

# FINAL BILL REPORT

## HB 2826

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Synopsis as Enacted

**Brief Description:** Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products.

**Sponsors:** Representatives Peterson and Pollet; by request of Liquor and Cannabis Board.

**House Committee on Commerce & Gaming**  
**House Committee on Appropriations**  
**Senate Committee on Labor & Commerce**  
**Senate Committee on Ways & Means**

### **Background:**

The Liquor and Cannabis Board (LCB) regulates the production, processing, and retail sale of marijuana and marijuana products. From licensed retail outlets, retailers may sell limited amounts of useable marijuana, marijuana-infused products, and marijuana concentrates to adults age 21 and over, and to certain qualifying patients under age 21 if the retailer holds a medical endorsement. Marijuana products sold are intended for human consumption, and some marijuana products may be intended for consumption through vaporization.

In legalizing marijuana, Initiative Measure No. 502 (2012) (Initiative) granted the LCB rule-making authority to establish a regulatory system for the new industry. In addition to granting the LCB general rule-making authority, the Initiative authorized the LCB to adopt rules on the following specific topics, among others: (1) methods of producing, processing, and packaging marijuana and marijuana products; (2) conditions of sanitation; (3) safe handling requirements; (4) approved pesticides and pesticide-testing requirements; (5) standards of ingredients, quality, and identity of marijuana and different marijuana products produced, processed, and sold by licensees; and (6) provisions for identification, seizure, confiscation, destruction, or donation to law enforcement for training purposes of all marijuana and marijuana products produced, processed, or sold within Washington that do not conform to legal requirements.

### **Summary:**

The Liquor and Cannabis Board (LCB) may adopt rules prohibiting any type of device used in conjunction with a marijuana vapor product. The LCB may also adopt rules prohibiting

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the use of any type of additive, solvent, ingredient, or compound in the production and processing of marijuana products, including marijuana vapor products. Before adopting either of these types of rules, the LCB must have determined, following consultation with the Department of Health (DOH) or another authority the LCB deems appropriate, that the device, additive, solvent, ingredient, or compound may pose a risk to public health or youth access.

The LCB may also adopt rules requiring marijuana processors to submit, under oath, to the DOH, a complete list of all constituent substances and the amount and sources of all constituent substances in each marijuana vapor product, including all additives, thickening agents, preservatives, compounds, and any other substance used in the production and processing of each marijuana vapor product.

It is provided that marijuana processors may incorporate a characterizing flavor in marijuana vapor products if the characterizing flavor is derived from botanical terpenes naturally occurring in the *Cannabis* plant, regardless of source, and if the characterizing flavor mimics the terpene profile found in a *Cannabis* plant. Characterizing flavors do not include any synthetic terpenes. If the LCB determines that a characterizing flavor otherwise authorized for use may pose a risk to public health or youth access, the LCB may adopt rules prohibiting the use of the characterizing flavor.

A definition for the term "youth access" is added to the Uniform Controlled Substances Act. "Youth access" means the level of interest persons under the age of 21 may have in a vapor product, as well as the degree to which the product is available or appealing to persons under the age of 21, and the likelihood of initiation, use, or addiction by adolescents and young adults.

**Votes on Final Passage:**

House	95	1
Senate	49	0

**Effective:** March 25, 2020