

SSB 5012 - H COMM AMD

By Committee on Commerce & Gaming

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that hemp has been
4 continuously cultivated for millennia, is accepted and available in
5 the global marketplace, and has numerous beneficial, practical, and
6 economic uses, including, but not limited to: High strength fiber;
7 textiles; clothing; biofuel; paper products; protein rich food
8 containing fatty acids and amino acids; biodegradable plastics;
9 resins; nontoxic medicinal and cosmetic products; construction
10 materials; rope; and value-added crafts.

11 The many beneficial agricultural and environmental uses of hemp
12 include, but are not limited to: Livestock feed and bedding; carbon
13 dioxide absorption and conversion; stream buffering; erosion control;
14 water and soil purification; and weed control.

15 The hemp plant is an annual herbaceous plant that, on average,
16 varies in height from three to nineteen feet and has a stem diameter
17 averaging between one-quarter to one and one-half inches. The hemp
18 plant is morphologically distinctive and readily identifiable as an
19 agricultural crop grown for the cultivation and harvesting of its
20 fiber and seed.

21 The agricultural act of 2014, known as the farm bill, passed by
22 congress last year, authorizes the growing of hemp by institutions of
23 higher learning and state departments of agriculture for academic or
24 agricultural research purposes, but only in those states that have
25 already legalized hemp production. At least eight states have passed
26 legislation generally authorizing the production and marketing of
27 industrial hemp and eleven others have authorized either hemp pilot
28 studies or the production of hemp for agricultural research purposes,
29 or both.

30 Hemp cultivation will enable the state of Washington to
31 accelerate economic growth and job creation, promote environmental
32 stewardship, and expand export opportunities.

33 Therefore, it is the intent of the legislature to legalize the
34 agricultural production of industrial hemp and provide a regulatory

1 framework that will ensure the security and safety of hemp crops
2 while at the same time facilitate the ability of Washington farmers
3 to successfully compete in the global hemp marketplace.

4 NEW SECTION. **Sec. 2.** (1) Industrial hemp is an agricultural
5 product that may be legally grown, produced, possessed, processed,
6 and commercially traded in accordance with the provisions of this
7 chapter. Interstate and international commercial transactions may be
8 conducted by state licensed industrial hemp producers and processors
9 with respect to industrial hemp and industrial hemp products produced
10 in this state by licensees. The department is granted the rule-making
11 authority necessary to implement the provisions of this chapter.

12 (2) The department is authorized to adopt rules addressing the
13 prevention of cross-pollination between industrial hemp plants and
14 marijuana plants. Any rule making regarding this issue must be done
15 in consultation with the state liquor control board in order to
16 ensure consistency between the rules developed by the department and
17 the state liquor control board, respectively, relating to cross-
18 pollination issues potentially affecting licensees under this chapter
19 and chapter 69.50 RCW.

20 NEW SECTION. **Sec. 3.** The definitions in this section apply
21 throughout this chapter unless the context clearly requires
22 otherwise.

23 (1) "Cultivar" means a variation of genera *Cannabis* that has been
24 developed through cultivation by selective breeding.

25 (2) "Department" means the Washington state department of
26 agriculture.

27 (3) "Grower" means any person or entity growing industrial hemp
28 and being duly licensed in accordance with the provisions of this
29 chapter.

30 (4) "Hemp products" include all products made from industrial
31 hemp including, but not limited to, cloth, cordage, fiber, food,
32 fuel, paint, paper, building materials, plastics, seed, livestock
33 feed, seed meal, seed oil intended for consumption, seed certified
34 for cultivation, or any other hemp product derived from industrial
35 hemp, provided the product is derived from seeds originating from
36 industrial hemp cultivars approved by the department in accordance
37 with the provisions of this chapter.

1 (5) "Industrial hemp" means all parts and varieties of the genera
2 *Cannabis*, cultivated or possessed by a grower, whether growing or
3 not, that contain a tetrahydrocannabinol concentration of 0.3 percent
4 or less by dry weight, except that the THC concentration limit of 0.3
5 percent may be exceeded with respect to seeds used for licensed
6 industrial hemp research conducted in accordance with the
7 requirements of sections 8 and 10 of this act. Industrial hemp does
8 not include plants of the genera *Cannabis* that meet the definition of
9 "marijuana" under RCW 69.50.101.

10 (6) "THC" or "tetrahydrocannabinol" means the component delta-9-
11 tetrahydrocannabinol contained in the genera *Cannabis*, or in the
12 resinous extractives of the genera *Cannabis*, or the synthetic
13 substances, derivatives, and their isomers with similar chemical
14 structure and pharmacological activity.

15 (7) "THC concentration" means percent of total THC, which is the
16 percent of delta-9 tetrahydrocannabinol in any part of the genera
17 *Cannabis*, regardless of moisture content.

18 NEW SECTION. **Sec. 4.** (1) The department shall administer and
19 enforce the provisions of this chapter.

20 (2) The department is authorized to investigate compliance with
21 this chapter, and have access, subject to the provisions of
22 subsection (3) of this section, to all land, buildings, or places
23 where industrial hemp is grown, kept, stored, or handled, and to all
24 records relating to hemp production. The department may make copies
25 of the records.

26 (3) The department may access properties and records specified in
27 subsection (2) of this section during regular business hours upon the
28 consent of the grower or when the department has probable cause to
29 believe that any grower licensed under this chapter is otherwise in
30 violation of this chapter or rules adopted under it.

31 NEW SECTION. **Sec. 5.** (1) Any person or entity wishing to engage
32 in the production of industrial hemp must be licensed as an
33 industrial hemp grower by the department. A department-issued license
34 authorizes industrial hemp production only at the site or sites
35 specified by the licensee in the licensee's license application.

36 (2) In order to obtain a license, a prospective licensee must
37 file an application with the department. The department must make a
38 determination to either grant or deny a license within sixty days of

1 receipt of the application. A department-issued license is valid for
2 thirty-six months and may be renewed, but may not be transferred.

3 (3) To qualify for a license, an applicant shall demonstrate to
4 the satisfaction of the department, in a manner prescribed by the
5 department, that the applicant intends to and is capable of growing
6 industrial hemp and has adopted methods to ensure its safe
7 production, which at a minimum include:

8 (a) Securing the supply of all industrial hemp seed obtained for
9 planting in compliance with this chapter;

10 (b) Ensuring the integrity of the industrial hemp crop while it
11 is in the field, which includes filing with the department the
12 location and acreage of all parcels sown and other field reference
13 information as may be required by the director;

14 (c) Agreeing to the provisions of section 4 of this act regarding
15 inspections and records requests by the department; and

16 (d) Maintaining records that reflect compliance with the
17 provisions of this chapter and with all other state law regulating
18 the planting and cultivation of hemp.

19 (4)(a) Except as provided in (b) of this subsection, all licensed
20 growers must maintain all production records for at least three years
21 at the production site.

22 (b) Licensed growers who are corporate entities must maintain
23 production records for at least three years either at the production
24 site or at a corporate office located within the state.

25 (5) Every grower shall place signs at the natural access points
26 of industrial hemp fields that communicate, at a minimum, that the
27 crop is industrial hemp and that the THC content is insignificant.
28 The minimum length of the signs is twenty-four inches and the minimum
29 height is eighteen inches.

30 NEW SECTION. **Sec. 6.** (1) The department may deny, suspend,

31 revoke, or refuse to renew the license of any grower that:

32 (a) Makes a false statement or misrepresentation on an
33 application for a license or renewal of a license;

34 (b) Fails to comply with or violates any provision of this
35 chapter or any rule adopted under it; or

36 (c) Fails to take any action required by the department under the
37 provisions of this chapter.

1 (2) Revocation or suspension of a license may be in addition to
2 any criminal penalties or fines imposed on a grower under other state
3 law.

4 NEW SECTION. **Sec. 7.** (1) The department shall charge an annual
5 fee for each license granted to a grower under this chapter. The fee
6 amount charged for the first growing season after the effective date
7 of this section is thirty dollars per acre of land under cultivation.
8 After the first growing season, the department shall adopt by rule a
9 fee sufficient to fully fund and administer the program, to be used
10 beginning with the growing season following the first growing season.
11 All fee revenue must be deposited in the dedicated industrial hemp
12 account created in section 12 of this act.

13 (2) After the third growing season, the department shall report
14 to the legislature on the fee amount, the acres of industrial hemp in
15 production, and the revenue generated from industrial hemp.

16 NEW SECTION. **Sec. 8.** (1) The industrial hemp authorized for
17 production under this chapter must be propagated through certified,
18 conventionally bred pedigreed seeds as determined by the department
19 through its rule-making authority. Except when grown by an accredited
20 agricultural research institution or by a registered seed breeder
21 developing a new Washington seed cultivar, industrial hemp must be
22 grown only from seed types identified on a list of approved seed
23 cultivars to be established by the department by rule.

24 (2) The following varieties of seed cultivars are approved by the
25 department for industrial hemp production and are exempt from the THC
26 testing required under section 9 of this act: Alyssa; Anka; CFX-1;
27 CFX-2; Delores; X-59 (Hemp Nut); Crag; CRS-1; USO 14; USO 31; and
28 Zolotonosha 11.

29 (3) The following varieties of seed cultivars are approved by the
30 department for industrial hemp production but must undergo THC
31 testing as required under section 9 of this act unless and until such
32 time as the department determines they are exempt from THC testing:
33 Canda; CanMa; Carmagnola; Carmen; CS; Deni; Epsilon 68; ESTA-1;
34 Fasamo; Fedrina 74; Fedura 17; Felina 34; Ferimon; Fibranova;
35 Fibriko; Fibrimon 24; Fibrimon 56; Finola; Futura 75; Joey; Jutta;
36 Komplti; Kompolti Hybrid TC; Kompolti Sargaszaru; Lovrin 110; Petera;
37 Santhica 27; Silesia; UC-RGM; Uniko B; Yvonne; and Zolotonosha 15.

1 (4) In addition to those approved cultivars identified in
2 subsections (2) and (3) of this section, the department must
3 determine and adopt by rule a list of approved seed cultivars. In
4 establishing the list of department-approved seed cultivars, the
5 department should consider the following:

6 (a) Industrial hemp seed cultivars that have been certified by or
7 after January 1, 2013, by member organizations of the association of
8 official seed certifying agencies, including, but not limited to, the
9 Canadian seed growers' association; and

10 (b) Industrial hemp seed cultivars that have been certified by or
11 after January 1, 2013, by the organization of economic cooperation
12 and development.

13 (5) Industrial hemp seeds are subject to the provisions and
14 requirements of RCW 15.49.370, which establishes the general
15 regulatory authority of the department with respect to agricultural
16 seeds. Pursuant to this authority, the department may sample,
17 inspect, analyze, and generally regulate the industrial hemp seeds
18 used by licensed growers in this state. The department may also
19 charge fees and special assessments to licensed growers, as
20 established by rule, related to the inspection, testing, and
21 certification of industrial hemp seeds.

22 (6) For the purposes of this section and RCW 15.49.370,
23 industrial hemp seed samples collected for inspection and testing
24 purposes must be directly taken into the custody of an authorized
25 employee of the department. Following collection, the department
26 employee must package and transport the seeds in a manner that
27 ensures that the integrity of the sample is maintained until delivery
28 to the testing facility.

29 (7) The department is not responsible for:

30 (a) Determining whether a specific hemp product has been derived
31 from approved industrial hemp cultivars; or

32 (b) Taking any enforcement action requiring the determination of
33 whether a hemp product has been derived from approved industrial hemp
34 cultivars.

35 NEW SECTION. **Sec. 9.** (1) Industrial hemp growers are required
36 to annually submit plant samples to an independent, department-
37 certified testing laboratory for the testing of THC levels in
38 accordance with the requirements of this chapter. The annual test
39 results must be retained by the grower for a period of three years.

1 The samples must be from each noncontiguous, individually
2 identifiable field, regardless of size, that is owned or controlled
3 by the grower. The costs of the testing must be borne by the producer
4 and the test results must be provided to the department by either the
5 laboratory or the grower, or both, at the request of the department.
6 The department has discretionary authority to require random testing
7 at any time.

8 (2) The department may exempt a grower from the annual testing
9 requirement established under this section if the annual test results
10 of the hemp varieties grown by that producer prove to contain 0.3
11 percent THC or less for three consecutive years.

12 (3) The department shall adopt by rule the criteria for the
13 certification of a testing laboratory and the testing standards and
14 processes to be used by a laboratory under this section.

15 NEW SECTION. **Sec. 10.** (1) Subject to receiving federal or
16 private funds for this purpose, Washington State University shall
17 study the feasibility and desirability of industrial hemp production
18 in Washington state. In conducting the study, Washington State
19 University shall gather information from agricultural and scientific
20 literature, consulting with experts and the public, and reviewing the
21 best practices of other states and countries worldwide regarding the
22 development of markets for industrial hemp and hemp products. The
23 study must include an analysis of:

24 (a) The market economic conditions affecting the development of
25 an industrial hemp industry in the state;

26 (b) The estimated value-added benefit that Washington's economy
27 would obtain from having a developed industrial hemp industry in the
28 state;

29 (c) Whether Washington soils and growing conditions are
30 appropriate for economically viable levels of industrial hemp
31 production;

32 (d) Issues related to the potential for cross-pollination between
33 industrial hemp plants and marijuana plants;

34 (e) The threat posed to industrial hemp by agricultural pests and
35 diseases and the potential remedies for these agricultural threats;

36 (f) Any potential threat to the state's hop industry posed by the
37 agricultural production of industrial hemp and methods that might be
38 used to mitigate such threat;

1 (g) The agronomy research being conducted worldwide relating to
2 industrial hemp varieties, production, and use; and

3 (h) Other legislative acts, experiences, and outcomes around the
4 world regarding industrial hemp production.

5 (2)(a) Washington State University shall report its findings to
6 the legislature by January 14, 2016.

7 (b) The report must include recommendations for any legislative
8 actions necessary to encourage and support the development of an
9 industrial hemp industry in the state of Washington.

10 (3) This section expires August 1, 2016.

11 NEW SECTION. **Sec. 11.** Raw hemp seeds intended for human
12 consumption may not be sold to the public at retail unless the
13 processing of the seeds includes heating sufficient to kill the seed
14 so as to ensure that the seed is incapable of germination. This
15 requirement does not apply to retail sales of raw hemp seeds that
16 have had the hulls removed.

17 NEW SECTION. **Sec. 12.** The dedicated industrial hemp account is
18 created in the custody of the state treasurer. All receipts from
19 license fees, seed testing fees and assessments, penalties,
20 forfeitures, and all other moneys, income, or revenue received by the
21 department from industrial hemp-related activities must be deposited
22 into the account. Expenditures from the account may be used only for
23 the purposes of this chapter in order to defray the costs of
24 activities and expenditures related to the regulation of industrial
25 hemp. Only the director of the department or the director's designee
26 may authorize expenditures from the account. The account is subject
27 to allotment procedures under chapter 43.88 RCW, but an appropriation
28 is not required for expenditures.

29 NEW SECTION. **Sec. 13.** By January 15th of each year, the
30 department must report to the relevant committees of the legislature
31 with jurisdiction over agricultural activities regarding
32 implementation of this chapter and on the commercialization of
33 industrial hemp in this state and elsewhere in the world, and
34 recommend any changes to this chapter deemed appropriate.

35 **Sec. 14.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to
36 read as follows:

1 The state liquor control board, subject to the provisions of
2 chapter 3, Laws of 2013, must adopt rules (~~by December 1, 2013,~~)
3 that establish the procedures and criteria necessary to implement the
4 following:

5 (1) Licensing of marijuana producers, marijuana processors, and
6 marijuana retailers, including prescribing forms and establishing
7 application, reinstatement, and renewal fees;

8 (2) Determining, in consultation with the office of financial
9 management, the maximum number of retail outlets that may be licensed
10 in each county, taking into consideration:

11 (a) Population distribution;

12 (b) Security and safety issues; and

13 (c) The provision of adequate access to licensed sources of
14 useable marijuana and marijuana-infused products to discourage
15 purchases from the illegal market;

16 (3) Determining the maximum quantity of marijuana a marijuana
17 producer may have on the premises of a licensed location at any time
18 without violating Washington state law;

19 (4) Determining the maximum quantities of marijuana, useable
20 marijuana, and marijuana-infused products a marijuana processor may
21 have on the premises of a licensed location at any time without
22 violating Washington state law;

23 (5) Determining the maximum quantities of useable marijuana and
24 marijuana-infused products a marijuana retailer may have on the
25 premises of a retail outlet at any time without violating Washington
26 state law;

27 (6) In making the determinations required by subsections (3)
28 through (5) of this section, the state liquor control board shall
29 take into consideration:

30 (a) Security and safety issues;

31 (b) The provision of adequate access to licensed sources of
32 marijuana, useable marijuana, and marijuana-infused products to
33 discourage purchases from the illegal market; and

34 (c) Economies of scale, and their impact on licensees' ability to
35 both comply with regulatory requirements and undercut illegal market
36 prices;

37 (7) Determining the nature, form, and capacity of all containers
38 to be used by licensees to contain marijuana, useable marijuana, and
39 marijuana-infused products, and their labeling requirements, to
40 include but not be limited to:

1 (a) The business or trade name and Washington state unified
2 business identifier number of the licensees that grew, processed, and
3 sold the marijuana, useable marijuana, or marijuana-infused product;

4 (b) Lot numbers of the marijuana, useable marijuana, or
5 marijuana-infused product;

6 (c) THC concentration of the marijuana, useable marijuana, or
7 marijuana-infused product;

8 (d) Medically and scientifically accurate information about the
9 health and safety risks posed by marijuana use; and

10 (e) Language required by RCW 69.04.480;

11 (8) In consultation with the department of agriculture,
12 establishing classes of marijuana, useable marijuana, and marijuana-
13 infused products according to grade, condition, cannabinoid profile,
14 THC concentration, or other qualitative measurements deemed
15 appropriate by the state liquor control board;

16 (9) Addressing issues relating to the prevention of cross-
17 pollination between industrial hemp plants and marijuana plants. Any
18 rule making on this issue must be done in consultation with the
19 department of agriculture in order to ensure consistency between the
20 rules developed by the department of agriculture and the state liquor
21 control board, respectively, related to cross-pollination issues
22 potentially affecting licensees under this chapter and chapter 15.--
23 RCW (the new chapter created in section 17 of this act);

24 (10) Establishing reasonable time, place, and manner restrictions
25 and requirements regarding advertising of marijuana, useable
26 marijuana, and marijuana-infused products that are not inconsistent
27 with the provisions of chapter 3, Laws of 2013, taking into
28 consideration:

29 (a) Federal laws relating to marijuana that are applicable within
30 Washington state;

31 (b) Minimizing exposure of people under twenty-one years of age
32 to the advertising; and

33 (c) The inclusion of medically and scientifically accurate
34 information about the health and safety risks posed by marijuana use
35 in the advertising;

36 ((+10)) (11) Specifying and regulating the time and periods
37 when, and the manner, methods, and means by which, licensees shall
38 transport and deliver marijuana, useable marijuana, and marijuana-
39 infused products within the state;

1 (~~(11)~~) (12) In consultation with the department and the
2 department of agriculture, establishing accreditation requirements
3 for testing laboratories used by licensees to demonstrate compliance
4 with standards adopted by the state liquor control board, and
5 prescribing methods of producing, processing, and packaging
6 marijuana, useable marijuana, and marijuana-infused products;
7 conditions of sanitation; and standards of ingredients, quality, and
8 identity of marijuana, useable marijuana, and marijuana-infused
9 products produced, processed, packaged, or sold by licensees;

10 (~~(12)~~) (13) Specifying procedures for identifying, seizing,
11 confiscating, destroying, and donating to law enforcement for
12 training purposes all marijuana, useable marijuana, and marijuana-
13 infused products produced, processed, packaged, labeled, or offered
14 for sale in this state that do not conform in all respects to the
15 standards prescribed by chapter 3, Laws of 2013 or the rules of the
16 state liquor control board.

17 **Sec. 15.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
18 read as follows:

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

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

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

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

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

32 (c) "Commission" means the pharmacy quality assurance commission.

33 (d) "Controlled substance" means a drug, substance, or immediate
34 precursor included in Schedules I through V as set forth in federal
35 or state laws, or federal or commission rules.

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

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

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

11 (2) The term does not include:

12 (i) a controlled substance;

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

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

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

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

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

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

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

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

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

36 (l) "Drug" means (1) a controlled substance recognized as a drug
37 in the official United States pharmacopoeia/national formulary or the
38 official homeopathic pharmacopoeia of the United States, or any
39 supplement to them; (2) controlled substances intended for use in the
40 diagnosis, cure, mitigation, treatment, or prevention of disease in

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

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

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

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

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

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

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

23 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of
24 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
25 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
26 (42), and 69.50.210(c) the term includes any positional isomer; and
27 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
28 includes any positional or geometric isomer.

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

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

37 (s) "Manufacture" means the production, preparation, propagation,
38 compounding, conversion, or processing of a controlled substance,
39 either directly or indirectly or by extraction from substances of
40 natural origin, or independently by means of chemical synthesis, or

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

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

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

13 (t) "Marijuana" or "marihuana" means all parts of the plant
14 Cannabis, whether growing or not, with a THC concentration greater
15 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
16 extracted from any part of the plant; and every compound,
17 manufacture, salt, derivative, mixture, or preparation of the plant,
18 its seeds or resin. The term does not include industrial hemp, as
19 defined in section 3 of this act, seeds used for licensed industrial
20 hemp research under sections 8 and 10 of this act, the mature stalks
21 of the plant, fiber produced from the stalks, oil or cake made from
22 the seeds of the plant, any other compound, manufacture, salt,
23 derivative, mixture, or preparation of the mature stalks (except the
24 resin extracted therefrom), fiber, oil, or cake, or the sterilized
25 seed of the plant which is incapable of germination.

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

29 (v) "Marijuana processor" means a person licensed by the state
30 liquor control board to process marijuana into useable marijuana and
31 marijuana-infused products, package and label useable marijuana and
32 marijuana-infused products for sale in retail outlets, and sell
33 useable marijuana and marijuana-infused products at wholesale to
34 marijuana retailers.

35 (w) "Marijuana producer" means a person licensed by the state
36 liquor control board to produce and sell marijuana at wholesale to
37 marijuana processors and other marijuana producers.

38 (x) "Marijuana-infused products" means products that contain
39 marijuana or marijuana extracts, are intended for human use, and have
40 a THC concentration greater than 0.3 percent and no greater than

1 sixty percent. The term "marijuana-infused products" does not include
2 either useable marijuana or marijuana concentrates.

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

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

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

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

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

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

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

25 (6) Cocaine base.

26 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
27 thereof.

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

30 (aa) "Opiate" means any substance having an addiction-forming or
31 addiction-sustaining liability similar to morphine or being capable
32 of conversion into a drug having addiction-forming or addiction-
33 sustaining liability. The term includes opium, substances derived
34 from opium (opium derivatives), and synthetic opiates. The term does
35 not include, unless specifically designated as controlled under RCW
36 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
37 and its salts (dextromethorphan). The term includes the racemic and
38 levorotatory forms of dextromethorphan.

39 (bb) "Opium poppy" means the plant of the species *Papaver*
40 *somniferum* L., except its seeds.

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

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

7 (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
20 RCW 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
24 a controlled substance in the course of their professional practice
25 or research in this state.

26 (2) A pharmacy, hospital or other institution licensed,
27 registered, or otherwise permitted to distribute, dispense, conduct
28 research with respect to or to administer a controlled substance in
29 the course of 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
34 licensed physician assistant or a licensed osteopathic physician
35 assistant specifically approved to prescribe controlled substances by
36 his or her state's medical quality assurance commission or equivalent
37 and his or her supervising physician, an advanced registered nurse
38 practitioner licensed to prescribe controlled substances, or a
39 veterinarian licensed to practice veterinary medicine in any state of
40 the United States.

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

5 (gg) "Production" includes the manufacturing, planting,
6 cultivating, growing, or harvesting of a controlled substance.

7 (hh) "Retail outlet" means a location licensed by the state
8 liquor control board for the retail sale of useable marijuana and
9 marijuana-infused products.

10 (ii) "Secretary" means the secretary of health or the secretary's
11 designee.

12 (jj) "State," unless the context otherwise requires, means a
13 state of the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, or a territory or insular possession
15 subject to the jurisdiction of the United States.

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

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

27 (mm) "Useable marijuana" means dried marijuana flowers. The term
28 "useable marijuana" does not include either marijuana-infused
29 products or marijuana concentrates.

30 **Sec. 16.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
31 read as follows:

32 Unless specifically excepted by state or federal law or
33 regulation or more specifically included in another schedule, the
34 following controlled substances are listed in Schedule I:

35 (a) Any of the following opiates, including their isomers,
36 esters, ethers, salts, and salts of isomers, esters, and ethers
37 whenever the existence of these isomers, esters, ethers, and salts is
38 possible within the specific chemical designation:

- 1 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
- 2 piperidinyl]-N-phenylacetamide);
- 3 (2) Acetylmethadol;
- 4 (3) Allylprodine;
- 5 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
- 6 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 7 (5) Alphameprodine;
- 8 (6) Alphamethadol;
- 9 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
- 10 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
- 11 propanilido) piperidine);
- 12 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 13 piperidinyl]-N-phenylpropanamide);
- 14 (9) Benzethidine;
- 15 (10) Betacetylmethadol;
- 16 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 17 piperidinyl]-N-phenylpropanamide);
- 18 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
- 19 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 20 phenylpropanamide;
- 21 (13) Betameprodine;
- 22 (14) Betamethadol;
- 23 (15) Betaprodine;
- 24 (16) Clonitazene;
- 25 (17) Dextromoramide;
- 26 (18) Diampromide;
- 27 (19) Diethylthiambutene;
- 28 (20) Difenoquin;
- 29 (21) Dimenoxadol;
- 30 (22) Dimepheptanol;
- 31 (23) Dimethylthiambutene;
- 32 (24) Dioxaphetyl butyrate;
- 33 (25) Dipipanone;
- 34 (26) Ethylmethylthiambutene;
- 35 (27) Etonitazene;
- 36 (28) Etoxadine;
- 37 (29) Furethidine;
- 38 (30) Hydroxypethidine;
- 39 (31) Ketobemidone;
- 40 (32) Levomoramide;

- 1 (33) Levophenacylmorphan;
- 2 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
3 piperidyl]-N-phenylprop anamide);
- 4 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
5 piperidinyl]-N-phenylpropanamide);
- 6 (36) Morpheridine;
- 7 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 8 (38) Noracymethadol;
- 9 (39) Norlevorphanol;
- 10 (40) Normethadone;
- 11 (41) Norpipanone;
- 12 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
13 phenethyl)-4-piperidinyl] propanamide);
- 14 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 15 (44) Phenadoxone;
- 16 (45) Phenampromide;
- 17 (46) Phenomorphan;
- 18 (47) Phenoperidine;
- 19 (48) Piritramide;
- 20 (49) Proheptazine;
- 21 (50) Properidine;
- 22 (51) Propiram;
- 23 (52) Racemoramide;
- 24 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
25 propanamide);
- 26 (54) Tilidine;
- 27 (55) Trimeperidine.

28 (b) Opium derivatives. Unless specifically excepted or unless
29 listed in another schedule, any of the following opium derivatives,
30 including their salts, isomers, and salts of isomers whenever the
31 existence of those salts, isomers, and salts of isomers is possible
32 within the specific chemical designation:

- 33 (1) Acetorphine;
- 34 (2) Acetyldihydrocodeine;
- 35 (3) Benzylmorphine;
- 36 (4) Codeine methylbromide;
- 37 (5) Codeine-N-Oxide;
- 38 (6) Cyprenorphine;
- 39 (7) Desomorphine;
- 40 (8) Dihydromorphine;

- 1 (9) Drotebanol;
- 2 (10) Etorphine, except hydrochloride salt;
- 3 (11) Heroin;
- 4 (12) Hydromorphenol;
- 5 (13) Methyldesorphine;
- 6 (14) Methyldihydromorphine;
- 7 (15) Morphine methylbromide;
- 8 (16) Morphine methylsulfonate;
- 9 (17) Morphine-N-Oxide;
- 10 (18) Myrophine;
- 11 (19) Nicocodeine;
- 12 (20) Nicomorphine;
- 13 (21) Normorphine;
- 14 (22) Pholcodine;
- 15 (23) Thebacon.

16 (c) Hallucinogenic substances. Unless specifically excepted or
17 unless listed in another schedule, any material, compound, mixture,
18 or preparation which contains any quantity of the following
19 hallucinogenic substances, including their salts, isomers, and salts
20 of isomers whenever the existence of those salts, isomers, and salts
21 of isomers is possible within the specific chemical designation. For
22 the purposes of this subsection only, the term "isomer" includes the
23 optical, position, and geometric isomers:

24 (1) Alpha-ethyltryptamine: Some trade or other names:
25 Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
26 indole; α -ET; and AET;

27 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
28 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

29 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
30 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
31 DOB; 2C-B, nexus;

32 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
33 dimethoxy- α -methylphenethylamine; 2,5-DMA;

34 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

35 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
36 2C-T-7;

37 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy- α -
38 methylphenethylamine; paramethoxyamphetamine, PMA;

39 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

- 1 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
2 names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and
3 "STP";
- 4 (10) 3,4-methylenedioxy amphetamine;
- 5 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 6 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
7 ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
8 MDE, MDEA;
- 9 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
10 N-hydroxy- α -methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
11 MDA;
- 12 (14) 3,4,5-trimethoxy amphetamine;
- 13 (15) Alpha-methyltryptamine: Other name: AMT;
- 14 (16) Bufotenine: Some trade or other names: 3-(beta-
15 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
16 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
17 mappine;
- 18 (17) Diethyltryptamine: Some trade or other names: N,N-
19 Diethyltryptamine; DET;
- 20 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 21 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 22 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
23 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
24 azepino (5,4-b) indole; Tabernanthe iboga;
- 25 (21) Lysergic acid diethylamide;
- 26 (22) Marihuana or marijuana;
- 27 (23) Mescaline;
- 28 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
29 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
30 dibenzo[b,d]pyran; synhexyl;
- 31 (25) Peyote, meaning all parts of the plant presently classified
32 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,
33 the seeds thereof, any extract from any part of such plant, and every
34 compound, manufacture, salts, derivative, mixture, or preparation of
35 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
36 (c), Schedule I (c)(12));
- 37 (26) N-ethyl-3-piperidyl benzilate;
- 38 (27) N-methyl-3-piperidyl benzilate;
- 39 (28) Psilocybin;
- 40 (29) Psilocyn;

1 (30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
2 naturally contained in a plant of the ((genus)) genera Cannabis
3 ((~~cannabis plant~~)), as well as synthetic equivalents of the
4 substances contained in ((the)) such plant, or in the resinous
5 extractives of the genera Cannabis, ((~~species~~)) and/or synthetic
6 substances, derivatives, and their isomers with similar chemical
7 structure and pharmacological activity such as the following:

8 ((~~i~~)) (A) 1 - cis - or trans tetrahydrocannabinol, and their
9 optical isomers, excluding tetrahydrocannabinol in sesame oil and
10 encapsulated in a soft gelatin capsule in a drug product approved by
11 the United States Food and Drug Administration;

12 ((~~ii~~)) (B) 6 - cis - or trans tetrahydrocannabinol, and their
13 optical isomers;

14 ((~~iii~~)) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
15 optical isomers;

16 (Since nomenclature of these substances is not internationally
17 standardized, compounds of these structures, regardless of numerical
18 designation of atomic positions covered.)

19 (ii) Industrial hemp, as defined in section 3 of this act, is
20 excepted from the categories of controlled substances identified
21 under this section;

22 (31) Ethylamine analog of phencyclidine: Some trade or other
23 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)
24 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

25 (32) Pyrrolidine analog of phencyclidine: Some trade or other
26 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

27 (33) Thiophene analog of phencyclidine: Some trade or other
28 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
29 phencyclidine; TPCP; TCP;

30 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
31 name is TCPy.

32 (d) Depressants. Unless specifically excepted or unless listed in
33 another schedule, any material, compound, mixture, or preparation
34 which contains any quantity of the following substances having a
35 depressant effect on the central nervous system, including its salts,
36 isomers, and salts of isomers whenever the existence of such salts,
37 isomers, and salts of isomers is possible within the specific
38 chemical designation.

1 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
2 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
3 sodium oxybate; sodium oxybutyrate;

4 (2) Mecloqualone;

5 (3) Methaqualone.

6 (e) Stimulants. Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or preparation
8 which contains any quantity of the following substances having a
9 stimulant effect on the central nervous system, including its salts,
10 isomers, and salts of isomers:

11 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
12 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

13 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

14 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
15 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

16 (4) Fenethylamine;

17 (5) Methcathinone: Some other names: 2-(methylamino)-
18 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
19 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
20 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
21 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
22 salts of optical isomers;

23 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
24 phenyl-2-oxazolamine);

25 (7) N-ethylamphetamine;

26 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
27 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

28 The controlled substances in this section may be added,
29 rescheduled, or deleted as provided for in RCW 69.50.201.

30 NEW SECTION. **Sec. 17.** Sections 2 through 9 and 11 through 13 of
31 this act constitute a new chapter in Title 15 RCW."

SSB 5012 - H COMM AMD
By Committee on Commerce & Gaming

32 Correct the title.

EFFECT: (1) Designates industrial hemp as an agricultural product
that may be legally grown, possessed, and commercially traded.

(2) Removes industrial hemp from coverage under the state controlled substances act.

(3) Authorizes the Washington state department of agriculture (WSDA) to issue licenses for the growing of industrial hemp and to regulate the industrial hemp industry.

(4) Creates standards and requirements that a grower must meet in order to be an industrial hemp grower.

(5) Imposes a fee on growers to cover regulatory costs.

(6) Creates a dedicated industrial hemp account consisting of all moneys received from industrial hemp-related activities and requires that the account be used by the WSDA only to defray the costs of regulatory activities and expenditures.

(7) Authorizes Washington State University to undertake research regarding industrial hemp production.

(8) Requires the WSDA and the liquor control board to each adopt rules addressing the prevention of cross-pollination between industrial hemp plants and marijuana plants.

(9) Identifies specific varieties of industrial hemp that are pre-approved for cultivation and establishes a process for WSDA approval of additional varieties.

(10) Establishes regulations designed to ensure that the THC content of industrial hemp grown in this state is consistent with international standards.

--- END ---