
HOUSE BILL 2056

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Hurst and Condotta

Read first time 04/24/13. Referred to Committee on Government
Accountability & Oversight.

1 AN ACT Relating to correcting the definition of THC concentration
2 as adopted by Initiative Measure No. 502 to avoid an implication that
3 conversion, by combustion, of tetrahydrocannabinol acid into delta-9
4 tetrahydrocannabinol is not part of the THC content that differentiates
5 marijuana from hemp; and amending RCW 69.50.101.

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

7 **Sec. 1.** RCW 69.50.101 and 2013 c 12 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, definitions of terms
10 shall be as indicated where used in this chapter:

11 (a) "Administer" means to apply a controlled substance, whether by
12 injection, inhalation, ingestion, or any other means, directly to the
13 body of a patient or research subject by:

14 (1) a practitioner authorized to prescribe (or, by the
15 practitioner's authorized agent); or

16 (2) the patient or research subject at the direction and in the
17 presence of the practitioner.

18 (b) "Agent" means an authorized person who acts on behalf of or at

1 the direction of a manufacturer, distributor, or dispenser. It does
2 not include a common or contract carrier, public warehouseperson, or
3 employee of the carrier or warehouseperson.

4 (c) "Board" means the state board of pharmacy.

5 (d) "Controlled substance" means a drug, substance, or immediate
6 precursor included in Schedules I through V as set forth in federal or
7 state laws, or federal or board rules.

8 (e)(1) "Controlled substance analog" means a substance the chemical
9 structure of which is substantially similar to the chemical structure
10 of a controlled substance in Schedule I or II and:

11 (i) that has a stimulant, depressant, or hallucinogenic effect on
12 the central nervous system substantially similar to the stimulant,
13 depressant, or hallucinogenic effect on the central nervous system of
14 a controlled substance included in Schedule I or II; or

15 (ii) with respect to a particular individual, that the individual
16 represents or intends to have a stimulant, depressant, or
17 hallucinogenic effect on the central nervous system substantially
18 similar to the stimulant, depressant, or hallucinogenic effect on the
19 central nervous system of a controlled substance included in Schedule
20 I or II.

21 (2) The term does not include:

22 (i) a controlled substance;

23 (ii) a substance for which there is an approved new drug
24 application;

25 (iii) a substance with respect to which an exemption is in effect
26 for investigational use by a particular person under Section 505 of the
27 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
28 conduct with respect to the substance is pursuant to the exemption; or

29 (iv) any substance to the extent not intended for human consumption
30 before an exemption takes effect with respect to the substance.

31 (f) "Deliver" or "delivery," means the actual or constructive
32 transfer from one person to another of a substance, whether or not
33 there is an agency relationship.

34 (g) "Department" means the department of health.

35 (h) "Dispense" means the interpretation of a prescription or order
36 for a controlled substance and, pursuant to that prescription or order,
37 the proper selection, measuring, compounding, labeling, or packaging
38 necessary to prepare that prescription or order for delivery.

1 (i) "Dispenser" means a practitioner who dispenses.

2 (j) "Distribute" means to deliver other than by administering or
3 dispensing a controlled substance.

4 (k) "Distributor" means a person who distributes.

5 (l) "Drug" means (1) a controlled substance recognized as a drug in
6 the official United States pharmacopoeia/national formulary or the
7 official homeopathic pharmacopoeia of the United States, or any
8 supplement to them; (2) controlled substances intended for use in the
9 diagnosis, cure, mitigation, treatment, or prevention of disease in
10 individuals or animals; (3) controlled substances (other than food)
11 intended to affect the structure or any function of the body of
12 individuals or animals; and (4) controlled substances intended for use
13 as a component of any article specified in (1), (2), or (3) of this
14 subsection. The term does not include devices or their components,
15 parts, or accessories.

16 (m) "Drug enforcement administration" means the drug enforcement
17 administration in the United States Department of Justice, or its
18 successor agency.

19 (n) "Immediate precursor" means a substance:

20 (1) that the state board of pharmacy has found to be and by rule
21 designates as being the principal compound commonly used, or produced
22 primarily for use, in the manufacture of a controlled substance;

23 (2) that is an immediate chemical intermediary used or likely to be
24 used in the manufacture of a controlled substance; and

25 (3) the control of which is necessary to prevent, curtail, or limit
26 the manufacture of the controlled substance.

27 (o) "Isomer" means an optical isomer, but in subsection (x)(5) of
28 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the
29 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),
30 and 69.50.210(c) the term includes any positional isomer; and in RCW
31 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
32 positional or geometric isomer.

33 (p) "Lot" means a definite quantity of marijuana, useable
34 marijuana, or marijuana-infused product identified by a lot number,
35 every portion or package of which is uniform within recognized
36 tolerances for the factors that appear in the labeling.

37 (q) "Lot number" shall identify the licensee by business or trade

1 name and Washington state unified business identifier number, and the
2 date of harvest or processing for each lot of marijuana, useable
3 marijuana, or marijuana-infused product.

4 (r) "Manufacture" means the production, preparation, propagation,
5 compounding, conversion, or processing of a controlled substance,
6 either directly or indirectly or by extraction from substances of
7 natural origin, or independently by means of chemical synthesis, or by
8 a combination of extraction and chemical synthesis, and includes any
9 packaging or repackaging of the substance or labeling or relabeling of
10 its container. The term does not include the preparation, compounding,
11 packaging, repackaging, labeling, or relabeling of a controlled
12 substance:

13 (1) by a practitioner as an incident to the practitioner's
14 administering or dispensing of a controlled substance in the course of
15 the practitioner's professional practice; or

16 (2) by a practitioner, or by the practitioner's authorized agent
17 under the practitioner's supervision, for the purpose of, or as an
18 incident to, research, teaching, or chemical analysis and not for sale.

19 (s) "Marijuana" or "marihuana" means all parts of the plant
20 Cannabis, whether growing or not, with a THC concentration greater than
21 0.3 percent on a dry weight basis; the seeds thereof; the resin
22 extracted from any part of the plant; and every compound, manufacture,
23 salt, derivative, mixture, or preparation of the plant, its seeds or
24 resin. The term does not include the mature stalks of the plant, fiber
25 produced from the stalks, oil or cake made from the seeds of the plant,
26 any other compound, manufacture, salt, derivative, mixture, or
27 preparation of the mature stalks (except the resin extracted
28 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
29 which is incapable of germination.

30 (t) "Marijuana processor" means a person licensed by the state
31 liquor control board to process marijuana into useable marijuana and
32 marijuana-infused products, package and label useable marijuana and
33 marijuana-infused products for sale in retail outlets, and sell useable
34 marijuana and marijuana-infused products at wholesale to marijuana
35 retailers.

36 (u) "Marijuana producer" means a person licensed by the state
37 liquor control board to produce and sell marijuana at wholesale to
38 marijuana processors and other marijuana producers.

1 (v) "Marijuana-infused products" means products that contain
2 marijuana or marijuana extracts and are intended for human use. The
3 term "marijuana-infused products" does not include useable marijuana.

4 (w) "Marijuana retailer" means a person licensed by the state
5 liquor control board to sell useable marijuana and marijuana-infused
6 products in a retail outlet.

7 (x) "Narcotic drug" means any of the following, whether produced
8 directly or indirectly by extraction from substances of vegetable
9 origin, or independently by means of chemical synthesis, or by a
10 combination of extraction and chemical synthesis:

11 (1) Opium, opium derivative, and any derivative of opium or opium
12 derivative, including their salts, isomers, and salts of isomers,
13 whenever the existence of the salts, isomers, and salts of isomers is
14 possible within the specific chemical designation. The term does not
15 include the isoquinoline alkaloids of opium.

16 (2) Synthetic opiate and any derivative of synthetic opiate,
17 including their isomers, esters, ethers, salts, and salts of isomers,
18 esters, and ethers, whenever the existence of the isomers, esters,
19 ethers, and salts is possible within the specific chemical designation.

20 (3) Poppy straw and concentrate of poppy straw.

21 (4) Coca leaves, except coca leaves and extracts of coca leaves
22 from which cocaine, ecgonine, and derivatives or ecgonine or their
23 salts have been removed.

24 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

25 (6) Cocaine base.

26 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
27 thereof.

28 (8) Any compound, mixture, or preparation containing any quantity
29 of any substance referred to in subparagraphs (1) through (7).

30 (y) "Opiate" means any substance having an addiction-forming or
31 addiction-sustaining liability similar to morphine or being capable of
32 conversion into a drug having addiction-forming or addiction-sustaining
33 liability. The term includes opium, substances derived from opium
34 (opium derivatives), and synthetic opiates. The term does not include,
35 unless specifically designated as controlled under RCW 69.50.201, the
36 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
37 (dextromethorphan). The term includes the racemic and levorotatory
38 forms of dextromethorphan.

1 (z) "Opium poppy" means the plant of the species *Papaver somniferum*
2 L., except its seeds.

3 (aa) "Person" means individual, corporation, business trust,
4 estate, trust, partnership, association, joint venture, government,
5 governmental subdivision or agency, or any other legal or commercial
6 entity.

7 (bb) "Poppy straw" means all parts, except the seeds, of the opium
8 poppy, after mowing.

9 (cc) "Practitioner" means:

10 (1) A physician under chapter 18.71 RCW; a physician assistant
11 under chapter 18.71A RCW; an osteopathic physician and surgeon under
12 chapter 18.57 RCW; an osteopathic physician assistant under chapter
13 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
14 limitations in RCW 18.57A.040; an optometrist licensed under chapter
15 18.53 RCW who is certified by the optometry board under RCW 18.53.010
16 subject to any limitations in RCW 18.53.010; a dentist under chapter
17 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
18 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
19 registered nurse practitioner, or licensed practical nurse under
20 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
21 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
22 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
23 investigator under this chapter, licensed, registered or otherwise
24 permitted insofar as is consistent with those licensing laws to
25 distribute, dispense, conduct research with respect to or administer a
26 controlled substance in the course of their professional practice or
27 research in this state.

28 (2) A pharmacy, hospital or other institution licensed, registered,
29 or otherwise permitted to distribute, dispense, conduct research with
30 respect to or to administer a controlled substance in the course of
31 professional practice or research in this state.

32 (3) A physician licensed to practice medicine and surgery, a
33 physician licensed to practice osteopathic medicine and surgery, a
34 dentist licensed to practice dentistry, a podiatric physician and
35 surgeon licensed to practice podiatric medicine and surgery, a licensed
36 physician assistant or a licensed osteopathic physician assistant
37 specifically approved to prescribe controlled substances by his or her
38 state's medical quality assurance commission or equivalent and his or

1 her supervising physician, an advanced registered nurse practitioner
2 licensed to prescribe controlled substances, or a veterinarian licensed
3 to practice veterinary medicine in any state of the United States.

4 (dd) "Prescription" means an order for controlled substances issued
5 by a practitioner duly authorized by law or rule in the state of
6 Washington to prescribe controlled substances within the scope of his
7 or her professional practice for a legitimate medical purpose.

8 (ee) "Production" includes the manufacturing, planting,
9 cultivating, growing, or harvesting of a controlled substance.

10 (ff) "Retail outlet" means a location licensed by the state liquor
11 control board for the retail sale of useable marijuana and marijuana-
12 infused products.

13 (gg) "Secretary" means the secretary of health or the secretary's
14 designee.

15 (hh) "State," unless the context otherwise requires, means a state
16 of the United States, the District of Columbia, the Commonwealth of
17 Puerto Rico, or a territory or insular possession subject to the
18 jurisdiction of the United States.

19 (ii) "THC concentration" means percent of delta-9
20 tetrahydrocannabinol content per dry weight of any part of the plant
21 *Cannabis*, or per volume or weight of marijuana product, or the combined
22 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid
23 in any part of the plant *Cannabis* regardless of moisture content.

24 (jj) "Ultimate user" means an individual who lawfully possesses a
25 controlled substance for the individual's own use or for the use of a
26 member of the individual's household or for administering to an animal
27 owned by the individual or by a member of the individual's household.

28 (kk) "Useable marijuana" means dried marijuana flowers. The term
29 "useable marijuana" does not include marijuana-infused products.

30 (ll) "Electronic communication of prescription information" means
31 the communication of prescription information by computer, or the
32 transmission of an exact visual image of a prescription by facsimile,
33 or other electronic means for original prescription information or
34 prescription refill information for a Schedule III-V controlled
35 substance between an authorized practitioner and a pharmacy or the
36 transfer of prescription information for a controlled substance from

1 one pharmacy to another pharmacy.

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