
HOUSE BILL 2320

State of Washington

68th Legislature

2024 Regular Session

By Representatives Davis, Eslick, Bergquist, Callan, Dent, Dye, Senn, Leavitt, Harris, Ryu, Walen, Peterson, Pollet, and Ramel

Read first time 01/11/24. Referred to Committee on Regulated Substances & Gaming.

1 AN ACT Relating to reducing the public health harms associated
2 with high THC cannabis products by raising awareness, implementing
3 and studying health interventions, and increasing the minimum legal
4 age of sale of high THC cannabis products to prevent psychosis;
5 amending RCW 69.50.357; adding a new section to chapter 28B.20 RCW;
6 creating new sections; prescribing penalties; and providing an
7 expiration date.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that whereas the
10 THC concentration of cannabis-infused edible products is limited to
11 10 percent by state law and the THC concentration of cannabis flower
12 is biologically limited, there is currently no limit on the potency
13 of cannabis concentrates such as THC-infused vape oils, shatter, and
14 dabs. High THC products are readily available with a THC
15 concentration of nearly 100 percent. These high THC products bear
16 little resemblance to the cannabis plant voters thought they were
17 legalizing in 2012. Dr. Beatriz Carlini from the University of
18 Washington's addictions, drug, and alcohol institute has described
19 these highly concentrated products as "as close to the cannabis plant
20 as strawberries are to frosted strawberry pop tarts." Prior to
21 Washington legalizing cannabis sales, many of these extremely high

1 potency products did not exist or were not widely available. By 2019,
2 sales of high THC products had grown to nearly 40 percent of total
3 sales of cannabis products.

4 (2) The legislature further finds that Washington state's most
5 prominent cannabis researchers at the University of Washington and
6 Washington State University released a consensus statement about the
7 public health risks posed by high THC products. That statement
8 summarizes the best available science: "Use of cannabis with high THC
9 concentration increases the chances of developing cannabis use
10 disorder or addiction to cannabis, particularly among adolescents.
11 High-potency cannabis use can have lifelong mental health
12 consequences, which often manifest in adolescence or early adulthood.
13 Daily cannabis use, particularly of high-potency products, increases
14 the risk of developing a psychotic disorder, like schizophrenia, and
15 is related to an earlier onset of symptoms compared to people who do
16 not use cannabis." In 2022, the addictions, drug, and alcohol
17 institute at the University of Washington completed a legislatively
18 funded report that made science-backed policy recommendations to stem
19 the tide of public health harms associated with high THC products.
20 Several of those recommendations are incorporated herein.

21 (3) The legislature finds that continued legislative inaction to
22 curb the public health harms of high THC products will have serious
23 consequences for all Washingtonians. Of individuals presenting to
24 emergency departments with cannabis-induced first episode psychosis,
25 50 percent will receive a diagnosis of schizophrenia within eight
26 years. Researchers have identified cannabis use disorder as a "major
27 modifiable risk factor for schizophrenia" and noted "an increasing
28 proportion of cases of schizophrenia may be avertible by preventing
29 cannabis use disorder and this increase is likely linked to the
30 increase in THC concentration." Researchers estimate that up to 30
31 percent of cases of schizophrenia in young men ages 21 to 30 could be
32 averted by preventing cannabis use disorder. Schizophrenia is a
33 serious mental illness for which there is no cure. The costs borne by
34 state and local governments related to persons with schizophrenia, in
35 terms of law enforcement and fire response, civil commitment,
36 incarceration, competency evaluation and restoration, court costs,
37 public defense services, psychiatric hospitalization, emergency
38 department utilization, and housing and homelessness services far
39 exceed the tax revenue generated from the sale of high THC products.

1 (4) Therefore, it is the intent of the legislature to enact
2 evidence-based public policy solutions to address the public health
3 harms associated with high THC products.

4 NEW SECTION. **Sec. 2.** The legislature intends to provide the
5 department of health with recurring funding available each fiscal
6 year, beginning in fiscal year 2025, to allow the department of
7 health to issue requests for proposals and contract for targeted
8 public health messages and social marketing campaigns directed toward
9 individuals most likely to suffer negative impacts of high THC
10 products including persons under 25 years of age, persons reporting
11 poor mental health, and persons living with mental health challenges.
12 Messages and media campaigns funded must include information about
13 risks, comparative dosing of cannabis products, and resources for
14 persons seeking support for quitting or decreasing their intake of
15 tetrahydrocannabinol. The content of public health messages and
16 social marketing campaigns must be developed in partnership with
17 persons targeted by the messages and campaigns and in consultation
18 with professionals proficient in public health communication and in
19 cannabis research.

20 NEW SECTION. **Sec. 3.** By July 1, 2025, the department of health
21 must develop an optional training that cannabis retail staff may
22 complete to better understand the health and safety impacts of high
23 THC cannabis products. In developing the optional training, the
24 department of health must consult with cannabis retail staff,
25 cannabis consumers, persons who have been harmed by high THC
26 products, health care providers, prevention professionals,
27 researchers with relevant expertise, and behavioral health providers.

28 **Sec. 4.** RCW 69.50.357 and 2022 c 16 s 71 are each amended to
29 read as follows:

30 (1)(a) Retail outlets may not sell products or services other
31 than cannabis concentrates, useable cannabis, cannabis-infused
32 products, or paraphernalia intended for the storage or use of
33 cannabis concentrates, useable cannabis, or cannabis-infused
34 products.

35 (b)(i) Retail outlets may receive lockable boxes, intended for
36 the secure storage of cannabis products and paraphernalia, and
37 related literature as a donation from another person or entity, that

1 is not a cannabis producer, processor, or retailer, for donation to
2 their customers.

3 (ii) Retail outlets may donate the lockable boxes and provide the
4 related literature to any person eligible to purchase cannabis
5 products under subsection (2) of this section. Retail outlets may not
6 use the donation of lockable boxes or literature as an incentive or
7 as a condition of a recipient's purchase of a cannabis product or
8 paraphernalia.

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

12 (c)(i) Retail outlets may not sell a cannabis product with a THC
13 concentration greater than 35 percent to a person who is under age 25
14 who is not a qualifying patient or designated provider.

15 (ii) Violations of this subsection (1)(c) are subject to the
16 following penalties:

17 (A) A five-day suspension or \$500 penalty for a first violation;

18 (B) A seven-day suspension for a second violation during a two-
19 year period;

20 (C) A 30-day suspension for a third violation in a two-year
21 period; and

22 (D) Cancellation of license for a fourth violation in a two-year
23 period.

24 (2) Licensed cannabis retailers may not employ persons under
25 (~~twenty-one~~) 21 years of age or allow persons under (~~twenty-one~~)
26 21 years of age to enter or remain on the premises of a retail
27 outlet. However, qualifying patients between (~~eighteen~~) 18 and
28 (~~twenty-one~~) 21 years of age with a recognition card may enter and
29 remain on the premises of a retail outlet holding a medical cannabis
30 endorsement and may purchase products for their personal medical use.
31 Qualifying patients who are under the age of (~~eighteen~~) 18 with a
32 recognition card and who accompany their designated providers may
33 enter and remain on the premises of a retail outlet holding a medical
34 cannabis endorsement, but may not purchase products for their
35 personal medical use.

36 (3)(a) Licensed cannabis retailers must ensure that all employees
37 are trained on the rules adopted to implement this chapter,
38 identification of persons under the age of (~~twenty-one~~) 21, and
39 other requirements adopted by the board to ensure that persons under

1 the age of (~~twenty-one~~) 21 are not permitted to enter or remain on
2 the premises of a retail outlet.

3 (b) Licensed cannabis retailers with a medical cannabis
4 endorsement must ensure that all employees are trained on the
5 subjects required by (a) of this subsection as well as identification
6 of authorizations and recognition cards. Employees must also be
7 trained to permit qualifying patients who hold recognition cards and
8 are between the ages of (~~eighteen~~) 18 and (~~twenty-one~~) 21 to
9 enter the premises and purchase cannabis for their personal medical
10 use and to permit qualifying patients who are under the age of
11 (~~eighteen~~) 18 with a recognition card to enter the premises if
12 accompanied by their designated providers.

13 (4) Except for the purposes of disposal as authorized by the
14 board, no licensed cannabis retailer or employee of a retail outlet
15 may open or consume, or allow to be opened or consumed, any cannabis
16 concentrates, useable cannabis, or cannabis-infused product on the
17 outlet premises.

18 (5) (~~The~~) Except as provided in subsection (1)(c) of this
19 section, the board must fine a licensee (~~one thousand dollars~~)
20 \$1,000 for each violation of any subsection of this section. Fines
21 collected under this section must be deposited into the dedicated
22 cannabis account created under RCW 69.50.530.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.20
24 RCW to read as follows:

25 (1) Subject to amounts appropriated for this specific purpose,
26 the University of Washington addictions, drug, and alcohol institute
27 must develop, implement, test, and evaluate guidance and health
28 interventions for health care providers and patients at risk for
29 developing serious complications due to cannabis consumption that are
30 seeking care in emergency departments, primary care settings,
31 behavioral health settings, other health care facilities, and for use
32 by state poison control and recovery hotlines to promote cannabis use
33 reduction and cessation for the following populations:

34 (a) Youth and adults at high risk of adverse mental health
35 impacts from use of high THC cannabis;

36 (b) Youth and adults who have experienced a cannabis-induced
37 first episode psychosis but do not have a diagnosis of a psychotic
38 disorder; and

1 (c) Youth and adults who have a diagnosed psychotic disorder and
2 use cannabis.

3 (2) The University of Washington addictions, drug, and alcohol
4 institute must submit a preliminary report to the appropriate
5 committees of the legislature summarizing the progress toward
6 developing and testing health interventions and recruiting patients
7 and health care facilities to participate by December 1, 2025. The
8 institute must provide a progress report on initial outcomes of the
9 health interventions for participating patients and health care
10 facilities by July 1, 2027. The institute must submit a final report
11 to the appropriate committees of the legislature summarizing the
12 results of the interventions and any recommendations for
13 implementation of health interventions by December 1, 2028.

14 (3) This section expires December 31, 2028.

15 NEW SECTION. **Sec. 6.** In recognition of the sovereign authority
16 of tribal governments, the governor may seek government-to-government
17 consultations with federally recognized Indian tribes regarding
18 raising the minimum legal age of sale of cannabis products identified
19 in RCW 69.50.357(1)(c), in compacts entered into under RCW 43.06.490.
20 The office of the governor shall report to the appropriate committees
21 of the legislature regarding the status of such consultations by
22 December 1, 2025.

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