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**SUBSTITUTE SENATE BILL 5324**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Agriculture, Water, Trade & Economic Development  
(originally sponsored by Senators Takko and Rivers; by request of  
Department of Agriculture)

READ FIRST TIME 02/10/17.

1 AN ACT Relating to adding authority to the department of  
2 agriculture to regulate sanitary processing of marijuana-infused  
3 edibles; amending RCW 69.07.010, 69.07.020, and 19.02.110; adding a  
4 new section to chapter 69.07 RCW; creating a new section; and  
5 providing an effective date.

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

7 **Sec. 1.** RCW 69.07.010 and 1992 c 34 s 3 are each amended to read  
8 as follows:

9 For the purposes of this chapter:

10 (1) "Department" means the department of agriculture of the state  
11 of Washington;

12 (2) "Director" means the director of the department;

13 (3) "Food" means any substance used for food or drink by any  
14 person, including ice, bottled water, and any ingredient used for  
15 components of any such substance regardless of the quantity of such  
16 component;

17 (4) "Sale" means selling, offering for sale, holding for sale,  
18 preparing for sale, trading, bartering, offering a gift as an  
19 inducement for sale of, and advertising for sale in any media;

20 (5) "Food processing" means the handling or processing of any  
21 food in any manner in preparation for sale for human consumption:

1 PROVIDED, That it shall not include fresh fruit or vegetables merely  
2 washed or trimmed while being prepared or packaged for sale in their  
3 natural state;

4 (6) "Food processing plant" includes but is not limited to any  
5 premises, plant, establishment, building, room, area, facilities and  
6 the appurtenances thereto, in whole or in part, where food is  
7 prepared, handled or processed in any manner for distribution or sale  
8 for resale by retail outlets, restaurants, and any such other  
9 facility selling or distributing to the ultimate consumer: PROVIDED,  
10 That, as set forth herein, establishments processing foods in any  
11 manner for resale shall be considered a food processing plant as to  
12 such processing;

13 (7) "Food service establishment" shall mean any fixed or mobile  
14 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,  
15 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail  
16 lounge, night club, roadside stand, industrial-feeding establishment,  
17 retail grocery, retail food market, retail meat market, retail  
18 bakery, private, public, or nonprofit organization routinely serving  
19 food, catering kitchen, commissary or similar place in which food or  
20 drink is prepared for sale or for service on the premises or  
21 elsewhere, and any other eating or drinking establishment or  
22 operation where food is served or provided for the public with or  
23 without charge.

24 For the purpose of this chapter any custom cannery or processing  
25 plant where raw food products, food, or food products are processed  
26 for the owner thereof, or the food processing facilities are made  
27 available to the owners or persons in control of raw food products or  
28 food or food products for processing in any manner, shall be  
29 considered to be food processing plants;

30 (8) "Person" means an individual, partnership, corporation, or  
31 association;

32 (9) "Board" means the state liquor and cannabis board;

33 (10) "Marijuana" has the definition in RCW 69.50.101;

34 (11) "Marijuana-infused edible" has the same meaning as  
35 "marijuana-infused products" as defined in RCW 69.50.101, but limited  
36 to products intended for oral consumption;

37 (12) "Marijuana-infused edible processing" means processing,  
38 packaging, or making marijuana-infused edibles using marijuana,  
39 marijuana extract, or marijuana concentrates as an ingredient. The  
40 term does not include preparation of marijuana as an ingredient

1 including, but not limited to, processing marijuana extracts or  
2 marijuana concentrates;

3 (13) "Marijuana processor" has the definition in RCW 69.50.101.

4 **Sec. 2.** RCW 69.07.020 and 1969 c 68 s 1 are each amended to read  
5 as follows:

6 (1) The department shall enforce and carry out the provisions of  
7 this chapter, and may adopt the necessary rules to carry out its  
8 purposes.

9 (2) Such rules may include:

10 (a) Standards for temperature controls in the storage of foods,  
11 so as to provide proper refrigeration.

12 (b) Standards for temperatures at which low acid foods must be  
13 processed and the length of time such temperatures must be applied  
14 and at what pressure in the processing of such low acid foods.

15 (c) Standards and types of recording devices that must be used in  
16 providing records of the processing of low acid foods, and how they  
17 shall be made available to the department of agriculture for  
18 inspection.

19 (d) Requirements for the keeping of records of the temperatures,  
20 times and pressures at which foods were processed, or for the  
21 temperatures at which refrigerated products were stored by the  
22 licensee and the furnishing of such records to the department.

23 (e) Standards that must be used to establish the temperature and  
24 purity of water used in the processing of foods.

25 (3) The department may adopt rules specific to marijuana-infused  
26 edibles. Such rules must be written and interpreted to be consistent  
27 with rules adopted by the board and the department of health.

28 **Sec. 3.** RCW 19.02.110 and 2013 c 144 s 25 are each amended to  
29 read as follows:

30 (1) In addition to the licenses processed under the business  
31 licensing system prior to April 1, 1982, on July 1, 1982, use of the  
32 business licensing system is expanded as provided by this section.

33 (2) Applications for the following must be filed with the  
34 business licensing service and must be processed, and renewals must  
35 be issued, under the business licensing system:

36 (a) Nursery dealer's licenses required by chapter 15.13 RCW;

37 (b) Seed dealer's licenses required by chapter 15.49 RCW;

38 (c) Pesticide dealer's licenses required by chapter 15.58 RCW;

1 (d) Shopkeeper's licenses required by chapter 18.64 RCW;  
2 (e) Egg dealer's licenses required by chapter 69.25 RCW; and  
3 (f) Marijuana-infused edible endorsements required by chapter  
4 69.07 RCW.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.07  
6 RCW to read as follows:

7 (1) In addition to the requirements administered by the board  
8 under chapter 69.50 RCW, the department shall regulate marijuana-  
9 infused edible processing the same as other food processing under  
10 this chapter, except:

11 (a) The department shall not consider foods containing marijuana  
12 to be adulterated when produced in compliance with chapter 69.50 RCW  
13 and the rules adopted by the board;

14 (b) Initial issuance and renewal for an annual marijuana-infused  
15 edible endorsement in lieu of a food processing license under RCW  
16 69.07.040 must be made through the business licensing system under  
17 chapter 19.02 RCW;

18 (c) Renewal of the endorsement must coincide with renewal of the  
19 endorsement holder's marijuana processor license;

20 (d) The department shall adopt a penalty schedule specific to  
21 marijuana processors, which may have values equivalent to the penalty  
22 schedule adopted by the board. Such penalties are in addition to any  
23 penalties imposed under the penalty schedule adopted by the board;  
24 and

25 (e) The department shall notify the board of violations by  
26 marijuana processors under this chapter.

27 (2) A marijuana processor that processes, packages, or makes  
28 marijuana-infused edibles must obtain an annual marijuana-infused  
29 edible endorsement, as provided in this subsection (2).

30 (a) The marijuana processor must apply for issuance and renewal  
31 for the endorsement from the department through the business  
32 licensing system under chapter 19.02 RCW.

33 (b) The marijuana processor must have a valid marijuana processor  
34 license before submitting an application for initial endorsement. The  
35 application and initial endorsement fees total eight hundred ninety-  
36 five dollars. Applicants for endorsement otherwise must meet the same  
37 requirements as applicants for a food processing license under this  
38 chapter including, but not limited to, successful completion of  
39 inspection by the department.

1 (c) Annual renewal of the endorsement must coincide with renewal  
2 of the endorsement holder's marijuana processor license. The  
3 endorsement renewal fee is eight hundred ninety-five dollars.

4 (d) A marijuana processor must obtain a separate endorsement for  
5 each location at which the marijuana processor intends to process  
6 marijuana-infused edibles. Premises used for marijuana-infused edible  
7 processing may not be used for processing food that does not use  
8 marijuana as an ingredient, with the exception of edibles produced  
9 solely for tasting samples or internal product testing.

10 (3) The department may deny, suspend, or revoke a marijuana-  
11 infused edible endorsement on the same grounds as the department may  
12 deny, suspend, or revoke a food processor's license under this  
13 chapter.

14 (4) Information about processors otherwise exempt from public  
15 inspection and copying under chapter 42.56 RCW is also exempt from  
16 public inspection and copying if submitted to or used by the  
17 department.

18 NEW SECTION. **Sec. 5.** The department of agriculture, state  
19 liquor and cannabis board, and department of revenue shall take the  
20 necessary steps to ensure that section 4 of this act is implemented  
21 on its effective date.

22 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect April  
23 1, 2018.

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