

HB 2334 -- Redline

Substitute to Bill -- Regulating the use of cannabinoid additives in marijuana products.

Deletions ~~struck~~ · Insertions underlined

~~H 4611, 1 SECOND H-3364. 1 HOUSE SUBSTITUTE HOUSE BILL 2334 State of Washington 65th Legislature 2018 Regular Session By House Appropriations (originally sponsored by Representatives Sawyer and Kloba) READ Kloba Prefiled FIRST 12/28/17. TIME 02/06/18. AN ACT Relating to the regulation of the use of cannabinoid additives in marijuana products;~~
~~reenacting Read and first amending time RCW 01/08/18. 69.50.101 and 69.50.325;~~
~~adding Referred to new Committee section on Commerce & Gaming. AN ACT Relating to chapter the 69.50 regulation RCW; of the use of cannabinoid additives in marijuana products;~~
~~reenacting and providing amending an effective date. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON: NEW SECTION. Sec. 1. A new section is added to chapter 69.50 RCW to 69.50.101; read as follows: (1) Licensed marijuana producers and licensed marijuana processors may use a CBD product as an additive for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, and sale under this chapter.~~
~~Except and as adding otherwise a provided new in section subsection to (2) chapter of 69.50 this RCW. BE section, IT such ENACTED CBD BY product THE additives LEGISLATURE must OF be THE lawfully STATE produced OF by, WASHINGTON: NEW or SECTION. Sec. 1. A purchased new from, section a is producer added or to processor chapter licensed 69.50 under RCW this to chapter. (2) read Subject as to follows: (a) the Licensed requirements marijuana set producers forth and in licensed (a) marijuana and processors (b) may of use this a subsection, CBD and product as an additive for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, or and sale under this chapter, chapter. licensed marijuana producers and licensed marijuana processors may use a CBD product obtained from a source not licensed under this chapter, provided the CBD product: (a) Has a THC level of 0.3 percent or less on a dry weight basis;~~
~~and (b) Except Has as been otherwise tested provided for in contaminants subsection and (b) toxins of by this a section, testings such laboratory CBD accredited product under additives this must chapter be and lawfully in produced accordance by, with or testing purchased standards from, established a producer or processor licensed under this chapter chapter. (b) and Subject to the applicable requirements administrative set rules. (3) forth The in liquor (1) and through cannabis (3) board of may this enacts subsection, rules and necessary for to the implement purpose of enhancing the requirements cannabidiol concentration of this any section. Sec. 2. RCW product 69.50.101 authorized and for 2017 production, processing, 317 or sale 5, under 2017 this chapter, 212 licensed marijuana 11, producers and 2017 licensed marijuana 153 processors may use are a each CBD reenacted product and obtained amended from to a read source as not follows: The licensed definitions under in this section chapter, apply provided throughout the this CBD chapter product: (1) unless Has the a context THC clearly level requires of otherwise. (a). 3 "Administer" percent means or to less apply on a controlled dry substance, weight whether basis; (2) by Has injection, been inhalation, tested ingestion, for or contaminants any and other toxins means, by directly an to accredited the testing body laboratory of licensed a under patient this or chapter research and subject in by: (1) accordance a with practitioner testing authorized standards to established prescribe under (or, this by chapter and the practitioner's applicable authorized administrative agent); rules;~~
~~and (3) Has been explicitly approved by the liquor and cannabis board for use by licensed producers and processors following a finding that: (i) The CBD product has been properly tested in accordance with the requirements of (2) of this subsection;~~
~~and (ii) The laboratory test results show that the CBD product meets the legal standards for product safety and purity established in this chapter and by administrative rule. (c) The liquor and cannabis board may enact rules necessary to implement the requirements of this section. Sec. 2. RCW 69.50.101 and 2017 c 317 s 5, 2017 c 212 s 11, and 2017 c 153 s 1 are each reenacted and amended to read as follows: The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by: (1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent);~~
~~The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates. (vv) "CBD product" means any product containing or consisting of cannabidiol. Sec. 3. RCW cannabidiol. --- 69.50.325 END and --- 2017 c 317 s 1 and 2017 c 316 s 2 are each reenacted and amended to read as follows: (1) There shall be a marijuana producer's license regulated by the state liquor and cannabis board and subject to annual renewal. The licensee is authorized to produce:~~
~~(a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers;~~
~~(b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250;~~

~~and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310.~~

~~The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law.~~

~~Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license.~~

~~The application fee for a marijuana producer's license shall be two hundred fifty dollars.~~

~~The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars.~~

~~A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor and cannabis board and subject to annual renewal.~~

~~The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law.~~

~~Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license.~~

~~The application fee for a marijuana processor's license shall be two hundred fifty dollars.~~

~~The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars.~~

~~A separate license shall be required for each location at which a marijuana processor intends to process marijuana.(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal.~~

~~The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law.~~

~~Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license.~~

~~The application fee for a marijuana retailer's license shall be two hundred fifty dollars.~~

~~The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars.~~

~~A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail marijuana licenses.(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the state liquor and cannabis board pursuant to this section.(ii) The state liquor and cannabis board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the state liquor and cannabis board, subject to the following restrictions:(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance;~~

~~and(B) The state liquor and cannabis board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.(iii) The state liquor and cannabis board has discretion in adopting rules under this subsection (3)(c).(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017.~~

~~However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.(v) The state liquor and cannabis board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business~~

~~due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business;~~
~~or(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.~~
~~NEW SECTION. Sec. 4. Section 3 of this act takes effect July 1, 2018.--- END ---~~

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