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SENATE BILL 5323

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Rivers and Takko; by request of Department of Agriculture  
Read first time 01/20/17. Referred to Committee on Agriculture,  
Water, Trade & Economic Development.

1            AN ACT Relating to creating a voluntary marijuana production  
2 standard and certification program; adding a new chapter to Title 15  
3 RCW; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.**    The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8            (1) "Board" means the state liquor and cannabis board.

9            (2) "Department" means the department of agriculture.

10           (3) "Director" means the director of the department of  
11 agriculture.

12           (4) "Licensee facilities" means any premises regulated by the  
13 board for producing, processing, or retailing marijuana or marijuana  
14 products.

15           (5) "Marijuana" has the definition in RCW 69.50.101.

16           (6) "Marijuana processor" has the definition in RCW 69.50.101.

17           (7) "Marijuana producer" has the definition in RCW 69.50.101.

18           (8) "Marijuana products" has the definition in RCW 69.50.101.

19           (9) "Marijuana retailer" has the definition in RCW 69.50.101.

1 (10) "Person" means any natural person, firm, partnership,  
2 association, private or public corporation, government entity, or  
3 other business entity.

4 NEW SECTION. **Sec. 2.** (1) The department may adopt rules  
5 establishing:

6 (a) Standards for marijuana and marijuana products produced and  
7 processed in a manner consistent with, to the extent practical, 7  
8 C.F.R. Part 205;

9 (b) A self-sustaining program for certifying marijuana producers  
10 and marijuana processors as meeting the standards established under  
11 (a) of this subsection; and

12 (c) Other rules as necessary for administration of this chapter.

13 (2) To the extent practical, the program must be consistent with  
14 the program established by the director under chapter 15.86 RCW.

15 (3) The rules must include a fee schedule that will provide for  
16 the recovery of the full cost of the program including, but not  
17 limited to, application processing, inspections, sampling and  
18 testing, notifications, public awareness programs, and enforcement.

19 NEW SECTION. **Sec. 3.** (1) No marijuana or marijuana product may  
20 be labeled, sold, or represented as produced or processed under the  
21 standards established under this chapter unless produced or processed  
22 by a person certified by the department under the program established  
23 under this chapter.

24 (2) No person may represent, sell, or offer for sale any  
25 marijuana or marijuana products as produced or processed under  
26 standards adopted under this chapter if the person knows, or has  
27 reason to know, that the marijuana or marijuana product has not been  
28 produced or processed in conformance with the standards established  
29 under this chapter.

30 (3) No person may represent, sell, or offer for sale any  
31 marijuana or marijuana products as "organic" as that term has meaning  
32 under chapter 15.86 RCW.

33 NEW SECTION. **Sec. 4.** (1) The department may inspect licensee  
34 facilities to verify compliance with this chapter and rules adopted  
35 under it.

36 (2) The department may deny, suspend, or revoke a certification  
37 provided for in this chapter if the department determines that an

1 applicant or certified person has violated this chapter or rules  
2 adopted under it.

3 (3) The department may impose on and collect from any person who  
4 has violated this chapter or rules adopted under it a civil fine not  
5 exceeding the total of:

6 (a) The state's estimated costs of investigating and taking  
7 appropriate administrative and enforcement actions for the violation;  
8 and

9 (b) One thousand dollars.

10 (4) The board may take enforcement actions against a marijuana  
11 producer, marijuana processor, or marijuana retailer license issued  
12 by the board, including suspension or revocation of the license, when  
13 a licensee continues to violate this chapter after revocation of its  
14 certification or, if uncertified, receiving written notice from the  
15 department of certification requirements.

16 (5) The provisions of this chapter are cumulative and  
17 nonexclusive and do not affect any other remedy at law.

18 NEW SECTION. **Sec. 5.** Information about marijuana producers,  
19 marijuana processors, and marijuana retailers otherwise exempt from  
20 public inspection and copying under chapter 42.56 RCW is also exempt  
21 from public inspection and copying if submitted to or used by the  
22 department.

23 NEW SECTION. **Sec. 6.** All fees collected under this chapter must  
24 be deposited in an account within the agricultural local fund. The  
25 revenue from such fees must be used solely for carrying out the  
26 provisions of this chapter, and no appropriation is required for  
27 disbursement from the fund.

28 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act  
29 constitute a new chapter in Title 15 RCW.

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