
HOUSE BILL 1630

State of Washington

66th Legislature

2019 Regular Session

By Representatives DeBolt, Macri, Cody, Harris, Tharinger, Riccelli, Doglio, Kloba, Jenkins, and Robinson

Read first time 01/25/19. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the practice of naturopathy; amending RCW
2 18.36A.040 and 69.41.030; reenacting and amending RCW 18.36A.020 and
3 69.50.101; adding new sections to chapter 18.36A RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) Washington has a shortage of primary care services that poses
8 a significant risk to public health resulting in increased human
9 suffering and increased costs.

10 (2) Naturopathic physicians, licensed under chapter 18.36A RCW
11 since 1987 and chapter 18.36 RCW since 1919, are recognized as
12 primary care providers in both statute and rule, and have served in
13 this role for many years through private health plans, in apple
14 health (medicaid), and with the Indian health service systems.

15 (3) In some areas, naturopathic physicians are the only available
16 health care providers. As such, they need authority for all
17 appropriate primary care services consistent with their education and
18 patient populations. This act supports better patient care, prevents
19 duplication of services, reduces emergency department visits, and is
20 more cost-effective for patients, health plans, and state agencies.

1 (4) The legislature first granted naturopathic physicians limited
2 prescriptive authority in 1987 and expanded this in 2005 to include
3 all legend drugs and limited controlled substances in Schedules III
4 through V of the uniform controlled substances act. This act is
5 consistent with the findings of the 2014 sunrise review in which the
6 department of health agreed with the health care authority arguments
7 in support of a limited expansion of naturopathic prescriptive
8 authority for controlled substances.

9 (5) This act recognizes the board of naturopathy (established by
10 the legislature in 2011), and its role in rule making for
11 determination of specific clinical parameters and educational
12 requirements in the same manner as other boards and commissions with
13 primary care authority.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.36A
15 RCW to read as follows:

16 (1) Subject to the requirements of this section, a naturopath may
17 prescribe and administer legend drugs and controlled substances
18 contained in Schedules III through V of the uniform controlled
19 substances act, chapter 69.50 RCW, as necessary in the practice of
20 naturopathy.

21 (2) A naturopath who prescribes controlled substances shall
22 register with the department to access the prescription monitoring
23 program established in chapter 70.225 RCW.

24 (3) By rule, the board shall establish education and training
25 requirements related to prescribing legend drugs and controlled
26 substances. A naturopath may prescribe and administer drugs pursuant
27 to subsection (1) of this section only if he or she satisfies the
28 education and training requirements established by the board.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.36A
30 RCW to read as follows:

31 A naturopath may sign and attest to any certificates, cards,
32 forms, or other required documentation that a physician may sign, so
33 long as it is within the naturopath's scope of practice. This
34 includes, but is not limited to, death certificates, guardianships,
35 powers of attorney, disability determinations, and similar legal
36 documents.

1 **Sec. 4.** RCW 18.36A.020 and 2011 c 41 s 3 and 2011 c 40 s 1 are
2 each reenacted and amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Board" means the board of naturopathy created in RCW
6 18.36A.150.

7 (2) "Common diagnostic procedures" means the use of venipuncture
8 consistent with the practice of naturopathic medicine, commonly used
9 diagnostic modalities consistent with naturopathic practice, health
10 history taking, physical examination, radiography, examination of
11 body orifices excluding endoscopy, laboratory medicine, and obtaining
12 samples of human tissues, but excluding incision or excision beyond
13 that which is authorized as a minor office procedure.

14 (3) "Department" means the department of health.

15 (4) "Educational program" means an accredited program preparing
16 persons for the practice of naturopathic medicine.

17 (5) "Homeopathy" means a system of medicine based on the use of
18 infinitesimal doses of medicines capable of producing symptoms
19 similar to those of the disease treated, as listed in the homeopathic
20 pharmacopeia of the United States.

21 (6) "Hygiene and immunization" means the use of such preventative
22 techniques as personal hygiene, asepsis, public health, and
23 immunizations, to the extent allowed by rule.

24 (7) "Manual manipulation" or "mechanotherapy" means manipulation
25 of a part or the whole of the body by hand or by mechanical means.

26 (8) "Minor office procedures" means common primary care (~~and~~)
27 services; procedures incident thereto of superficial lacerations,
28 lesions, (~~and abrasions~~) minor injuries, and the removal of foreign
29 bodies located in superficial structures, not to include the eye; and
30 the use of antiseptics and topical or local anesthetics in connection
31 therewith. "Minor office procedures" also includes (~~intramuscular,~~
32 ~~intravenous, subcutaneous, and intradermal~~) injections and topical
33 applications of substances consistent with the practice of
34 naturopathic medicine and in accordance with rules established by the
35 (~~secretary~~) board.

36 (9) "Naturopath" and naturopathic physician means an individual
37 licensed under this chapter.

38 (10) "Naturopathic medicines" means vitamins; minerals; botanical
39 medicines; homeopathic medicines; hormones; and (~~those legend drugs~~
40 ~~and controlled~~) other nutrients, compounds, and natural substances

1 consistent with naturopathic medical practice (~~in accordance with~~
2 ~~rules established by the board. Controlled substances are limited to~~
3 ~~codeine and testosterone products that are contained in Schedules~~
4 ~~III, IV, and V in chapter 69.50 RCW~~)).

5 (11) "Nutrition and food science" means the prevention and
6 treatment of disease or other human conditions through the use of
7 foods, water, herbs, roots, bark, or natural food elements.

8 (12) "Physical modalities" means use of physical, chemical,
9 electrical, and other modalities (~~that do not exceed those used as~~
10 ~~of July 22, 2011, in minor office procedures or common diagnostic~~
11 ~~procedures,~~) including, but not limited to, heat, cold, air, light,
12 water in any of its forms, sound, massage, durable medical equipment,
13 and therapeutic exercise.

14 (13) "Radiography" means the ordering, but not the
15 interpretation, of radiographic diagnostic and other imaging studies
16 and the taking and interpretation of standard radiographs.

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

19 ~~(15)~~) "Suggestion" means techniques including but not limited to
20 counseling, biofeedback, and hypnosis.

21 **Sec. 5.** RCW 18.36A.040 and 2011 c 40 s 2 are each amended to
22 read as follows:

23 Naturopathic medicine is the practice by (~~naturopaths~~)
24 naturopathic physicians of the art and science of the diagnosis,
25 prevention, and treatment of disorders of the body by stimulation or
26 support, or both, of the natural processes of the human body. A
27 naturopath is responsible and accountable to the consumer for the
28 quality of naturopathic care rendered.

29 The practice of naturopathic medicine includes manual
30 manipulation (mechanotherapy), the prescription, administration,
31 dispensing, and use, except for the treatment of malignancies, of
32 nutrition and food science, physical modalities, minor office
33 procedures, homeopathy, naturopathic medicines, legend and nonlegend
34 drugs and controlled substances contained in Schedules III through V
35 of the uniform controlled substances act, chapter 69.50 RCW, hygiene
36 and immunization, contraceptive devices, common diagnostic
37 procedures, and suggestion; however, nothing in this chapter shall
38 prohibit consultation and treatment of a patient in concert with a
39 practitioner licensed under chapter 18.57 or 18.71 RCW. No person

1 licensed under this chapter may employ the term "chiropractic" to
2 describe any services provided by a naturopath under this chapter.

3 **Sec. 6.** RCW 69.41.030 and 2018 c 196 s 22 are each amended to
4 read as follows:

5 (1) It shall be unlawful for any person to sell, deliver, or
6 possess any legend drug except upon the order or prescription of a
7 physician under chapter 18.71 RCW, an osteopathic physician and
8 surgeon under chapter 18.57 RCW, an optometrist licensed under
9 chapter 18.53 RCW who is certified by the optometry board under RCW
10 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician
11 and surgeon under chapter 18.22 RCW, a naturopathic physician under
12 chapter 18.36A RCW, a veterinarian under chapter 18.92 RCW, a
13 commissioned medical or dental officer in the United States armed
14 forces or public health service in the discharge of his or her
15 official duties, a duly licensed physician or dentist employed by the
16 veterans administration in the discharge of his or her official
17 duties, a registered nurse or advanced registered nurse practitioner
18 under chapter 18.79 RCW when authorized by the nursing care quality
19 assurance commission, a pharmacist licensed under chapter 18.64 RCW
20 to the extent permitted by drug therapy guidelines or protocols
21 established under RCW 18.64.011 and authorized by the commission and
22 approved by a practitioner authorized to prescribe drugs, an
23 osteopathic physician assistant under chapter 18.57A RCW when
24 authorized by the board of osteopathic medicine and surgery, a
25 physician assistant under chapter 18.71A RCW when authorized by the
26 medical quality assurance commission, or any of the following
27 professionals in any province of Canada that shares a common border
28 with the state of Washington or in any state of the United States: A
29 physician licensed to practice medicine and surgery or a physician
30 licensed to practice osteopathic medicine and surgery, a physician
31 licensed to practice naturopathic medicine and authorized to
32 prescribe legend drugs, a dentist licensed to practice dentistry, a
33 podiatric physician and surgeon licensed to practice podiatric
34 medicine and surgery, a licensed advanced registered nurse
35 practitioner, a licensed physician assistant, a licensed osteopathic
36 physician assistant, or a veterinarian licensed to practice
37 veterinary medicine: PROVIDED, HOWEVER, That the above provisions
38 shall not apply to sale, delivery, or possession by drug wholesalers
39 or drug manufacturers, or their agents or employees, or to any

1 practitioner acting within the scope of his or her license, or to a
2 common or contract carrier or warehouse operator, or any employee
3 thereof, whose possession of any legend drug is in the usual course
4 of business or employment: PROVIDED FURTHER, That nothing in this
5 chapter or chapter 18.64 RCW shall prevent a family planning clinic
6 that is under contract with the health care authority from selling,
7 delivering, possessing, and dispensing commercially prepackaged oral
8 contraceptives prescribed by authorized, licensed health care
9 practitioners: PROVIDED FURTHER, That nothing in this chapter
10 prohibits possession or delivery of legend drugs by an authorized
11 collector or other person participating in the operation of a drug
12 take-back program authorized in chapter 69.48 RCW.

13 (2) (a) A violation of this section involving the sale, delivery,
14 or possession with intent to sell or deliver is a class B felony
15 punishable according to chapter 9A.20 RCW.

16 (b) A violation of this section involving possession is a
17 misdemeanor.

18 **Sec. 7.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and
19 amended to read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

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

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

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

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

33 (c) "CBD concentration" has the meaning provided in RCW
34 69.51A.010.

35 (d) "CBD product" means any product containing or consisting of
36 cannabidiol.

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

38 (f) "Controlled substance" means a drug, substance, or immediate
39 precursor included in Schedules I through V as set forth in federal

1 or state laws, or federal or commission rules, but does not include
2 industrial hemp as defined in RCW 15.120.010.

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

6 (i) that has a stimulant, depressant, or hallucinogenic effect on
7 the central nervous system substantially similar to the stimulant,
8 depressant, or hallucinogenic effect on the central nervous system of
9 a controlled substance included in Schedule I or II; or

10 (ii) with respect to a particular individual, that the individual
11 represents or intends to have a stimulant, depressant, or
12 hallucinogenic effect on the central nervous system substantially
13 similar to the stimulant, depressant, or hallucinogenic effect on the
14 central nervous system of a controlled substance included in Schedule
15 I or II.

16 (2) The term does not include:

17 (i) a controlled substance;

18 (ii) a substance for which there is an approved new drug
19 application;

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

25 (iv) any substance to the extent not intended for human
26 consumption before an exemption takes effect with respect to the
27 substance.

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

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

32 (j) "Designated provider" has the meaning provided in RCW
33 69.51A.010.

34 (k) "Dispense" means the interpretation of a prescription or
35 order for a controlled substance and, pursuant to that prescription
36 or order, the proper selection, measuring, compounding, labeling, or
37 packaging necessary to prepare that prescription or order for
38 delivery.

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

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

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

4 (o) "Drug" means (1) a controlled substance recognized as a drug
5 in the official United States pharmacopoeia/national formulary or the
6 official homeopathic pharmacopoeia of the United States, or any
7 supplement to them; (2) controlled substances intended for use in the
8 diagnosis, cure, mitigation, treatment, or prevention of disease in
9 individuals or animals; (3) controlled substances (other than food)
10 intended to affect the structure or any function of the body of
11 individuals or animals; and (4) controlled substances intended for
12 use as a component of any article specified in (1), (2), or (3) of
13 this subsection. The term does not include devices or their
14 components, parts, or accessories.

15 (p) "Drug enforcement administration" means the drug enforcement
16 administration in the United States Department of Justice, or its
17 successor agency.

18 (q) "Electronic communication of prescription information" means
19 the transmission of a prescription or refill authorization for a drug
20 of a practitioner using computer systems. The term does not include a
21 prescription or refill authorization verbally transmitted by
22 telephone nor a facsimile manually signed by the practitioner.

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

26 (s) "Immediate precursor" means a substance:

27 (1) that the commission has found to be and by rule designates as
28 being the principal compound commonly used, or produced primarily for
29 use, in the manufacture of a controlled substance;

30 (2) that is an immediate chemical intermediary used or likely to
31 be used in the manufacture of a controlled substance; and

32 (3) the control of which is necessary to prevent, curtail, or
33 limit the manufacture of the controlled substance.

34 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)
35 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b) (4),
36 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
37 (42), and 69.50.210(c) the term includes any positional isomer; and
38 in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term
39 includes any positional or geometric isomer.

1 (u) "Lot" means a definite quantity of marijuana, marijuana
2 concentrates, useable marijuana, or marijuana-infused product
3 identified by a lot number, every portion or package of which is
4 uniform within recognized tolerances for the factors that appear in
5 the labeling.

6 (v) "Lot number" must identify the licensee by business or trade
7 name and Washington state unified business identifier number, and the
8 date of harvest or processing for each lot of marijuana, marijuana
9 concentrates, useable marijuana, or marijuana-infused product.

10 (w) "Manufacture" means the production, preparation, propagation,
11 compounding, conversion, or processing of a controlled substance,
12 either directly or indirectly or by extraction from substances of
13 natural origin, or independently by means of chemical synthesis, or
14 by a combination of extraction and chemical synthesis, and includes
15 any packaging or repackaging of the substance or labeling or
16 relabeling of its container. The term does not include the
17 preparation, compounding, packaging, repackaging, labeling, or
18 relabeling of a controlled substance:

19 (1) by a practitioner as an incident to the practitioner's
20 administering or dispensing of a controlled substance in the course
21 of the practitioner's professional practice; or

22 (2) by a practitioner, or by the practitioner's authorized agent
23 under the practitioner's supervision, for the purpose of, or as an
24 incident to, research, teaching, or chemical analysis and not for
25 sale.

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

32 (1) The mature stalks of the plant, fiber produced from the
33 stalks, oil or cake made from the seeds of the plant, any other
34 compound, manufacture, salt, derivative, mixture, or preparation of
35 the mature stalks (except the resin extracted therefrom), fiber, oil,
36 or cake, or the sterilized seed of the plant which is incapable of
37 germination; or

38 (2) Industrial hemp as defined in RCW 15.120.010.

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

4 (z) "Marijuana processor" means a person licensed by the state
5 liquor and cannabis board to process marijuana into marijuana
6 concentrates, useable marijuana, and marijuana-infused products,
7 package and label marijuana concentrates, useable marijuana, and
8 marijuana-infused products for sale in retail outlets, and sell
9 marijuana concentrates, useable marijuana, and marijuana-infused
10 products at wholesale to marijuana retailers.

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

14 (bb) "Marijuana products" means useable marijuana, marijuana
15 concentrates, and marijuana-infused products as defined in this
16 section.

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

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

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

30 (ff) "Narcotic drug" means any of the following, whether produced
31 directly or indirectly by extraction from substances of vegetable
32 origin, or independently by means of chemical synthesis, or by a
33 combination of extraction and chemical synthesis:

34 (1) Opium, opium derivative, and any derivative of opium or opium
35 derivative, including their salts, isomers, and salts of isomers,
36 whenever the existence of the salts, isomers, and salts of isomers is
37 possible within the specific chemical designation. The term does not
38 include the isoquinoline alkaloids of opium.

39 (2) Synthetic opiate and any derivative of synthetic opiate,
40 including their isomers, esters, ethers, salts, and salts of isomers,

1 esters, and ethers, whenever the existence of the isomers, esters,
2 ethers, and salts is possible within the specific chemical
3 designation.

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

5 (4) Coca leaves, except coca leaves and extracts of coca leaves
6 from which cocaine, ecgonine, and derivatives or ecgonine or their
7 salts have been removed.

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

9 (6) Cocaine base.

10 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
11 thereof.

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

14 (gg) "Opiate" means any substance having an addiction-forming or
15 addiction-sustaining liability similar to morphine or being capable
16 of conversion into a drug having addiction-forming or addiction-
17 sustaining liability. The term includes opium, substances derived
18 from opium (opium derivatives), and synthetic opiates. The term does
19 not include, unless specifically designated as controlled under RCW
20 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
21 and its salts (dextromethorphan). The term includes the racemic and
22 levorotatory forms of dextromethorphan.

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

25 (ii) "Person" means individual, corporation, business trust,
26 estate, trust, partnership, association, joint venture, government,
27 governmental subdivision or agency, or any other legal or commercial
28 entity.

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

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

32 (ll) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under
35 chapter 18.57 RCW; an osteopathic physician assistant under chapter
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010
39 subject to any limitations in RCW 18.53.010; a dentist under chapter
40 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;

1 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
2 registered nurse practitioner, or licensed practical nurse under
3 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
4 who is licensed under RCW 18.36A.030 subject to any limitations in
5 RCW 18.36A.040 and section 2 of this act; a pharmacist under chapter
6 18.64 RCW or a scientific investigator under this chapter, licensed,
7 registered or otherwise permitted insofar as is consistent with those
8 licensing laws to distribute, dispense, conduct research with respect
9 to or administer a controlled substance in the course of their
10 professional practice or research in this state.

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

15 (3) A physician licensed to practice medicine and surgery, a
16 physician licensed to practice osteopathic medicine and surgery, a
17 dentist licensed to practice dentistry, a podiatric physician and
18 surgeon licensed to practice podiatric medicine and surgery, a
19 licensed physician assistant or a licensed osteopathic physician
20 assistant specifically approved to prescribe controlled substances by
21 his or her state's medical quality assurance commission or equivalent
22 and his or her supervising physician, an advanced registered nurse
23 practitioner licensed to prescribe controlled substances, a
24 naturopathic physician licensed to prescribe controlled substances,
25 or a veterinarian licensed to practice veterinary medicine in any
26 state of the United States.

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

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

33 (oo) "Qualifying patient" has the meaning provided in RCW
34 69.51A.010.

35 (pp) "Recognition card" has the meaning provided in RCW
36 69.51A.010.

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

1 (rr) "Secretary" means the secretary of health or the secretary's
2 designee.

3 (ss) "State," unless the context otherwise requires, means a
4 state of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, or a territory or insular possession
6 subject to the jurisdiction of the United States.

7 (tt) "THC concentration" means percent of delta-9
8 tetrahydrocannabinol content per dry weight of any part of the plant
9 *Cannabis*, or per volume or weight of marijuana product, or the
10 combined percent of delta-9 tetrahydrocannabinol and
11 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
12 regardless of moisture content.

13 (uu) "Ultimate user" means an individual who lawfully possesses a
14 controlled substance for the individual's own use or for the use of a
15 member of the individual's household or for administering to an
16 animal owned by the individual or by a member of the individual's
17 household.

18 (vv) "Useable marijuana" means dried marijuana flowers. The term
19 "useable marijuana" does not include either marijuana-infused
20 products or marijuana concentrates.

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