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**SENATE BILL 6077**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Hasegawa

1 AN ACT Relating to regulating hemp in food; amending RCW  
2 15.140.040 and 69.07.220; reenacting and amending RCW 69.07.010;  
3 adding new sections to chapter 69.07 RCW; and providing expiration  
4 dates.

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

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

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

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

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

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

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

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

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

10 (f) A certification that the state has the resources and  
11 personnel to carry out the practices and procedures described in this  
12 section.

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

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

20 (5) The whole hemp plant may be used as food.

21 (6) Beginning July 1, 2025, and until June 30, 2035, hemp  
22 consumables may be used as food under the pilot program established  
23 in section 4 of this act.

24 (7) The department and the department of health shall regulate  
25 the processing of hemp for food products(~~(, that are allowable under~~  
26 ~~federal law,~~)) in the same manner as other food processing under  
27 chapters 15.130 and 69.07 RCW and may adopt rules as necessary to  
28 properly regulate the processing of hemp for food products including,  
29 but not limited to, establishing standards for creating hemp extracts  
30 used for or in food under RCW 69.07.220.

31 **Sec. 2.** RCW 69.07.010 and 2022 c 16 s 48 are each reenacted and  
32 amended to read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Board" means the state liquor and cannabis board.

36 (2) "Cannabis" has the definition in RCW 69.50.101.

37 (3) "Cannabis-infused edible" has the same meaning as "cannabis-  
38 infused products" as defined in RCW 69.50.101, but limited to  
39 products intended for oral consumption.

1 (4) "Cannabis-infused edible processing" means processing,  
2 packaging, or making cannabis-infused edibles using cannabis,  
3 cannabis extract, or cannabis concentrates as an ingredient. The term  
4 does not include preparation of cannabis as an ingredient including,  
5 but not limited to, processing cannabis extracts or cannabis  
6 concentrates.

7 (5) "Cannabis processor" has the definition in RCW 69.50.101.

8 (6) "Department" means the department of agriculture of the state  
9 of Washington.

10 (7) "Director" means the director of the department.

11 (8) "Food" means any substance used for food or drink by any  
12 person, including ice, bottled water, and any ingredient used for  
13 components of any such substance regardless of the quantity of such  
14 component.

15 (9) "Food processing" means the handling or processing of any  
16 food in any manner in preparation for sale for human consumption:  
17 PROVIDED, That it shall not include fresh fruit or vegetables merely  
18 washed or trimmed while being prepared or packaged for sale in their  
19 natural state.

20 (10) "Food processing plant" includes but is not limited to any  
21 premises, plant, establishment, building, room, area, facilities and  
22 the appurtenances thereto, in whole or in part, where food is  
23 prepared, handled or processed in any manner for distribution or sale  
24 for resale by retail outlets, restaurants, and any such other  
25 facility selling or distributing to the ultimate consumer: PROVIDED,  
26 That, as set forth herein, establishments processing foods in any  
27 manner for resale shall be considered a food processing plant as to  
28 such processing.

29 (11) "Food service establishment" shall mean any fixed or mobile  
30 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,  
31 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail  
32 lounge, night club, roadside stand, industrial-feeding establishment,  
33 retail grocery, retail food market, retail meat market, retail  
34 bakery, private, public, or nonprofit organization routinely serving  
35 food, catering kitchen, commissary or similar place in which food or  
36 drink is prepared for sale or for service on the premises or  
37 elsewhere, and any other eating or drinking establishment or  
38 operation where food is served or provided for the public with or  
39 without charge.

1 For the purpose of this chapter any custom cannery or processing  
2 plant where raw food products, food, or food products are processed  
3 for the owner thereof, or the food processing facilities are made  
4 available to the owners or persons in control of raw food products or  
5 food or food products for processing in any manner, shall be  
6 considered to be food processing plants.

7 (12) "Hemp consumable" has the same meaning as defined in RCW  
8 15.140.020.

9 (13) "Hemp extract" means a substance or compound intended for  
10 human ingestion that is derived from, or made by, processing hemp.  
11 The term does not include hemp seeds or hemp seed-derived ingredients  
12 that are generally recognized as safe by the United States food and  
13 drug administration.

14 (~~(13)~~) (14) "Hemp extract certification" means a certification  
15 issued by the department to a hemp processor manufacturing hemp  
16 extract for export to other states, which certifies the hemp  
17 processor's compliance with Washington state's inspection and  
18 sanitation requirements.

19 (~~(14)~~) (15) "Hemp processor" has same meaning as defined in RCW  
20 15.140.020.

21 (~~(15)~~) (16) "Person" means an individual, partnership,  
22 corporation, or association.

23 (~~(16)~~) (17) "Sale" means selling, offering for sale, holding  
24 for sale, preparing for sale, trading, bartering, offering a gift as  
25 an inducement for sale of, and advertising for sale in any media.

26 **Sec. 3.** RCW 69.07.220 and 2021 c 104 s 6 are each amended to  
27 read as follows:

28 (1) (a) Until such time as hemp extract is federally authorized  
29 for use as a food ingredient, hemp extract is not an approved food  
30 ingredient in Washington state, except under (b) of this subsection.

31 (b) Beginning July 1, 2025, through June 30, 2035, hemp extract  
32 is an approved food ingredient in Washington state only for products  
33 sold to persons aged 21 or over when produced under the hemp  
34 consumable pilot program established in section 4 of this act.

35 (2) A hemp processor who wishes to engage in the production of  
36 hemp extract for use as a food ingredient in another state that  
37 allows its use as a food ingredient may apply for a hemp extract  
38 certification to certify the hemp processor's compliance with  
39 Washington's inspection and good manufacturing practices

1 requirements. The department shall regulate hemp extract processing  
2 the same as other food processing under chapters 15.130, 69.07, and  
3 69.22 RCW with the exceptions contained in subsections (~~(2)~~) (3)  
4 through (~~(6)~~) (7) of this section.

5 (~~(2)~~) (3) The department's oversight is limited to certifying a  
6 hemp processor's compliance with applicable inspection and good  
7 manufacturing practices requirements as adopted by the department  
8 under chapter 15.130 RCW.

9 (~~(3)~~) (4) The department must issue a hemp extract  
10 certification in lieu of a food processing license under RCW  
11 69.07.040 to a hemp processor who meets the application requirements  
12 described in subsection (~~(4)~~) (5) of this section. A hemp processor  
13 holding a hemp extract certification must apply for renewal of the  
14 certification annually.

15 (~~(4)~~) (5) The application, initial certification, and renewal  
16 fees must be in an amount established by the department. Applicants  
17 for certification otherwise must meet the same requirements as  
18 applicants for a food processing license under chapter 69.07 RCW  
19 including, but not limited to, successful completion of an inspection  
20 by the department, or accredited third-party auditor's inspection  
21 certifying the processor's compliance with Washington's inspection  
22 and good manufacturing practices requirements adopted by the  
23 department under chapter 15.130 RCW.

24 (~~(5)~~) (6) The department may deny, suspend, or revoke a hemp  
25 extract certification on the same grounds as the department may deny,  
26 suspend, or revoke a food processor's license under this chapter.

27 (~~(6)~~) (7) At such time as federal authorization of hemp  
28 extracts as a food ingredient occurs, the department must cease  
29 issuance of certifications under this chapter. At renewal, hemp  
30 processors certified under this section must apply for a food  
31 processor license in accordance with RCW 69.07.040.

32 NEW SECTION. Sec. 4. A new section is added to chapter 69.07  
33 RCW to read as follows:

34 (1)(a) The department, in consultation with the department of  
35 health, shall establish a pilot program to regulate the processing of  
36 hemp consumables in the same manner as other food processing under  
37 this chapter and chapters 15.130 and 69.22 RCW, and may adopt rules  
38 as necessary to properly regulate the processing of hemp consumables  
39 for products for sale to persons aged 21 or over. The program must

1 begin by July 1, 2025, and continue until June 30, 2035, or such  
2 earlier date as the department and the department of health have  
3 adopted rules to replace the pilot program.

4 (b) During the period of the hemp consumable pilot program, the  
5 provisions of this act and consistent rules adopted by the department  
6 and the department of health govern the program.

7 (2) Initial issuance and renewal for an annual hemp consumable  
8 processing endorsement in lieu of a food processing license under RCW  
9 69.07.040 must be made upon the department or an accredited third-  
10 party auditor's inspection certifying the processor's compliance with  
11 Washington's inspection and good manufacturing practices requirements  
12 adopted by the department under chapter 15.130 RCW.

13 (3) The department must issue a producer of hemp consumables a  
14 food processing license to a processor who meets the application  
15 requirements described in subsection (4) of this section.

16 (4) The application, initial certification, and renewal fees must  
17 be in an amount established by the department. Applicants must meet  
18 the same requirements as applicants for a food processing license  
19 under this chapter, including successful completion of an inspection  
20 by the department or an accredited third-party auditor.

21 (5) The department may deny, suspend, or revoke a hemp consumable  
22 processing endorsement on the same grounds as the department may  
23 deny, suspend, or revoke a food processing license under this  
24 chapter.

25 (6) By November 1, 2034, the department must submit a report to  
26 the legislature in compliance with RCW 43.01.036 evaluating the pilot  
27 program and making any recommendations, if appropriate.

28 (7) The department may adopt rules as necessary to implement the  
29 pilot program in this section.

30 (8) Local public health jurisdictions must ensure that only hemp  
31 consumables created in compliance with the pilot program established  
32 in this section are sold within Washington state.

33 (9) This section expires December 31, 2035.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.07  
35 RCW to read as follows:

36 (1) The department, in consultation with the department of  
37 health, shall develop a test protocol for testing hemp consumable  
38 products under the pilot program established in section 4 of this act  
39 for compliance and end-user safety which may include, but not be

1 limited to, heavy metals, pesticides, residual solvents, and  
2 microbials.

3 (2) Such products must be tested by a testing laboratory  
4 accredited to conduct food safety audits or a Washington state  
5 certified cannabis testing lab and issue certifications in accordance  
6 with testing standards and rules adopted under this chapter.

7 (3) Subject to the requirements of subsection (2) of this  
8 section, the department may adopt rules necessary to implement the  
9 requirements of this section related to laboratory testing and  
10 product safety standards for hemp consumable products.

11 (4) This section expires December 31, 2035.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.07  
13 RCW to read as follows:

14 (1) All hemp consumable products in the pilot program established  
15 in section 4 of this act must conform to applicable federal and state  
16 labeling laws including, but not limited to, 21 C.F.R. Sec. 101, 21  
17 C.F.R. Sec. 111, and 21 C.F.R. Sec. 117.

18 (2) Label information must include:

19 (a) The common name of the food or, absent a common name, an  
20 adequately descriptive identity statement;

21 (b) If made from two or more ingredients, a list of ingredients  
22 in descending order of predominance by weight, including a  
23 declaration of artificial color or flavor and chemical preservatives,  
24 if contained in the food;

25 (c) An accurate declaration of the quantity of contents;

26 (d) Net weight or volume in United States customary and metric  
27 units;

28 (e) Serving size and number of servings per container;

29 (f) The name and place of business of the manufacturer, packer,  
30 or distributor; and

31 (g) Warnings that state:

32 (i) "Keep out of reach of children"; and

33 (ii) "This product should not be consumed if you are pregnant or  
34 nursing."

35 (3) (a) The label of a hemp consumable product may not contain a  
36 claim indicating the product is intended for diagnosis, cure,  
37 mitigation, treatment, or prevention of disease, or otherwise  
38 indicates that the product is a drug, as that term is defined in 21  
39 U.S.C. Sec. 321(g)(1).

1 (b) A hemp consumable product with a label that contains a claim  
2 indicating the product is intended for diagnosis, cure, mitigation,  
3 treatment, or prevention of disease is not a food and is considered  
4 misbranded.

5 (4) Hemp consumable products may not contain any statement,  
6 depiction, or illustration that is especially appealing to persons  
7 under 21 years old.

8 (5) The department may contract for enforcement of labeling  
9 regulations under this section.

10 (6) This section expires December 31, 2035.

11 NEW SECTION. **Sec. 7.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

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