

RCW 69.50.101 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) [(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:

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

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

(b) [(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.

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

(d) [(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.

(e) [(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 percent.

(f) [(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.

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

(h) (1) [(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.

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

(3) [(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.

(i) [(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.

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

(k) [(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 (d) [(4)] of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

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

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

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

(o) [(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.

(p) (1) [(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.

(2) [(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.

(q) [(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.

(r) [(18)] "Department" means the department of health.

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

(t) [(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.

(u) [(21)] "Dispenser" means a practitioner who dispenses.

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

(w) [(23)] "Distributor" means a person who distributes.

(x) [(24)] "Drug" means (1) [(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; (2) [(b)] controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) [(c)] controlled substances (other than food) intended to affect the

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

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

(z) [(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.

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

(bb) [(28)] "Immediate precursor" means a substance:

(1) [(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;

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

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

(cc) [(29)] "Isomer" means an optical isomer, but in subsection (gg) (5) [(33) (e)] of this section, RCW 69.50.204(a) (12) and (34) [(1) (l) and (hh)], and 69.50.206(b) (4) [(2) (d)], the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42) [(1) (h) and (pp)], and 69.50.210(c) [(3)] the term includes any positional isomer; and in RCW 69.50.204(a) (35) [(1) (ii)], 69.50.204(c) [(3)], and 69.50.208(a) [(1)] the term includes any positional or geometric isomer.

(dd) [(30)] "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.

(ee) [(31)] "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.

(ff) [(32)] "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:

(1) [(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

(2) [(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.

(gg) [(33)] "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:

(1) [(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.

(2) [(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.

(3) [(c)] Poppy straw and concentrate of poppy straw.

(4) [(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.

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

(6) [(f)] Cocaine base.

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

(8) [(h)] Any compound, mixture, or preparation containing any quantity of any substance referred to in (1) [(a)] through (7) [(g)] of this subsection.

(hh) [(34)] "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.

(ii) [(35)] "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(jj) [(36)] "Package" means a container that has a single unit or group of units.

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

(ll) [(38)] "Plant" has the meaning provided in RCW 69.51A.010.

(mm) [(39)] "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(nn) [(40)] "Practitioner" means:

(1) [(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.

(2) [(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.

(3) [(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 supervising physician, 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.

(oo) [(41)] "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.

(pp) [(42)] "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(qq) [(43)] "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(rr) [(44)] "Recognition card" has the meaning provided in RCW 69.51A.010.

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

(tt) [(46)] "Secretary" means the secretary of health or the secretary's designee.

(uu) [(47)] "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (uu) [(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:

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

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

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

(4) [(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.

(vv) [(48)] "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.

(ww) [(49)] "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.

(xx) [(50)] "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.

(yy) [(51)] "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.

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

(aaa) [(53)] "Youth access" means the level of interest persons under the age of twenty-one 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. [2023 c 365 § 2; 2023 c 220 § 6. Prior: 2022 c 16 § 51; prior: 2020 c 133 § 2; 2020 c 80 § 43; prior: 2019 c 394 § 9; 2019 c 158 § 12; 2019 c 55 § 11; prior: 2018 c 132 § 2; prior: 2017 c 317 § 5; 2017 c 212 § 11; 2017 c 153 § 1; prior: 2015 2nd sp.s. c 4 § 901; 2015 c 70 § 4; 2014 c 192 § 1; prior: 2013 c 276 § 2; 2013 c 116 § 1; 2013 c 12 § 2; prior: 2013 c 3 § 2 (Initiative Measure No. 502, approved November 6, 2012); 2012 c 8 § 1; 2010 c 177 § 1; 2003 c 142 § 4; 1998 c 222 § 3; 1996 c 178 § 18; 1994 sp.s. c 9 § 739; 1993 c 187 § 1; prior: 1990 c 248 § 1; 1990 c 219 § 3; 1990 c 196 § 8; 1989 1st ex.s. c 9 § 429; 1987 c 144 § 2; 1986 c 124 § 1; 1984 c 153 § 18; 1980 c 71 § 2; 1973 2nd ex.s. c 38 § 1; 1971 ex.s. c 308 § 69.50.101.]

Reviser's note: (1) The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

(2) This section was amended by 2023 c 220 § 6 and by 2023 c 365 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Construction—2023 c 365: See note following RCW 69.50.326.

Effective date—2022 c 16 §§ 7, 51, and 116: "Sections 7, 51, and 116 of this act take effect July 1, 2022." [2022 c 16 § 170.]

Intent—Finding—2022 c 16: "It is the intent of the legislature to make technical changes to replace the term "marijuana" with "cannabis" throughout the Revised Code of Washington. The legislature finds that the use of the term "marijuana" in the United States has discriminatory origins and should be replaced with the more scientifically accurate term "cannabis." This act is technical in nature and no substantive legal changes are intended or implied." [2022 c 16 § 1.]

Findings—Effective date—2020 c 133: See notes following RCW 69.50.342.

Effective date—2020 c 80 §§ 12-59: See note following RCW 7.68.030.

Intent—2020 c 80: See note following RCW 18.71A.010.

Findings—2019 c 394: See note following RCW 69.50.563.

Effective date—2019 c 158: See RCW 15.140.900.

Findings—Application—2017 c 317: See notes following RCW 69.50.325.

Findings—Intent—Effective dates—2015 2nd sp.s. c 4: See notes following RCW 69.50.334.

Short title—Findings—Intent—References to Washington state liquor control board—Draft legislation—2015 c 70: See notes following RCW 66.08.012.

Effective date—2013 c 116: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 1, 2013]." [2013 c 116 § 2.]

Intent—2013 c 3 (Initiative Measure No. 502): "The people intend to stop treating adult marijuana [cannabis] use as a crime and try a new approach that:

(1) Allows law enforcement resources to be focused on violent and property crimes;

(2) Generates new state and local tax revenue for education, health care, research, and substance abuse prevention; and

(3) Takes marijuana [cannabis] out of the hands of illegal drug organizations and brings it under a tightly regulated, state-licensed system similar to that for controlling hard alcohol.

This measure authorizes the state liquor control board to regulate and tax marijuana [cannabis] for persons twenty-one years of age and older, and add a new threshold for driving under the influence of marijuana [cannabis]." [2013 c 3 § 1 (Initiative Measure No. 502, approved November 6, 2012).]

Severability—2003 c 142: See note following RCW 18.53.010.

Effective date—1996 c 178: See note following RCW 18.35.110.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

Finding—1990 c 219: See note following RCW 69.41.030.

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability—1973 2nd ex.s. c 38: "If any of the provisions of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the amendatory act, or the application of the provision to other persons or circumstances, or the act prior to its amendment is not affected." [1973 2nd ex.s. c 38 § 3.]