
HOUSE BILL 2078

State of Washington

69th Legislature

2025 Regular Session

By Representatives Kloba and Wylie

1 AN ACT Relating to expanding access to medical cannabis
2 consultants and department of health compliant cannabis product; and
3 amending RCW 69.50.325, 69.50.375, 69.51A.230, 69.51A.290, and
4 69.51A.310.

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

6 **Sec. 1.** RCW 69.50.325 and 2022 c 16 s 54 are each amended to
7 read as follows:

8 (1) There shall be a cannabis producer's license regulated by the
9 board and subject to annual renewal. The licensee is authorized to
10 produce: (a) Cannabis for sale at wholesale to cannabis processors
11 and other cannabis producers; (b) immature plants or clones and seeds
12 for sale to cooperatives as described under RCW 69.51A.250; and (c)
13 immature plants or clones and seeds for sale to qualifying patients
14 and designated providers as provided under RCW 69.51A.310. The
15 production, possession, delivery, distribution, and sale of cannabis
16 in accordance with the provisions of this chapter and the rules
17 adopted to implement and enforce it, by a validly licensed cannabis
18 producer, shall not be a criminal or civil offense under Washington
19 state law. Every cannabis producer's license shall be issued in the
20 name of the applicant, shall specify the location at which the
21 cannabis producer intends to operate, which must be within the state

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

8 (2) There shall be a cannabis processor's license to process,
9 package, and label cannabis concentrates, useable cannabis, and
10 cannabis-infused products for sale at wholesale to cannabis
11 processors and cannabis retailers, regulated by the board and subject
12 to annual renewal. The licensee may sell cannabis concentrates,
13 usable cannabis, and cannabis-infused products, identified by the
14 department as a compliant cannabis product in chapter 246-70 WAC and
15 tested to the standards in WAC 246-70-050, to qualifying patients and
16 designated providers as provided under RCW 69.51A.310 if the licensee
17 obtains a medical cannabis endorsement under RCW 69.50.375. The
18 processing, packaging, possession, delivery, distribution, and sale
19 of cannabis, useable cannabis, cannabis-infused products, and
20 cannabis concentrates in accordance with the provisions of this
21 chapter and chapter 69.51A RCW and the rules adopted to implement and
22 enforce these chapters, by a validly licensed cannabis processor,
23 shall not be a criminal or civil offense under Washington state law.
24 Every cannabis processor's license shall be issued in the name of the
25 applicant, shall specify the location at which the licensee intends
26 to operate, which must be within the state of Washington, and the
27 holder thereof shall not allow any other person to use the license.
28 The application fee for a cannabis processor's license shall be two
29 hundred fifty dollars. The annual fee for issuance and renewal of a
30 cannabis processor's license shall be one thousand three hundred
31 eighty-one dollars. A separate license shall be required for each
32 location at which a cannabis processor intends to process cannabis.

33 (3) (a) There shall be a cannabis retailer's license to sell
34 cannabis concentrates, useable cannabis, and cannabis-infused
35 products at retail in retail outlets, regulated by the board and
36 subject to annual renewal. The possession, delivery, distribution,
37 and sale of cannabis concentrates, useable cannabis, and cannabis-
38 infused products in accordance with the provisions of this chapter
39 and the rules adopted to implement and enforce it, by a validly
40 licensed cannabis retailer, shall not be a criminal or civil offense

1 under Washington state law. Every cannabis retailer's license shall
2 be issued in the name of the applicant, shall specify the location of
3 the retail outlet the licensee intends to operate, which must be
4 within the state of Washington, and the holder thereof shall not
5 allow any other person to use the license. The application fee for a
6 cannabis retailer's license shall be two hundred fifty dollars. The
7 annual fee for issuance and renewal of a cannabis retailer's license
8 shall be one thousand three hundred eighty-one dollars. A separate
9 license shall be required for each location at which a cannabis
10 retailer intends to sell cannabis concentrates, useable cannabis, and
11 cannabis-infused products.

12 (b) An individual retail licensee and all other persons or
13 entities with a financial or other ownership interest in the business
14 operating under the license are limited, in the aggregate, to holding
15 a collective total of not more than five retail cannabis licenses.

16 (c) (i) A cannabis retailer's license is subject to forfeiture in
17 accordance with rules adopted by the board pursuant to this section.

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

23 (A) No cannabis retailer's license may be subject to forfeiture
24 within the first nine months of license issuance; and

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

32 (iii) The board has discretion in adopting rules under this
33 subsection (3) (c).

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

1 (v) The board may not require license forfeiture if the licensee
2 has been incapable of opening a fully operational retail cannabis
3 business due to actions by the city, town, or county with
4 jurisdiction over the licensee that include any of the following:

5 (A) The adoption of a ban or moratorium that prohibits the
6 opening of a retail cannabis business; or

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

12 (d) The board may issue cannabis retailer licenses pursuant to
13 this chapter and RCW 69.50.335.

14 **Sec. 2.** RCW 69.50.375 and 2022 c 16 s 77 are each amended to
15 read as follows:

16 (1) A medical cannabis endorsement to a cannabis retail license
17 or a cannabis processor license is hereby established to permit a
18 cannabis retailer to sell cannabis for medical use to qualifying
19 patients and designated providers. This endorsement also permits such
20 retailers or processors to provide cannabis at no charge, at their
21 discretion, to qualifying patients and designated providers.

22 (2) An applicant may apply for a medical cannabis endorsement
23 concurrently with an application for a cannabis retail license or a
24 cannabis processor license.

25 (3) To be issued an endorsement, a cannabis retailer or cannabis
26 processor must:

27 (a) Not authorize the medical use of cannabis for qualifying
28 patients at the retail outlet, processor's location, or permit health
29 care professionals to authorize the medical use of cannabis for
30 qualifying patients at the retail outlet or processor's location;

31 (b) Carry cannabis concentrates and cannabis-infused products
32 identified by the department under subsection (4) of this section;

33 (c) Not use labels or market cannabis concentrates, useable
34 cannabis, or cannabis-infused products in a way that make them
35 intentionally attractive to minors;

36 (d) Demonstrate the ability to enter qualifying patients and
37 designated providers in the medical cannabis authorization database
38 established in RCW 69.51A.230 and issue recognition cards and agree
39 to enter qualifying patients and designated providers into the

1 database and issue recognition cards in compliance with department
2 standards;

3 (e) Keep copies of the qualifying patient's or designated
4 provider's recognition card, or keep equivalent records as required
5 by rule of the board or the department of revenue to document the
6 validity of tax exempt sales; and

7 (f) Meet other requirements as adopted by rule of the department
8 or the board.

9 (4) The department, in conjunction with the board, must adopt
10 rules on requirements for cannabis concentrates, useable cannabis,
11 and cannabis-infused products that may be sold, or provided at no
12 charge, to qualifying patients or designated providers at a retail
13 outlet or by a cannabis processor holding a medical cannabis
14 endorsement. These rules must include:

15 (a) THC concentration, CBD concentration, or low THC, high CBD
16 ratios appropriate for cannabis concentrates, useable cannabis, or
17 cannabis-infused products sold to qualifying patients or designated
18 providers;

19 (b) Labeling requirements including that the labels attached to
20 cannabis concentrates, useable cannabis, or cannabis-infused products
21 contain THC concentration, CBD concentration, and THC to CBD ratios;

22 (c) Other product requirements, including any additional mold,
23 fungus, or pesticide testing requirements, or limitations to the
24 types of solvents that may be used in cannabis processing that the
25 department deems necessary to address the medical needs of qualifying
26 patients;

27 (d) Safe handling requirements for cannabis concentrates, useable
28 cannabis, or cannabis-infused products; and

29 (e) Training requirements for employees.

30 (5) A cannabis retailer or cannabis processor holding an
31 endorsement to sell cannabis to qualifying patients or designated
32 providers must train its employees on:

33 (a) Procedures regarding the recognition of valid authorizations
34 and the use of equipment to enter qualifying patients and designated
35 providers into the medical cannabis authorization database;

36 (b) Recognition of valid recognition cards; and

37 (c) Recognition of strains, varieties, THC concentration, CBD
38 concentration, and THC to CBD ratios of cannabis concentrates,
39 useable cannabis, and cannabis-infused products, available for sale

1 when assisting qualifying patients and designated providers at the
2 retail outlet or processor's location.

3 **Sec. 3.** RCW 69.51A.230 and 2022 c 16 s 127 are each amended to
4 read as follows:

5 (1) The department must contract with an entity to create,
6 administer, and maintain a secure and confidential medical cannabis
7 authorization database that allows:

8 (a) A cannabis retailer with a medical cannabis endorsement, a
9 cannabis processor with a medical cannabis endorsement, or a health
10 care professional to add a qualifying patient or designated provider
11 and include the amount of cannabis concentrates, useable cannabis,
12 cannabis-infused products, or plants for which the qualifying patient
13 is authorized under RCW 69.51A.210;

14 (b) Persons authorized to prescribe or dispense controlled
15 substances to access health care information on their patients for
16 the purpose of providing medical or pharmaceutical care for their
17 patients;

18 (c) A qualifying patient or designated provider to request and
19 receive his or her own health care information or information on any
20 person or entity that has queried their name or information;

21 (d) Appropriate local, state, tribal, and federal law enforcement
22 or prosecutorial officials who are engaged in a bona fide specific
23 investigation of suspected cannabis-related activity that may be
24 illegal under Washington state law to confirm the validity of the
25 recognition card of a qualifying patient or designated provider;

26 (e) A cannabis retailer or a cannabis processor holding a medical
27 cannabis endorsement to confirm the validity of the recognition card
28 of a qualifying patient or designated provider;

29 (f) The department of revenue to verify tax exemptions under
30 chapters 82.08 and 82.12 RCW;

31 (g) The department and the health care professional's
32 disciplining authorities to monitor authorizations and ensure
33 compliance with this chapter and chapter 18.130 RCW by their
34 licensees; and

35 (h) Authorizations to expire six months or one year after entry
36 into the medical cannabis authorization database, depending on
37 whether the authorization is for a minor or an adult.

38 (2) A qualifying patient and his or her designated provider, if
39 any, may be placed in the medical cannabis authorization database at

1 a cannabis retailer with a medical cannabis endorsement, at a
2 cannabis processor with a medical cannabis endorsement, or at the
3 office of their health care professional. After a qualifying patient
4 or designated provider is placed in the medical cannabis
5 authorization database, he or she must be provided with a recognition
6 card that contains identifiers required in subsection (3) of this
7 section.

8 (3) The recognition card requirements must be developed by the
9 department in rule and include:

10 (a) A randomly generated and unique identifying number;

11 (b) For designated providers, the unique identifying number of
12 the qualifying patient whom the provider is assisting;

13 (c) A photograph of the qualifying patient's or designated
14 provider's face taken by an employee of the cannabis retailer with a
15 medical cannabis endorsement, by the cannabis processor with a
16 medical cannabis endorsement, or by the health care professional at
17 the same time that the qualifying patient or designated provider is
18 being placed in the medical cannabis authorization database in
19 accordance with rules adopted by the department;

20 (d) The amount of cannabis concentrates, useable cannabis,
21 cannabis-infused products, or plants for which the qualifying patient
22 is authorized under RCW 69.51A.210;

23 (e) The effective date and expiration date of the recognition
24 card;

25 (f) The name of the health care professional who authorized the
26 qualifying patient or designated provider; and

27 (g) For the recognition card, additional security features as
28 necessary to ensure its validity.

29 (4)(a) For qualifying patients who are eighteen years of age or
30 older and their designated providers, recognition cards are valid for
31 one year from the date the health care professional issued the
32 authorization. For qualifying patients who are under the age of
33 eighteen and their designated providers, recognition cards are valid
34 for six months from the date the health care professional issued the
35 authorization. Qualifying patients may not be reentered into the
36 medical cannabis authorization database until they have been
37 reexamined by a health care professional and determined to meet the
38 definition of qualifying patient. After reexamination, a cannabis
39 retailer with a medical cannabis endorsement, a cannabis processor
40 with a medical cannabis endorsement, or a health care professional

1 must reenter the qualifying patient or designated provider into the
2 medical cannabis authorization database and a new recognition card
3 will then be issued in accordance with department rules.

4 (b) A qualifying patient's registration in the medical cannabis
5 authorization database and his or her recognition card may be renewed
6 by a qualifying patient's designated provider without the physical
7 presence of the qualifying patient at the retailer, processor, or
8 office of the health care professional if the authorization from the
9 health care professional indicates that the qualifying patient
10 qualifies for a compassionate care renewal, as provided in RCW
11 69.51A.030. A qualifying patient receiving renewals under the
12 compassionate care renewal provisions is exempt from the photograph
13 requirements under subsection (3)(c) of this section.

14 (5) If a recognition card is lost or stolen, a cannabis retailer
15 with a medical cannabis endorsement, a cannabis processor with a
16 medical cannabis endorsement, or a health care professional, in
17 conjunction with the database administrator, may issue a new card
18 that will be valid for six months to one year if the patient is
19 reexamined by a health care professional and determined to meet the
20 definition of qualifying patient and depending on whether the patient
21 is under the age of eighteen or eighteen years of age or older as
22 provided in subsection (4) of this section. If a reexamination is not
23 performed, the expiration date of the replacement recognition card
24 must be the same as the lost or stolen recognition card.

25 (6) The database administrator must remove qualifying patients
26 and designated providers from the medical cannabis authorization
27 database upon expiration of the recognition card. Qualifying patients
28 and designated providers may request to remove themselves from the
29 medical cannabis authorization database before expiration of a
30 recognition card and health care professionals may request to remove
31 qualifying patients and designated providers from the medical
32 cannabis authorization database if the patient or provider no longer
33 qualifies for the medical use of cannabis. The database administrator
34 must retain database records for at least five calendar years to
35 permit the state liquor and cannabis board and the department of
36 revenue to verify eligibility for tax exemptions.

37 (7) During development of the medical cannabis authorization
38 database, the database administrator must consult with the
39 department, stakeholders, and persons with relevant expertise to
40 include, but not be limited to, qualifying patients, designated

1 providers, health care professionals, state and local law enforcement
2 agencies, and the University of Washington computer science and
3 engineering security and privacy research lab or a certified
4 cybersecurity firm, vendor, or service.

5 (8) The medical cannabis authorization database must meet the
6 following requirements:

7 (a) Any personally identifiable information included in the
8 database must be nonreversible, pursuant to definitions and standards
9 set forth by the national institute of standards and technology;

10 (b) Any personally identifiable information included in the
11 database must not be susceptible to linkage by use of data external
12 to the database;

13 (c) The database must incorporate current best differential
14 privacy practices, allowing for maximum accuracy of database queries
15 while minimizing the chances of identifying the personally
16 identifiable information included therein; and

17 (d) The database must be upgradable and updated in a timely
18 fashion to keep current with state of the art privacy and security
19 standards and practices.

20 (9)(a) Personally identifiable information of qualifying patients
21 and designated providers included in the medical cannabis
22 authorization database is confidential and exempt from public
23 disclosure, inspection, or copying under chapter 42.56 RCW.

24 (b) Information contained in the medical cannabis authorization
25 database may be released in aggregate form, with all personally
26 identifiable information redacted, for the purpose of statistical
27 analysis and oversight of agency performance and actions.

28 (c) Information contained in the medical cannabis authorization
29 database shall not be shared with the federal government or its
30 agents unless the particular qualifying patient or designated
31 provider is convicted in state court for violating this chapter or
32 chapter 69.50 RCW.

33 (10) The department must charge a one dollar fee for each initial
34 and renewal recognition card issued by a cannabis retailer with a
35 medical cannabis endorsement, a cannabis processor with a medical
36 cannabis endorsement, or a health care professional. The cannabis
37 retailer with a medical cannabis endorsement, the cannabis processor
38 with a medical cannabis endorsement, or the health care professional
39 shall collect the fee from the qualifying patient or designated
40 provider at the time that he or she is entered into the database and

1 issued a recognition card. The department shall establish a schedule
2 for cannabis retailers with a medical cannabis endorsement, cannabis
3 processors with a medical cannabis endorsement, or health care
4 professionals to remit the fees collected. Fees collected under this
5 subsection shall be deposited into the dedicated cannabis account
6 created under RCW 69.50.530.

7 (11) If the database administrator fails to comply with this
8 section, the department may cancel any contracts with the database
9 administrator and contract with another database administrator to
10 continue administration of the database. A database administrator who
11 fails to comply with this section is subject to a fine of up to five
12 thousand dollars in addition to any penalties established in the
13 contract. Fines collected under this section must be deposited into
14 (~~the health professions account created under RCW 43.70.320~~) the
15 dedicated cannabis account under RCW 69.50.530.

16 (12) The department may adopt rules to implement this section.

17 **Sec. 4.** RCW 69.51A.290 and 2022 c 16 s 132 are each amended to
18 read as follows:

19 A medical cannabis consultant certificate is hereby established.

20 (1) In addition to any other authority provided by law, the
21 secretary of the department may:

22 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
23 to implement this chapter;

24 (b) Establish forms and procedures necessary to administer this
25 chapter;

26 (c) Approve training or education programs that meet the
27 requirements of this section and any rules adopted to implement it;

28 (d) Receive criminal history record information that includes
29 nonconviction information data for any purpose associated with
30 initial certification or renewal of certification. The secretary
31 shall require each applicant for initial certification to obtain a
32 state or federal criminal history record information background check
33 through the state patrol or the state patrol and the identification
34 division of the federal bureau of investigation prior to the issuance
35 of any certificate. The secretary shall specify those situations
36 where a state background check is inadequate and an applicant must
37 obtain an electronic fingerprint-based national background check
38 through the state patrol and federal bureau of investigation.
39 Situations where a background check is inadequate may include

1 instances where an applicant has recently lived out-of-state or where
2 the applicant has a criminal record in Washington;

3 (e) Establish administrative procedures, administrative
4 requirements, and fees in accordance with RCW 43.70.110 and
5 43.70.250; and

6 (f) Maintain the official department record of all applicants and
7 certificate holders.

8 (2) A training or education program approved by the secretary
9 must include the following topics:

10 (a) The medical conditions that constitute terminal or
11 debilitating conditions, and the symptoms of those conditions;

12 (b) Short and long-term effects of cannabinoids;

13 (c) Products that may benefit qualifying patients based on the
14 patient's terminal or debilitating medical condition;

15 (d) Risks and benefits of various routes of administration;

16 (e) Safe handling and storage of useable cannabis, cannabis-
17 infused products, and cannabis concentrates, including strategies to
18 reduce access by minors;

19 (f) Demonstrated knowledge of this chapter and the rules adopted
20 to implement it; and

21 (g) Other subjects deemed necessary and appropriate by the
22 secretary to ensure medical cannabis consultant certificate holders
23 are able to provide evidence-based and medically accurate advice on
24 the medical use of cannabis.

25 (3) Medical cannabis consultant certificates are subject to
26 annual renewals and continuing education requirements established by
27 the secretary.

28 (4) The secretary shall have the power to refuse, suspend, or
29 revoke the certificate of any medical cannabis consultant upon proof
30 that:

31 (a) The certificate was procured through fraud,
32 misrepresentation, or deceit;

33 (b) The certificate holder has committed acts in violation of
34 subsection (6) of this section; or

35 (c) The certificate holder has violated or has permitted any
36 employee or volunteer to violate any of the laws of this state
37 relating to drugs or controlled substances or has been convicted of a
38 felony.

39 In any case of the refusal, suspension, or revocation of a
40 certificate by the secretary under the provisions of this chapter,

1 appeal may be taken in accordance with chapter 34.05 RCW, the
2 administrative procedure act.

3 (5) (a) A medical cannabis consultant may provide the
4 ~~((following))~~ services ~~((when acting as))~~ listed in (b) of this
5 subsection either in person or remotely:

6 (i) As an owner, employee, or volunteer of a retail outlet
7 licensed under RCW 69.50.354 and holding a medical cannabis
8 endorsement under RCW 69.50.375 ~~((+~~
9 ~~(a)))~~;

10 (ii) As an employee or volunteer of a health care professional;

11 (iii) As an employee or volunteer of a licensed cannabis
12 processor under RCW 69.50.325 with a medical cannabis endorsement
13 under RCW 69.50.375; or

14 (iv) As self-employed.

15 (b) Services permitted to be provided by persons under (a) of
16 this subsection are as follows:

17 (i) Assisting a customer with the selection of products sold at
18 ~~((the))~~ a retail outlet or by a cannabis processor that may benefit
19 the qualifying patient's terminal or debilitating medical condition;

20 ~~((b))~~ (ii) Describing the risks and benefits of products sold
21 ~~((the))~~ a retail outlet or a cannabis processor location;

22 ~~((e))~~ (iii) Describing the risks and benefits of methods of
23 administration of products sold at ((the)) a retail outlet or a
24 cannabis processor location;

25 ~~((d))~~ (iv) Advising a customer about the safe handling and
26 storage of useable cannabis, cannabis-infused products, and cannabis
27 concentrates, including strategies to reduce access by minors; and

28 ~~((e))~~ (v) Providing instruction and demonstrations to customers
29 about proper use and application of useable cannabis, cannabis-
30 infused products, and cannabis concentrates.

31 (6) Nothing in this section authorizes a medical cannabis
32 consultant to:

33 (a) Offer or undertake to diagnose or cure any human disease,
34 ailment, injury, infirmity, deformity, pain, or other condition,
35 physical or mental, real or imaginary, by use of cannabis or any
36 other means or instrumentality; or

37 (b) Recommend or suggest modification or elimination of any
38 course of treatment that does not involve the medical use of
39 cannabis.

1 (7) Nothing in this section requires an owner, employee, or
2 volunteer of a retail outlet licensed under RCW 69.50.354 (~~and~~
3 ~~holding~~) or a cannabis processor licensed under RCW 69.50.325 with a
4 medical cannabis endorsement under RCW 69.50.375 to obtain a medical
5 cannabis consultant certification.

6 (8) Nothing in this section applies to the practice of a health
7 care profession by individuals who are licensed, certified, or
8 registered in a profession listed in RCW 18.130.040(2) and who are
9 performing services within their authorized scope of practice.

10 **Sec. 5.** RCW 69.51A.310 and 2022 c 16 s 134 are each amended to
11 read as follows:

12 Qualifying patients and designated providers, who hold a
13 recognition card and have been entered into the medical cannabis
14 authorization database, may purchase (~~immature~~):

15 (1) Immature plants or clones from a licensed cannabis producer
16 as defined in RCW 69.50.101(~~(. Qualifying patients and designated~~
17 ~~providers may also purchase cannabis))~~;

18 (2) Cannabis seeds from a licensed cannabis producer; and

19 (3) Cannabis concentrates, usable cannabis, and cannabis-infused
20 products, identified by the department as a compliant cannabis
21 product in chapter 246-70 WAC and tested to the standards in WAC
22 246-70-050, from a cannabis processor as defined in RCW 69.50.101.

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