

2SHB 2320 - S AMD 886

By Senator Keiser

ADOPTED 03/07/2024

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is a
4 growing body of research evidencing that consuming cannabis with high
5 concentrations of THC may be harmful to some people, including
6 younger persons and persons who have or are at risk for developing
7 certain mental health conditions or psychotic disorders. Products
8 like THC-infused vape oils, shatter, and dabs can contain close to
9 100 percent THC, and may carry risks not commonly associated with
10 consumption of useable cannabis flower or other cannabis products
11 with relatively lower THC concentrations. In the interest of public
12 health, the legislature intends to review studies and consider
13 increasing the minimum legal age of sale of high THC cannabis
14 products to age 25, and the legislature intends to require caution
15 notices, developed by the department of health, to be posted at the
16 point of sale in cannabis retail outlets to raise awareness about
17 possible health impacts and risks associated with high THC cannabis.
18 The legislature further intends to implement and study health
19 interventions, gather data, and ensure that new research, data, and
20 information concerning the impacts of high THC cannabis continues to
21 be incorporated into state policy.

22 NEW SECTION. **Sec. 2.** The legislature intends to provide the
23 department of health with recurring funding available each fiscal
24 year, beginning in fiscal year 2025, to allow the department of
25 health to issue requests for proposals and contract for targeted
26 public health messages and social marketing campaigns directed toward
27 individuals most likely to suffer negative impacts of high THC
28 products including persons under 25 years of age and persons living
29 with mental health challenges. Messages and media campaigns funded
30 must include information about risks, comparative dosing of cannabis
31 products, and resources for persons seeking support for quitting or

1 decreasing their intake of tetrahydrocannabinol. The content of
2 public health messages and social marketing campaigns must be
3 developed in partnership with persons targeted by the messages and
4 campaigns and in consultation with professionals proficient in public
5 health communication and in cannabis research.

6 NEW SECTION. **Sec. 3.** By July 1, 2025, the department of health
7 must develop an optional training that cannabis retail staff may
8 complete to better understand the health and safety impacts of high
9 THC cannabis products. In developing the optional training, the
10 department of health must consult with cannabis retail staff,
11 cannabis consumers, persons who have been harmed by high THC
12 products, health care providers, prevention professionals,
13 researchers with relevant expertise, behavioral health providers, and
14 representatives of licensed cannabis businesses.

15 **Sec. 4.** RCW 69.50.357 and 2022 c 16 s 71 are each amended to
16 read as follows:

17 (1)(a) Retail outlets may not sell products or services other
18 than cannabis concentrates, useable cannabis, cannabis-infused
19 products, or paraphernalia intended for the storage or use of
20 cannabis concentrates, useable cannabis, or cannabis-infused
21 products.

22 (b)(i) Retail outlets may receive lockable boxes, intended for
23 the secure storage of cannabis products and paraphernalia, and
24 related literature as a donation from another person or entity, that
25 is not a cannabis producer, processor, or retailer, for donation to
26 their customers.

27 (ii) Retail outlets may donate the lockable boxes and provide the
28 related literature to any person eligible to purchase cannabis
29 products under subsection (2) of this section. Retail outlets may not
30 use the donation of lockable boxes or literature as an incentive or
31 as a condition of a recipient's purchase of a cannabis product or
32 paraphernalia.

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

36 (2) Licensed cannabis retailers may not employ persons under
37 twenty-one years of age or allow persons under twenty-one years of
38 age to enter or remain on the premises of a retail outlet. However,

1 qualifying patients between eighteen and twenty-one years of age with
2 a recognition card may enter and remain on the premises of a retail
3 outlet holding a medical cannabis endorsement and may purchase
4 products for their personal medical use. Qualifying patients who are
5 under the age of eighteen with a recognition card and who accompany
6 their designated providers may enter and remain on the premises of a
7 retail outlet holding a medical cannabis endorsement, but may not
8 purchase products for their personal medical use.

9 (3) (a) Licensed cannabis retailers must ensure that all employees
10 are trained on the rules adopted to implement this chapter,
11 identification of persons under the age of twenty-one, and other
12 requirements adopted by the board to ensure that persons under the
13 age of twenty-one are not permitted to enter or remain on the
14 premises of a retail outlet.

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

25 (4) Except for the purposes of disposal as authorized by the
26 board, no licensed cannabis retailer or employee of a retail outlet
27 may open or consume, or allow to be opened or consumed, any cannabis
28 concentrates, useable cannabis, or cannabis-infused product on the
29 outlet premises.

30 (5) (a) By December 31, 2024, licensed cannabis retailers shall
31 post a conspicuous notice at the point of sale in retail outlets with
32 information about: (i) The potential health risks and adverse health
33 impacts that may be associated with the consumption of high THC
34 cannabis; (ii) the potentially much higher risks that may be present
35 for younger persons under age 25 as well as for persons who have or
36 are at risk for developing certain mental health conditions or
37 psychotic disorders; and (iii) where to find help in case of negative
38 effects and resources for quitting or reducing cannabis consumption.
39 The notice must be the same or substantially the same as the notice
40 developed by the department of health under this subsection (5).

1 (b) The department of health shall develop the notice required
2 under this section and make it available to licensed cannabis
3 retailers. The notice must, at a minimum, identify the information
4 specified in (a)(i) through (iii) of this subsection, and may include
5 additional information.

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

10 NEW SECTION. Sec. 5. A new section is added to chapter 71.24
11 RCW to read as follows:

12 (1) Subject to amounts appropriated for this specific purpose,
13 the health care authority must issue a request for proposal and
14 contract with an entity to develop, implement, test, and evaluate
15 guidance and health interventions for health care providers and
16 patients at risk for developing serious complications due to cannabis
17 consumption who are seeking care in emergency departments, primary
18 care settings, behavioral health settings, other health care
19 facilities, and for use by state poison control and recovery hotlines
20 to promote cannabis use reduction and cessation for the following
21 populations:

22 (a) Youth and adults at high risk of adverse mental health
23 impacts from use of high THC cannabis;

24 (b) Youth and adults who have experienced a cannabis-induced
25 first episode psychosis but do not have a diagnosis of a psychotic
26 disorder; and

27 (c) Youth and adults who have a diagnosed psychotic disorder and
28 use cannabis.

29 (2) The health care authority must submit a preliminary report to
30 the appropriate committees of the legislature summarizing the
31 progress toward developing and testing health interventions and
32 recruiting patients and health care facilities to participate by
33 December 1, 2025. The health care authority must provide a progress
34 report on initial outcomes of the health interventions for
35 participating patients and health care facilities by July 1, 2027.
36 The health care authority must submit a final report to the
37 appropriate committees of the legislature summarizing the results of
38 the interventions and any recommendations for implementation of
39 health interventions by December 1, 2028.

1 (3) A contract entered under the authorization in this section
2 must include, in the scope of work, data gathering on adverse health
3 impacts occurring in Washington associated with consumption of high
4 THC cannabis, and data gathered must be included in the reports
5 submitted to the legislature under this section.

6 (4) This section expires December 31, 2028.

7 NEW SECTION. **Sec. 6.** (1) Beginning December 1, 2024, the liquor
8 and cannabis board must collect data on the following information on
9 cannabis products sold within Washington state:

10 (a) The amount of products being sold in the following
11 categories: Usable cannabis, cannabis concentrates, and cannabis-
12 infused products;

13 (b) The average THC concentration in usable cannabis and cannabis
14 concentrates, and the average milligrams of THC per unit in cannabis-
15 infused products; and

16 (c) The range of THC concentration in usable cannabis and
17 cannabis concentrates.

18 (2) By November 14, 2025, the liquor and cannabis board must
19 submit a report to the relevant committees of the legislature on the
20 information collected under subsection (1) of this section.

21 (3) For the purposes of this section, "product" has the meaning
22 provided in RCW 69.50.535.

23 (4) This section expires December 31, 2026.

24 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 2024, in the omnibus appropriations act, this
27 act is null and void."

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28 On page 1, line 4 of the title, after "psychosis;" strike the
29 remainder of the title and insert "amending RCW 69.50.357; adding a
30 new section to chapter 71.24 RCW; creating new sections; and
31 providing expiration dates."

EFFECT: : (1) Legislative intent is provided regarding funding to be provided to the department of health (DOH) to allow DOH to issue requests for proposals and contract for targeted public health messages and social marketing campaigns directed toward individuals most likely to suffer negative impacts of high THC products including persons under 25 years of age, persons reporting poor mental health, and persons living with mental health challenges.

(2) Requires the Liquor and Cannabis Board to collect data on sales of cannabis products, including the amount of products sold in each category, the average tetrahydrocannabinol (THC) concentration of products sold in each category, and the range of THC concentration in usable cannabis and cannabis concentrates, with a report due in November 2025.

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