

HOUSE BILL REPORT

SHB 1210

As Passed House:

March 6, 2021

Title: An act relating to replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

Brief Description: Replacing the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

Sponsors: House Committee on Commerce & Gaming (originally sponsored by Representatives Morgan, Peterson, Kloba, Johnson, J., Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame and Harris-Talley).

Brief History:

Committee Activity:

Commerce & Gaming: 1/22/21, 1/29/21 [DPS].

Floor Activity:

Passed House: 3/6/21, 77-21.

Brief Summary of Substitute Bill

- Replaces the term "marijuana" with the term "cannabis" throughout the Revised Code of Washington.

HOUSE COMMITTEE ON COMMERCE & GAMING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kloba, Chair; Wicks, Vice Chair; MacEwen, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chambers, Kirby, Morgan, Vick and Wylie.

Staff: Kyle Raymond (786-7190).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

The term "marijuana" is currently used in various statutory contexts throughout the Revised Code of Washington (RCW). Under the state Uniform Controlled Substances Act, marijuana is defined to include all parts of the plant *Cannabis*, whether growing or not, with a tetrahydrocannabinol (THC) concentration greater than 0.3 percent on a dry-weight basis, and includes the seeds, resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

Hemp is also derived from the *Cannabis* plant. Under the RCW chapter establishing a licensing and regulatory program for hemp production, hemp is defined as the plant *Cannabis sativa L.* and any part of the plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

A key factor in distinguishing marijuana and hemp is the amounts of THC each contains. Specifically, whether the THC concentration is greater than, or not more than, 0.3 percent on a dry weight basis. The THC concentration references the percent of delta-9 THC content per dry weight of any part of the *Cannabis* plant, or per volume or weight of the product, or the combined percent of delta-9 THC and tetrahydrocannabinolic acid in any part of the *Cannabis* plant, regardless of moisture content.

Summary of Substitute Bill:

Technical changes are made throughout the RCW replacing the term "marijuana" with the term "cannabis." The term "marijuana" as used under federal law generally refers to the term "cannabis" used throughout the RCW.

The Liquor and Cannabis Board (LCB) must use expedited rulemaking to replace the term "marijuana" with the term "cannabis" throughout Title 314 of the Washington Administrative Code (WAC).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 50 and 114, relating to eliminating the osteopathic physician assistant license, which take effect July 1, 2022, sections 64 and 67, relating to the transfer of authority and responsibility for marijuana product testing laboratory accreditation requirements to the Department of Ecology, which take effect July 1, 2024, and section 9, relating to relating to nursery dealer licensing exemptions, which takes effect July 1, 2030.

Staff Summary of Public Testimony:

(In support) Cannabis is a science-based term that refers to the *Cannabis* plant. Prior to the introduction of the term "marijuana" in the United States, cannabis was a known term as it was frequently used in medicinal products and textiles.

The term "marijuana" is pejorative and racist. It is theorized that the drug narcotics agents from the 1930s choose the term "marijuana," rather than the known scientific term "cannabis," when crafting drug laws to negatively associate the use of the drug with Mexican immigrants. Over time, the use of the term "marijuana" was attributed to black African Americans, jazz musicians, prostitutes, and lower-class whites. Economic conditions during the Great Depression furthered resentment and fear towards immigrants and black African Americans. Anti-marijuana propaganda fueled the hysteria around the dangers of the use of cannabis, and this narrative intentionally tied cannabis use, and fictitious side effects, to communities of color. The word "marijuana" is a reminder of the history of racism in communities of color.

Even today, studies have shown cannabis use between whites and nonwhites are similar, yet black African Americans are arrested at the rate of four to one. Since Initiative 502 legalized the recreational use of marijuana in Washington, the data shows that black and brown people have not been able to fairly and equitably participate in the lucrative cannabis business. The Legislature voted to create a social equity task force to bring parity to the industry. This bill would help support existing cannabis social equity work.

This bill provides an opportunity for the Legislature to lead the state into a more enlightened time. The felony charges for incarcerated individuals in statute should be amended to mirror those penalties for the general public. It should not be a felony to possess less than 1 ounce of cannabis when it is not an infraction for non-incarcerated individuals. This would bring greater equity into the prison system.

The LCB supports this legislation. The LCB would ask for consideration of an amendment that would require the LCB to undergo expedited rulemaking to change the term "marijuana" to the term "cannabis" throughout the LCB regulations in the WAC. This would help make the change in terminology across the board more quickly.

(Opposed) None.

Persons Testifying: Representative Morgan, prime sponsor; Don Skakie, Homegrow Washington; and Chris Thompson, Liquor and Cannabis Board.

Persons Signed In To Testify But Not Testifying: None.