
SENATE BILL 6328

State of Washington

69th Legislature

2026 Regular Session

By Senator Saldaña

1 AN ACT Relating to the cannabis excise tax; amending RCW
2 69.50.101, 69.50.101, 69.50.535, and 69.50.325; providing an
3 effective date; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

10 (6) "Cannabis edibles in liquid form" means cannabis-infused
11 products that are intended for oral human consumption and are in
12 liquid form.

13 (7) "Cannabis edibles in solid form" means cannabis-infused
14 products that are intended for oral human consumption and are in
15 solid form.

16 (8) "Cannabis flower" means the flowering reproductive structures
17 of the plant *Cannabis* that have been harvested, dried, and cured,
18 comprised of calyx, pistils, and trichomes.

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

25 ~~((7))~~ (10) "Cannabis producer" means a person licensed by the
26 board to produce and sell cannabis at wholesale to cannabis
27 processors and other cannabis producers.

28 ~~((8))~~ (11)(a) "Cannabis products" means useable cannabis,
29 cannabis concentrates, and cannabis-infused products as defined in
30 this section, including any product intended to be consumed or
31 absorbed inside the body by any means including inhalation,
32 ingestion, or insertion, with any detectable amount of THC.

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

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

38 ~~((9))~~ (12) "Cannabis researcher" means a person licensed by the
39 board to produce, process, and possess cannabis for the purposes of
40 conducting research on cannabis and cannabis-derived drug products.

1 ~~((10))~~ (13) "Cannabis retailer" means a person licensed by the
2 board to sell cannabis concentrates, useable cannabis, and cannabis-
3 infused products in a retail outlet.

4 ~~((11))~~ (14) "Cannabis topical" means any product containing
5 parts of the cannabis plant that is intended for application to the
6 body's surface including, but not limited to, lotions, ointments,
7 salves, gels, or creams that are not intended for ingestion,
8 inhalation, or insertion by humans or animals.

9 (15) "Cannabis trim" means the leaves and other nonflowering
10 parts of the plant Cannabis separated from the cannabis flower during
11 harvest or postharvest processing that have been harvested, dried,
12 and cured, and transformed into a cannabis product that is not
13 cannabis flower, not including any calyx or pistils.

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

20 ~~((12))~~ (17) "CBD concentration" has the meaning provided in RCW
21 69.51A.010.

22 ~~((13))~~ (18) "CBD product" means any product containing or
23 consisting of cannabidiol.

24 ~~((14))~~ (19) "Commission" means the pharmacy quality assurance
25 commission.

26 ~~((15))~~ (20) "Controlled substance" means a drug, substance, or
27 immediate precursor included in Schedules I through V as set forth in
28 federal or state laws, or federal or commission rules, but does not
29 include hemp or industrial hemp as defined in RCW 15.140.020.

30 ~~((16))~~ (21) (a) "Controlled substance analog" means a substance
31 the chemical structure of which is substantially similar to the
32 chemical structure of a controlled substance in Schedule I or II and:

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

37 (ii) with respect to a particular individual, that the individual
38 represents or intends to have a stimulant, depressant, or
39 hallucinogenic effect on the central nervous system substantially
40 similar to the stimulant, depressant, or hallucinogenic effect on the

1 central nervous system of a controlled substance included in Schedule
2 I or II.

3 (b) The term does not include:

4 (i) a controlled substance;

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

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

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

15 (~~((17))~~) (22) "Deliver" or "delivery" means the actual or
16 constructive transfer from one person to another of a substance,
17 whether or not there is an agency relationship.

18 (~~((18))~~) (23) "Department" means the department of health.

19 (~~((19))~~) (24) "Designated provider" has the meaning provided in
20 RCW 69.51A.010.

21 (~~((20))~~) (25) "Dispense" means the interpretation of a
22 prescription or order for a controlled substance and, pursuant to
23 that prescription or order, the proper selection, measuring,
24 compounding, labeling, or packaging necessary to prepare that
25 prescription or order for delivery.

26 (~~((21))~~) (26) "Dispenser" means a practitioner who dispenses.

27 (~~((22))~~) (27) "Distribute" means to deliver other than by
28 administering or dispensing a controlled substance.

29 (~~((23))~~) (28) "Distributor" means a person who distributes.

30 (~~((24))~~) (29) "Drug" means (a) a controlled substance recognized
31 as a drug in the official United States pharmacopoeia/national
32 formulary or the official homeopathic pharmacopoeia of the United
33 States, or any supplement to them; (b) controlled substances intended
34 for use in the diagnosis, cure, mitigation, treatment, or prevention
35 of disease in individuals or animals; (c) controlled substances
36 (other than food) intended to affect the structure or any function of
37 the body of individuals or animals; and (d) controlled substances
38 intended for use as a component of any article specified in (a), (b),
39 or (c) of this subsection. The term does not include devices or their
40 components, parts, or accessories.

1 (~~(25)~~) (30) "Drug enforcement administration" means the drug
2 enforcement administration in the United States Department of
3 Justice, or its successor agency.

4 (~~(26)~~) (31) "Electronic communication of prescription
5 information" means the transmission of a prescription or refill
6 authorization for a drug of a practitioner using computer systems.
7 The term does not include a prescription or refill authorization
8 verbally transmitted by telephone nor a facsimile manually signed by
9 the practitioner.

10 (~~(27)~~) (32) "Immature plant or clone" means a plant or clone
11 that has no flowers, is less than (~~(twelve)~~) 12 inches in height, and
12 is less than (~~(twelve)~~) 12 inches in diameter.

13 (~~(28)~~) (33) "Immediate precursor" means a substance:

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

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

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

21 (~~(29)~~) (34) "Isomer" means an optical isomer, but in subsection
22 (~~(33)~~) (38)(e) of this section, RCW 69.50.204(1) (l) and (hh), and
23 69.50.206(2)(d), the term includes any geometrical isomer; in RCW
24 69.50.204(1) (h) and (pp)(~~(r)~~) and 69.50.210(3)(~~(r)~~), the term
25 includes any positional isomer; and in RCW 69.50.204(1)(ii),
26 69.50.204(3), and 69.50.208(1)(~~(r)~~), the term includes any
27 positional or geometric isomer.

28 (~~(30)~~) (35) "Lot" means a definite quantity of cannabis,
29 cannabis concentrates, useable cannabis, or cannabis-infused product
30 identified by a lot number, every portion or package of which is
31 uniform within recognized tolerances for the factors that appear in
32 the labeling.

33 (~~(31)~~) (36) "Lot number" must identify the licensee by business
34 or trade name and Washington state unified business identifier
35 number, and the date of harvest or processing for each lot of
36 cannabis, cannabis concentrates, useable cannabis, or cannabis-
37 infused product.

38 (~~(32)~~) (37) "Manufacture" means the production, preparation,
39 propagation, compounding, conversion, or processing of a controlled
40 substance, either directly or indirectly or by extraction from

1 substances of natural origin, or independently by means of chemical
2 synthesis, or by a combination of extraction and chemical synthesis,
3 and includes any packaging or repackaging of the substance or
4 labeling or relabeling of its container. The term does not include
5 the preparation, compounding, packaging, repackaging, labeling, or
6 relabeling of a controlled substance:

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

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

14 ~~((33))~~ (38) "Narcotic drug" means any of the following, whether
15 produced directly or indirectly by extraction from substances of
16 vegetable origin, or independently by means of chemical synthesis, or
17 by a combination of extraction and chemical synthesis:

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

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

28 (c) Poppy straw and concentrate of poppy straw.

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

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

33 (f) Cocaine base.

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

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

38 ~~((34))~~ (39) "Opiate" means any substance having an addiction-
39 forming or addiction-sustaining liability similar to morphine or
40 being capable of conversion into a drug having addiction-forming or

1 addiction-sustaining liability. The term includes opium, substances
2 derived from opium (opium derivatives), and synthetic opiates. The
3 term does not include, unless specifically designated as controlled
4 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-
5 methylmorphinan and its salts (dextromethorphan). The term includes
6 the racemic and levorotatory forms of dextromethorphan.

7 ~~((35))~~ (40) "Opium poppy" means the plant of the species
8 *Papaver somniferum* L., except its seeds.

9 ~~((36))~~ (41) "Package" means a container that has a single unit
10 or group of units.

11 ~~((37))~~ (42) "Person" means individual, corporation, business
12 trust, estate, trust, partnership, association, joint venture,
13 government, governmental subdivision or agency, or any other legal or
14 commercial entity.

15 ~~((38))~~ (43) "Plant" has the meaning provided in RCW 69.51A.010.

16 ~~((39))~~ (44) "Poppy straw" means all parts, except the seeds, of
17 the opium poppy, after mowing.

18 ~~((40))~~ (45) "Practitioner" means:

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

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

39 (c) A physician licensed to practice medicine and surgery, a
40 physician licensed to practice osteopathic medicine and surgery, a

1 dentist licensed to practice dentistry, a podiatric physician and
2 surgeon licensed to practice podiatric medicine and surgery, a
3 licensed physician assistant or a licensed osteopathic physician
4 assistant specifically approved to prescribe controlled substances by
5 his or her state's medical commission or equivalent and his or her
6 participating physician as defined in RCW 18.71A.010, an advanced
7 registered nurse practitioner licensed to prescribe controlled
8 substances, or a veterinarian licensed to practice veterinary
9 medicine in any state of the United States.

10 ~~((41))~~ (46) "Preroll" means a consumable or smokable cannabis
11 product that consists of:

12 (a) A wrap or paper; and

13 (b) Dried cannabis flower, buds, or other plant material.

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

18 ~~((42))~~ (48) "Production" includes the manufacturing, planting,
19 cultivating, growing, or harvesting of a controlled substance.

20 ~~((43))~~ (49) "Qualifying patient" has the meaning provided in
21 RCW 69.51A.010.

22 ~~((44))~~ (50) "Recognition card" has the meaning provided in RCW
23 69.51A.010.

24 ~~((45))~~ (51) "Retail outlet" means a location licensed by the
25 board for the retail sale of cannabis concentrates, useable cannabis,
26 and cannabis-infused products.

27 ~~((46))~~ (52) "Secretary" means the secretary of health or the
28 secretary's designee.

29 ~~((47))~~ (53) "Social equity plan" means a plan that addresses at
30 least some of the elements outlined in this subsection ~~((47))~~,
31 along with any additional plan components or requirements approved by
32 the board following consultation with the task force created in RCW
33 69.50.336. The plan may include:

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

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

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

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

4 ((48)) (54) "State," unless the context otherwise requires,
5 means a state of the United States, the District of Columbia, the
6 Commonwealth of Puerto Rico, or a territory or insular possession
7 subject to the jurisdiction of the United States.

8 ((49)) (55) "THC concentration" means percent of
9 tetrahydrocannabinol content of any part of the plant *Cannabis*, or
10 per volume or weight of cannabis product, or the combined percent of
11 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of
12 the plant *Cannabis* regardless of moisture content.

13 ((50)) (56) "Ultimate user" means an individual who lawfully
14 possesses a controlled substance for the individual's own use or for
15 the use of a member of the individual's household or for
16 administering to an animal owned by the individual or by a member of
17 the individual's household.

18 ((51)) (57) "Unit" means an individual consumable item within a
19 package of one or more consumable items in solid, liquid, gas, or any
20 form intended for human consumption.

21 ((52)) (58) "Useable cannabis" means dried cannabis flowers.
22 The term "useable cannabis" does not include either cannabis-infused
23 products or cannabis concentrates.

24 ((53)) (59) "Youth access" means the level of interest persons
25 under the age of (~~twenty-one~~) 21 may have in a vapor product, as
26 well as the degree to which the product is available or appealing to
27 such persons, and the likelihood of initiation, use, or addiction by
28 adolescents and young adults.

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

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

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

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

1 (2) "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 (3) "Board" means the Washington state liquor and cannabis board.

6 (4) "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 during the growing cycle through harvest and
9 usable cannabis. "Cannabis" does not include hemp or industrial hemp
10 as defined in RCW 15.140.020, or seeds used for licensed hemp
11 production under chapter 15.140 RCW.

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

15 (6) "Cannabis edibles in liquid form" means cannabis-infused
16 products that are intended for oral human consumption and are in
17 liquid form.

18 (7) "Cannabis edibles in solid form" means cannabis-infused
19 products that are intended for oral human consumption and are in
20 solid form.

21 (8) "Cannabis flower" means the flowering reproductive structures
22 of the plant *Cannabis* that have been harvested, dried, and cured,
23 comprised of calyx, pistils, and trichomes.

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

30 ~~((7))~~ (10) "Cannabis producer" means a person licensed by the
31 board to produce and sell cannabis at wholesale to cannabis
32 processors and other cannabis producers.

33 ~~((8))~~ (11)(a) "Cannabis products" means useable cannabis,
34 cannabis concentrates, and cannabis-infused products as defined in
35 this section, including any product intended to be consumed or
36 absorbed inside the body by any means including inhalation,
37 ingestion, or insertion, with any detectable amount of THC.

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

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

4 ~~((9))~~ (12) "Cannabis researcher" means a person licensed by the
5 board to produce, process, and possess cannabis for the purposes of
6 conducting research on cannabis and cannabis-derived drug products.

7 ~~((10))~~ (13) "Cannabis retailer" means a person licensed by the
8 board to sell cannabis concentrates, useable cannabis, and cannabis-
9 infused products in a retail outlet.

10 ~~((11))~~ (14) "Cannabis topical" means any product containing
11 parts of the cannabis plant that is intended for application to the
12 body's surface including, but not limited to, lotions, ointments,
13 salves, gels, or creams that are not intended for ingestion,
14 inhalation, or insertion by humans or animals.

15 (15) "Cannabis trim" means the leaves and other nonflowering
16 parts of the plant Cannabis separated from the cannabis flower during
17 harvest or postharvest processing that have been harvested, dried,
18 and cured, and transformed into a cannabis product that is not
19 cannabis flower, not including any calyx or pistils.

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

26 ~~((12))~~ (17) "CBD concentration" has the meaning provided in RCW
27 69.51A.010.

28 ~~((13))~~ (18) "CBD product" means any product containing or
29 consisting of cannabidiol.

30 ~~((14))~~ (19) "Commission" means the pharmacy quality assurance
31 commission.

32 ~~((15))~~ (20) "Controlled substance" means a drug, substance, or
33 immediate precursor included in Schedules I through V as set forth in
34 federal or state laws, or federal or commission rules, but does not
35 include hemp or industrial hemp as defined in RCW 15.140.020.

36 ~~((16))~~ (21)(a) "Controlled substance analog" means a substance
37 the chemical structure of which is substantially similar to the
38 chemical structure of a controlled substance in Schedule I or II and:

39 (i) that has a stimulant, depressant, or hallucinogenic effect on
40 the central nervous system substantially similar to the stimulant,

1 depressant, or hallucinogenic effect on the central nervous system of
2 a controlled substance included in Schedule I or II; or

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

9 (b) The term does not include:

10 (i) a controlled substance;

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

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

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

21 (~~(17)~~) (22) "Deliver" or "delivery" means the actual or
22 constructive transfer from one person to another of a substance,
23 whether or not there is an agency relationship.

24 (~~(18)~~) (23) "Department" means the department of health.

25 (~~(19)~~) (24) "Designated provider" has the meaning provided in
26 RCW 69.51A.010.

27 (~~(20)~~) (25) "Dispense" means the interpretation of a
28 prescription or order for a controlled substance and, pursuant to
29 that prescription or order, the proper selection, measuring,
30 compounding, labeling, or packaging necessary to prepare that
31 prescription or order for delivery.

32 (~~(21)~~) (26) "Dispenser" means a practitioner who dispenses.

33 (~~(22)~~) (27) "Distribute" means to deliver other than by
34 administering or dispensing a controlled substance.

35 (~~(23)~~) (28) "Distributor" means a person who distributes.

36 (~~(24)~~) (29) "Drug" means (a) a controlled substance recognized
37 as a drug in the official United States pharmacopoeia/national
38 formulary or the official homeopathic pharmacopoeia of the United
39 States, or any supplement to them; (b) controlled substances intended
40 for use in the diagnosis, cure, mitigation, treatment, or prevention

1 of disease in individuals or animals; (c) controlled substances
2 (other than food) intended to affect the structure or any function of
3 the body of individuals or animals; and (d) controlled substances
4 intended for use as a component of any article specified in (a), (b),
5 or (c) of this subsection. The term does not include devices or their
6 components, parts, or accessories.

7 ~~((25))~~ (30) "Drug enforcement administration" means the drug
8 enforcement administration in the United States Department of
9 Justice, or its successor agency.

10 ~~((26))~~ (31) "Electronic communication of prescription
11 information" means the transmission of a prescription or refill
12 authorization for a drug of a practitioner using computer systems.
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14 verbally transmitted by telephone nor a facsimile manually signed by
15 the practitioner.

16 ~~((27))~~ (32) "Immature plant or clone" means a plant or clone
17 that has no flowers, is less than ~~((twelve))~~ 12 inches in height, and
18 is less than ~~((twelve))~~ 12 inches in diameter.

19 ~~((28))~~ (33) "Immediate precursor" means a substance:

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

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

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

27 ~~((29))~~ (34) "Isomer" means an optical isomer, but in subsection
28 ~~((33))~~ (38)(e) of this section, RCW 69.50.204(1) (l) and (hh), and
29 69.50.206(2)(d), the term includes any geometrical isomer; in RCW
30 69.50.204(1) (h) and (pp) and 69.50.210(3), the term includes any
31 positional isomer; and in RCW 69.50.204(1)(ii), 69.50.204(3), and
32 69.50.208(1), the term includes any positional or geometric isomer.

33 ~~((30))~~ (35) "Lot" means a definite quantity of cannabis,
34 cannabis concentrates, useable cannabis, or cannabis-infused product
35 identified by a lot number, every portion or package of which is
36 uniform within recognized tolerances for the factors that appear in
37 the labeling.

38 ~~((31))~~ (36) "Lot number" must identify the licensee by business
39 or trade name and Washington state unified business identifier
40 number, and the date of harvest or processing for each lot of

1 cannabis, cannabis concentrates, useable cannabis, or cannabis-
2 infused product.

3 ~~((32))~~ (37) "Manufacture" means the production, preparation,
4 propagation, compounding, conversion, or processing of a controlled
5 substance, either directly or indirectly or by extraction from
6 substances of natural origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical synthesis,
8 and includes any packaging or repackaging of the substance or
9 labeling or relabeling of its container. The term does not include
10 the preparation, compounding, packaging, repackaging, labeling, or
11 relabeling of a controlled substance:

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

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

19 ~~((33))~~ (38) "Narcotic drug" means any of the following, whether
20 produced directly or indirectly by extraction from substances of
21 vegetable origin, or independently by means of chemical synthesis, or
22 by a combination of extraction and chemical synthesis:

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

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

33 (c) Poppy straw and concentrate of poppy straw.

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

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

38 (f) Cocaine base.

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

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

3 ~~((34))~~ (39) "Opiate" means any substance having an addiction-
4 forming or addiction-sustaining liability similar to morphine or
5 being capable of conversion into a drug having addiction-forming or
6 addiction-sustaining liability. The term includes opium, substances
7 derived from opium (opium derivatives), and synthetic opiates. The
8 term does not include, unless specifically designated as controlled
9 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-
10 methylmorphinan and its salts (dextromethorphan). The term includes
11 the racemic and levorotatory forms of dextromethorphan.

12 ~~((35))~~ (40) "Opium poppy" means the plant of the species
13 Papaver somniferum L., except its seeds.

14 ~~((36))~~ (41) "Package" means a container that has a single unit
15 or group of units.

16 ~~((37))~~ (42) "Person" means individual, corporation, business
17 trust, estate, trust, partnership, association, joint venture,
18 government, governmental subdivision or agency, or any other legal or
19 commercial entity.

20 ~~((38))~~ (43) "Plant" has the meaning provided in RCW 69.51A.010.

21 ~~((39))~~ (44) "Poppy straw" means all parts, except the seeds, of
22 the opium poppy, after mowing.

23 ~~((40))~~ (45) "Practitioner" means:

24 (a) A physician under chapter 18.71 RCW; a physician assistant
25 under chapter 18.71A RCW; an osteopathic physician and surgeon under
26 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW
27 who is certified by the optometry board under RCW 18.53.010 subject
28 to any limitations in RCW 18.53.010; a dentist under chapter 18.32
29 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a
30 veterinarian under chapter 18.92 RCW; a registered nurse, advanced
31 practice registered nurse, or licensed practical nurse under chapter
32 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is
33 licensed under RCW 18.36A.030 subject to any limitations in RCW
34 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
35 investigator under this chapter, licensed, registered or otherwise
36 permitted insofar as is consistent with those licensing laws to
37 distribute, dispense, conduct research with respect to or administer
38 a controlled substance in the course of their professional practice
39 or research in this state.

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

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

16 ~~((41))~~ (46) "Preroll" means a consumable or smokable cannabis
17 product that consists of:

18 (a) A wrap or paper; and

19 (b) Dried cannabis flower, buds, or other plant material.

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

24 ~~((42))~~ (48) "Production" includes the manufacturing, planting,
25 cultivating, growing, or harvesting of a controlled substance.

26 ~~((43))~~ (49) "Qualifying patient" has the meaning provided in
27 RCW 69.51A.010.

28 ~~((44))~~ (50) "Recognition card" has the meaning provided in RCW
29 69.51A.010.

30 ~~((45))~~ (51) "Retail outlet" means a location licensed by the
31 board for the retail sale of cannabis concentrates, useable cannabis,
32 and cannabis-infused products.

33 ~~((46))~~ (52) "Secretary" means the secretary of health or the
34 secretary's designee.

35 ~~((47))~~ (53) "Social equity plan" means a plan that addresses at
36 least some of the elements outlined in this subsection ~~((47))~~,
37 along with any additional plan components or requirements approved by
38 the board following consultation with the task force created in RCW
39 69.50.336. The plan may include:

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

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

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

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

10 ~~((48))~~ (54) "State," unless the context otherwise requires,
11 means a state of the United States, the District of Columbia, the
12 Commonwealth of Puerto Rico, or a territory or insular possession
13 subject to the jurisdiction of the United States.

14 ~~((49))~~ (55) "THC concentration" means percent of
15 tetrahydrocannabinol content of any part of the plant *Cannabis*, or
16 per volume or weight of cannabis product, or the combined percent of
17 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of
18 the plant *Cannabis* regardless of moisture content.

19 ~~((50))~~ (56) "Ultimate user" means an individual who lawfully
20 possesses a controlled substance for the individual's own use or for
21 the use of a member of the individual's household or for
22 administering to an animal owned by the individual or by a member of
23 the individual's household.

24 ~~((51))~~ (57) "Unit" means an individual consumable item within a
25 package of one or more consumable items in solid, liquid, gas, or any
26 form intended for human consumption.

27 ~~((52))~~ (58) "Useable cannabis" means dried cannabis flowers.
28 The term "useable cannabis" does not include either cannabis-infused
29 products or cannabis concentrates.

30 ~~((53))~~ (59) "Youth access" means the level of interest persons
31 under the age of ~~((twenty-one))~~ 21 may have in a vapor product, as
32 well as the degree to which the product is available or appealing to
33 such persons, and the likelihood of initiation, use, or addiction by
34 adolescents and young adults.

35 **Sec. 3.** RCW 69.50.535 and 2024 c 79 s 1 are each amended to read
36 as follows:

37 (1)(a) There is levied and collected a cannabis excise tax
38 ~~((equal to thirty-seven percent of the selling price on each retail~~

1 ~~sale in this state of cannabis concentrates, useable cannabis, and~~
2 ~~cannabis-infused products.))~~ on each retail sale as follows:

3 (i) For usable cannabis and prerolls:

4 (A) For products weighing less than seven grams, \$2.50 per gram;

5 (B) For products weighing between seven grams and 13.9 grams,
6 \$2.25 per gram;

7 (C) For products weighing between 14 grams and 27.9 grams, \$2.00
8 per gram; and

9 (D) For products weighing 28 grams or more, \$1.50 per gram;

10 (ii) For cannabis trim:

11 (A) For products weighing less than seven grams, \$1 per gram;

12 (B) For products weighing between seven grams and 27.9 grams,
13 \$0.75 per gram; and

14 (C) For products weighing 28 grams or more, \$0.50 per gram;

15 (iii) For cannabis concentrates, \$0.01187 per mg of THC;

16 (iv) For cannabis edibles in solid form and topicals, \$0.07427
17 per mg of THC; and

18 (v) For cannabis edibles in liquid form, \$0.04051 per mg of THC.

19 (b) This tax is separate and in addition to general state and
20 local sales and use taxes that apply to retail sales of tangible
21 personal property, and is not part of the total retail price to which
22 general state and local sales and use taxes apply. The tax must be
23 separately itemized from the state and local retail sales tax on the
24 sales receipt provided to the buyer.

25 ~~((b))~~ (c) The tax levied in this section must be reflected in
26 the price list or quoted shelf price in the licensed cannabis retail
27 store and in any advertising that includes prices for all useable
28 cannabis, cannabis concentrates, or cannabis-infused products.

29 (2)(a) Until June 30, 2029, the tax levied by subsection (1) of
30 this section does not apply to sales by a cannabis retailer with a
31 medical cannabis endorsement to qualifying patients or designated
32 providers who have been issued a recognition card, of cannabis
33 concentrates, useable cannabis, or cannabis-infused products,
34 identified by the department as a compliant cannabis product in
35 chapter 246-70 WAC and tested to the standards in WAC 246-70-040.

36 (b) Each seller making exempt sales under this subsection (2)
37 must maintain information establishing eligibility for the exemption
38 in the form and manner required by the board.

1 (c) The board must provide a separate tax reporting line on the
2 excise tax form for exemption amounts claimed under this subsection
3 (2).

4 (3) All revenues collected from the cannabis excise tax imposed
5 under this section must be deposited each day in the dedicated
6 cannabis account.

7 (4) The tax imposed in this section must be paid by the buyer to
8 the seller. Each seller must collect from the buyer the full amount
9 of the tax payable on each taxable sale. The tax collected as
10 required by this section is deemed to be held in trust by the seller
11 until paid to the board. If any seller fails to collect the tax
12 imposed in this section or, having collected the tax, fails to pay it
13 as prescribed by the board, whether such failure is the result of the
14 seller's own acts or the result of acts or conditions beyond the
15 seller's control, the seller is, nevertheless, personally liable to
16 the state for the amount of the tax.

17 (5) The definitions in this subsection apply throughout this
18 section unless the context clearly requires otherwise.

19 (a) "Retail sale" has the same meaning as in RCW 82.08.010.

20 (b) "Selling price" has the same meaning as in RCW 82.08.010,
21 except that when product is sold under circumstances where the total
22 amount of consideration paid for the product is not indicative of its
23 true value, "selling price" means the true value of the product sold.

24 (c) "Product" means cannabis, cannabis concentrates, useable
25 cannabis, and cannabis-infused products.

26 (d) "True value" means market value based on sales at comparable
27 locations in this state of the same or similar product of like
28 quality and character sold under comparable conditions of sale to
29 comparable purchasers. However, in the absence of such sales of the
30 same or similar product, true value means the value of the product
31 sold as determined by all of the seller's direct and indirect costs
32 attributable to the product.

33 (6) ~~((a))~~ The board must regularly review the tax level
34 established under this section and make recommendations, in
35 consultation with the department of revenue, to the legislature as
36 appropriate regarding adjustments that would further the goal of
37 discouraging use while undercutting illegal market prices.

38 ~~((b) The board must report, in compliance with RCW 43.01.036, to~~
39 ~~the appropriate committees of the legislature every two years. The~~
40 ~~report at a minimum must include the following:~~

1 ~~(i) The specific recommendations required under (a) of this~~
2 ~~subsection;~~

3 ~~(ii) A comparison of gross sales and tax collections prior to and~~
4 ~~after any cannabis tax change;~~

5 ~~(iii) The increase or decrease in the volume of legal cannabis~~
6 ~~sold prior to and after any cannabis tax change;~~

7 ~~(iv) Increases or decreases in the number of licensed cannabis~~
8 ~~producers, processors, and retailers;~~

9 ~~(v) The number of illegal and noncompliant cannabis outlets the~~
10 ~~board requires to be closed;~~

11 ~~(vi) Gross cannabis sales and tax collections in Oregon; and~~

12 ~~(vii) The total amount of reported sales and use taxes exempted~~
13 ~~for qualifying patients. The department of revenue must provide the~~
14 ~~data of exempt amounts to the board.~~

15 ~~(c) The board is not required to report to the legislature as~~
16 ~~required in (b) of this subsection after January 1, 2025.)~~

17 (7) The legislature does not intend and does not authorize any
18 person or entity to engage in activities or to conspire to engage in
19 activities that would constitute per se violations of state and
20 federal antitrust laws including, but not limited to, agreements
21 among retailers as to the selling price of any goods sold.

22 **Sec. 4.** RCW 69.50.325 and 2025 c 250 s 1 are each amended to
23 read as follows:

24 (1) There shall be a cannabis producer's license regulated by the
25 board and subject to annual renewal. The licensee is authorized to
26 produce: (a) Cannabis for sale at wholesale to cannabis processors
27 and other cannabis producers; (b) immature plants or clones and seeds
28 for sale to cooperatives as described under RCW 69.51A.250; and (c)
29 immature plants or clones and seeds for sale to qualifying patients
30 and designated providers as provided under RCW 69.51A.310. The
31 production, possession, delivery, distribution, and sale of cannabis
32 in accordance with the provisions of this chapter and the rules
33 adopted to implement and enforce it, by a validly licensed cannabis
34 producer, shall not be a criminal or civil offense under Washington
35 state law. Every cannabis producer's license shall be issued in the
36 name of the applicant, shall specify the location at which the
37 cannabis producer intends to operate, which must be within the state
38 of Washington, and the holder thereof shall not allow any other
39 person to use the license. The application fee for a cannabis

1 producer's license shall be (~~two hundred fifty dollars~~) \$250. The
2 annual fee for issuance and renewal of a cannabis producer's license
3 shall be (~~one thousand three hundred eighty-one dollars~~) \$1,381. A
4 separate license shall be required for each location at which a
5 cannabis producer intends to produce cannabis.

6 (2) There shall be a cannabis processor's license to process,
7 package, and label cannabis concentrates, useable cannabis, and
8 cannabis-infused products, including cannabis products identified in
9 subsection (4) of this section, for sale at wholesale to cannabis
10 processors and cannabis retailers, regulated by the board and subject
11 to annual renewal. The processing, packaging, possession, delivery,
12 distribution, and sale of cannabis, useable cannabis, cannabis-
13 infused products, and cannabis concentrates in accordance with the
14 provisions of this chapter and chapter 69.51A RCW and the rules
15 adopted to implement and enforce these chapters, by a validly
16 licensed cannabis processor, shall not be a criminal or civil offense
17 under Washington state law. Every cannabis processor's license shall
18 be issued in the name of the applicant, shall specify the location at
19 which the licensee intends to operate, which must be within the state
20 of Washington, and the holder thereof shall not allow any other
21 person to use the license. The application fee for a cannabis
22 processor's license shall be (~~two hundred fifty dollars~~) \$250. The
23 annual fee for issuance and renewal of a cannabis processor's license
24 shall be (~~one thousand three hundred eighty-one dollars~~) \$1,381. A
25 separate license shall be required for each location at which a
26 cannabis processor intends to process cannabis.

27 (3)(a) There shall be a cannabis retailer's license to sell
28 cannabis concentrates, useable cannabis, and cannabis-infused
29 products, including cannabis products identified in subsection (4) of
30 this section, at retail in retail outlets, regulated by the board and
31 subject to annual renewal. The possession, delivery, distribution,
32 and sale of cannabis concentrates, useable cannabis, and cannabis-
33 infused products in accordance with the provisions of this chapter
34 and the rules adopted to implement and enforce it, by a validly
35 licensed cannabis retailer, shall not be a criminal or civil offense
36 under Washington state law. Every cannabis retailer's license shall
37 be issued in the name of the applicant, shall specify the location of
38 the retail outlet the licensee intends to operate, which must be
39 within the state of Washington, and the holder thereof shall not
40 allow any other person to use the license. The application fee for a

1 cannabis retailer's license shall be (~~two hundred fifty dollars~~)
2 \$250. The annual fee for issuance and renewal of a cannabis
3 retailer's license shall be (~~one thousand three hundred eighty one~~
4 ~~dollars~~) \$1,381. A separate license shall be required for each
5 location at which a cannabis retailer intends to sell cannabis
6 concentrates, useable cannabis, and cannabis-infused products.

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

11 (ii) A retail licensee and all other persons or entities with a
12 financial or other ownership interest may not enter into any
13 management agreement under RCW 69.50.331(1)(b)(iv) or any agreement
14 as referenced in RCW 69.50.395, whether or not in exchange for
15 payment, that confers a financial interest across more than five
16 retail cannabis licenses. For the purposes of this subsection,
17 "financial interest" includes, but is not limited to:

18 (A) Any sharing of profits or revenue;

19 (B) Any assistance, coordination, or recommendation for the
20 purchase of cannabis products whereupon pricing is coordinated or
21 discounted;

22 (C) The common use of intellectual property assets such as
23 branding, trade names, logos, social media accounts, or websites;

24 (D) Any operational control over the business or operational
25 support for typical day-to-day business operations, including core
26 business or executive functions of the retail cannabis license;

27 (E) Any sharing or coordination of marketing and advertising
28 efforts or expenses; and

29 (F) Any coordinated sharing of employment or hiring decisions,
30 including the shared employment of individuals.

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

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

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

1 (B) The board must require license forfeiture on or before
2 (~~twenty-four~~) 24 calendar months of license issuance if a cannabis
3 retailer is not fully operational and open to the public, unless the
4 board determines that circumstances out of the licensee's control are
5 preventing the licensee from becoming fully operational and that, in
6 the board's discretion, the circumstances warrant extending the
7 forfeiture period beyond (~~twenty-four~~) 24 calendar months.

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

10 (iv) This subsection (3)(c) applies to cannabis retailer's
11 licenses issued before and after July 23, 2017. However, no license
12 of a cannabis retailer that otherwise meets the conditions for
13 license forfeiture established pursuant to this subsection (3)(c) may
14 be subject to forfeiture within the first nine calendar months of
15 July 23, 2017.

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

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

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

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

29 (4) Among the types of cannabis products that licensed cannabis
30 producers, processors, and retailers may engage in licensed
31 activities with respect to include cannabis edibles in solid form,
32 cannabis edibles in liquid form, cannabis topicals, cannabis trim,
33 cannabis flower, and prerolls. This subsection does not grant new
34 authority to cannabis licensees or expand any authorization for any
35 person under this chapter. This subsection is intended to recognize
36 types of cannabis products included within existing categories of
37 cannabis products for purposes of applying the cannabis excise tax in
38 RCW 69.50.535.

1 NEW SECTION. **Sec. 5.** Section 1 of this act expires June 30,
2 2027.

3 NEW SECTION. **Sec. 6.** Section 2 of this act takes effect June
4 30, 2027.

--- **END** ---