

---

HOUSE BILL 2162

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Condotta and Holy

Read first time 02/20/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to marijuana; amending RCW 69.50.535, 69.50.334,  
2 69.50.331, 69.50.445, 69.50.4013, 69.50.4014, 18.170.020, 66.08.050,  
3 69.50.540, and 69.50.101; adding new sections to chapter 69.50 RCW;  
4 adding a new section to chapter 36.01 RCW; adding a new section to  
5 chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW;  
6 prescribing penalties; and declaring an emergency.

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

8 **Sec. 1.** RCW 69.50.535 and 2014 c 192 s 7 are each amended to  
9 read as follows:

10 ~~(1) ((There is levied and collected a marijuana excise tax equal~~  
11 ~~to twenty-five percent of the selling price on each wholesale sale in~~  
12 ~~this state of marijuana by a licensed marijuana producer to a~~  
13 ~~licensed marijuana processor or another licensed marijuana producer.~~  
14 ~~This tax is the obligation of the licensed marijuana producer.~~

15 ~~(2) There is levied and collected a marijuana excise tax equal to~~  
16 ~~twenty-five percent of the selling price on each wholesale sale in~~  
17 ~~this state of marijuana concentrates, useable marijuana, and~~  
18 ~~marijuana-infused products by a licensed marijuana processor to a~~  
19 ~~licensed marijuana retailer. This tax is the obligation of the~~  
20 ~~licensed marijuana processor.~~

1       ~~(3))~~ There is levied and collected a marijuana excise tax equal  
2 to ~~((twenty-five))~~ thirty percent of the selling price on each retail  
3 sale in this state of marijuana concentrates, useable marijuana, and  
4 marijuana-infused products. This tax is ~~((the obligation of the  
5 licensed marijuana retailer, is))~~ separate and in addition to general  
6 state and local sales and use taxes that apply to retail sales of  
7 tangible personal property, and is not part of the total retail price  
8 to which general state and local sales and use taxes apply.

9       ~~((4))~~ (2) All revenues collected from the marijuana excise  
10 ~~((taxes))~~ tax imposed under ~~((subsections (1) through (3) of))~~ this  
11 section shall be deposited each day in a depository approved by the  
12 state treasurer and transferred to the state treasurer to be credited  
13 to the dedicated marijuana fund.

14       ~~((5))~~ (3) The ((state liquor control board shall)) tax imposed  
15 in this section must be paid by the buyer to the seller. Each seller  
16 must collect from the buyer the full amount of the tax payable on  
17 each taxable sale. The tax collected as required by this section are  
18 deemed to be held in trust by the seller until paid to the board. If  
19 any seller fails to collect the tax imposed in this section, or  
20 having collected the tax, fails to pay it as prescribed by the board,  
21 whether such failure is the result of the seller's own acts or the  
22 result of acts or conditions beyond the seller's control, the seller  
23 is, nevertheless, personally liable to the state for the amount of  
24 the tax.

25       (4) For purposes of this section:

26       (a) "Board" means the state liquor control board.

27       (b) "Retail sale" has the same meaning as in RCW 82.08.010.

28       (c) "Selling price" has the same meaning as in RCW 82.08.010,  
29 except that when product is sold under circumstances where the total  
30 amount of consideration paid for the product is not indicative of its  
31 true value, "selling price" means the true value of the product sold  
32 as determined or agreed to by the board.

33       (d) "Product" means marijuana, marijuana concentrates, useable  
34 marijuana, and marijuana-infused products.

35       (e) "True value" means market value based on sales at comparable  
36 locations in this state of the same or similar product of like  
37 quality and character sold under comparable conditions of sale to  
38 comparable purchasers. However, in the absence of such sales of the  
39 same or similar product, true value means the value of the product

1 sold as determined by all of the seller's direct and indirect costs  
2 attributable to the product.

3 (f) "Wholesale sale" means any sale that is not a retail sale.

4 (5) The board must regularly review the tax levels established  
5 under this section and make recommendations to the legislature as  
6 appropriate regarding adjustments that would further the goal of  
7 discouraging use while undercutting illegal market prices.

8 **Sec. 2.** RCW 69.50.334 and 2013 c 3 s 7 are each amended to read  
9 as follows:

10 (1) Except as provided under subsection (6) of this section, the  
11 action, order, or decision of the state liquor control board as to  
12 any denial of an application for the reissuance of a license to  
13 produce, process, or sell marijuana, or as to any revocation,  
14 suspension, or modification of any license to produce, process, or  
15 sell marijuana, (~~shall~~) or as to the administrative review of a  
16 notice of unpaid trust fund taxes under section 3 of this act, must  
17 be an adjudicative proceeding and subject to the applicable  
18 provisions of chapter 34.05 RCW.

19 ~~((1))~~ (2) An opportunity for a hearing may be provided to an  
20 applicant for the reissuance of a license prior to the disposition of  
21 the application, and if no opportunity for a prior hearing is  
22 provided then an opportunity for a hearing to reconsider the  
23 application must be provided the applicant.

24 ~~((2))~~ (3) An opportunity for a hearing must be provided to a  
25 licensee prior to a revocation or modification of any license and,  
26 except as provided in subsection ~~((4))~~ (7) of this section, prior  
27 to the suspension of any license.

28 ~~((3))~~ (4) An opportunity for a hearing must be provided to any  
29 person issued a notice of unpaid trust fund taxes under section 3 of  
30 this act.

31 (5) No hearing (~~shall~~) may be required under this section until  
32 demanding by the applicant (~~or~~), licensee, or person issued a notice  
33 of unpaid trust fund taxes under section 3 of this act.

34 ~~((4))~~ (6) Subsection (1) of this section does not apply if the  
35 licensee's or applicant's designated premises is located within a  
36 city, county, or town subject to an ordinance enacted pursuant to  
37 section 5 of this act, prohibiting the siting or operation of any  
38 business or facility to be used for the production, processing, or  
39 retail sale of marijuana.

1       (7) The state liquor control board may summarily suspend a  
2 license for a period of up to one hundred eighty days without a prior  
3 hearing if it finds that public health, safety, or welfare  
4 imperatively require emergency action, and it incorporates a finding  
5 to that effect in its order. Proceedings for revocation or other  
6 action must be promptly instituted and determined. An administrative  
7 law judge may extend the summary suspension period for up to one  
8 calendar year from the first day of the initial summary suspension in  
9 the event the proceedings for revocation or other action cannot be  
10 completed during the initial one hundred eighty-day period due to  
11 actions by the licensee. The state liquor control board's enforcement  
12 division shall complete a preliminary staff investigation of the  
13 violation before requesting an emergency suspension by the state  
14 liquor control board.

15       NEW SECTION.   **Sec. 3.** A new section is added to chapter 69.50  
16 RCW under the subchapter heading "article V" to read as follows:

17       (1) Whenever the board determines that a limited liability  
18 business entity has collected trust fund taxes and has failed to  
19 remit those taxes to the board and that business entity has been  
20 terminated, dissolved, or abandoned, or is insolvent, the board may  
21 pursue collection of the entity's unpaid trust fund taxes, including  
22 penalties on those taxes, against any or all of the responsible  
23 individuals. For purposes of this subsection, "insolvent" means the  
24 condition that results when the sum of the entity's debts exceeds the  
25 fair market value of its assets. The board may presume that an entity  
26 is insolvent if the entity refuses to disclose to the board the  
27 nature of its assets and liabilities.

28       (2)(a) For a responsible individual who is the current or a  
29 former chief executive or chief financial officer, liability under  
30 this section applies regardless of fault or whether the individual  
31 was or should have been aware of the unpaid trust fund tax liability  
32 of the limited liability business entity.

33       (b) For any other responsible individual, liability under this  
34 section applies only if he or she willfully failed to pay or to cause  
35 to be paid to the board the trust fund taxes due from the limited  
36 liability business entity.

37       (3)(a) Except as provided in this subsection (3)(a), a  
38 responsible individual who is the current or a former chief executive  
39 or chief financial officer is liable under this section only for

1 trust fund tax liability accrued during the period that he or she was  
2 the chief executive or chief financial officer. However, if the  
3 responsible individual had the responsibility or duty to remit  
4 payment of the limited liability business entity's trust fund taxes  
5 to the board during any period of time that the person was not the  
6 chief executive or chief financial officer, that individual is also  
7 liable for trust fund tax liability that became due during the period  
8 that he or she had the duty to remit payment of the limited liability  
9 business entity's taxes to the board but was not the chief executive  
10 or chief financial officer.

11 (b) All other responsible individuals are liable under this  
12 section only for trust fund tax liability that became due during the  
13 period he or she had the responsibility or duty to remit payment of  
14 the limited liability business entity's taxes to the board.

15 (4) Persons described in subsection (3)(b) of this section are  
16 exempt from liability under this section in situations where  
17 nonpayment of the limited liability business entity's trust fund  
18 taxes was due to reasons beyond their control as determined by the  
19 board by rule.

20 (5) Any person having been issued a notice of unpaid trust fund  
21 taxes under this section is entitled to an administrative hearing  
22 under RCW 69.50.334 and any such rules the board may adopt.

23 (6) This section does not relieve the limited liability business  
24 entity of its trust fund tax liability or otherwise impair other tax  
25 collection remedies afforded by law.

26 (7) For the purposes of this section:

27 (a) "Board" means the state liquor control board.

28 (b) "Chief executive" means: The president of a corporation or  
29 for other entities or organizations other than corporations or if the  
30 corporation does not have a president as one of its officers, the  
31 highest ranking executive manager or administrator in charge of the  
32 management of the company or organization.

33 (c) "Chief financial officer" means: The treasurer of a  
34 corporation or for entities or organizations other than corporations  
35 or if a corporation does not have a treasurer as one of its officers,  
36 the highest senior manager who is responsible for overseeing the  
37 financial activities of the entire company or organization.

38 (d) "Limited liability business entity" means a type of business  
39 entity that generally shields its owners from personal liability for  
40 the debts, obligations, and liabilities of the entity, or a business

1 entity that is managed or owned in whole or in part by an entity that  
2 generally shields its owners from personal liability for the debts,  
3 obligations, and liabilities of the entity. Limited liability  
4 business entities include corporations, limited liability companies,  
5 limited liability partnerships, trusts, general partnerships and  
6 joint ventures in which one or more of the partners or parties are  
7 also limited liability business entities, and limited partnerships in  
8 which one or more of the general partners are also limited liability  
9 business entities.

10 (e) "Manager" has the same meaning as in RCW 25.15.005.

11 (f) "Member" has the same meaning as in RCW 25.15.005, except  
12 that the term only includes members of member-managed limited  
13 liability companies.

14 (g) "Officer" means any officer or assistant officer of a  
15 corporation, including the president, vice president, secretary, and  
16 treasurer.

17 (h)(i) "Responsible individual" includes any current or former  
18 officer, manager, member, partner, or trustee of a limited liability  
19 business entity with unpaid trust fund tax liability.

20 (ii) "Responsible individual" also includes any current or former  
21 employee or other individual, but only if the individual had the  
22 responsibility or duty to remit payment of the limited liability  
23 business entity's unpaid trust fund tax liability.

24 (iii) Whenever any taxpayer has one or more limited liability  
25 business entities as a member, manager, or partner, "responsible  
26 individual" also includes any current and former officers, members,  
27 or managers of the limited liability business entity or entities or  
28 of any other limited liability business entity involved directly in  
29 the management of the taxpayer. For purposes of this subsection  
30 (7)(h)(iii), "taxpayer" means a limited liability business entity  
31 with unpaid trust fund taxes.

32 (i) "Trust fund taxes" means taxes collected from buyers and  
33 deemed held in trust under RCW 69.50.535.

34 (j) "Willfully failed to pay or to cause to be paid" means that  
35 the failure was the result of an intentional, conscious, and  
36 voluntary course of action.

37 **Sec. 4.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read  
38 as follows:

1 (1) For the purpose of considering any application for a license  
2 to produce, process, or sell marijuana, or for the renewal of a  
3 license to produce, process, or sell marijuana, the state liquor  
4 control board may cause an inspection of the premises to be made, and  
5 may inquire into all matters in connection with the construction and  
6 operation of the premises. For the purpose of reviewing any  
7 application for a license and for considering the denial, suspension,  
8 revocation, or renewal or denial thereof, of any license, the state  
9 liquor control board may consider any prior criminal conduct of the  
10 applicant including an administrative violation history record with  
11 the state liquor control board and a criminal history record  
12 information check. The state liquor control board may submit the  
13 criminal history record information check to the Washington state  
14 patrol and to the identification division of the federal bureau of  
15 investigation in order that these agencies may search their records  
16 for prior arrests and convictions of the individual or individuals  
17 who filled out the forms. The state liquor control board shall  
18 require fingerprinting of any applicant whose criminal history record  
19 information check is submitted to the federal bureau of  
20 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A  
21 RCW shall not apply to these cases. Subject to the provisions of this  
22 section, the state liquor control board may, in its discretion, grant  
23 or deny the renewal or license applied for. Denial may be based on,  
24 without limitation, the existence of chronic illegal activity  
25 documented in objections submitted pursuant to subsections (7)(c) and  
26 (9) of this section. Authority to approve an uncontested or unopposed  
27 license may be granted by the state liquor control board to any staff  
28 member the board designates in writing. Conditions for granting this  
29 authority shall be adopted by rule. No license of any kind may be  
30 issued to:

31 (a) A person under the age of twenty-one years;

32 (b) A person doing business as a sole proprietor who has not  
33 lawfully resided in the state for at least (~~three~~) six months prior  
34 to applying to receive a license;

35 (c) A partnership, employee cooperative, association, nonprofit  
36 corporation, or corporation unless formed under the laws of this  
37 state, and unless all of the members thereof are qualified to obtain  
38 a license as provided in this section; or

1 (d) A person whose place of business is conducted by a manager or  
2 agent, unless the manager or agent possesses the same qualifications  
3 required of the licensee.

4 (2)(a) The state liquor control board may, in its discretion,  
5 subject to the provisions of RCW 69.50.334, suspend or cancel any  
6 license; and all protections of the licensee from criminal or civil  
7 sanctions under state law for producing, processing, or selling  
8 marijuana, useable marijuana, or marijuana-infused products  
9 thereunder shall be suspended or terminated, as the case may be.

10 (b) The state liquor control board shall immediately suspend the  
11 license of a person who has been certified pursuant to RCW 74.20A.320  
12 by the department of social and health services as a person who is  
13 not in compliance with a support order. If the person has continued  
14 to meet all other requirements for reinstatement during the  
15 suspension, reissuance of the license shall be automatic upon the  
16 state liquor control board's receipt of a release issued by the  
17 department of social and health services stating that the licensee is  
18 in compliance with the order.

19 (c) The state liquor control board may request the appointment of  
20 administrative law judges under chapter 34.12 RCW who shall have  
21 power to administer oaths, issue subpoenas for the attendance of  
22 witnesses and the production of papers, books, accounts, documents,  
23 and testimony, examine witnesses, and to receive testimony in any  
24 inquiry, investigation, hearing, or proceeding in any part of the  
25 state, under rules and regulations the state liquor control board may  
26 adopt.

27 (d) Witnesses shall be allowed fees and mileage each way to and  
28 from any inquiry, investigation, hearing, or proceeding at the rate  
29 authorized by RCW 34.05.446. Fees need not be paid in advance of  
30 appearance of witnesses to testify or to produce books, records, or  
31 other legal evidence.

32 (e) In case of disobedience of any person to comply with the  
33 order of the state liquor control board or a subpoena issued by the  
34 state liquor control board, or any of its members, or administrative  
35 law judges, or on the refusal of a witness to testify to any matter  
36 regarding which he or she may be lawfully interrogated, the judge of  
37 the superior court of the county in which the person resides, on  
38 application of any member of the board or administrative law judge,  
39 shall compel obedience by contempt proceedings, as in the case of



1 disobedience of the requirements of a subpoena issued from said court  
2 or a refusal to testify therein.

3 (3) Upon receipt of notice of the suspension or cancellation of a  
4 license, the licensee shall forthwith deliver up the license to the  
5 state liquor control board. Where the license has been suspended  
6 only, the state liquor control board shall return the license to the  
7 licensee at the expiration or termination of the period of  
8 suspension. The state liquor control board shall notify all other  
9 licensees in the county where the subject licensee has its premises  
10 of the suspension or cancellation of the license; and no other  
11 licensee or employee of another licensee may allow or cause any  
12 marijuana, useable marijuana, or marijuana-infused products to be  
13 delivered to or for any person at the premises of the subject  
14 licensee.

15 (4) Every license issued under chapter 3, Laws of 2013 shall be  
16 subject to all conditions and restrictions imposed by chapter 3, Laws  
17 of 2013 or by rules adopted by the state liquor control board to  
18 implement and enforce chapter 3, Laws of 2013. All conditions and  
19 restrictions imposed by the state liquor control board in the  
20 issuance of an individual license shall be listed on the face of the  
21 individual license along with the trade name, address, and expiration  
22 date.

23 (5) Every licensee shall post and keep posted its license, or  
24 licenses, in a conspicuous place on the premises.

25 (6) No licensee shall employ any person under the age of twenty-  
26 one years.

27 (7)(a) Before the state liquor control board issues a new or  
28 renewed license to an applicant it shall give notice of the  
29 application to the chief executive officer of the incorporated city  
30 or town, if the application is for a license within an incorporated  
31 city or town, or to the county legislative authority, if the  
32 application is for a license outside the boundaries of incorporated  
33 cities or towns.

34 (b) The incorporated city or town through the official or  
35 employee selected by it, or the county legislative authority or the  
36 official or employee selected by it, shall have the right to file  
37 with the state liquor control board within twenty days after the date  
38 of transmittal of the notice for applications, or at least thirty  
39 days prior to the expiration date for renewals, written objections  
40 against the applicant or against the premises for which the new or

1 renewed license is asked. The state liquor control board may extend  
2 the time period for submitting written objections.

3 (c) The written objections shall include a statement of all facts  
4 upon which the objections are based, and in case written objections  
5 are filed, the city or town or county legislative authority may  
6 request, and the state liquor control board may in its discretion  
7 hold, a hearing subject to the applicable provisions of Title 34 RCW.  
8 If the state liquor control board makes an initial decision to deny a  
9 license or renewal based on the written objections of an incorporated  
10 city or town or county legislative authority, the applicant may  
11 request a hearing subject to the applicable provisions of Title 34  
12 RCW. If a hearing is held at the request of the applicant, state  
13 liquor control board representatives shall present and defend the  
14 state liquor control board's initial decision to deny a license or  
15 renewal.

16 (d) Upon the granting of a license under this title the state  
17 liquor control board shall send written notification to the chief  
18 executive officer of the incorporated city or town in which the  
19 license is granted, or to the county legislative authority if the  
20 license is granted outside the boundaries of incorporated cities or  
21 towns.

22 (8)(a) The state liquor control board shall not issue a license  
23 for any premises within:

24 (i) Except as provided in (b) of this subsection, one thousand  
25 feet of the perimeter of the grounds of any elementary or secondary  
26 school, playground, recreation center or facility, child care center,  
27 public park, public transit center, or library, or any game arcade  
28 admission to which is not restricted to persons aged twenty-one years  
29 or older; or

30 (ii) A city, county, or town that has enacted an ordinance  
31 pursuant to section 5 of this act.

32 (b) A city, county, or town may permit the licensing of premises  
33 within one thousand feet but not less than one hundred feet of the  
34 uses described in (a)(i) of this subsection, except elementary  
35 schools, secondary schools, and playgrounds, by adopting legislation  
36 declaring that the exemption:

37 (i) Is necessary to create enough potential locations within the  
38 city, town, or county to allow a marijuana producer, processor, or  
39 retailer to be sited; and

1        (ii) Will not negatively impact the jurisdiction's strong  
2 regulatory enforcement, law enforcement interests, public safety, or  
3 public health. The state liquor control board may license premises  
4 complying with the distance requirements stated in the ordinance.

5        (9) In determining whether to grant or deny a license or renewal  
6 of any license, the state liquor control board shall give substantial  
7 weight to objections from an incorporated city or town or county  
8 legislative authority based upon chronic illegal activity associated  
9 with the applicant's operations of the premises proposed to be  
10 licensed or the applicant's operation of any other licensed premises,  
11 or the conduct of the applicant's patrons inside or outside the  
12 licensed premises. "Chronic illegal activity" means (a) a pervasive  
13 pattern of activity that threatens the public health, safety, and  
14 welfare of the city, town, or county including, but not limited to,  
15 open container violations, assaults, disturbances, disorderly  
16 conduct, or other criminal law violations, or as documented in crime  
17 statistics, police reports, emergency medical response data, calls  
18 for service, field data, or similar records of a law enforcement  
19 agency for the city, town, county, or any other municipal corporation  
20 or any state agency; or (b) an unreasonably high number of citations  
21 for violations of RCW 46.61.502 associated with the applicant's or  
22 licensee's operation of any licensed premises as indicated by the  
23 reported statements given to law enforcement upon arrest.

24        NEW SECTION. Sec. 5. A new section is added to chapter 69.50  
25 RCW to read as follows:

26        (1)(a) Any registered voter of a county, city, or town may submit  
27 a petition calling for the county, city, or town to prohibit the  
28 siting or operation of any business or facility to be used for the  
29 production, processing, and retail sale of marijuana products under  
30 this chapter. The petition must be signed by thirty percent or more  
31 of the voters of the jurisdiction and must be filed with the  
32 legislative authority of the applicable county, city, or town. With  
33 respect to petitions to be filed with a county under this subsection,  
34 only registered voters in the unincorporated area of the county may  
35 initiate and sign the petition.

36        (b) If the legislative authority determines the petition to be  
37 sufficient, it must, within sixty days of determining the petition to  
38 be sufficient, hold a public hearing on the petition and an  
39 implementing ordinance. Following the public hearing, the legislative

1 authority of the county, city, or town must submit the question of  
2 prohibiting siting or operation of any business or facility to be  
3 used for the production, processing, or retail sale of marijuana  
4 products under this chapter to the voters of the jurisdiction at a  
5 general election.

6 (c) If a majority of the voters of the county, city, or town  
7 voting in the election approve the prohibition, the prohibition will  
8 take effect on the date specified in the petition. If no effective  
9 date is specified in the petition, the prohibition takes effect sixty  
10 days after the election.

11 (2) As an alternative to the petition process established in  
12 subsection (1) of this section, the legislative authority of any  
13 city, town, or county may initiate an ordinance provided for in  
14 subsection (1) of this section by submitting a ballot proposition at  
15 a general election prohibiting the siting or operation of any  
16 business or facility to be used for the production, processing, or  
17 sale of marijuana under this chapter. If a majority of the voters of  
18 the county, city, or town voting in the election approve the  
19 prohibition, the prohibition takes effect on the date specified in  
20 the ballot proposition. If no effective date is specified in the  
21 ballot proposition, the prohibition will take effect sixty days after  
22 the election.

23 (3) With respect to a county enacting an ordinance under this  
24 section, the ordinance may only apply to unincorporated areas of the  
25 county. No voters within the boundaries of an incorporated city or  
26 town may participate in a county election under this section.

27 (4) Nothing in this section may be construed to extend powers to  
28 cities, counties, or towns beyond the power to prohibit the siting or  
29 operation of any business or facility to be used for the production,  
30 processing, or sale of marijuana.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.01  
32 RCW to read as follows:

33 Notwithstanding any other provision of law, counties also have  
34 the authority granted in section 5 of this act to prohibit by  
35 ordinance the siting or operation of any business or facility to be  
36 used for the production, processing, or sale of marijuana under  
37 chapter 69.50 RCW.

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 35.21  
2    RCW to read as follows:

3        Notwithstanding any other provision of law, cities and towns also  
4    have the authority granted in section 5 of this act to prohibit by  
5    ordinance the siting or operation of any business or facility to be  
6    used for the production, processing, or sale of marijuana under  
7    chapter 69.50 RCW

8        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 35A.21  
9    RCW to read as follows:

10       Notwithstanding any other provision of law, code cities also have  
11    the authority granted in section 5 of this act to prohibit by  
12    ordinance the siting or operation of any business or facility to be  
13    used for the production, processing, or sale of marijuana under  
14    chapter 69.50 RCW.

15       **Sec. 9.**    RCW 69.50.445 and 2013 c 3 s 21 are each amended to read  
16    as follows:

17       (1) It is unlawful to open a package containing marijuana,  
18    useable marijuana, ((~~or a~~)) marijuana-infused products, or marijuana  
19    concentrate, or consume marijuana, useable marijuana, ((~~or a~~))  
20    marijuana-infused products, or marijuana concentrate, in ((~~view of~~  
21    the general)) a public place.

22       (2) For the purposes of this section, "public place" has the same  
23    meaning as defined in RCW 66.04.010, but the exclusions in RCW  
24    66.04.011 do not apply.

25       (3) A person who violates this section is guilty of a class 3  
26    civil infraction under chapter 7.80 RCW.

27       NEW SECTION.    **Sec. 10.**    A new section is added to chapter 69.50  
28    RCW to read as follows:

29       (1) A licensed marijuana producer, marijuana processor, or  
30    marijuana retailer, or their employees, in accordance with the  
31    requirements of this chapter and the administrative rules adopted  
32    thereunder, may use the services of a common carrier subject to  
33    regulation under chapters 81.28 and 81.29 RCW and licensed in  
34    compliance with the regulations established under section 11 of this  
35    act, to physically transport or deliver marijuana, useable marijuana,  
36    marijuana concentrates, and marijuana-infused products within the  
37    state.

1 (2) An employee of a common carrier engaged in marijuana-related  
2 transportation or delivery services authorized under subsection (1)  
3 of this section is prohibited from carrying or using a firearm during  
4 the course of providing such services, unless:

5 (a) Pursuant to section 11 of this act, the state liquor control  
6 board explicitly authorizes the carrying or use of firearms by such  
7 employee while engaged in the transportation or delivery services;

8 (b) The employee has an armed private security guard license  
9 issued pursuant to RCW 18.170.040; and

10 (c) The employee is in full compliance with the regulations  
11 established by the state liquor control board under section 11 of  
12 this act.

13 (3) A common carrier licensed under section 11 of this act may,  
14 for the purpose of transporting and delivering marijuana, useable  
15 marijuana, marijuana concentrates, and marijuana-infused products,  
16 utilize Washington state ferry routes for such transportation and  
17 delivery.

18 NEW SECTION. **Sec. 11.** A new section is added to chapter 69.50  
19 RCW to read as follows:

20 (1) The state liquor control board must adopt rules providing for  
21 an annual licensing procedure of a common carrier who seeks to  
22 transport or deliver marijuana, useable marijuana, marijuana  
23 concentrates, and marijuana-infused products within the state.

24 (2) The rules for licensing must:

25 (a) Establish criteria for considering the approval or denial of  
26 a common carrier's original application or renewal application;

27 (b) Provide minimum qualifications for any employee authorized to  
28 drive or operate the transportation or delivery vehicle, including a  
29 minimum age of at least twenty-one years;

30 (c) Address the safety of the employees transporting or  
31 delivering the products, including issues relating to the carrying of  
32 firearms by such employees;

33 (d) Address the security of the products being transported,  
34 including a system of electronically tracking all products at both  
35 the point of pickup and the point of delivery; and

36 (e) Set reasonable fees for the application and licensing  
37 process.

38 (3) The state liquor control board may adopt rules establishing  
39 the maximum amounts of marijuana, useable marijuana, marijuana

1 concentrates, and marijuana-infused products that may be physically  
2 transported or delivered at one time by a common carrier as provided  
3 under section 10 of this act.

4 **Sec. 12.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to  
5 read as follows:

6 (1) It is unlawful for any person to possess a controlled  
7 substance unless the substance was obtained directly from, or  
8 pursuant to, a valid prescription or order of a practitioner while  
9 acting in the course of his or her professional practice, or except  
10 as otherwise authorized by this chapter.

11 (2) Except as provided in RCW 69.50.4014, any person who violates  
12 this section is guilty of a class C felony punishable under chapter  
13 9A.20 RCW.

14 (3)(a) The possession, by a person twenty-one years of age or  
15 older, of useable marijuana or marijuana-infused products in amounts  
16 that do not exceed those set forth in RCW 69.50.360(3) is not a  
17 violation of this section, this chapter, or any other provision of  
18 Washington state law.

19 (b) The possession of marijuana, useable marijuana, marijuana  
20 concentrates, and marijuana-infused products being physically  
21 transported or delivered within the state, in amounts not exceeding  
22 those that may be established under section 11(3) of this act, by an  
23 employee of a common carrier when performing the duties authorized  
24 under section 10 of this act, is not a violation of this section,  
25 this chapter, or any other provision of Washington state law.

26 **Sec. 13.** RCW 69.50.4014 and 2003 c 53 s 335 are each amended to  
27 read as follows:

28 Except as provided in RCW 69.50.401(2)(c) or as otherwise  
29 authorized by this chapter, any person found guilty of possession of  
30 forty grams or less of (~~marihuana~~) marijuana is guilty of a  
31 misdemeanor.

32 **Sec. 14.** RCW 18.170.020 and 2007 c 154 s 2 are each amended to  
33 read as follows:

34 The requirements of this chapter do not apply to:

35 (1) A person who is employed exclusively or regularly by one  
36 employer and performs the functions of a private security guard  
37 solely in connection with the affairs of that employer, if the

1 employer is not a private security company. However, in accordance  
2 with section 10 of this act, an employee engaged in marijuana-related  
3 transportation or delivery services on behalf of a common carrier  
4 must be licensed as an armed private security guard under this  
5 chapter in order to be authorized to carry or use a firearm while  
6 providing such services;

7 (2) A sworn peace officer while engaged in the performance of the  
8 officer's official duties;

9 (3) A sworn peace officer while employed by any person to engage  
10 in off-duty employment as a private security guard, but only if the  
11 employment is approved by the chief law enforcement officer of the  
12 jurisdiction where the employment takes place and the sworn peace  
13 officer does not employ, contract with, or broker for profit other  
14 persons to assist him or her in performing the duties related to his  
15 or her private employer; or

16 (4) A person performing crowd management or guest services  
17 including, but not limited to, a person described as a ticket taker,  
18 usher, door attendant, parking attendant, crowd monitor, or event  
19 staff who:

20 (a) Does not carry a firearm or other dangerous weapon including,  
21 but not limited to, a stun gun, taser, pepper mace, or nightstick;

22 (b) Does not wear a uniform or clothing readily identifiable by a  
23 member of the public as that worn by a private security officer or  
24 law enforcement officer; and

25 (c) Does not have as his or her primary responsibility the  
26 detainment of persons or placement of persons under arrest.

27 The exemption provided in this subsection applies only when a  
28 crowd has assembled for the purpose of attending or taking part in an  
29 organized event, including preevent assembly, event operation hours,  
30 and postevent departure activities.

31 **Sec. 15.** RCW 66.08.050 and 2014 c 63 s 3 are each amended to  
32 read as follows:

33 The board, subject to the provisions of this title and the rules,  
34 must:

35 (1) Determine the nature, form and capacity of all packages to be  
36 used for containing liquor kept for sale under this title;

37 (2) Execute or cause to be executed, all contracts, papers, and  
38 documents in the name of the board, under such regulations as the  
39 board may fix;



1 (3) Pay all customs, duties, excises, charges and obligations  
2 whatsoever relating to the business of the board;

3 (4) Require bonds from all employees in the discretion of the  
4 board, and to determine the amount of fidelity bond of each such  
5 employee;

6 (5) Perform services for the state lottery commission to such  
7 extent, and for such compensation, as may be mutually agreed upon  
8 between the board and the commission;

9 (6) Accept and deposit into the general fund-local account and  
10 disburse, subject to appropriation, federal grants or other funds or  
11 donations from any source for the purpose of improving public  
12 awareness of the health risks associated with alcohol and marijuana  
13 consumption by youth and the abuse of alcohol and marijuana by adults  
14 in Washington state. The board's alcohol awareness program must  
15 cooperate with federal and state agencies, interested organizations,  
16 and individuals to effect an active public beverage alcohol awareness  
17 program;

18 (7) Monitor and regulate the practices of licensees as necessary  
19 in order to prevent the theft and illegal trafficking of liquor  
20 pursuant to RCW 66.28.350;

21 (8) Perform all other matters and things, whether similar to the  
22 foregoing or not, to carry out the provisions of this title, and has  
23 full power to do each and every act necessary to the conduct of its  
24 regulatory functions, including all supplies procurement, preparation  
25 and approval of forms, and every other undertaking necessary to  
26 perform its regulatory functions whatsoever, subject only to audit by  
27 the state auditor. However, the board has no authority to regulate  
28 the content of spoken language on licensed premises where wine and  
29 other liquors are served and where there is not a clear and present  
30 danger of disorderly conduct being provoked by such language or to  
31 restrict advertising of lawful prices.

32 **Sec. 16.** RCW 69.50.540 and 2013 c 3 s 28 are each amended to  
33 read as follows:

34 All marijuana excise taxes collected from sales of marijuana,  
35 useable marijuana, and marijuana-infused products under RCW  
36 69.50.535, and the license fees, penalties, and forfeitures derived  
37 under chapter 3, Laws of 2013 from marijuana producer, marijuana  
38 processor, and marijuana retailer licenses shall every three months  
39 be disbursed by the state liquor control board as follows:

1 (1) One hundred twenty-five thousand dollars to the department of  
2 social and health services to design and administer the Washington  
3 state healthy youth survey, analyze the collected data, and produce  
4 reports, in collaboration with the office of the superintendent of  
5 public instruction, department of health, department of commerce,  
6 family policy council, and state liquor control board. The survey  
7 shall be conducted at least every two years and include questions  
8 regarding, but not necessarily limited to, academic achievement, age  
9 at time of substance use initiation, antisocial behavior of friends,  
10 attitudes toward antisocial behavior, attitudes toward substance use,  
11 laws and community norms regarding antisocial behavior, family  
12 conflict, family management, parental attitudes toward substance use,  
13 peer rewarding of antisocial behavior, perceived risk of substance  
14 use, and rebelliousness. Funds disbursed under this subsection may be  
15 used to expand administration of the healthy youth survey to student  
16 populations attending institutions of higher education in Washington;

17 (2) Fifty thousand dollars to the department of social and health  
18 services for the purpose of contracting with the Washington state  
19 institute for public policy to conduct the cost-benefit evaluation  
20 and produce the reports described in RCW 69.50.550. This  
21 appropriation shall end after production of the final report required  
22 by RCW 69.50.550;

23 (3) Five thousand dollars to the University of Washington alcohol  
24 and drug abuse institute for the creation, maintenance, and timely  
25 updating of web-based public education materials providing medically  
26 and scientifically accurate information about the health and safety  
27 risks posed by marijuana use;

28 (4) An amount not exceeding one million two hundred fifty  
29 thousand dollars to the state liquor control board as is necessary  
30 for administration of chapter 3, Laws of 2013. Within the amount  
31 provided in this subsection, the state liquor control board shall  
32 contract with one or more state or local law enforcement agencies to  
33 perform activities supporting the locating and eradication of  
34 marijuana production that is in violation of this act. The contract  
35 must prioritize, but not exclusively focus on, such violations on  
36 public land. The contract must direct the law enforcement agency to  
37 inform the appropriate federal agency or agencies of such activities;

38 (5) Of the funds remaining after the disbursements identified in  
39 subsections (1) through (4) of this section:

1 (a) Fifteen percent to the department of social and health  
2 services division of behavioral health and recovery for  
3 implementation and maintenance of programs and practices aimed at the  
4 prevention or reduction of maladaptive substance use, substance-use  
5 disorder, substance abuse or substance dependence, as these terms are  
6 defined in the Diagnostic and Statistical Manual of Mental Disorders,  
7 among middle school and high school age students, whether as an  
8 explicit goal of a given program or practice or as a consistently  
9 corresponding effect of its implementation; PROVIDED, That:

10 (i) Of the funds disbursed under (a) of this subsection, at least  
11 eighty-five percent must be directed to evidence-based and cost-  
12 beneficial programs and practices that produce objectively measurable  
13 results; and

14 (ii) Up to fifteen percent of the funds disbursed under (a) of  
15 this subsection may be directed to research-based and emerging best  
16 practices or promising practices.

17 In deciding which programs and practices to fund, the secretary  
18 of the department of social and health services shall consult, at  
19 least annually, with the University of Washington's social  
20 development research group and the University of Washington's alcohol  
21 and drug abuse institute;

22 (b) Ten percent to the department of health for the creation,  
23 implementation, operation, and management of a marijuana education  
24 and public health program that contains the following:

25 (i) A marijuana use public health hotline that provides referrals  
26 to substance abuse treatment providers, utilizes evidence-based or  
27 research-based public health approaches to minimizing the harms  
28 associated with marijuana use, and does not solely advocate an  
29 abstinence-only approach;

30 (ii) A grants program for local health departments or other local  
31 community agencies that supports development and implementation of  
32 coordinated intervention strategies for the prevention and reduction  
33 of marijuana use by youth; and

34 (iii) Media-based education campaigns across television,  
35 internet, radio, print, and out-of-home advertising, separately  
36 targeting youth and adults, that provide medically and scientifically  
37 accurate information about the health and safety risks posed by  
38 marijuana use;

39 (c) Six-tenths of one percent to the University of Washington and  
40 four-tenths of one percent to Washington State University for

1 research on the short and long-term effects of marijuana use, to  
2 include but not be limited to formal and informal methods for  
3 estimating and measuring intoxication and impairment, and for the  
4 dissemination of such research;

5 (d) Fifty percent to the state basic health plan trust account to  
6 be administered by the Washington basic health plan administrator and  
7 used as provided under chapter 70.47 RCW;

8 (e) Five percent to the Washington state health care authority to  
9 be expended exclusively through contracts with community health  
10 centers to provide primary health and dental care services, migrant  
11 health services, and maternity health care services as provided under  
12 RCW 41.05.220;

13 (f) Three-tenths of one percent to the office of the  
14 superintendent of public instruction to fund grants to building  
15 bridges programs under chapter 28A.175 RCW; and

16 (g) The remainder to the general fund.

17 NEW SECTION. **Sec. 17.** A new section is added to chapter 69.50  
18 RCW to read as follows:

19 (1) Cannabis beauty aids are not subject to the regulations of  
20 this chapter that apply to marijuana, marijuana concentrates, or  
21 marijuana-infused products.

22 (2) For purposes of this section, "cannabis beauty aid" means a  
23 product containing parts of the cannabis plant and which:

24 (a) Is intended for use only as a topical application to enhance  
25 appearance;

26 (b) Contains a THC concentration of not more than 0.3 percent;

27 (c) Does not cross the blood-brain barrier; and

28 (d) Is not intended for consumption by humans or animals.

29 NEW SECTION. **Sec. 18.** A new section is added to chapter 69.50  
30 RCW to read as follows:

31 (1) Applicants for a marijuana producer's, marijuana processor's,  
32 or marijuana retailer's license under this chapter must display a  
33 sign provided by the state liquor control board on the outside of the  
34 premises to be licensed notifying the public that the premises are  
35 subject to an application for such license. The sign must:

36 (a) Contain text with content sufficient to notify the public of  
37 the nature of the pending license application, the date of the

1 application, the name of the applicant, and contact information for  
2 the state liquor control board;

3 (b) Be conspicuously displayed on, or immediately adjacent to,  
4 the premises subject to the application and in the location that is  
5 most likely to be seen by the public;

6 (c) Be of a size sufficient to ensure that it will be readily  
7 seen by the public; and

8 (d) Be posted within three days of the submission of the  
9 application to the state liquor control board.

10 (2) The state liquor control board shall adopt such rules as are  
11 necessary for the implementation of this section, including rules  
12 pertaining to the size of the sign and the text thereon, the textual  
13 content of the sign, the fee for providing the sign, and any other  
14 requirements necessary to ensure that the sign provides adequate  
15 notice to the public.

16 **Sec. 19.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to  
17 read as follows:

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

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

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

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

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

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

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

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

38 (i) that has a stimulant, depressant, or hallucinogenic effect on  
39 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 (2) 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, to the  
16 extent conduct with respect to the substance is pursuant to the  
17 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 (f) "Deliver" or "delivery," means the actual or constructive  
22 transfer from one person to another of a substance, whether or not  
23 there is an agency relationship.

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

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

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

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

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

34 (l) "Drug" means (1) a controlled substance recognized as a drug  
35 in the official United States pharmacopoeia/national formulary or the  
36 official homeopathic pharmacopoeia of the United States, or any  
37 supplement to them; (2) controlled substances intended for use in the  
38 diagnosis, cure, mitigation, treatment, or prevention of disease in  
39 individuals or animals; (3) controlled substances (other than food)  
40 intended to affect the structure or any function of the body of

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

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

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

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

14 (1) 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 (2) that is an immediate chemical intermediary used or likely to  
18 be used in the manufacture of a controlled substance; and

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

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

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

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

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

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

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

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

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

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

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

34 (x) "Marijuana-infused products" means products that contain  
35 marijuana or marijuana extracts, are intended for human use, are  
36 derived from marijuana as defined in subsection (t) of this section,  
37 and have a THC concentration no greater than (~~0.3~~) ten percent  
38 (~~and no greater than sixty percent~~). The term "marijuana-infused  
39 products" does not include either useable marijuana or marijuana  
40 concentrates.



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

4 (z) "Narcotic drug" means any of the following, whether produced  
5 directly or indirectly by extraction from substances of vegetable  
6 origin, or independently by means of chemical synthesis, or by a  
7 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  
17 designation.

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

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

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

23 (6) Cocaine base.

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

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

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

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

39 (cc) "Person" means individual, corporation, business trust,  
40 estate, trust, partnership, association, joint venture, government,

1 governmental subdivision or agency, or any other legal or commercial  
2 entity.

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

5 (ee) "Practitioner" means:

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

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

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

39 (ff) "Prescription" means an order for controlled substances  
40 issued by a practitioner duly authorized by law or rule in the state

1 of Washington to prescribe controlled substances within the scope of  
2 his or her professional practice for a legitimate medical purpose.

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

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

8 (ii) "Secretary" means the secretary of health or the secretary's  
9 designee.

10 (jj) "State," unless the context otherwise requires, means a  
11 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 (kk) "THC concentration" means percent of delta-9  
15 tetrahydrocannabinol content per dry weight of any part of the plant  
16 *Cannabis*, or per volume or weight of marijuana product, or the  
17 combined percent of delta-9 tetrahydrocannabinol and  
18 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
19 regardless of moisture content.

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

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

28 NEW SECTION. **Sec. 20.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 21.** This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of  
34 the state government and its existing public institutions, and takes  
35 effect immediately.

--- END ---