
HOUSE BILL 2546

State of Washington

66th Legislature

2020 Regular Session

By Representatives Davis, Corry, Klippert, Dufault, Kilduff, Harris, Callan, Leavitt, Thai, Senn, Appleton, Orwall, Wylie, Dolan, Van Werven, Walen, Chambers, Graham, Ramos, Kloba, Pollet, and Lekanoff

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1 AN ACT Relating to the potency of marijuana products; amending
2 RCW 69.50.375 and 69.50.325; reenacting and amending RCW 69.50.357
3 and 69.50.101; creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that high-
6 potency marijuana products are increasingly prevalent in the market.
7 Whereas the THC concentration of marijuana-infused edible products is
8 limited to ten percent by state law and the THC concentration of
9 marijuana flower is biologically limited, there is currently no limit
10 on the potency of marijuana concentrates such as THC-infused vape
11 oils. These types of high-potency marijuana products are available
12 with a THC concentration of almost one hundred percent THC. Prior to
13 Washington and other states legalizing marijuana sales, many of these
14 high-potency products did not exist or were not widely available. In
15 2019, sales of high-potency marijuana concentrates represent nearly
16 forty percent of total sales of marijuana products.

17 (2) The legislature finds that health professionals and
18 researchers continue to find an association between the use of high-
19 potency marijuana and the occurrence of psychotic disorders. A 2019
20 study analyzed data from patients with first-episode psychosis and
21 found that, compared with participants who reported never having used

1 cannabis, "participants who used high-potency cannabis daily had
2 four-times higher odds of psychosis in the whole sample, with a five-
3 times increase in London and a nine-times increase in Amsterdam." The
4 study defined high-potency cannabis as a potency greater than ten
5 percent. Further, the study found that its findings are consistent
6 with previous evidence suggesting that the use of high-potency
7 marijuana has more harmful mental health effects than use of less-
8 potent marijuana.

9 (3) Therefore, the legislature intends to limit the potency of
10 marijuana concentrates that may be sold in the state.

11 **Sec. 2.** RCW 69.50.357 and 2017 c 317 s 13 and 2017 c 131 s 1 are
12 each reenacted and amended to read as follows:

13 (1)(a) Retail outlets may not sell products or services other
14 than marijuana concentrates, useable marijuana, marijuana-infused
15 products, or paraphernalia intended for the storage or use of
16 marijuana concentrates, useable marijuana, or marijuana-infused
17 products.

18 (b) Except as provided in RCW 69.50.375(5), retail outlets may
19 not sell marijuana concentrates with a THC concentration greater than
20 ten percent THC.

21 (c)(i) Retail outlets may receive lockable boxes, intended for
22 the secure storage of marijuana products and paraphernalia, and
23 related literature as a donation from another person or entity, that
24 is not a marijuana producer, processor, or retailer, for donation to
25 their customers.

26 (ii) Retail outlets may donate the lockable boxes and provide the
27 related literature to any person eligible to purchase marijuana
28 products under subsection (2) of this section. Retail outlets may not
29 use the donation of lockable boxes or literature as an incentive or
30 as a condition of a recipient's purchase of a marijuana product or
31 paraphernalia.

32 (iii) Retail outlets may also purchase and sell lockable boxes,
33 provided that the sales price is not less than the cost of
34 acquisition.

35 (2) Licensed marijuana retailers may not employ persons under
36 twenty-one years of age or allow persons under twenty-one years of
37 age to enter or remain on the premises of a retail outlet. However,
38 qualifying patients between eighteen and twenty-one years of age with
39 a recognition card may enter and remain on the premises of a retail

1 outlet holding a medical marijuana endorsement and may purchase
2 products for their personal medical use. Qualifying patients who are
3 under the age of eighteen with a recognition card and who accompany
4 their designated providers may enter and remain on the premises of a
5 retail outlet holding a medical marijuana endorsement, but may not
6 purchase products for their personal medical use.

7 (3) (a) Licensed marijuana retailers must ensure that all
8 employees are trained on the rules adopted to implement this chapter,
9 identification of persons under the age of twenty-one, and other
10 requirements adopted by the state liquor and cannabis board to ensure
11 that persons under the age of twenty-one are not permitted to enter
12 or remain on the premises of a retail outlet.

13 (b) Licensed marijuana retailers with a medical marijuana
14 endorsement must ensure that all employees are trained on the
15 subjects required by (a) of this subsection as well as identification
16 of authorizations and recognition cards. Employees must also be
17 trained to permit qualifying patients who hold recognition cards and
18 are between the ages of eighteen and twenty-one to enter the premises
19 and purchase marijuana for their personal medical use and to permit
20 qualifying patients who are under the age of eighteen with a
21 recognition card to enter the premises if accompanied by their
22 designated providers.

23 (4) Except for the purposes of disposal as authorized by the
24 state liquor and cannabis board, no licensed marijuana retailer or
25 employee of a retail outlet may open or consume, or allow to be
26 opened or consumed, any marijuana concentrates, useable marijuana, or
27 marijuana-infused product on the outlet premises.

28 (5) The state liquor and cannabis board must fine a licensee one
29 thousand dollars for each violation of any subsection of this
30 section. Fines collected under this section must be deposited into
31 the dedicated marijuana account created under RCW 69.50.530.

32 **Sec. 3.** RCW 69.50.375 and 2015 c 70 s 10 are each amended to
33 read as follows:

34 (1) A medical marijuana endorsement to a marijuana retail license
35 is hereby established to permit a marijuana retailer to sell
36 marijuana for medical use to qualifying patients and designated
37 providers. This endorsement also permits such retailers to provide
38 marijuana at no charge, at their discretion, to qualifying patients
39 and designated providers.

1 (2) An applicant may apply for a medical marijuana endorsement
2 concurrently with an application for a marijuana retail license.

3 (3) To be issued an endorsement, a marijuana retailer must:

4 (a) Not authorize the medical use of marijuana for qualifying
5 patients at the retail outlet or permit health care professionals to
6 authorize the medical use of marijuana for qualifying patients at the
7 retail outlet;

8 (b) Carry marijuana concentrates and marijuana-infused products
9 identified by the department under subsection (4) of this section;

10 (c) Not use labels or market marijuana concentrates, useable
11 marijuana, or marijuana-infused products in a way that make them
12 intentionally attractive to minors;

13 (d) Demonstrate the ability to enter qualifying patients and
14 designated providers in the medical marijuana authorization database
15 established in RCW 69.51A.230 and issue recognition cards and agree
16 to enter qualifying patients and designated providers into the
17 database and issue recognition cards in compliance with department
18 standards;

19 (e) Keep copies of the qualifying patient's or designated
20 provider's recognition card, or keep equivalent records as required
21 by rule of the state liquor and cannabis board or the department of
22 revenue to document the validity of tax exempt sales; and

23 (f) Meet other requirements as adopted by rule of the department
24 or the state liquor and cannabis board.

25 (4) The department, in conjunction with the state liquor and
26 cannabis board, must adopt rules on requirements for marijuana
27 concentrates, useable marijuana, and marijuana-infused products that
28 may be sold, or provided at no charge, to qualifying patients or
29 designated providers at a retail outlet holding a medical marijuana
30 endorsement. These rules must include:

31 (a) THC concentration, CBD concentration, or low THC, high CBD
32 ratios appropriate for marijuana concentrates, useable marijuana, or
33 marijuana-infused products sold to qualifying patients or designated
34 providers;

35 (b) Labeling requirements including that the labels attached to
36 marijuana concentrates, useable marijuana, or marijuana-infused
37 products contain THC concentration, CBD concentration, and THC to CBD
38 ratios;

39 (c) Other product requirements, including any additional mold,
40 fungus, or pesticide testing requirements, or limitations to the

1 types of solvents that may be used in marijuana processing that the
2 department deems necessary to address the medical needs of qualifying
3 patients;

4 (d) Safe handling requirements for marijuana concentrates,
5 useable marijuana, or marijuana-infused products; and

6 (e) Training requirements for employees.

7 (5) Only marijuana retailers who hold a medical marijuana
8 endorsement issued under this section may sell marijuana concentrates
9 with a THC concentration greater than ten percent THC. Marijuana
10 concentrates with a THC concentration greater than ten percent may be
11 sold only to qualifying patients and designated providers who are
12 entered into the medical marijuana authorization database and who
13 hold a valid recognition card.

14 (6) A marijuana retailer holding an endorsement to sell marijuana
15 to qualifying patients or designated providers must train its
16 employees on:

17 (a) Procedures regarding the recognition of valid authorizations
18 and the use of equipment to enter qualifying patients and designated
19 providers into the medical marijuana authorization database;

20 (b) Recognition of valid recognition cards; and

21 (c) Recognition of strains, varieties, THC concentration, CBD
22 concentration, and THC to CBD ratios of marijuana concentrates,
23 useable marijuana, and marijuana-infused products, available for sale
24 when assisting qualifying patients and designated providers at the
25 retail outlet.

26 **Sec. 4.** RCW 69.50.325 and 2018 c 132 s 3 are each amended to
27 read as follows:

28 (1) There shall be a marijuana producer's license regulated by
29 the state liquor and cannabis board and subject to annual renewal.
30 The licensee is authorized to produce: (a) Marijuana for sale at
31 wholesale to marijuana processors and other marijuana producers; (b)
32 immature plants or clones and seeds for sale to cooperatives as
33 described under RCW 69.51A.250; and (c) immature plants or clones and
34 seeds for sale to qualifying patients and designated providers as
35 provided under RCW 69.51A.310. The production, possession, delivery,
36 distribution, and sale of marijuana in accordance with the provisions
37 of this chapter and the rules adopted to implement and enforce it, by
38 a validly licensed marijuana producer, shall not be a criminal or
39 civil offense under Washington state law. Every marijuana producer's

1 license shall be issued in the name of the applicant, shall specify
2 the location at which the marijuana producer intends to operate,
3 which must be within the state of Washington, and the holder thereof
4 shall not allow any other person to use the license. The application
5 fee for a marijuana producer's license shall be two hundred fifty
6 dollars. The annual fee for issuance and renewal of a marijuana
7 producer's license shall be one thousand three hundred eighty-one
8 dollars. A separate license shall be required for each location at
9 which a marijuana producer intends to produce marijuana.

10 (2) There shall be a marijuana processor's license to process,
11 package, and label marijuana concentrates, useable marijuana, and
12 marijuana-infused products for sale at wholesale to marijuana
13 processors and marijuana retailers, regulated by the state liquor and
14 cannabis board and subject to annual renewal. The processing,
15 packaging, possession, delivery, distribution, and sale of marijuana,
16 useable marijuana, marijuana-infused products, and marijuana
17 concentrates in accordance with the provisions of this chapter and
18 chapter 69.51A RCW and the rules adopted to implement and enforce
19 these chapters, by a validly licensed marijuana processor, shall not
20 be a criminal or civil offense under Washington state law. Every
21 marijuana processor's license shall be issued in the name of the
22 applicant, shall specify the location at which the licensee intends
23 to operate, which must be within the state of Washington, and the
24 holder thereof shall not allow any other person to use the license.
25 The application fee for a marijuana processor's license shall be two
26 hundred fifty dollars. The annual fee for issuance and renewal of a
27 marijuana processor's license shall be one thousand three hundred
28 eighty-one dollars. A separate license shall be required for each
29 location at which a marijuana processor intends to process marijuana.
30 A marijuana processor may process, package, possess, deliver,
31 distribute, and sell marijuana concentrates with a THC concentration
32 greater than ten percent THC only when the marijuana concentrates are
33 intended for sale to a marijuana retailer with a medical marijuana
34 endorsement who will sell the products at retail as provided in RCW
35 69.50.375.

36 (3) (a) There shall be a marijuana retailer's license to sell
37 marijuana concentrates, useable marijuana, and marijuana-infused
38 products at retail in retail outlets, regulated by the state liquor
39 and cannabis board and subject to annual renewal. The possession,
40 delivery, distribution, and sale of marijuana concentrates, useable

1 marijuana, and marijuana-infused products in accordance with the
2 provisions of this chapter and the rules adopted to implement and
3 enforce it, by a validly licensed marijuana retailer, shall not be a
4 criminal or civil offense under Washington state law. Every marijuana
5 retailer's license shall be issued in the name of the applicant,
6 shall specify the location of the retail outlet the licensee intends
7 to operate, which must be within the state of Washington, and the
8 holder thereof shall not allow any other person to use the license.
9 The application fee for a marijuana retailer's license shall be two
10 hundred fifty dollars. The annual fee for issuance and renewal of a
11 marijuana retailer's license shall be one thousand three hundred
12 eighty-one dollars. A separate license shall be required for each
13 location at which a marijuana retailer intends to sell marijuana
14 concentrates, useable marijuana, and marijuana-infused products.

15 (b) An individual retail licensee and all other persons or
16 entities with a financial or other ownership interest in the business
17 operating under the license are limited, in the aggregate, to holding
18 a collective total of not more than five retail marijuana licenses.

19 (c) (i) A marijuana retailer's license is subject to forfeiture in
20 accordance with rules adopted by the state liquor and cannabis board
21 pursuant to this section.

22 (ii) The state liquor and cannabis board shall adopt rules to
23 establish a license forfeiture process for a licensed marijuana
24 retailer that is not fully operational and open to the public within
25 a specified period from the date of license issuance, as established
26 by the state liquor and cannabis board, subject to the following
27 restrictions:

28 (A) No marijuana retailer's license may be subject to forfeiture
29 within the first nine months of license issuance; and

30 (B) The state liquor and cannabis board must require license
31 forfeiture on or before twenty-four calendar months of license
32 issuance if a marijuana retailer is not fully operational and open to
33 the public, unless the board determines that circumstances out of the
34 licensee's control are preventing the licensee from becoming fully
35 operational and that, in the board's discretion, the circumstances
36 warrant extending the forfeiture period beyond twenty-four calendar
37 months.

38 (iii) The state liquor and cannabis board has discretion in
39 adopting rules under this subsection (3) (c).

1 (iv) This subsection (3)(c) applies to marijuana retailer's
2 licenses issued before and after July 23, 2017. However, no license
3 of a marijuana retailer that otherwise meets the conditions for
4 license forfeiture established pursuant to this subsection (3)(c) may
5 be subject to forfeiture within the first nine calendar months of
6 July 23, 2017.

7 (v) The state liquor and cannabis board may not require license
8 forfeiture if the licensee has been incapable of opening a fully
9 operational retail marijuana business due to actions by the city,
10 town, or county with jurisdiction over the licensee that include any
11 of the following:

12 (A) The adoption of a ban or moratorium that prohibits the
13 opening of a retail marijuana business; or

14 (B) The adoption of an ordinance or regulation related to zoning,
15 business licensing, land use, or other regulatory measure that has
16 the effect of preventing a licensee from receiving an occupancy
17 permit from the jurisdiction or which otherwise prevents a licensed
18 marijuana retailer from becoming operational.

19 **Sec. 5.** RCW 69.50.101 and 2019 c 394 s 9, 2019 c 158 s 12, and
20 2019 c 55 s 11 are each reenacted and amended to read as follows:

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

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

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

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

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

34 (c) "Board" means the Washington state liquor and cannabis board.

35 (d) "CBD concentration" has the meaning provided in RCW
36 69.51A.010.

37 (e) "CBD product" means any product containing or consisting of
38 cannabidiol.

39 (f) "Commission" means the pharmacy quality assurance commission.

1 (g) "Controlled substance" means a drug, substance, or immediate
2 precursor included in Schedules I through V as set forth in federal
3 or state laws, or federal or commission rules, but does not include
4 hemp or industrial hemp as defined in RCW 15.140.020.

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

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

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

18 (2) The term does not include:

19 (i) a controlled substance;

20 (ii) a substance for which there is an approved new drug
21 application;

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

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

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

33 (j) "Department" means the department of health.

34 (k) "Designated provider" has the meaning provided in RCW
35 69.51A.010.

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

1 (m) "Dispenser" means a practitioner who dispenses.

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

4 (o) "Distributor" means a person who distributes.

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

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

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

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

27 (t) "Immediate precursor" means a substance:

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

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

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

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

1 (v) "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 (w) "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 (x) "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 (y) "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) Hemp or industrial hemp as defined in RCW 15.140.020, seeds
39 used for licensed hemp production under chapter 15.140 RCW.

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

17 (dd) "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 (ee) "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 (ff) "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 (y) 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 (gg) "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) of
14 this subsection.

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

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

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

30 (kk) "Plant" has the meaning provided in RCW 69.51A.010.

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

33 (mm) "Practitioner" means:

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

1 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
2 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
3 registered nurse practitioner, or licensed practical nurse under
4 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
5 who is licensed under RCW 18.36A.030 subject to any limitations in
6 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
7 investigator under this chapter, licensed, registered or otherwise
8 permitted insofar as is consistent with those licensing laws to
9 distribute, dispense, conduct research with respect to or administer
10 a controlled substance in the course of their professional practice
11 or research in this state.

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

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

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

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

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

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

3 (tt) "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 (uu) "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 (vv) "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 (ww) "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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