

SHB 2304 - H AMD 759

By Representative Moscoso

ADOPTED 03/13/2014

1 On page 1, after line 4, insert the following:

2 "Sec. 1. RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are
3 each reenacted and amended to read as follows:

4 Unless the context clearly requires otherwise, definitions of terms
5 shall be as indicated where used in this chapter:

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

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

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

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

17 (c) (~~("Board")~~) "Commission" means the (~~(state board of)~~) pharmacy
18 quality assurance commission.

19 (d) "Controlled substance" means a drug, substance, or immediate
20 precursor included in Schedules I through V as set forth in federal or
21 state laws, or federal or (~~board~~) commission rules.

22 (e)(1) "Controlled substance analog" means a substance the chemical
23 structure of which is substantially similar to the chemical structure
24 of a controlled substance in Schedule I or II and:

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

29 (ii) with respect to a particular individual, that the individual
30 represents or intends to have a stimulant, depressant, or

1 hallucinogenic effect on the central nervous system substantially
2 similar to the stimulant, depressant, or hallucinogenic effect on the
3 central nervous system of a controlled substance included in Schedule
4 I or II.

5 (2) The term does not include:

6 (i) a controlled substance;

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

9 (iii) a substance with respect to which an exemption is in effect
10 for investigational use by a particular person under Section 505 of the
11 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
12 conduct with respect to the substance is pursuant to the exemption; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (p) "Isomer" means an optical isomer, but in subsection (~~(y)~~)
19 (z)(5) of this section, RCW 69.50.204(a) (12) and (34), and
20 69.50.206(b)(4), the term includes any geometrical isomer; in RCW
21 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any
22 positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and
23 69.50.208(a) the term includes any positional or geometric isomer.

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

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

32 (s) "Manufacture" means the production, preparation, propagation,
33 compounding, conversion, or processing of a controlled substance,
34 either directly or indirectly or by extraction from substances of
35 natural origin, or independently by means of chemical synthesis, or by
36 a combination of extraction and chemical synthesis, and includes any
37 packaging or repackaging of the substance or labeling or relabeling of

1 its container. The term does not include the preparation, compounding,
2 packaging, repackaging, labeling, or relabeling of a controlled
3 substance:

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

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

10 (t) "Marijuana" or "marihuana" means all parts of the plant
11 Cannabis, whether growing or not, with a THC concentration greater than
12 0.3 percent on a dry weight basis; the seeds thereof; the resin
13 extracted from any part of the plant; and every compound, manufacture,
14 salt, derivative, mixture, or preparation of the plant, its seeds or
15 resin. The term does not include the mature stalks of the plant, fiber
16 produced from the stalks, oil or cake made from the seeds of the plant,
17 any other compound, manufacture, salt, derivative, mixture, or
18 preparation of the mature stalks (except the resin extracted
19 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
20 which is incapable of germination.

21 (u) "Marijuana concentrates" means products consisting wholly or in
22 part of the resin extracted from any part of the plant Cannabis and
23 having a THC concentration greater than sixty percent.

24 (v) "Marijuana processor" means a person licensed by the state
25 liquor control board to process marijuana into useable marijuana and
26 marijuana-infused products, package and label useable marijuana and
27 marijuana-infused products for sale in retail outlets, and sell useable
28 marijuana and marijuana-infused products at wholesale to marijuana
29 retailers.

30 ((+v)) (w) "Marijuana producer" means a person licensed by the
31 state liquor control board to produce and sell marijuana at wholesale
32 to marijuana processors and other marijuana producers.

33 ((+w)) (x) "Marijuana-infused products" means products that
34 contain marijuana or marijuana extracts ((and)) are intended for human
35 use, and have a THC concentration greater than 0.3 percent and no
36 greater than sixty percent. The term "marijuana-infused products" does
37 not include either useable marijuana or marijuana concentrates.

1 (~~(x)~~) (y) "Marijuana retailer" means a person licensed by the
2 state liquor control board to sell useable marijuana and marijuana-
3 infused products in a retail outlet.

4 (~~(y)~~) (z) "Narcotic drug" means any of the following, whether
5 produced directly or indirectly by extraction from substances of
6 vegetable origin, or independently by means of chemical synthesis, or
7 by a combination of extraction and chemical synthesis:

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

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

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

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

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

22 (6) Cocaine base.

23 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
24 thereof.

25 (8) Any compound, mixture, or preparation containing any quantity
26 of any substance referred to in subparagraphs (1) through (7).

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

36 (~~(aa)~~) (bb) "Opium poppy" means the plant of the species *Papaver*
37 *somniferum* L., except its seeds.

1 (~~(bb)~~) (cc) "Person" means individual, corporation, business
2 trust, estate, trust, partnership, association, joint venture,
3 government, governmental subdivision or agency, or any other legal or
4 commercial entity.

5 (~~(ee)~~) (dd) "Poppy straw" means all parts, except the seeds, of
6 the opium poppy, after mowing.

7 (~~(dd)~~) (ee) "Practitioner" means:

8 (1) A physician under chapter 18.71 RCW; a physician assistant
9 under chapter 18.71A RCW; an osteopathic physician and surgeon under
10 chapter 18.57 RCW; an osteopathic physician assistant under chapter
11 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
12 limitations in RCW 18.57A.040; an optometrist licensed under chapter
13 18.53 RCW who is certified by the optometry board under RCW 18.53.010
14 subject to any limitations in RCW 18.53.010; a dentist under chapter
15 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
16 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
17 registered nurse practitioner, or licensed practical nurse under
18 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
19 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
20 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
21 investigator under this chapter, licensed, registered or otherwise
22 permitted insofar as is consistent with those licensing laws to
23 distribute, dispense, conduct research with respect to or administer a
24 controlled substance in the course of their professional practice or
25 research in this state.

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

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

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

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

8 ~~((+ff))~~ (gg) "Production" includes the manufacturing, planting,
9 cultivating, growing, or harvesting of a controlled substance.

10 ~~((+gg))~~ (hh) "Retail outlet" means a location licensed by the
11 state liquor control board for the retail sale of useable marijuana and
12 marijuana-infused products.

13 ~~((+hh))~~ (ii) "Secretary" means the secretary of health or the
14 secretary's designee.

15 ~~((+ii))~~ (jj) "State," unless the context otherwise requires, means
16 a state of the United States, the District of Columbia, the
17 Commonwealth of Puerto Rico, or a territory or insular possession
18 subject to the jurisdiction of the United States.

19 ~~((+jj))~~ (kk) "THC concentration" means percent of delta-9
20 tetrahydrocannabinol content per dry weight of any part of the plant
21 *Cannabis*, or per volume or weight of marijuana product, or the combined
22 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid
23 in any part of the plant *Cannabis* regardless of moisture content.

24 ~~((+kk))~~ (ll) "Ultimate user" means an individual who lawfully
25 possesses a controlled substance for the individual's own use or for
26 the use of a member of the individual's household or for administering
27 to an animal owned by the individual or by a member of the individual's
28 household.

29 ~~((+ll))~~ (mm) "Useable marijuana" means dried marijuana flowers.
30 The term "useable marijuana" does not include either marijuana-infused
31 products or marijuana concentrates."

32 Renumber the remaining sections consecutively and correct any
33 internal references accordingly.

34 On page 2, line 6, after "marijuana" insert "concentrates"

- 1 On page 2, line 10, after "useable marijuana," strike "and" and
2 insert "((~~and~~))"
- 3 On page 2, line 11, after "products" insert ", and marijuana
4 concentrates"
- 5 On page 2, line 24, after "marijuana" insert "concentrates"
- 6 On page 2, line 27, after "marijuana" insert "concentrates"
- 7 On page 3, line 2, after "marijuana" insert "concentrates"
- 8 On page 3, line 9, after "marijuana" insert "concentrates"
- 9 On page 3, line 10, after "marijuana" insert "concentrates"
- 10 On page 3, line 19, after "marijuana" insert "concentrates"
- 11 On page 3, line 20, after "marijuana" insert "concentrates"
- 12 On page 4, line 1, after "marijuana" insert "concentrates"
- 13 On page 4, line 14, after "marijuana" insert "concentrates"
- 14 On page 4, line 18, after "marijuana" insert "concentrates"
- 15 On page 4, line 23, after "marijuana" insert "concentrates"
- 16 On page 4, line 31, after "of" strike "extract product" and insert
17 "marijuana concentrate"
- 18 On page 8, line 20, after "marijuana" insert "concentrates"
- 19 On page 8, line 26, after "marijuana" insert "concentrates"
- 20 Correct the title.

EFFECT: Defines "marijuana concentrates" as resin extracted from

a Cannabis plant with a high THC concentration (in contrast to "marijuana," which is defined to include the entire Cannabis plant and components thereof). Replaces "marijuana" with "marijuana concentrates" in sections authorizing marijuana processor and retailer licensees to possess, process, and sell marijuana concentrates, and incorporates sales of marijuana concentrates into the existing excise tax framework. Sets the maximum quantity of marijuana concentrates a retailer may sell and a person over 21 years old may possess at seven grams.

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