S-4178.1

SENATE BILL 6287

State of Washington 69th Legislature 2026 Regular Session

By Senators Salomon, Conway, Cortes, Shewmake, Stanford, Valdez, and J. Wilson

Read first time 01/22/26. Referred to Committee on Labor & Commerce.

AN ACT Relating to the preparation, distribution, and sale of kratom products; amending RCW 69.50.101 and 69.50.101; adding a new section to chapter 69.50 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 69.50.101 and 2024 c 62 s 17 are each amended to read as follows:

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

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

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

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

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

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

(4) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis during the growing cycle through harvest and usable cannabis. "Cannabis" does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.

(5) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ((~~ten~~)) 10 percent.

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

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

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

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

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

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

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

(11) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis ((~~as defined in subsection (4) of this section~~)), and have a THC concentration no greater than ((~~ten~~)) 10 percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(12) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(13) "CBD product" means any product containing or consisting of cannabidiol.

(14) "Commission" means the pharmacy quality assurance commission.

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

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

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

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

(b) The term does not include:

(i) a controlled substance;

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

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

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

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

(18) "Department" means the department of health.

(19) "Designated provider" has the meaning provided in RCW 69.51A.010.

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

(21) "Dispenser" means a practitioner who dispenses.

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

(23) "Distributor" means a person who distributes.

(24) "Drug" means (a) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (b) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (c) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (d) controlled substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. The term does not include devices or their components, parts, or accessories.

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

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

(27) "Immature plant or clone" means a plant or clone that has no flowers, is less than ((~~twelve~~)) 12 inches in height, and is less than ((~~twelve~~)) 12 inches in diameter.

(28) "Immediate precursor" means a substance:

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

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

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

(29) "Isomer" means an optical isomer, but in subsection ((~~(33)~~)) (36)(e) of this section, RCW 69.50.204(1) (l) and (hh), and 69.50.206(2)(d), the term includes any geometrical isomer; in RCW 69.50.204(1) (h) and (pp)((~~,~~)) and 69.50.210(3)((~~,~~)), the term includes any positional isomer; and in RCW 69.50.204(1)(ii), 69.50.204(3), and 69.50.208(1)((~~,~~)), the term includes any positional or geometric isomer.

(30) "Kratom processor" means a person that sells, prepares, manufactures, distributes, wholesales, or maintains kratom products or that advertises, represents, or holds itself out as selling, preparing, or maintaining kratom products.

(31) "Kratom product" means a food product or dietary ingredient containing any part of the leaf of the plant *mitragyna speciosa*.

(32) "Kratom retailer" means a person that sells or distributes kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products.

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

((~~(31)~~)) (34) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

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

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

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

((~~(33)~~)) (36) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

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

(b) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(c) Poppy straw and concentrate of poppy straw.

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

(e) Cocaine, or any salt, isomer, or salt of isomer thereof.

(f) Cocaine base.

(g) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(h) Any compound, mixture, or preparation containing any quantity of any substance referred to in (a) through (g) of this subsection.

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

((~~(35)~~)) (38) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

((~~(36)~~)) (39) "Package" means a container that has a single unit or group of units.

((~~(37)~~)) (40) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

((~~(38)~~)) (41) "Plant" has the meaning provided in RCW 69.51A.010.

((~~(39)~~)) (42) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((~~(40)~~)) (43) "Practitioner" means:

(a) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

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

(c) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her participating physician as defined in RCW 18.71A.010, an advanced registered nurse practitioner licensed to prescribe controlled

substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

((~~(41)~~)) (44) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

((~~(42)~~)) (45) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

((~~(43)~~)) (46) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

((~~(44)~~)) (47) "Recognition card" has the meaning provided in RCW 69.51A.010.

((~~(45)~~)) (48) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

((~~(46)~~)) (49) "Secretary" means the secretary of health or the secretary's designee.

((~~(47)~~)) (50) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection ((~~(47)~~)), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(a) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community;

(b) A description of how the cannabis licensee will meet social equity goals as defined in RCW 69.50.335;

(c) The composition of the workforce the licensee has employed or intends to hire; and

(d) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

((~~(48)~~)) (51) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

((~~(49)~~)) (52) "THC concentration" means percent of tetrahydrocannabinol content of any part of the plant *Cannabis*, or per volume or weight of cannabis product, or the combined percent of

tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

((~~(50)~~)) (53) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

((~~(51)~~)) (54) "Unit" means an individual consumable item within a package of one or more consumable items in solid, liquid, gas, or any form intended for human consumption.

((~~(52)~~)) (55) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

((~~(53)~~)) (56) "Youth access" means the level of interest persons under the age of ((~~twenty-one~~)) 21 may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

Sec. 2. RCW 69.50.101 and 2025 c 58 s 5126 are each amended to read as follows:

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

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

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

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

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

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

(4) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis during the growing cycle through harvest and usable cannabis. "Cannabis" does not include hemp or industrial hemp

as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.

(5) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ((~~ten~~)) 10 percent.

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

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

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

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

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

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

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

(11) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis ((~~as defined in subsection (4) of this section~~)), and have a THC concentration no greater than ((~~ten~~)) 10 percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(12) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(13) "CBD product" means any product containing or consisting of cannabidiol.

(14) "Commission" means the pharmacy quality assurance commission.

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

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

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

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

(b) The term does not include:

(i) a controlled substance;

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

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

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

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

(18) "Department" means the department of health.

(19) "Designated provider" has the meaning provided in RCW 69.51A.010.

(20) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or

packaging necessary to prepare that prescription or order for delivery.

(21) "Dispenser" means a practitioner who dispenses.

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

(23) "Distributor" means a person who distributes.

(24) "Drug" means (a) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (b) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (c) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (d) controlled substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. The term does not include devices or their components, parts, or accessories.

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

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

(27) "Immature plant or clone" means a plant or clone that has no flowers, is less than ((~~twelve~~)) 12 inches in height, and is less than ((~~twelve~~)) 12 inches in diameter.

(28) "Immediate precursor" means a substance:

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

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

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

(29) "Isomer" means an optical isomer, but in subsection ((~~(33)~~)) (36)(e) of this section, RCW 69.50.204(1) (l) and (hh), and 69.50.206(2)(d), the term includes any geometrical isomer; in RCW 69.50.204(1) (h) and (pp) and 69.50.210(3), the term includes any

positional isomer; and in RCW 69.50.204(1)(ii), 69.50.204(3), and 69.50.208(1), the term includes any positional or geometric isomer.

(30) "Kratom processor" means a person that sells, prepares, manufactures, distributes, wholesales, or maintains kratom products or that advertises, represents, or holds itself out as selling, preparing, or maintaining kratom products.

(31) "Kratom product" means a food product or dietary ingredient containing any part of the leaf of the plant *mitragyna speciosa*.

(32) "Kratom retailer" means a person that sells or distributes kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products.

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

((~~(31)~~)) (34) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

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

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

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

((~~(33)~~)) (36) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of

vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

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

(b) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(c) Poppy straw and concentrate of poppy straw.

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

(e) Cocaine, or any salt, isomer, or salt of isomer thereof.

(f) Cocaine base.

(g) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(h) Any compound, mixture, or preparation containing any quantity of any substance referred to in (a) through (g) of this subsection.

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

((~~(35)~~)) (38) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

((~~(36)~~)) (39) "Package" means a container that has a single unit or group of units.

((~~(37)~~)) (40) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

((~~(38)~~)) (41) "Plant" has the meaning provided in RCW 69.51A.010.

((~~(39)~~)) (42) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

((~~(40)~~)) (43) "Practitioner" means:

(a) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced practice registered nurse, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

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

(c) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her participating physician as defined in RCW 18.71A.010, an advanced practice registered nurse licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

((~~(41)~~)) (44) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

((~~(42)~~)) (45) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

((~~(43)~~)) (46) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

((~~(44)~~)) (47) "Recognition card" has the meaning provided in RCW 69.51A.010.

((~~(45)~~)) (48) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

((~~(46)~~)) (49) "Secretary" means the secretary of health or the secretary's designee.

((~~(47)~~)) (50) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection ((~~(47)~~)), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(a) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community;

(b) A description of how the cannabis licensee will meet social equity goals as defined in RCW 69.50.335;

(c) The composition of the workforce the licensee has employed or intends to hire; and

(d) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

((~~(48)~~)) (51) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

((~~(49)~~)) (52) "THC concentration" means percent of tetrahydrocannabinol content of any part of the plant *Cannabis*, or per volume or weight of cannabis product, or the combined percent of tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

((~~(50)~~)) (53) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

((~~(51)~~)) (54) "Unit" means an individual consumable item within a package of one or more consumable items in solid, liquid, gas, or any form intended for human consumption.

((~~(52)~~)) (55) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

((~~(53)~~)) (56) "Youth access" means the level of interest persons under the age of ((~~twenty-one~~)) 21 may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A kratom processor or kratom retailer may not prepare, distribute, sell, or expose for sale any of the following:

(a) A kratom product mixed or packed with a nonkratom substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product likely to injure a consumer;

(b) A kratom product that contains a poisonous or otherwise harmful nonkratom substance, including any controlled substance identified in this chapter;

(c) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the product;

(d) A kratom product containing any synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the kratom plant; or

(e) Any kratom product that does not include on its package or label the full list of ingredients in the product, the percentages of mitragynine and 7-hydroxymitragynine in the product, and the identity and address of the kratom processor.

(2) A kratom processor or kratom retailer may not distribute, sell, or expose for sale a kratom product to an individual who is under 21 years old.

(3) Any violation of this section is a gross misdemeanor.

(4) A person aggrieved by a kratom processor or kratom retailer's violation of this section may bring a civil action for damages against the processor, retailer, or both. A kratom processor or kratom retailer is not liable for a violation of subsection (1)(e) of

this section if the processor or retailer relied in good faith on the representation of a manufacturer, packer, or distributor regarding the ingredients in the kratom product or the percentages of mitragynine and 7-hydroxymitragynine in the product.

(5) A city or county may adopt ordinances governing kratom products that are more restrictive than those provided in this chapter.

NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30, 2027.

NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30, 2027.

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