

FINAL BILL REPORT

ESSB 5298

C 393 L 19
Synopsis as Enacted

Brief Description: Regarding labeling of marijuana products.

Sponsors: Senate Committee on Labor & Commerce (originally sponsored by Senators Rivers, Palumbo and Wellman).

Senate Committee on Labor & Commerce
House Committee on Commerce & Gaming

Background: The Liquor and Cannabis Board (LCB) is required to adopt rules determining the nature, form, and capacity of all containers used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products, and their labeling requirements.

The LCB's rules must include, but are not limited to, the following labeling requirements for marijuana products sold at retail:

- the business or trade name and Unified Business Identifier number of the licensees producing and processing the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products;
- lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products;
- the tetrahydrocannabinol and cannabidiol concentrations of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products;
- medically and scientifically accurate information about the health and safety risks posed by marijuana use; and
- the statement "Warning—May be habit forming" which is required pursuant to a separate state law on the misbranding of drugs.

Through rulemaking the LCB requires additional labeling information like product weight, a statement disclosing all pesticides applied to the marijuana plants and growing medium during production and processing, and all of the following warning statements:

- "Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health;"
- "There may be health risks associated with consumption of this product;"
- "Should not be used by women that are pregnant or breast feeding;"
- "For use only by adults twenty-one and older. Keep out of reach of children;" and

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- "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug."

There is a sales and use tax exemption on sales of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the Department of Health (DOH) to be beneficial for medical use, by marijuana retailers with medical marijuana endorsements to qualifying patients or designated providers who have been issued recognition cards.

Summary: The labels of DOH compliant marijuana products may include claims that describe the product's intended role in maintaining a structure or function of the body. The labels may also characterize the documented mechanism by which the product maintains a bodily structure or function.

A marijuana product is not in violation of any state law or administrative rule solely because its label contains directions or recommended conditions of use, or a warning that describes the product's psychoactive effect.

Labels describing how a marijuana product maintains a structure or function of the body may not claim to diagnose, mitigate, treat, cure, or prevent any disease. In addition, marijuana product label claims may not be false, misleading, or especially appealing to children.

Marijuana product labels that contain a claim allowed under this act must include the disclaimer: "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

Any marijuana product approved by the United States Food and Drug Administration as a drug or pharmaceutical product is exempt from these marijuana product labeling requirements.

There is no civil liability on the part of the state, the LCB, any other state agency, officer, employee, or agent based on a marijuana licensee's description of the product's intended role or a structure or function claim.

The sales and use tax exemptions apply to DOH compliant marijuana products identified in chapter 246-70 WAC.

Votes on Final Passage:

Senate	40	8	
House	88	10	(House amended)
Senate	42	5	(Senate concurred)

Effective: January 1, 2020