
Commerce & Gaming Committee

HB 1463

Brief Description: Addressing serious mental health consequences of high-potency cannabis products by regulating the sale of cannabis concentrates.

Sponsors: Representatives Davis, Klippert, Ryu, Sutherland, Dent, Ramel, Walen, Ortiz-Self, Callan, Pollet and Eslick.

Brief Summary of Bill

- Prohibits marijuana retailers from selling marijuana concentrates with a delta-9 tetrahydrocannabinol (THC) concentration greater than 30 percent, with an exception.
- Prohibits marijuana retailers from selling marijuana concentrates to persons under age 25, with an exception.
- Includes an exception for retailers with a medical endorsement to continue to sell the products to qualifying patients and designated providers who are entered into the Medical Marijuana Authorization Database and who hold a valid recognition card.
- Limits marijuana processors to processing marijuana concentrates with a THC concentration greater than 30 percent only when for sale as authorized in the bill.

Hearing Date: 2/12/21

Staff: Peter Clodfelter (786-7127).

Background:

Washington law regulates commercial marijuana production, processing, and sales and

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establishes three primary categories of marijuana products sold at retail. The product categories are the following:

1. "Marijuana concentrates" are products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a delta-9 tetrahydrocannabinol (THC) concentration greater than 10 percent. The Liquor and Cannabis Board's (LCB) rules provide that a single serving of marijuana concentrate may not exceed one gram.
2. "Useable marijuana" is dried marijuana flowers; the term "useable marijuana" does not include either marijuana concentrates or marijuana-infused products.
3. "Marijuana-infused products" are products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a THC concentration no greater than 10 percent. This product category does not include either useable marijuana or marijuana concentrates. The LCB's rules provide that, except for authorization limited to qualifying patients and designated providers in the Medical Marijuana Authorization Database (Database) who hold a valid recognition card, single servings of marijuana-infused edibles may not exceed 10 milligrams of active THC, and the maximum number of servings in a single unit is 10 servings.

"THC concentration" is defined as the percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant Cannabis regardless of moisture content.

In addition to selling limited amounts of marijuana products to adults age 21 and over, marijuana retailers who hold a medical marijuana endorsement may also sell marijuana for medical use to qualifying patients and designated providers. To qualify for the medical use of marijuana a person must be a patient of a health care professional who is diagnosed as having a qualifying terminal or debilitating medical condition, is advised about the risks and benefits of the medical use of marijuana and that they may benefit from the medical use of marijuana, and is issued an authorization form signed by the person's health care professional.

Once a person has a completed authorization form, the person may choose to participate in the Database and be issued a recognition card by visiting a marijuana retailer with a medical endorsement, presenting their completed authorization form to a certified medical marijuana consultant, and opting in to the Database. Holding a recognition card authorizes the purchase and possession of three times more more marijuana products than otherwise allowed.

Holding a recognition card also allows production of a greater number of marijuana plants than otherwise allowed for qualifying patients and designated providers. Patients and providers who are in the Database and who hold a valid recognition card may also purchase high-THC products meeting standards established by the Department of Health that are otherwise unavailable to adults age 21 and over. Additionally, there is a sales tax exemption on purchases of marijuana products for qualifying patients and designated providers entered in the Database with a valid recognition card.

Summary of Bill:

Legislative findings and intent are included. New restrictions are added to the sale of the marijuana concentrate category of products. Generally, marijuana retail outlets are prohibited from selling marijuana concentrates with a THC concentration greater than 30 percent. Additionally, generally marijuana retail outlets are prohibited from selling any marijuana concentrates to a person who is under 25 years of age.

However, an exception is provided for marijuana retail outlets with a medical marijuana endorsement. Retailers with the medical endorsement may continue to sell marijuana concentrates with a THC concentration greater than 30 percent, but only to qualifying patients and designated providers who are entered in the Medical Marijuana Authorization Database (Database) and who hold a valid recognition card. Additionally, retailers with the medical endorsement may continue to sell marijuana concentrates to persons under 25 years of age, but only to persons who are entered in the Database who hold a valid recognition card.

It is provided that a marijuana processor may process, package, possess, deliver, distribute, and sell marijuana concentrates with a THC concentration greater than 30 percent only when the marijuana concentrates are intended for sale to a marijuana retailer with a medical marijuana endorsement who will sell the products at retail as authorized in the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.