

# SENATE BILL REPORT

## SB 6332

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As of January 31, 2020

**Title:** An act relating to the potency of marijuana products.

**Brief Description:** Concerning the potency of marijuana products.

**Sponsors:** Senators Salomon, Carlyle and Holy.

**Brief History:**

**Committee Activity:** Labor & Commerce: 2/03/20.

**Brief Summary of Bill**

- Prohibits marijuana retailers from selling marijuana concentrates with a delta-9 tetrahydrocannabinol (THC) concentration greater than 10 percent, except retailers with a medical endorsement may continue to sell these products to qualifying patients and designated providers who are entered into the Medical Marijuana Authorization Database and who hold a valid recognition card.
- Prohibits marijuana processors from processing and selling marijuana concentrates with a THC concentration greater than 10 percent, except to a marijuana retailer with a medical marijuana endorsement.
- Amends the definition of "marijuana concentrates" to remove the requirement that marijuana concentrates have a THC concentration greater than 10 percent.

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**SENATE COMMITTEE ON LABOR & COMMERCE**

**Staff:** Richard Rodger (786-7461)

**Background:** State laws regulating legal marijuana production, processing, and sales establish three primary categories of marijuana products sold at retail. The product categories are the following:

1. "Marijuana concentrates" are products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration

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- greater than 10 percent. The Liquor and Cannabis Board's (LCB) rules provide that a single serving of marijuana concentrate may not exceed one gram.
2. "Useable marijuana" is dried marijuana flowers; the term useable marijuana does not include either marijuana concentrates or marijuana-infused products.
  3. "Marijuana-infused products" are products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a THC concentration no greater than 10 percent. This product category does not include either useable marijuana or marijuana concentrates. The LCB's rules provide that, except for authorization limited to qualifying patients and designated providers in the Medical Marijuana Authorization Database (database) who hold a valid recognition card, single servings of marijuana-infused edibles may not exceed 10 milligrams active THC, and the maximum number of servings in a single unit is 10 servings.

"THC concentration" is defined as the percent of THC content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of THC and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

In addition to selling limited amounts of marijuana products to adults age 21 and over, marijuana retailers who hold a medical marijuana endorsement may also sell marijuana for medical use to qualifying patients and designated providers. To qualify for the medical use of marijuana, a person must be a patient of a health care professional and be diagnosed as having a qualifying terminal or debilitating medical condition. The person must be advised about the risks and benefits of the medical use of marijuana, and that they may benefit from the medical use of marijuana. An authorization form signed by the person's health care professional must be issued to purchase medical marijuana products.

Once a person has a completed authorization form, they may choose to participate in the database and be issued a recognition card by visiting a marijuana retailer with a medical endorsement, presenting their completed authorization form to a certified medical marijuana consultant, and opting in to the database. Holding a recognition card authorizes the purchase and possession of three times more marijuana products than otherwise allowed. It also allows production of a greater number of marijuana plants than otherwise allowed for qualifying patients and designated providers. Patients and providers who are in the database, and who hold a valid recognition card, may also purchase high-THC products meeting standards established by the Department of Health that are otherwise unavailable to adults age 21 and over. There is a sales tax exemption on purchases of marijuana products for qualifying patients and designated providers entered in the database with a valid recognition card.

**Summary of Bill:** Marijuana retail outlets are prohibited from selling marijuana concentrates with a THC concentration greater than 10 percent. Marijuana retailers with a medical marijuana endorsement may sell marijuana concentrates to qualifying patients and designated providers who are entered into the database, and who hold a valid recognition card.

Marijuana processors are prohibited from processing, packaging, possessing, delivering, distributing, and selling marijuana concentrates with a THC concentration greater than 10

percent, except when the marijuana concentrates are intended for sale to a marijuana retailer with a medical marijuana endorsement.

The definition of marijuana concentrate is amended to remove the requirement that a product have a THC concentration greater than 10 percent to qualify as a marijuana concentrate.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.