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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1401

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State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Shea, Blake, Chandler, Walsh, Eslick, and Kloba)

READ FIRST TIME 02/28/19.

1 AN ACT Relating to hemp production; amending RCW 69.50.204;  
2 reenacting and amending RCW 69.50.101; adding a new chapter to Title  
3 15 RCW; creating a new section; repealing RCW 15.120.005, 15.120.010,  
4 15.120.020, 15.120.030, 15.120.035, 15.120.040, 15.120.050, and  
5 15.120.060; providing an effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to:

8 (1) Authorize and establish a new licensing and regulatory  
9 program for hemp production in this state in accordance with the  
10 agriculture improvement act of 2018;

11 (2) Replace the industrial hemp research program in chapter  
12 15.120 RCW, with the new licensing and regulatory program established  
13 in this chapter, and enable hemp growers licensed under the  
14 industrial hemp research program on the effective date of rules  
15 implementing this chapter and regulating hemp production, to transfer  
16 into the program created in this chapter; and

17 (3) Authorize the growing of hemp as a legal, agricultural  
18 activity in this state. Hemp is an agricultural product that may be  
19 legally grown, produced, processed, possessed, transferred,  
20 commercially sold, and traded. Hemp and hemp products produced in  
21 accordance with this chapter may be transferred and sold within the

1 state, outside of this state, and internationally. Nothing in this  
2 chapter is intended to prevent or restrain commerce in this state  
3 involving hemp or hemp products produced lawfully under the laws of  
4 another state, tribe, or country.

5 NEW SECTION. **Sec. 2.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Agriculture improvement act of 2018" means sections 7605,  
9 10113, 10114, and 12619 of the agriculture improvement act of 2018,  
10 P.L. 115-334.

11 (2) "Crop" means hemp grown as an agricultural commodity.

12 (3) "Cultivar" means a variation of the plant *Cannabis sativa L.*  
13 that has been developed through cultivation by selective breeding.

14 (4) "Department" means the Washington state department of  
15 agriculture.

16 (5) "Hemp" means the plant *Cannabis sativa L.* and any part of  
17 that plant, including the seeds thereof and all derivatives,  
18 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
19 whether growing or not, with a delta-9 tetrahydrocannabinol  
20 concentration of not more than 0.3 percent on a dry weight basis.

21 (6) (a) "Industrial hemp" means all parts and varieties of the  
22 genera *Cannabis*, cultivated or possessed by a grower, whether growing  
23 or not, that contain a tetrahydrocannabinol concentration of 0.3  
24 percent or less by dry weight that was grown under the industrial  
25 hemp research program as it existed on December 31, 2019.

26 (b) "Industrial hemp" does not include plants of the genera  
27 *Cannabis* that meet the definition of "marijuana" as defined in RCW  
28 69.50.101.

29 (7) "Postharvest test" means a test of delta-9  
30 tetrahydrocannabinol concentration levels of hemp after being  
31 harvested based on:

32 (a) Ground whole plant samples without heat applied; or

33 (b) Other approved testing methods.

34 (8) "Process" means the processing, compounding, or conversion of  
35 hemp into hemp commodities or products.

36 (9) "Produce" means the planting, cultivation, growing, or  
37 harvesting of hemp including hemp seed.

1        NEW SECTION.        **Sec. 3.**        (1) The department must develop an  
2 agricultural commodity program to replace the industrial hemp  
3 research pilot program in chapter 15.120 RCW, in accordance with the  
4 agriculture improvement act of 2018.

5        (2) The department has sole regulatory authority over the  
6 production of hemp and may adopt rules to implement this chapter. All  
7 rules relating to hemp, including any testing of hemp, are outside of  
8 the control and authority of the liquor and cannabis board.

9        (3) If the department adopts rules implementing this chapter that  
10 are effective by June 1, 2019, persons licensed to grow hemp under  
11 chapter 15.120 RCW may transfer into the regulatory program  
12 established in this chapter, and continue hemp production under this  
13 chapter. If the department adopts rules implementing this chapter  
14 that are effective after June 1, 2019, people licensed to grow hemp  
15 under chapter 15.120 RCW may continue hemp production under this  
16 chapter as of the effective date of the rules.

17        (4) (a) Immediately upon the effective date of this section, and  
18 before the adoption of rules implementing this chapter, persons  
19 licensed to grow hemp under chapter 15.120 RCW may produce hemp in a  
20 manner otherwise consistent with the provisions of this chapter and  
21 the agriculture improvement act of 2018, P.L. 115-34.

22        (b) The whole hemp plant may be used as food. When processing  
23 hemp for food products all tests and handling procedures generally  
24 applicable to the production and processing of nonhemp foods for  
25 human consumption must be followed. The department may regulate the  
26 processing of hemp food products that are allowable under federal law  
27 to the same extent as the department regulates other food processing  
28 under chapters 15.130 and 69.07 RCW. The department may adopt rules  
29 as necessary to regulate the processing of hemp for food products,  
30 including but not limited to rules establishing standards for  
31 creating hemp extracts used for food.

32        NEW SECTION.        **Sec. 4.**        Hemp and hemp products produced in  
33 accordance with this chapter or produced lawfully under the laws of  
34 another state, tribe, or country may be transferred and sold within  
35 this state, outside of this state, and internationally.

36        NEW SECTION.        **Sec. 5.**        (1) The department must develop the  
37 state's hemp plan to conform to the agriculture improvement act of  
38 2018, to include consultation with the governor and the attorney

1 general and the plan elements required in the agriculture improvement  
2 act of 2018.

3 (2) Consistent with subsection (1) of this section, the state's  
4 hemp plan must include the following elements:

5 (a) A practice for hemp producers to maintain relevant  
6 information regarding land on which hemp is produced, including a  
7 legal description of the land, for a period of not less than three  
8 calendar years;

9 (b) A procedure for testing, using postdecarboxylation or other  
10 similarly reliable methods, delta-9 tetrahydrocannabinol  
11 concentration levels of hemp, without the application of heat;

12 (c) A procedure for the effective disposal of plants, whether  
13 growing or not, that are produced in violation of this chapter, and  
14 products derived from such plants;

15 (d) A procedure for enforcement of violations of the plan and for  
16 corrective action plans for licensees as required under the  
17 agriculture improvement act of 2018;

18 (e) A procedure for conducting annual inspections of, at a  
19 minimum, a random sample of hemp producers to verify hemp is not  
20 produced in violation of this chapter; and

21 (f) A certification that the state has the resources and  
22 personnel to carry out the practices and procedures described in this  
23 section.

24 (3) The proposal for the state's plan may include any other  
25 practice or procedure established to the extent the practice or  
26 procedure is consistent with the agriculture improvement act of 2018.

27 NEW SECTION. **Sec. 6.** The department must develop a postharvest  
28 test protocol for testing hemp under this chapter that includes  
29 testing of whole plant samples or other testing protocol identified  
30 in regulations established by the United States department of  
31 agriculture, including the testing procedures for delta-9  
32 tetrahydrocannabinol concentration levels of hemp produced by growers  
33 under the state plan.

34 NEW SECTION. **Sec. 7.** (1) The department must issue hemp  
35 producer licenses to applicants qualified under this chapter and the  
36 agriculture improvement act of 2018. The department may adopt rules  
37 pursuant to this chapter and chapter 34.05 RCW as necessary to  
38 license persons to grow hemp under a commercial hemp program.

1 (2) The plan must identify qualifications for license applicants,  
2 to include adults and corporate persons and to exclude persons with  
3 felony convictions as required under the agriculture improvement act  
4 of 2018.

5 (3) The department must establish license fees in an amount that  
6 will fund the implementation of this chapter and sustain the hemp  
7 program. The department may adopt rules establishing fees for  
8 tetrahydrocannabinol testing, inspections, and additional services  
9 required by the United States department of agriculture. License fees  
10 and any money received by the department under this chapter must be  
11 deposited in the hemp regulatory account created in section 9 of this  
12 act.

13 NEW SECTION. **Sec. 8.** A person producing hemp under this chapter  
14 must notify the department of the source of the hemp seed or clones  
15 to maintain a record of the sources of seeds and clones being used or  
16 having been used for hemp production in this state. Hemp seed is an  
17 agricultural seed.

18 NEW SECTION. **Sec. 9.** The hemp regulatory account is created in  
19 the custody of the state treasurer. All receipts from licensing fees  
20 established under this chapter must be deposited into the account.  
21 Expenditures from the account may be used only for implementing this  
22 chapter. Only the director of the state department of agriculture or  
23 the director's designee may authorize expenditures from the account.  
24 The account is subject to allotment procedures under chapter 43.88  
25 RCW, but an appropriation is not required for expenditures.

26 NEW SECTION. **Sec. 10.** Washington State University must develop  
27 and make accessible an internet-based application designed to assist  
28 hemp producers by providing regional communications concerning  
29 recommended planting times for hemp crops in this state.

30 NEW SECTION. **Sec. 11.** (1) There is no distance requirement,  
31 limitation, or buffer zone between any licensed hemp producer or hemp  
32 processing facility licensed or authorized under this chapter and any  
33 marijuana producer or marijuana processor licensed under chapter  
34 69.50 RCW. No rule may establish such a distance requirement,  
35 limitation, or buffer zone without the evaluation of sufficient data  
36 showing impacts to either crop as a result of cross-pollination.

1 (2) Notwithstanding subsection (1) of this section, in an effort  
2 to prevent cross-pollination between hemp plants produced under this  
3 chapter and marijuana plants produced under chapter 69.50 RCW, the  
4 department, in consultation with the liquor and cannabis board, must  
5 review the state's policy regarding cross-pollination and pollen  
6 capture to ensure an appropriate policy is in place, and must modify  
7 policies or establish new policies as appropriate. Under any such  
8 policy, when a documented conflict involving cross-pollination exists  
9 between two farms or production facilities growing or producing hemp  
10 or marijuana, the farm or production facility operating first in time  
11 shall have the right to continue operating and the farm or production  
12 facility operating second in time must cease growing or producing  
13 hemp or marijuana, as applicable.

14 NEW SECTION. **Sec. 12.** (1) The department must use expedited  
15 rule making to adopt the state hemp plan submitted to the United  
16 States department of agriculture upon receipt of approval of the plan  
17 by the United States department of agriculture. As allowed under this  
18 section, rule making by the department to adopt the approved hemp  
19 plan qualifies as expedited rule making under RCW 34.05.353. Upon the  
20 approval of the plan by the United States department of agriculture,  
21 the department may conduct initial expedited rule making under RCW  
22 34.05.353 to establish rules to allow hemp licenses to be issued  
23 without delay.

24 (2) On the effective date of rules adopted by the department  
25 regulating hemp production under chapter 15.--- RCW (the new chapter  
26 created in section 17 of this act), a licensed hemp grower under this  
27 chapter may immediately produce hemp pursuant to chapter 15.--- RCW  
28 (the new chapter created in section 17 of this act) with all the  
29 privileges of a hemp producer licensed under chapter 15.--- RCW (the  
30 new chapter created in section 17 of this act).

31 **Sec. 13.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and  
32 amended to read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (a) "Administer" means to apply a controlled substance, whether  
36 by injection, inhalation, ingestion, or any other means, directly to  
37 the body of a patient or research subject by:

1 (1) a practitioner authorized to prescribe (or, by the  
2 practitioner's authorized agent); or

3 (2) the patient or research subject at the direction and in the  
4 presence of the practitioner.

5 (b) "Agent" means an authorized person who acts on behalf of or  
6 at the direction of a manufacturer, distributor, or dispenser. It  
7 does not include a common or contract carrier, public  
8 warehouseperson, or employee of the carrier or warehouseperson.

9 (c) "CBD concentration" has the meaning provided in RCW  
10 69.51A.010.

11 (d) "CBD product" means any product containing or consisting of  
12 cannabidiol.

13 (e) "Commission" means the pharmacy quality assurance commission.

14 (f) "Controlled substance" means a drug, substance, or immediate  
15 precursor included in Schedules I through V as set forth in federal  
16 or state laws, or federal or commission rules, but does not include  
17 hemp or industrial hemp as defined in (~~RCW 15.120.010~~) section 2 of  
18 this act.

19 (g) (1) "Controlled substance analog" means a substance the  
20 chemical structure of which is substantially similar to the chemical  
21 structure of a controlled substance in Schedule I or II and:

22 (i) that has a stimulant, depressant, or hallucinogenic effect on  
23 the central nervous system substantially similar to the stimulant,  
24 depressant, or hallucinogenic effect on the central nervous system of  
25 a controlled substance included in Schedule I or II; or

26 (ii) with respect to a particular individual, that the individual  
27 represents or intends to have a stimulant, depressant, or  
28 hallucinogenic effect on the central nervous system substantially  
29 similar to the stimulant, depressant, or hallucinogenic effect on the  
30 central nervous system of a controlled substance included in Schedule  
31 I or II.

32 (2) The term does not include:

33 (i) a controlled substance;

34 (ii) a substance for which there is an approved new drug  
35 application;

36 (iii) a substance with respect to which an exemption is in effect  
37 for investigational use by a particular person under Section 505 of  
38 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or  
39 chapter 69.77 RCW to the extent conduct with respect to the substance  
40 is pursuant to the exemption; or

1 (iv) any substance to the extent not intended for human  
2 consumption before an exemption takes effect with respect to the  
3 substance.

4 (h) "Deliver" or "delivery" means the actual or constructive  
5 transfer from one person to another of a substance, whether or not  
6 there is an agency relationship.

7 (i) "Department" means the department of health.

8 (j) "Designated provider" has the meaning provided in RCW  
9 69.51A.010.

10 (k) "Dispense" means the interpretation of a prescription or  
11 order for a controlled substance and, pursuant to that prescription  
12 or order, the proper selection, measuring, compounding, labeling, or  
13 packaging necessary to prepare that prescription or order for  
14 delivery.

15 (l) "Dispenser" means a practitioner who dispenses.

16 (m) "Distribute" means to deliver other than by administering or  
17 dispensing a controlled substance.

18 (n) "Distributor" means a person who distributes.

19 (o) "Drug" means (1) a controlled substance recognized as a drug  
20 in the official United States pharmacopoeia/national formulary or the  
21 official homeopathic pharmacopoeia of the United States, or any  
22 supplement to them; (2) controlled substances intended for use in the  
23 diagnosis, cure, mitigation, treatment, or prevention of disease in  
24 individuals or animals; (3) controlled substances (other than food)  
25 intended to affect the structure or any function of the body of  
26 individuals or animals; and (4) controlled substances intended for  
27 use as a component of any article specified in (1), (2), or (3) of  
28 this subsection. The term does not include devices or their  
29 components, parts, or accessories.

30 (p) "Drug enforcement administration" means the drug enforcement  
31 administration in the United States Department of Justice, or its  
32 successor agency.

33 (q) "Electronic communication of prescription information" means  
34 the transmission of a prescription or refill authorization for a drug  
35 of a practitioner using computer systems. The term does not include a  
36 prescription or refill authorization verbally transmitted by  
37 telephone nor a facsimile manually signed by the practitioner.

38 (r) "Immature plant or clone" means a plant or clone that has no  
39 flowers, is less than twelve inches in height, and is less than  
40 twelve inches in diameter.



1 (s) "Immediate precursor" means a substance:  
2 (1) that the commission has found to be and by rule designates as  
3 being the principal compound commonly used, or produced primarily for  
4 use, in the manufacture of a controlled substance;  
5 (2) that is an immediate chemical intermediary used or likely to  
6 be used in the manufacture of a controlled substance; and  
7 (3) the control of which is necessary to prevent, curtail, or  
8 limit the manufacture of the controlled substance.  
9 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)  
10 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
11 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
12 (42), and 69.50.210(c) the term includes any positional isomer; and  
13 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
14 includes any positional or geometric isomer.  
15 (u) "Lot" means a definite quantity of marijuana, marijuana  
16 concentrates, useable marijuana, or marijuana-infused product  
17 identified by a lot number, every portion or package of which is  
18 uniform within recognized tolerances for the factors that appear in  
19 the labeling.  
20 (v) "Lot number" must identify the licensee by business or trade  
21 name and Washington state unified business identifier number, and the  
22 date of harvest or processing for each lot of marijuana, marijuana  
23 concentrates, useable marijuana, or marijuana-infused product.  
24 (w) "Manufacture" means the production, preparation, propagation,  
25 compounding, conversion, or processing of a controlled substance,  
26 either directly or indirectly or by extraction from substances of  
27 natural origin, or independently by means of chemical synthesis, or  
28 by a combination of extraction and chemical synthesis, and includes  
29 any packaging or repackaging of the substance or labeling or  
30 relabeling of its container. The term does not include the  
31 preparation, compounding, packaging, repackaging, labeling, or  
32 relabeling of a controlled substance:  
33 (1) by a practitioner as an incident to the practitioner's  
34 administering or dispensing of a controlled substance in the course  
35 of the practitioner's professional practice; or  
36 (2) by a practitioner, or by the practitioner's authorized agent  
37 under the practitioner's supervision, for the purpose of, or as an  
38 incident to, research, teaching, or chemical analysis and not for  
39 sale.

1 (x) "Marijuana" or "marihuana" means all parts of the plant  
2 *Cannabis*, whether growing or not, with a THC concentration greater  
3 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
4 extracted from any part of the plant; and every compound,  
5 manufacture, salt, derivative, mixture, or preparation of the plant,  
6 its seeds or resin. The term does not include:

7 (1) The mature stalks of the plant, fiber produced from the  
8 stalks, oil or cake made from the seeds of the plant, any other  
9 compound, manufacture, salt, derivative, mixture, or preparation of  
10 the mature stalks (except the resin extracted therefrom), fiber, oil,  
11 or cake, or the sterilized seed of the plant which is incapable of  
12 germination; or

13 (2) (~~Industrial hemp as defined in RCW 15.120.010~~) Hemp or  
14 industrial hemp as defined in section 2 of this act, seeds used for  
15 licensed hemp production under chapter 15.--- RCW (the new chapter  
16 created in section 17 of this act).

17 (y) "Marijuana concentrates" means products consisting wholly or  
18 in part of the resin extracted from any part of the plant *Cannabis*  
19 and having a THC concentration greater than ten percent.

20 (z) "Marijuana processor" means a person licensed by the state  
21 liquor and cannabis board to process marijuana into marijuana  
22 concentrates, useable marijuana, and marijuana-infused products,  
23 package and label marijuana concentrates, useable marijuana, and  
24 marijuana-infused products for sale in retail outlets, and sell  
25 marijuana concentrates, useable marijuana, and marijuana-infused  
26 products at wholesale to marijuana retailers.

27 (aa) "Marijuana producer" means a person licensed by the state  
28 liquor and cannabis board to produce and sell marijuana at wholesale  
29 to marijuana processors and other marijuana producers.

30 (bb) "Marijuana products" means useable marijuana, marijuana  
31 concentrates, and marijuana-infused products as defined in this  
32 section.

33 (cc) "Marijuana researcher" means a person licensed by the state  
34 liquor and cannabis board to produce, process, and possess marijuana  
35 for the purposes of conducting research on marijuana and marijuana-  
36 derived drug products.

37 (dd) "Marijuana retailer" means a person licensed by the state  
38 liquor and cannabis board to sell marijuana concentrates, useable  
39 marijuana, and marijuana-infused products in a retail outlet.

1 (ee) "Marijuana-infused products" means products that contain  
2 marijuana or marijuana extracts, are intended for human use, are  
3 derived from marijuana as defined in subsection (x) of this section,  
4 and have a THC concentration no greater than ten percent. The term  
5 "marijuana-infused products" does not include either useable  
6 marijuana or marijuana concentrates.

7 (ff) "Narcotic drug" means any of the following, whether produced  
8 directly or indirectly by extraction from substances of vegetable  
9 origin, or independently by means of chemical synthesis, or by a  
10 combination of extraction and chemical synthesis:

11 (1) Opium, opium derivative, and any derivative of opium or opium  
12 derivative, including their salts, isomers, and salts of isomers,  
13 whenever the existence of the salts, isomers, and salts of isomers is  
14 possible within the specific chemical designation. The term does not  
15 include the isoquinoline alkaloids of opium.

16 (2) Synthetic opiate and any derivative of synthetic opiate,  
17 including their isomers, esters, ethers, salts, and salts of isomers,  
18 esters, and ethers, whenever the existence of the isomers, esters,  
19 ethers, and salts is possible within the specific chemical  
20 designation.

21 (3) Poppy straw and concentrate of poppy straw.

22 (4) Coca leaves, except coca leaves and extracts of coca leaves  
23 from which cocaine, ecgonine, and derivatives or ecgonine or their  
24 salts have been removed.

25 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

26 (6) Cocaine base.

27 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
28 thereof.

29 (8) Any compound, mixture, or preparation containing any quantity  
30 of any substance referred to in subparagraphs (1) through (7).

31 (gg) "Opiate" means any substance having an addiction-forming or  
32 addiction-sustaining liability similar to morphine or being capable  
33 of conversion into a drug having addiction-forming or addiction-  
34 sustaining liability. The term includes opium, substances derived  
35 from opium (opium derivatives), and synthetic opiates. The term does  
36 not include, unless specifically designated as controlled under RCW  
37 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
38 and its salts (dextromethorphan). The term includes the racemic and  
39 levorotatory forms of dextromethorphan.

1 (hh) "Opium poppy" means the plant of the species *Papaver*  
2 *somniferum* L., except its seeds.

3 (ii) "Person" means individual, corporation, business trust,  
4 estate, trust, partnership, association, joint venture, government,  
5 governmental subdivision or agency, or any other legal or commercial  
6 entity.

7 (jj) "Plant" has the meaning provided in RCW 69.51A.010.

8 (kk) "Poppy straw" means all parts, except the seeds, of the  
9 opium poppy, after mowing.

10 (ll) "Practitioner" means:

11 (1) A physician under chapter 18.71 RCW; a physician assistant  
12 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
13 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
14 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
15 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
16 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
17 subject to any limitations in RCW 18.53.010; a dentist under chapter  
18 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
19 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
20 registered nurse practitioner, or licensed practical nurse under  
21 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
22 who is licensed under RCW 18.36A.030 subject to any limitations in  
23 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
24 investigator under this chapter, licensed, registered or otherwise  
25 permitted insofar as is consistent with those licensing laws to  
26 distribute, dispense, conduct research with respect to or administer  
27 a controlled substance in the course of their professional practice  
28 or research in this state.

29 (2) A pharmacy, hospital or other institution licensed,  
30 registered, or otherwise permitted to distribute, dispense, conduct  
31 research with respect to or to administer a controlled substance in  
32 the course of professional practice or research in this state.

33 (3) A physician licensed to practice medicine and surgery, a  
34 physician licensed to practice osteopathic medicine and surgery, a  
35 dentist licensed to practice dentistry, a podiatric physician and  
36 surgeon licensed to practice podiatric medicine and surgery, a  
37 licensed physician assistant or a licensed osteopathic physician  
38 assistant specifically approved to prescribe controlled substances by  
39 his or her state's medical quality assurance commission or equivalent  
40 and his or her supervising physician, an advanced registered nurse

1 practitioner licensed to prescribe controlled substances, or a  
2 veterinarian licensed to practice veterinary medicine in any state of  
3 the United States.

4 (mm) "Prescription" means an order for controlled substances  
5 issued by a practitioner duly authorized by law or rule in the state  
6 of Washington to prescribe controlled substances within the scope of  
7 his or her professional practice for a legitimate medical purpose.

8 (nn) "Production" includes the manufacturing, planting,  
9 cultivating, growing, or harvesting of a controlled substance.

10 (oo) "Qualifying patient" has the meaning provided in RCW  
11 69.51A.010.

12 (pp) "Recognition card" has the meaning provided in RCW  
13 69.51A.010.

14 (qq) "Retail outlet" means a location licensed by the state  
15 liquor and cannabis board for the retail sale of marijuana  
16 concentrates, useable marijuana, and marijuana-infused products.

17 (rr) "Secretary" means the secretary of health or the secretary's  
18 designee.

19 (ss) "State," unless the context otherwise requires, means a  
20 state of the United States, the District of Columbia, the  
21 Commonwealth of Puerto Rico, or a territory or insular possession  
22 subject to the jurisdiction of the United States.

23 (tt) "THC concentration" means percent of delta-9  
24 tetrahydrocannabinol content per dry weight of any part of the plant  
25 *Cannabis*, or per volume or weight of marijuana product, or the  
26 combined percent of delta-9 tetrahydrocannabinol and  
27 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
28 regardless of moisture content.

29 (uu) "Ultimate user" means an individual who lawfully possesses a  
30 controlled substance for the individual's own use or for the use of a  
31 member of the individual's household or for administering to an  
32 animal owned by the individual or by a member of the individual's  
33 household.

34 (vv) "Useable marijuana" means dried marijuana flowers. The term  
35 "useable marijuana" does not include either marijuana-infused  
36 products or marijuana concentrates.

37 **Sec. 14.** RCW 69.50.204 and 2015 2nd sp.s. c 4 s 1203 are each  
38 amended to read as follows:

1 Unless specifically excepted by state or federal law or  
2 regulation or more specifically included in another schedule, the  
3 following controlled substances are listed in Schedule I:

4 (a) Any of the following opiates, including their isomers,  
5 esters, ethers, salts, and salts of isomers, esters, and ethers  
6 whenever the existence of these isomers, esters, ethers, and salts is  
7 possible within the specific chemical designation:

8 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
9 piperidinyl]-N-phenylacetamide);

10 (2) Acetylmethadol;

11 (3) Allylprodine;

12 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also  
13 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

14 (5) Alphameprodine;

15 (6) Alphamethadol;

16 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)  
17 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-  
18 propanilido) piperidine);

19 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-  
20 piperidinyl]-N-phenylpropanamide);

21 (9) Benzethidine;

22 (10) Betacetylmethadol;

23 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-  
24 piperidinyl]-N-phenylpropanamide);

25 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:  
26 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-  
27 phenylpropanamide;

28 (13) Betameprodine;

29 (14) Betamethadol;

30 (15) Betaprodine;

31 (16) Clonitazene;

32 (17) Dextromoramide;

33 (18) Diampromide;

34 (19) Diethylthiambutene;

35 (20) Difenoixin;

36 (21) Dimenoxadol;

37 (22) Dimepheptanol;

38 (23) Dimethylthiambutene;

39 (24) Dioxaphetyl butyrate;

40 (25) Dipipanone;

- 1 (26) Ethylmethylthiambutene;
- 2 (27) Etonitazene;
- 3 (28) Etoxeridine;
- 4 (29) Furethidine;
- 5 (30) Hydroxypethidine;
- 6 (31) Ketobemidone;
- 7 (32) Levomoramide;
- 8 (33) Levophenacylmorphan;
- 9 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 10 piperidyl]-N-phenylprop anamide);
- 11 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 12 piperidinyl]-N-phenylpropanamide);
- 13 (36) Morpheridine;
- 14 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 15 (38) Noracymethadol;
- 16 (39) Norlevorphanol;
- 17 (40) Normethadone;
- 18 (41) Norpipanone;
- 19 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 20 phenethyl)-4-piperidinyl] propanamide);
- 21 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 22 (44) Phenadoxone;
- 23 (45) Phenampromide;
- 24 (46) Phenomorphan;
- 25 (47) Phenoperidine;
- 26 (48) Piritramide;
- 27 (49) Proheptazine;
- 28 (50) Properidine;
- 29 (51) Propiram;
- 30 (52) Racemoramide;
- 31 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 32 (~~propanamide~~) propanamide);
- 33 (54) Tilidine;
- 34 (55) Trimeperidine.

35 (b) Opium derivatives. Unless specifically excepted or unless  
36 listed in another schedule, any of the following opium derivatives,  
37 including their salts, isomers, and salts of isomers whenever the  
38 existence of those salts, isomers, and salts of isomers is possible  
39 within the specific chemical designation:

- 40 (1) Acetorphine;

- 1 (2) Acetyldihydrocodeine;
- 2 (3) Benzylmorphine;
- 3 (4) Codeine methylbromide;
- 4 (5) Codeine-N-Oxide;
- 5 (6) Cyprenorphine;
- 6 (7) Desomorphine;
- 7 (8) Dihydromorphine;
- 8 (9) Drotebanol;
- 9 (10) Etorphine, except hydrochloride salt;
- 10 (11) Heroin;
- 11 (12) Hydromorphenol;
- 12 (13) Methyldesorphine;
- 13 (14) Methyldihydromorphine;
- 14 (15) Morphine methylbromide;
- 15 (16) Morphine methylsulfonate;
- 16 (17) Morphine-N-Oxide;
- 17 (18) Myrophine;
- 18 (19) Nicocodeine;
- 19 (20) Nicomorphine;
- 20 (21) Normorphine;
- 21 (22) Pholcodine;
- 22 (23) Thebacon.

23 (c) Hallucinogenic substances. Unless specifically excepted or  
24 unless listed in another schedule, any material, compound, mixture,  
25 or preparation which contains any quantity of the following  
26 hallucinogenic substances, including their salts, isomers, and salts  
27 of isomers whenever the existence of those salts, isomers, and salts  
28 of isomers is possible within the specific chemical designation. For  
29 the purposes of this subsection only, the term "isomer" includes the  
30 optical, position, and geometric isomers:

31 (1) Alpha-ethyltryptamine: Some trade or other names:  
32 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)  
33 indole; a-ET; and AET;

34 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:  
35 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

36 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other  
37 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl  
38 DOB; 2C-B, nexus;

39 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-  
40 dimethoxy-a-methylphenethylamine; 2,5-DMA;



- 1 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 2 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
- 3 2C-T-7;
- 4 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
- 5 methylphenethylamine; paramethoxyamphetamine, PMA;
- 6 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 7 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
- 8 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
- 9 "STP";
- 10 (10) 3,4-methylenedioxy amphetamine;
- 11 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 12 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
- 13 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
- 14 MDE, MDEA;
- 15 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
- 16 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine,N-hydroxy
- 17 MDA;
- 18 (14) 3,4,5-trimethoxy amphetamine;
- 19 (15) Alpha-methyltryptamine: Other name: AMT;
- 20 (16) Bufotenine: Some trade or other names: 3-(beta-
- 21 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
- 22 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
- 23 mappine;
- 24 (17) Diethyltryptamine: Some trade or other names: N,N-
- 25 Diethyltryptamine; DET;
- 26 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 27 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 28 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
- 29 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'
- 30 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
- 31 (21) Lysergic acid diethylamide;
- 32 (22) Marihuana or marijuana;
- 33 (23) Mescaline;
- 34 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
- 35 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
- 36 dibenzo[b,d]pyran; synhexyl;
- 37 (25) Peyote, meaning all parts of the plant presently classified
- 38 botanically as Lophophora Williamsii Lemaire, whether growing or not,
- 39 the seeds thereof, any extract from any part of such plant, and every
- 40 compound, manufacture, salts, derivative, mixture, or preparation of

1 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812  
2 (c), Schedule I (c)(12));

3 (26) N-ethyl-3-piperidyl benzilate;

4 (27) N-methyl-3-piperidyl benzilate;

5 (28) Psilocybin;

6 (29) Psilocyn;

7 (30) (i) Tetrahydrocannabinols, meaning tetrahydrocannabinols  
8 naturally contained in a plant of the (~~(genus)~~) genera Cannabis  
9 (~~((cannabis—plant))~~), as well as synthetic equivalents of the  
10 substances contained in the plant, or in the resinous extractives of  
11 the genera Cannabis, (~~(species)~~) and/or synthetic substances,  
12 derivatives, and their isomers with similar chemical structure and  
13 pharmacological activity such as the following:

14 (~~((i))~~) (A) 1 - cis - or trans tetrahydrocannabinol, and their  
15 optical isomers, excluding tetrahydrocannabinol in sesame oil and  
16 encapsulated in a soft gelatin capsule in a drug product approved by  
17 the United States Food and Drug Administration;

18 (~~((ii))~~) (B) 6 - cis - or trans tetrahydrocannabinol, and their  
19 optical isomers;

20 (~~((iii))~~) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its  
21 optical isomers; or

22 (~~((iv))~~) (D) That is chemically synthesized and either:

23 (~~((a))~~) (I) Has been demonstrated to have binding activity at one  
24 or more cannabinoid receptors; or

25 (~~((b))~~) (II) Is a chemical analog or isomer of a compound that  
26 has been demonstrated to have binding activity at one or more  
27 cannabinoid receptors;

28 (Since nomenclature of these substances is not internationally  
29 standardized, compounds of these structures, regardless of numerical  
30 designation of atomic positions covered.)

31 (ii) Hemp and industrial hemp, as defined in section 2 of this  
32 act, are excepted from the categories of controlled substances  
33 identified under this section;

34 (31) Ethylamine analog of phencyclidine: Some trade or other  
35 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)  
36 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

37 (32) Pyrrolidine analog of phencyclidine: Some trade or other  
38 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

1 (33) Thiophene analog of phencyclidine: Some trade or other  
2 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of  
3 phencyclidine; TPCP; TCP;

4 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other  
5 name is TCPy.

6 (d) Depressants. Unless specifically excepted or unless listed in  
7 another schedule, any material, compound, mixture, or preparation  
8 which contains any quantity of the following substances having a  
9 depressant effect on the central nervous system, including its salts,  
10 isomers, and salts of isomers whenever the existence of such salts,  
11 isomers, and salts of isomers is possible within the specific  
12 chemical designation.

13 (1) Gamma-hydroxybutyric acid: Some other names include GHB;  
14 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;  
15 sodium oxybate; sodium oxybutyrate;

16 (2) Mecloqualone;

17 (3) Methaqualone.

18 (e) Stimulants. Unless specifically excepted or unless listed in  
19 another schedule, any material, compound, mixture, or preparation  
20 which contains any quantity of the following substances having a  
21 stimulant effect on the central nervous system, including its salts,  
22 isomers, and salts of isomers:

23 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-  
24 oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

25 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

26 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,  
27 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

28 (4) Fenethylamine;

29 (5) Methcathinone: Some other names: 2-(methylamino)-  
30 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-  
31 phenylpropan-1-one; alpha-N-methylaminopropiophenone;  
32 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;  
33 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and  
34 salts of optical isomers;

35 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-  
36 phenyl-2-oxazolamine);

37 (7) N-ethylamphetamine;

38 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-  
39 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

1 The controlled substances in this section may be added,  
2 rescheduled, or deleted as provided for in RCW 69.50.201.

3 NEW SECTION. **Sec. 15.** The following acts or parts of acts, as  
4 now existing or hereafter amended, are each repealed, effective  
5 January 1, 2020:

6 (1) RCW 15.120.005 (Intent) and 2016 sp.s. c 11 s 1;

7 (2) RCW 15.120.010 (Definitions) and 2016 sp.s. c 11 s 2;

8 (3) RCW 15.120.020 (Industrial hemp—Agricultural product—  
9 Exclusively as part of industrial hemp research program) and 2016  
10 sp.s. c 11 s 3;

11 (4) RCW 15.120.030 (Rule-making authority) and 2016 sp.s. c 11 s  
12 4;

13 (5) RCW 15.120.035 (Rule-making authority—Monetary penalties,  
14 license suspension or forfeiture, other sanctions—Rules to be  
15 consistent with section 7606 of federal agricultural act of 2014) and  
16 2017 c 317 s 10;

17 (6) RCW 15.120.040 (Industrial hemp research program—Established  
18 —Licensure—Seed certification program—Permission/waiver from  
19 appropriate federal entity) and 2016 sp.s. c 11 s 5;

20 (7) RCW 15.120.050 (Application form—Fee—Licensure—Renewal—  
21 Record of license forwarded to county sheriff—Public disclosure  
22 exemption) and 2016 sp.s. c 11 s 6; and

23 (8) RCW 15.120.060 (Sales and transfers of industrial hemp  
24 produced for processing—Department and state liquor and cannabis  
25 board to study feasibility and practicality of implementing  
26 legislatively authorized regulatory framework) and 2017 c 317 s 9.

27 NEW SECTION. **Sec. 16.** (1) No law or rule related to certified  
28 or interstate hemp seeds applies to or may be enforced against a  
29 person with a license to produce or process hemp issued under chapter  
30 15.120 RCW or this chapter; and

31 (2) Without the evaluation of sufficient data showing impacts to  
32 hemp crops or marijuana crops as a result of cross-pollination, no  
33 department or other state agency rule may establish or enforce a  
34 buffer zone or distance requirement between a person with a license  
35 or authorization to produce or process hemp under chapter 15.120 RCW  
36 or this chapter and a person with a license to produce or process  
37 marijuana issued under chapter 69.50 RCW.

1        NEW SECTION.    **Sec. 17.**    Sections 1 through 12 and 16 of this act  
2    constitute a new chapter in Title 15 RCW.

3        NEW SECTION.    **Sec. 18.**    If any provision of this act or its  
4    application to any person or circumstance is held invalid, the  
5    remainder of the act or the application of the provision to other  
6    persons or circumstances is not affected.

7        NEW SECTION.    **Sec. 19.**    This act is necessary for the immediate  
8    preservation of the public peace, health, or safety, or support of  
9    the state government and its existing public institutions, and takes  
10   effect immediately.

11       NEW SECTION.    **Sec. 20.**    If specific funding for the purposes of  
12   this act, referencing this act by bill or chapter number, is not  
13   provided by June 30, 2019, in the omnibus appropriations act, this  
14   act is null and void.

--- END ---