

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5367

Chapter 365, Laws of 2023

68th Legislature
2023 Regular Session

CANNABIS PRODUCTS—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate April 17, 2023
Yeas 47 Nays 1

DENNY HECK

President of the Senate

Passed by the House April 7, 2023
Yeas 90 Nays 6

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 9, 2023 11:07 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5367** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5367

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Robinson, Schoesler, Conway, Dozier, Keiser, Saldaña, and Wellman; by request of Liquor and Cannabis Board)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to the regulation of products containing THC;
2 amending RCW 15.140.020, 69.50.326, and 69.50.346; reenacting and
3 amending RCW 69.50.101; adding a new section to chapter 69.50 RCW;
4 and creating a new section.

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

6 **Sec. 1.** RCW 15.140.020 and 2022 c 16 s 19 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

13 (2) "Cannabis" has the meaning provided in RCW 69.50.101.

14 (3) "Crop" means hemp grown as an agricultural commodity.

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

17 (5) "Department" means the Washington state department of
18 agriculture.

19 (6) "Food" has the same meaning as defined in RCW 69.07.010.

20 (7) "Hemp" means the plant *Cannabis sativa L.* and any part of
21 that plant, including the seeds thereof and all derivatives,

1 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
2 whether growing or not, with a delta-9 tetrahydrocannabinol
3 concentration of not more than 0.3 percent on a dry weight basis.

4 (8) "Hemp consumable" means a product that is sold or provided to
5 another person, that is:

6 (a) Made of hemp;

7 (b) Not a cannabis product, as defined in RCW 69.50.101; and

8 (c) Intended to be consumed or absorbed inside the body by any
9 means, including inhalation, ingestion, or insertion.

10 (9) "Hemp processor" means a person who takes possession of raw
11 hemp material with the intent to modify, package, or sell a
12 transitional or finished hemp product.

13 ~~((9))~~ (10) (a) "Industrial hemp" means all parts and varieties
14 of the genera *Cannabis*, cultivated or possessed by a grower, whether
15 growing or not, that contain a tetrahydrocannabinol concentration of
16 0.3 percent or less by dry weight that was grown under the industrial
17 hemp research program as it existed on December 31, 2019.

18 (b) "Industrial hemp" does not include plants of the genera
19 *Cannabis* that meet the definition of "cannabis."

20 ~~((10))~~ (11) "Postharvest test" means a test of ~~((delta-9))~~
21 tetrahydrocannabinol concentration levels of hemp after being
22 harvested based on:

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

24 (b) Other approved testing methods.

25 ~~((11))~~ (12) "Process" means the processing, compounding, or
26 conversion of hemp into hemp commodities or products.

27 ~~((12))~~ (13) "Produce" or "production" means the planting,
28 cultivation, growing, or harvesting of hemp including hemp seed.

29 **Sec. 2.** RCW 69.50.101 and 2022 c 16 s 51 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

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

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

5 (c) "Board" means the Washington state liquor and cannabis board.

6 (d) "Cannabis" means all parts of the plant *Cannabis*, whether
7 growing or not, with a THC concentration greater than 0.3 percent on
8 a dry weight basis (~~(; the seeds thereof; the resin extracted from any~~
9 ~~part of the plant; and every compound, manufacture, salt, derivative,~~
10 ~~mixture, or preparation of the plant, its seeds or resin. The term~~
11 ~~does not include:~~

12 ~~(1) The mature stalks of the plant, fiber produced from the~~
13 ~~stalks, oil or cake made from the seeds of the plant, any other~~
14 ~~compound, manufacture, salt, derivative, mixture, or preparation of~~
15 ~~the mature stalks (except the resin extracted therefrom), fiber, oil,~~
16 ~~or cake, or the sterilized seed of the plant which is incapable of~~
17 ~~germination; or~~

18 ~~(2) Hemp or industrial hemp as defined in RCW 15.140.020,))~~
19 during the growing cycle through harvest and usable cannabis.
20 "Cannabis" does not include hemp or industrial hemp as defined in RCW
21 15.140.020, or seeds used for licensed hemp production under chapter
22 15.140 RCW.

23 (e) "Cannabis concentrates" means products consisting wholly or
24 in part of the resin extracted from any part of the plant *Cannabis*
25 and having a THC concentration greater than ten percent.

26 (f) "Cannabis processor" means a person licensed by the board to
27 process cannabis into cannabis concentrates, useable cannabis, and
28 cannabis-infused products, package and label cannabis concentrates,
29 useable cannabis, and cannabis-infused products for sale in retail
30 outlets, and sell cannabis concentrates, useable cannabis, and
31 cannabis-infused products at wholesale to cannabis retailers.

32 (g) "Cannabis producer" means a person licensed by the board to
33 produce and sell cannabis at wholesale to cannabis processors and
34 other cannabis producers.

35 (h) (1) "Cannabis products" means useable cannabis, cannabis
36 concentrates, and cannabis-infused products as defined in this
37 section, including any product intended to be consumed or absorbed
38 inside the body by any means including inhalation, ingestion, or
39 insertion, with any detectable amount of THC.

1 (2) "Cannabis products" also means any product containing only
2 THC content.

3 (3) "Cannabis products" does not include cannabis health and
4 beauty aids as defined in RCW 69.50.575 or products approved by the
5 United States food and drug administration.

6 (i) "Cannabis researcher" means a person licensed by the board to
7 produce, process, and possess cannabis for the purposes of conducting
8 research on cannabis and cannabis-derived drug products.

9 (j) "Cannabis retailer" means a person licensed by the board to
10 sell cannabis concentrates, useable cannabis, and cannabis-infused
11 products in a retail outlet.

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

18 (l) "CBD concentration" has the meaning provided in RCW
19 69.51A.010.

20 (m) "CBD product" means any product containing or consisting of
21 cannabidiol.

22 (n) "Commission" means the pharmacy quality assurance commission.

23 (o) "Controlled substance" means a drug, substance, or immediate
24 precursor included in Schedules I through V as set forth in federal
25 or state laws, or federal or commission rules, but does not include
26 hemp or industrial hemp as defined in RCW 15.140.020.

27 (p)(1) "Controlled substance analog" means a substance the
28 chemical structure of which is substantially similar to the chemical
29 structure of a controlled substance in Schedule I or II and:

30 (i) that has a stimulant, depressant, or hallucinogenic effect on
31 the central nervous system substantially similar to the stimulant,
32 depressant, or hallucinogenic effect on the central nervous system of
33 a controlled substance included in Schedule I or II; or

34 (ii) with respect to a particular individual, that the individual
35 represents or intends to have a stimulant, depressant, or
36 hallucinogenic effect on the central nervous system substantially
37 similar to the stimulant, depressant, or hallucinogenic effect on the
38 central nervous system of a controlled substance included in Schedule
39 I or II.

40 (2) The term does not include:

1 (i) a controlled substance;

2 (ii) a substance for which there is an approved new drug
3 application;

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

9 (iv) any substance to the extent not intended for human
10 consumption before an exemption takes effect with respect to the
11 substance.

12 (q) "Deliver" or "delivery" means the actual or constructive
13 transfer from one person to another of a substance, whether or not
14 there is an agency relationship.

15 (r) "Department" means the department of health.

16 (s) "Designated provider" has the meaning provided in RCW
17 69.51A.010.

18 (t) "Dispense" means the interpretation of a prescription or
19 order for a controlled substance and, pursuant to that prescription
20 or order, the proper selection, measuring, compounding, labeling, or
21 packaging necessary to prepare that prescription or order for
22 delivery.

23 (u) "Dispenser" means a practitioner who dispenses.

24 (v) "Distribute" means to deliver other than by administering or
25 dispensing a controlled substance.

26 (w) "Distributor" means a person who distributes.

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

38 (y) "Drug enforcement administration" means the drug enforcement
39 administration in the United States Department of Justice, or its
40 successor agency.

1 (z) "Electronic communication of prescription information" means
2 the transmission of a prescription or refill authorization for a drug
3 of a practitioner using computer systems. The term does not include a
4 prescription or refill authorization verbally transmitted by
5 telephone nor a facsimile manually signed by the practitioner.

6 (aa) "Immature plant or clone" means a plant or clone that has no
7 flowers, is less than twelve inches in height, and is less than
8 twelve inches in diameter.

9 (bb) "Immediate precursor" means a substance:

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

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

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

17 (cc) "Isomer" means an optical isomer, but in subsection (gg)(5)
18 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
19 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
20 (42), and 69.50.210(c) the term includes any positional isomer; and
21 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
22 includes any positional or geometric isomer.

23 (dd) "Lot" means a definite quantity of cannabis, cannabis
24 concentrates, useable cannabis, or cannabis-infused product
25 identified by a lot number, every portion or package of which is
26 uniform within recognized tolerances for the factors that appear in
27 the labeling.

28 (ee) "Lot number" must identify the licensee by business or trade
29 name and Washington state unified business identifier number, and the
30 date of harvest or processing for each lot of cannabis, cannabis
31 concentrates, useable cannabis, or cannabis-infused product.

32 (ff) "Manufacture" means the production, preparation,
33 propagation, compounding, conversion, or processing of a controlled
34 substance, either directly or indirectly or by extraction from
35 substances of natural origin, or independently by means of chemical
36 synthesis, or by a combination of extraction and chemical synthesis,
37 and includes any packaging or repackaging of the substance or
38 labeling or relabeling of its container. The term does not include
39 the preparation, compounding, packaging, repackaging, labeling, or
40 relabeling of a controlled substance:

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

4 (2) by a practitioner, or by the practitioner's authorized agent
5 under the practitioner's supervision, for the purpose of, or as an
6 incident to, research, teaching, or chemical analysis and not for
7 sale.

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

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

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

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

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

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

27 (6) Cocaine base.

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

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

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

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

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

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

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

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

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

1 licensed to practice veterinary medicine in any state of the United
2 States.

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

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

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

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

13 (rr) "Retail outlet" means a location licensed by the board for
14 the retail sale of cannabis concentrates, useable cannabis, and
15 cannabis-infused products.

16 (ss) "Secretary" means the secretary of health or the secretary's
17 designee.

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

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

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

33 (ww) "Useable cannabis" means dried cannabis flowers. The term
34 "useable cannabis" does not include either cannabis-infused products
35 or cannabis concentrates.

36 (xx) "Youth access" means the level of interest persons under the
37 age of twenty-one may have in a vapor product, as well as the degree
38 to which the product is available or appealing to such persons, and
39 the likelihood of initiation, use, or addiction by adolescents and
40 young adults.

1 (yy) "Package" means a container that has a single unit or group
2 of units.

3 (zz) "Unit" means an individual consumable item within a package
4 of one or more consumable items in solid, liquid, gas, or any form
5 intended for human consumption.

6 **Sec. 3.** RCW 69.50.326 and 2022 c 16 s 55 are each amended to
7 read as follows:

8 (1) Licensed cannabis producers and licensed cannabis processors
9 may use a CBD product as an additive for the purpose of enhancing the
10 cannabidiol concentration of any product authorized for production,
11 processing, and sale under this chapter. Except as otherwise provided
12 in subsection (2) of this section, such CBD product additives must be
13 lawfully produced by, or purchased from, a producer or processor
14 licensed under this chapter.

15 (2) Subject to the requirements set forth in (a) (~~and (b)~~)
16 through (c) of this subsection, and for the purpose of enhancing the
17 cannabidiol concentration of any product authorized for production,
18 processing, or sale under this chapter, licensed cannabis producers
19 and licensed cannabis processors may use a CBD product obtained from
20 a source not licensed under this chapter, provided the CBD product:

21 ~~(a) (Has a THC level of 0.3 percent or less on a dry weight~~
22 ~~basis; and~~

23 ~~(b))~~ Is not cannabis, or a cannabis product, as defined in this
24 chapter;

25 (b) Is not a synthetic cannabinoid; and

26 (c) Has been tested for contaminants and toxins by a testing
27 laboratory accredited under this chapter and in accordance with
28 testing standards established under this chapter and the applicable
29 administrative rules.

30 (3) Subject to the requirements of this subsection (3), the board
31 may enact rules necessary to implement the requirements of this
32 section. Such rule making is limited to regulations pertaining to
33 laboratory testing and product safety standards for those cannabidiol
34 products used by licensed producers and processors in the manufacture
35 of cannabis products marketed by licensed retailers under this
36 chapter. The purpose of such rule making must be to ensure the safety
37 and purity of cannabidiol products used by cannabis producers and
38 processors licensed under this chapter and incorporated into products
39 sold by licensed recreational cannabis retailers. This rule-making

1 authority does not include the authority to enact rules regarding
2 either the production or processing practices of the industrial hemp
3 industry or any cannabidiol products that are sold or marketed
4 outside of the regulatory framework established under this chapter.

5 **Sec. 4.** RCW 69.50.346 and 2022 c 16 s 66 are each amended to
6 read as follows:

7 (1) The label on a cannabis product (~~container~~) package,
8 including cannabis concentrates, useable cannabis, or cannabis-
9 infused products, sold at retail must include:

10 (a) The business or trade name and Washington state unified
11 business identifier number of the cannabis producer and processor;

12 (b) The lot numbers of the product;

13 (c) The THC concentration and CBD concentration of the product;

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

16 (e) Language required by RCW 69.04.480; and

17 (f) A disclaimer, subject to the following conditions:

18 (i) Where there is one statement made under subsection (2) of
19 this section, or as described in subsection (5)(b) of this section,
20 the disclaimer must state "This statement has not been evaluated by
21 the State of Washington. This product is not intended to diagnose,
22 treat, cure, or prevent any disease."; and

23 (ii) Where there is more than one statement made under subsection
24 (2) of this section, or as described in subsection (5)(b) of this
25 section, the disclaimer must state "These statements have not been
26 evaluated by the State of Washington. This product is not intended to
27 diagnose, treat, cure, or prevent any disease."

28 (2)(a) For cannabis products that have been identified by the
29 department in rules adopted under RCW 69.50.375(4) in chapter 246-70
30 WAC as being a compliant cannabis product, the product label and
31 labeling may include a structure or function claim describing the
32 intended role of a product to maintain the structure or any function
33 of the body, or characterize the documented mechanism by which the
34 product acts to maintain such structure or function, provided that
35 the claim is truthful and not misleading.

36 (b) A statement made under (a) of this subsection may not claim
37 to diagnose, mitigate, treat, cure, or prevent any disease.

38 (3) The labels and labeling may not be:

39 (a) False or misleading; or

1 (b) Especially appealing to children.

2 (4) The label is not required to include the business or trade
3 name or Washington state unified business identifier number of, or
4 any information about, the cannabis retailer selling the cannabis
5 product.

6 (5) A cannabis product is not in violation of any Washington
7 state law or rule of the board solely because its label or labeling
8 contains:

9 (a) Directions or recommended conditions of use; or

10 (b) A warning describing the psychoactive effects of the cannabis
11 product, provided that the warning is truthful and not misleading.

12 (6) This section does not create any civil liability on the part
13 of the state, the board, any other state agency, officer, employee,
14 or agent based on a cannabis licensee's description of a structure or
15 function claim or the product's intended role under subsection (2) of
16 this section.

17 (7) Nothing in this section shall apply to a drug, as defined in
18 RCW 69.50.101, or a pharmaceutical product approved by the United
19 States food and drug administration.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50
21 RCW to read as follows:

22 (1) Except as otherwise provided in this chapter or as permitted
23 under an agreement between the state and a tribe entered into under
24 RCW 43.06.490, no person may manufacture, sell, or distribute
25 cannabis, cannabis concentrates, useable cannabis, or cannabis-
26 infused products, or any cannabis products without a valid license
27 issued by the board or commission.

28 (2) Except as permitted under an agreement between the state and
29 a tribe entered into under RCW 43.06.490, any person performing any
30 act requiring a license under this title, without having in force an
31 appropriate and valid license issued to the person, is in violation
32 of this chapter.

33 (3) The producing, processing, manufacturing, or sale of any
34 synthetically derived, or completely synthetic, cannabinoid is
35 prohibited, except for products approved by the United States food
36 and drug administration.

1 NEW SECTION. **Sec. 6.** Nothing in this act shall be construed to
2 require any agency to purchase a liquid chromatography-mass
3 spectrometry instrument.

4 NEW SECTION. **Sec. 7.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

 Passed by the Senate April 17, 2023.

 Passed by the House April 7, 2023.

 Approved by the Governor May 9, 2023.

 Filed in Office of Secretary of State May 10, 2023.

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