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HOUSE BILL 2296

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State of Washington

66th Legislature

2020 Regular Session

By Representatives MacEwen and Irwin

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1 AN ACT Relating to the regulation of hemp, including products  
2 derived from hemp; amending RCW 15.130.200 and 15.140.040; adding a  
3 new section to chapter 69.07 RCW; and adding a new section to chapter  
4 69.10 RCW.

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

6 **Sec. 1.** RCW 15.130.200 and 2018 c 236 s 201 are each amended to  
7 read as follows:

8 (1) A person may not:

9 (a) Cause or intend to cause adulteration of food in intrastate  
10 commerce;

11 (b) Sell, process, or store adulterated food in intrastate  
12 commerce; or

13 (c) Receive for the purpose of sale in intrastate commerce food  
14 known to be adulterated.

15 (2) Food is adulterated if it is adulterated within the meaning  
16 of 21 U.S.C. Sec. 342, or is adulterated in accordance with  
17 department rules.

18 (3) A food is not adulterated solely by the inclusion of hemp,  
19 including cannabinoids, extracts, or derivatives from hemp, grown in  
20 compliance with chapter 15.140 RCW.

1       **Sec. 2.** RCW 15.140.040 and 2019 c 158 s 4 are each amended to  
2 read as follows:

3       (1) The department must develop the state's hemp plan to conform  
4 to the agriculture improvement act of 2018, to include consultation  
5 with the governor and the attorney general and the plan elements  
6 required in the agriculture improvement act of 2018.

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

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

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

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

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

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

25       (f) A certification that the state has the resources and  
26 personnel to carry out the practices and procedures described in this  
27 section.

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

31       (4) Hemp and processed hemp produced in accordance with this  
32 chapter or produced lawfully under the laws of another state, tribe,  
33 or country may be transferred and sold within this state, outside of  
34 this state, and internationally.

35       (5) The whole hemp plant may be used as food. The department  
36 shall regulate the processing of hemp for food products, that are  
37 allowable under federal law, in the same manner as other food  
38 processing under chapters 15.130 and 69.07 RCW and may adopt rules as  
39 necessary to properly regulate the processing of hemp for food

1 products including, but not limited to, establishing standards for  
2 creating hemp extracts used for food.

3 (6) In regulating hemp processing for food products under  
4 subsection (5) of this section, the department shall not restrict or  
5 prohibit the processing of hemp, including cannabinoids, extracts, or  
6 derivatives from hemp, for use in food products based solely on the  
7 inclusion of hemp or products derived from hemp.

8 NEW SECTION. Sec. 3. A new section is added to chapter 69.07  
9 RCW to read as follows:

10 Nothing in this chapter prohibits an entity licensed under this  
11 chapter from processing products that contain hemp, including  
12 cannabinoids, extracts, or derivatives from hemp, grown in compliance  
13 with chapter 15.140 RCW.

14 NEW SECTION. Sec. 4. A new section is added to chapter 69.10  
15 RCW to read as follows:

16 Nothing in this chapter prohibits an entity licensed under this  
17 chapter from storing or distributing hemp, including cannabinoids,  
18 extracts, or derivatives from hemp, grown in compliance with chapter  
19 15.140 RCW.

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