controlled substance;
5 (2) that is an immediate chemical intermediary used or likely to
6 be used in the manufacture of a controlled substance; and
7 (3) the control of which is necessary to prevent, curtail, or
8 limit the manufacture of the controlled substance.
9 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)
10 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
11 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
12 (42), and 69.50.210(c) the term includes any positional isomer; and
13 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
14 includes any positional or geometric isomer.
15 (u) "Lot" means a definite quantity of marijuana, marijuana
16 concentrates, useable marijuana, or marijuana-infused product
17 identified by a lot number, every portion or package of which is
18 uniform within recognized tolerances for the factors that appear in
19 the labeling.
20 (v) "Lot number" must identify the licensee by business or trade
21 name and Washington state unified business identifier number, and the
22 date of harvest or processing for each lot of marijuana, marijuana
23 concentrates, useable marijuana, or marijuana-infused product.
24 (w) "Manufacture" means the production, preparation, propagation,
25 compounding, conversion, or processing of a controlled substance,
26 either directly or indirectly or by extraction from substances of
27 natural origin, or independently by means of chemical synthesis, or
28 by a combination of extraction and chemical synthesis, and includes
29 any packaging or repackaging of the substance or labeling or
30 relabeling of its container. The term does not include the
31 preparation, compounding, packaging, repackaging, labeling, or
32 relabeling of a controlled substance:
33 (1) by a practitioner as an incident to the practitioner's
34 administering or dispensing of a controlled substance in the course
35 of the practitioner's professional practice; or
36 (2) by a practitioner, or by the practitioner's authorized agent
37 under the practitioner's supervision, for the purpose of, or as an
38 incident to, research, teaching, or chemical analysis and not for
39 sale.

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

7 (1) The mature stalks of the plant, fiber produced from the
8 stalks, oil or cake made from the seeds of the plant, any other
9 compound, manufacture, salt, derivative, mixture, or preparation of
10 the mature stalks (except the resin extracted therefrom), fiber, oil,
11 or cake, or the sterilized seed of the plant which is incapable of
12 germination; or

13 (2) (~~Industrial hemp as defined in RCW 15.120.010~~) Hemp or
14 industrial hemp as defined in section 2 of this act, seeds used for
15 licensed hemp production under chapter 15.--- RCW (the new chapter
16 created in section 17 of this act).

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

20 (z) "Marijuana processor" means a person licensed by the state
21 liquor and cannabis board to process marijuana into marijuana
22 concentrates, useable marijuana, and marijuana-infused products,
23 package and label marijuana concentrates, useable marijuana, and
24 marijuana-infused products for sale in retail outlets, and sell
25 marijuana concentrates, useable marijuana, and marijuana-infused
26 products at wholesale to marijuana retailers.

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

30 (bb) "Marijuana products" means useable marijuana, marijuana
31 concentrates, and marijuana-infused products as defined in this
32 section.

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

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

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

7 (ff) "Narcotic drug" means any of the following, whether produced
8 directly or indirectly by extraction from substances of vegetable
9 origin, or independently by means of chemical synthesis, or by a
10 combination of extraction and chemical synthesis:

11 (1) Opium, opium derivative, and any derivative of opium or opium
12 derivative, including their salts, isomers, and salts of isomers,
13 whenever the existence of the salts, isomers, and salts of isomers is
14 possible within the specific chemical designation. The term does not
15 include the isoquinoline alkaloids of opium.

16 (2) Synthetic opiate and any derivative of synthetic opiate,
17 including their isomers, esters, ethers, salts, and salts of isomers,
18 esters, and ethers, whenever the existence of the isomers, esters,
19 ethers, and salts is possible within the specific chemical
20 designation.

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

22 (4) Coca leaves, except coca leaves and extracts of coca leaves
23 from which cocaine, ecgonine, and derivatives or ecgonine or their
24 salts have been removed.

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

26 (6) Cocaine base.

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

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

31 (gg) "Opiate" means any substance having an addiction-forming or
32 addiction-sustaining liability similar to morphine or being capable
33 of conversion into a drug having addiction-forming or addiction-
34 sustaining liability. The term includes opium, substances derived
35 from opium (opium derivatives), and synthetic opiates. The term does
36 not include, unless specifically designated as controlled under RCW
37 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
38 and its salts (dextromethorphan). The term includes the racemic and
39 levorotatory forms of dextromethorphan.

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

3 (ii) "Person" means individual, corporation, business trust,
4 estate, trust, partnership, association, joint venture, government,
5 governmental subdivision or agency, or any other legal or commercial
6 entity.

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

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

10 (ll) "Practitioner" means:

11 (1) A physician under chapter 18.71 RCW; a physician assistant
12 under chapter 18.71A RCW; an osteopathic physician and surgeon under
13 chapter 18.57 RCW; an osteopathic physician assistant under chapter
14 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
15 limitations in RCW 18.57A.040; an optometrist licensed under chapter
16 18.53 RCW who is certified by the optometry board under RCW 18.53.010
17 subject to any limitations in RCW 18.53.010; a dentist under chapter
18 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
19 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
20 registered nurse practitioner, or licensed practical nurse under
21 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
22 who is licensed under RCW 18.36A.030 subject to any limitations in
23 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
24 investigator under this chapter, licensed, registered or otherwise
25 permitted insofar as is consistent with those licensing laws to
26 distribute, dispense, conduct research with respect to or administer
27 a controlled substance in the course of their professional practice
28 or research in this state.

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

33 (3) A physician licensed to practice medicine and surgery, a
34 physician licensed to practice osteopathic medicine and surgery, a
35 dentist licensed to practice dentistry, a podiatric physician and
36 surgeon licensed to practice podiatric medicine and surgery, a
37 licensed physician assistant or a licensed osteopathic physician
38 assistant specifically approved to prescribe controlled substances by
39 his or her state's medical quality assurance commission or equivalent
40 and his or her supervising physician, an advanced registered nurse

1 practitioner licensed to prescribe controlled substances, or a
2 veterinarian licensed to practice veterinary medicine in any state of
3 the United States.

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

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

10 (oo) "Qualifying patient" has the meaning provided in RCW
11 69.51A.010.

12 (pp) "Recognition card" has the meaning provided in RCW
13 69.51A.010.

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

17 (rr) "Secretary" means the secretary of health or the secretary's
18 designee.

19 (ss) "State," unless the context otherwise requires, means a
20 state of the United States, the District of Columbia, the
21 Commonwealth of Puerto Rico, or a territory or insular possession
22 subject to the jurisdiction of the United States.

23 (tt) "THC concentration" means percent of delta-9
24 tetrahydrocannabinol content per dry weight of any part of the plant
25 *Cannabis*, or per volume or weight of marijuana product, or the
26 combined percent of delta-9 tetrahydrocannabinol and
27 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
28 regardless of moisture content.

29 (uu) "Ultimate user" means an individual who lawfully possesses a
30 controlled substance for the individual's own use or for the use of a
31 member of the individual's household or for administering to an
32 animal owned by the individual or by a member of the individual's
33 household.

34 (vv) "Useable marijuana" means dried marijuana flowers. The term
35 "useable marijuana" does not include either marijuana-infused
36 products or marijuana concentrates.

37 **Sec. 13.** RCW 69.50.204 and 2015 2nd sp.s. c 4 s 1203 are each
38 amended to read as follows:

1 Unless specifically excepted by state or federal law or
2 regulation or more specifically included in another schedule, the
3 following controlled substances are listed in Schedule I:

4 (a) Any of the following opiates, including their isomers,
5 esters, ethers, salts, and salts of isomers, esters, and ethers
6 whenever the existence of these isomers, esters, ethers, and salts is
7 possible within the specific chemical designation:

8 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
9 piperidinyl]-N-phenylacetamide);

10 (2) Acetylmethadol;

11 (3) Allylprodine;

12 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
13 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

14 (5) Alphameprodine;

15 (6) Alphamethadol;

16 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
17 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
18 propanilido) piperidine);

19 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
20 piperidinyl]-N-phenylpropanamide);

21 (9) Benzethidine;

22 (10) Betacetylmethadol;

23 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
24 piperidinyl]-N-phenylpropanamide);

25 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:
26 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
27 phenylpropanamide;

28 (13) Betameprodine;

29 (14) Betamethadol;

30 (15) Betaprodine;

31 (16) Clonitazene;

32 (17) Dextromoramide;

33 (18) Diampromide;

34 (19) Diethylthiambutene;

35 (20) Difenoixin;

36 (21) Dimenoxadol;

37 (22) Dimepheptanol;

38 (23) Dimethylthiambutene;

39 (24) Dioxaphetyl butyrate;

40 (25) Dipipanone;

- 1 (26) Ethylmethylthiambutene;
- 2 (27) Etonitazene;
- 3 (28) Etoxeridine;
- 4 (29) Furethidine;
- 5 (30) Hydroxypethidine;
- 6 (31) Ketobemidone;
- 7 (32) Levomoramide;
- 8 (33) Levophenacylmorphan;
- 9 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 10 piperidyl]-N-phenylprop anamide);
- 11 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 12 piperidinyl]-N-phenylpropanamide);
- 13 (36) Morpheridine;
- 14 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 15 (38) Noracymethadol;
- 16 (39) Norlevorphanol;
- 17 (40) Normethadone;
- 18 (41) Norpipanone;
- 19 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 20 phenethyl)-4-piperidinyl] propanamide);
- 21 (43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 22 (44) Phenadoxone;
- 23 (45) Phenampromide;
- 24 (46) Phenomorphan;
- 25 (47) Phenoperidine;
- 26 (48) Piritramide;
- 27 (49) Proheptazine;
- 28 (50) Properidine;
- 29 (51) Propiram;
- 30 (52) Racemoramide;
- 31 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 32 (~~propanamide~~) propanamide);
- 33 (54) Tilidine;
- 34 (55) Trimeperidine.

35 (b) Opium derivatives. Unless specifically excepted or unless
36 listed in another schedule, any of the following opium derivatives,
37 including their salts, isomers, and salts of isomers whenever the
38 existence of those salts, isomers, and salts of isomers is possible
39 within the specific chemical designation:

- 40 (1) Acetorphine;

- 1 (2) Acetyldihydrocodeine;
- 2 (3) Benzylmorphine;
- 3 (4) Codeine methylbromide;
- 4 (5) Codeine-N-Oxide;
- 5 (6) Cyprenorphine;
- 6 (7) Desomorphine;
- 7 (8) Dihydromorphine;
- 8 (9) Drotebanol;
- 9 (10) Etorphine, except hydrochloride salt;
- 10 (11) Heroin;
- 11 (12) Hydromorphenol;
- 12 (13) Methyldesorphine;
- 13 (14) Methyldihydromorphine;
- 14 (15) Morphine methylbromide;
- 15 (16) Morphine methylsulfonate;
- 16 (17) Morphine-N-Oxide;
- 17 (18) Myrophine;
- 18 (19) Nicocodeine;
- 19 (20) Nicomorphine;
- 20 (21) Normorphine;
- 21 (22) Pholcodine;
- 22 (23) Thebacon.

23 (c) Hallucinogenic substances. Unless specifically excepted or
24 unless listed in another schedule, any material, compound, mixture,
25 or preparation which contains any quantity of the following
26 hallucinogenic substances, including their salts, isomers, and salts
27 of isomers whenever the existence of those salts, isomers, and salts
28 of isomers is possible within the specific chemical designation. For
29 the purposes of this subsection only, the term "isomer" includes the
30 optical, position, and geometric isomers:

31 (1) Alpha-ethyltryptamine: Some trade or other names:
32 Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
33 indole; α -ET; and AET;

34 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
35 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

36 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
37 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
38 DOB; 2C-B, nexus;

39 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
40 dimethoxy- α -methylphenethylamine; 2,5-DMA;

- 1 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 2 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
- 3 2C-T-7;
- 4 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
- 5 methylphenethylamine; paramethoxyamphetamine, PMA;
- 6 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 7 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
- 8 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
- 9 "STP";
- 10 (10) 3,4-methylenedioxy amphetamine;
- 11 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 12 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
- 13 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
- 14 MDE, MDEA;
- 15 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
- 16 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine,N-hydroxy
- 17 MDA;
- 18 (14) 3,4,5-trimethoxy amphetamine;
- 19 (15) Alpha-methyltryptamine: Other name: AMT;
- 20 (16) Bufotenine: Some trade or other names: 3-(beta-
- 21 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
- 22 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
- 23 mappine;
- 24 (17) Diethyltryptamine: Some trade or other names: N,N-
- 25 Diethyltryptamine; DET;
- 26 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 27 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 28 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
- 29 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'
- 30 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
- 31 (21) Lysergic acid diethylamide;
- 32 (22) Marihuana or marijuana;
- 33 (23) Mescaline;
- 34 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
- 35 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
- 36 dibenzo[b,d]pyran; synhexyl;
- 37 (25) Peyote, meaning all parts of the plant presently classified
- 38 botanically as Lophophora Williamsii Lemaire, whether growing or not,
- 39 the seeds thereof, any extract from any part of such plant, and every
- 40 compound, manufacture, salts, derivative, mixture, or preparation of

1 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
2 (c), Schedule I (c)(12));

3 (26) N-ethyl-3-piperidyl benzilate;

4 (27) N-methyl-3-piperidyl benzilate;

5 (28) Psilocybin;

6 (29) Psilocyn;

7 (30) (i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
8 naturally contained in a plant of the (~~(genus)~~) genera Cannabis
9 (~~((cannabis—plant))~~), as well as synthetic equivalents of the
10 substances contained in the plant, or in the resinous extractives of
11 the genera Cannabis, (~~(species)~~) and/or synthetic substances,
12 derivatives, and their isomers with similar chemical structure and
13 pharmacological activity such as the following:

14 (~~((i))~~) (A) 1 - cis - or trans tetrahydrocannabinol, and their
15 optical isomers, excluding tetrahydrocannabinol in sesame oil and
16 encapsulated in a soft gelatin capsule in a drug product approved by
17 the United States Food and Drug Administration;

18 (~~((ii))~~) (B) 6 - cis - or trans tetrahydrocannabinol, and their
19 optical isomers;

20 (~~((iii))~~) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
21 optical isomers; or

22 (~~((iv))~~) (D) That is chemically synthesized and either:

23 (~~((a))~~) (I) Has been demonstrated to have binding activity at one
24 or more cannabinoid receptors; or

25 (~~((b))~~) (II) Is a chemical analog or isomer of a compound that
26 has been demonstrated to have binding activity at one or more
27 cannabinoid receptors;

28 (Since nomenclature of these substances is not internationally
29 standardized, compounds of these structures, regardless of numerical
30 designation of atomic positions covered.)

31 (ii) Hemp and industrial hemp, as defined in section 2 of this
32 act, are excepted from the categories of controlled substances
33 identified under this section;

34 (31) Ethylamine analog of phencyclidine: Some trade or other
35 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)
36 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

37 (32) Pyrrolidine analog of phencyclidine: Some trade or other
38 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

1 (33) Thiophene analog of phencyclidine: Some trade or other
2 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
3 phencyclidine; TPCP; TCP;

4 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
5 name is TCPy.

6 (d) Depressants. Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or preparation
8 which contains any quantity of the following substances having a
9 depressant effect on the central nervous system, including its salts,
10 isomers, and salts of isomers whenever the existence of such salts,
11 isomers, and salts of isomers is possible within the specific
12 chemical designation.

13 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
14 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
15 sodium oxybate; sodium oxybutyrate;

16 (2) Mecloqualone;

17 (3) Methaqualone.

18 (e) Stimulants. Unless specifically excepted or unless listed in
19 another schedule, any material, compound, mixture, or preparation
20 which contains any quantity of the following substances having a
21 stimulant effect on the central nervous system, including its salts,
22 isomers, and salts of isomers:

23 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
24 oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

25 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

26 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
27 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

28 (4) Fenethylamine;

29 (5) Methcathinone: Some other names: 2-(methylamino)-
30 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
31 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
32 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
33 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
34 salts of optical isomers;

35 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
36 phenyl-2-oxazolamine);

37 (7) N-ethylamphetamine;

38 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
39 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

1 The controlled substances in this section may be added,
2 rescheduled, or deleted as provided for in RCW 69.50.201.

3 **Sec. 14.** RCW 15.120.020 and 2016 sp.s. c 11 s 3 are each amended
4 to read as follows:

5 Except as otherwise provided in this chapter, industrial hemp is
6 an agricultural product that may be grown, produced, possessed,
7 processed, and exchanged in the state solely and exclusively as part
8 of an industrial hemp research program supervised by the department.
9 (~~Processing any part of industrial hemp, except seed, as food,
10 extract, oil, cake, concentrate, resin, or other preparation for
11 topical use, oral consumption, or inhalation by humans is
12 prohibited.~~)

13 NEW SECTION. **Sec. 15.** The following acts or parts of acts, as
14 now existing or hereafter amended, are each repealed, effective
15 January 1, 2020:

- 16 (1) RCW 15.120.005 (Intent) and 2016 sp.s. c 11 s 1;
- 17 (2) RCW 15.120.010 (Definitions) and 2016 sp.s. c 11 s 2;
- 18 (3) RCW 15.120.020 (Industrial hemp—Agricultural product—
19 Exclusively as part of industrial hemp research program) and 2019
20 c ... s 14 (section 14 of this act) & 2016 sp.s. c 11 s 3;
- 21 (4) RCW 15.120.030 (Rule-making authority) and 2016 sp.s. c 11 s
22 4;
- 23 (5) RCW 15.120.035 (Rule-making authority—Monetary penalties,
24 license suspension or forfeiture, other sanctions—Rules to be
25 consistent with section 7606 of federal agricultural act of 2014) and
26 2017 c 317 s 10;
- 27 (6) RCW 15.120.040 (Industrial hemp research program—Established
28 —Licensure—Seed certification program—Permission/waiver from
29 appropriate federal entity) and 2016 sp.s. c 11 s 5;
- 30 (7) RCW 15.120.050 (Application form—Fee—Licensure—Renewal—
31 Record of license forwarded to county sheriff—Public disclosure
32 exemption) and 2016 sp.s. c 11 s 6; and
- 33 (8) RCW 15.120.060 (Sales and transfers of industrial hemp
34 produced for processing—Department and state liquor and cannabis
35 board to study feasibility and practicality of implementing
36 legislatively authorized regulatory framework) and 2017 c 317 s 9.

1 NEW SECTION. **Sec. 16.** Beginning on the effective date of this
2 section:

3 (1) No law or rule related to certified or interstate hemp seeds
4 applies to or may be enforced against a person with a license to
5 produce or process hemp issued under this chapter or chapter 15.120
6 RCW; and

7 (2) No department or other state agency rule may establish or
8 enforce a buffer zone or distance requirement between a person with a
9 license or authorization to produce or process hemp under this
10 chapter or chapter 15.120 RCW and a person with a license to produce
11 or process marijuana issued under chapter 69.50 RCW. The department
12 may not adopt rules without the evaluation of sufficient data showing
13 impacts to either crop as a result of cross-pollination.

14 NEW SECTION. **Sec. 17.** Sections 1 through 11 and 16 of this act
15 constitute a new chapter in Title 15 RCW.

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

20 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately.

Passed by the Senate April 24, 2019.
Passed by the House April 23, 2019.
Approved by the Governor April 26, 2019.
Filed in Office of Secretary of State April 29, 2019.

--- END ---