
SECOND SUBSTITUTE SENATE BILL 5276

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Ericksen, Takko, and Wellman)

READ FIRST TIME 02/27/19.

1 AN ACT Relating to hemp production; amending RCW 69.50.204;
2 reenacting and amending RCW 69.50.101; adding a new chapter to Title
3 15 RCW; repealing RCW 15.120.005, 15.120.010, 15.120.020, 15.120.030,
4 15.120.035, 15.120.040, 15.120.050, and 15.120.060; providing an
5 effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to:

8 (1) Authorize and establish a new licensing and regulatory
9 program for hemp production in this state in accordance with the
10 agriculture improvement act of 2018;

11 (2) Replace the industrial hemp research program in chapter
12 15.120 RCW, with the new licensing and regulatory program established
13 in this chapter, and enable hemp growers licensed under the
14 industrial hemp research program on the effective date of rules
15 implementing this chapter and regulating hemp production, to transfer
16 into the program created in this chapter; and

17 (3) Authorize the growing of hemp as a legal, agricultural
18 activity in this state. Hemp is an agricultural product that may be
19 legally grown, produced, processed, possessed, transferred,
20 commercially sold, and traded. Hemp and processed hemp produced in
21 accordance with this chapter or produced lawfully under the laws of

1 another state, tribe, or country may be transferred and sold within
2 the state, outside of this state, and internationally. Nothing in
3 this chapter is intended to prevent or restrain commerce in this
4 state involving hemp or hemp products produced lawfully under the
5 laws of another state, tribe, or country.

6 NEW SECTION. **Sec. 2.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires
8 otherwise.

9 (1) "Agriculture improvement act of 2018" means sections 7605,
10 10113, 10114, and 12619 of the agriculture improvement act of 2018,
11 P.L. 115-334.

12 (2) "Crop" means hemp grown as an agricultural commodity.

13 (3) "Cultivar" means a variation of the plant *Cannabis sativa L.*
14 that has been developed through cultivation by selective breeding.

15 (4) "Department" means the Washington state department of
16 agriculture.

17 (5) "Hemp" means the plant *Cannabis sativa L.* and any part of
18 that plant, including the seeds thereof and all derivatives,
19 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
20 whether growing or not, with a delta-9 tetrahydrocannabinol
21 concentration of not more than 0.3 percent on a dry weight basis.

22 (6)(a) "Industrial hemp" means all parts and varieties of the
23 genera *Cannabis*, cultivated or possessed by a grower, whether growing
24 or not, that contain a tetrahydrocannabinol concentration of 0.3
25 percent or less by dry weight that was grown under the industrial
26 hemp research program as it existed on December 31, 2019.

27 (b) "Industrial hemp" does not include plants of the genera
28 *Cannabis* that meet the definition of "marijuana" as defined in RCW
29 69.50.101.

30 (7) "Postharvest test" means a test of delta-9
31 tetrahydrocannabinol concentration levels of hemp after being
32 harvested based on ground whole plant samples without heat applied.

33 (8) "Process" means the processing, compounding, or conversion of
34 hemp into hemp commodities or products.

35 (9) "Produce" or "production" means the planting, cultivation,
36 growing, or harvesting of hemp including hemp seed.

37 NEW SECTION. **Sec. 3.** (1) The department must develop an
38 agricultural commodity program to replace the industrial hemp

1 research pilot program in chapter 15.120 RCW, in accordance with the
2 agriculture improvement act of 2018.

3 (2) The department has sole regulatory authority over the
4 production of hemp and may adopt rules to implement this chapter. All
5 rules relating to hemp, including any testing of hemp, are outside of
6 the control and authority of the liquor and cannabis board.

7 (3) If the department adopts rules implementing this chapter that
8 are effective by June 1, 2019, persons licensed to grow hemp under
9 chapter 15.120 RCW may transfer into the regulatory program
10 established in this chapter, and continue hemp production under this
11 chapter. If the department adopts rules implementing this chapter
12 that are effective after June 1, 2019, people licensed to grow hemp
13 under chapter 15.120 RCW may continue hemp production under this
14 chapter as of the effective date of the rules.

15 NEW SECTION. **Sec. 4.** (1) The department must develop the
16 state's hemp plan to conform to the agriculture improvement act of
17 2018, to include consultation with the governor and the attorney
18 general and the plan elements required in the agriculture improvement
19 act of 2018.

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

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

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

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

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

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

1 (f) A certification that the state has the resources and
2 personnel to carry out the practices and procedures described in this
3 section.

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

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

11 (5) The whole hemp plant may be used as food. When processing
12 hemp for food products, all tests and handling procedures generally
13 applicable to the production and processing of nonhemp foods for
14 human consumption must be followed. Nothing in this subsection is
15 intended to prohibit an activity allowed under federal law in regard
16 to the production and processing of hemp. Any hemp products intended
17 for public consumption that are allowable under federal law are
18 permissible for sale and use within the state.

19 NEW SECTION. **Sec. 5.** The department must develop a postharvest
20 test protocol for testing hemp under this chapter that includes
21 testing of whole plant samples or other testing protocol identified
22 in regulations established by the United States department of
23 agriculture, including the testing procedures for delta-9
24 tetrahydrocannabinol concentration levels of hemp produced by
25 producers under the state plan.

26 NEW SECTION. **Sec. 6.** (1) The department must issue hemp
27 producer licenses to applicants qualified under this chapter and the
28 agriculture improvement act of 2018. The department may adopt rules
29 pursuant to this chapter and chapter 34.05 RCW as necessary to
30 license persons to grow hemp under a commercial hemp program.

31 (2) The plan must identify qualifications for license applicants,
32 to include adults and corporate persons and to exclude persons with
33 felony convictions as required under the agriculture improvement act
34 of 2018.

35 (3) The department must establish license fees in an amount that
36 will fund the implementation of this chapter and sustain the hemp
37 program. The department may adopt rules establishing fees for
38 tetrahydrocannabinol testing, inspections, and additional services

1 required by the United States department of agriculture. License fees
2 and any money received by the department under this chapter must be
3 deposited in the hemp regulatory account created in section 8 of this
4 act.

5 NEW SECTION. **Sec. 7.** A person producing hemp pursuant to this
6 chapter must notify the department of the source of the hemp seed or
7 clones solely for the purpose of maintaining a record of the sources
8 of seeds and clones being used or having been used for hemp
9 production in this state. Hemp seed is an agricultural seed.

10 NEW SECTION. **Sec. 8.** The hemp regulatory account is created in
11 the custody of the state treasurer. All receipts from licensing fees
12 established under this chapter must be deposited into the account.
13 Expenditures from the account may be used only for implementing this
14 chapter. Only the director of the state department of agriculture or
15 the director's designee may authorize expenditures from the account.
16 The account is subject to allotment procedures under chapter 43.88
17 RCW, but an appropriation is not required for expenditures.

18 NEW SECTION. **Sec. 9.** Washington State University may, within
19 existing resources, develop and make accessible an internet-based
20 application designed to assist hemp producers by providing regional
21 communications concerning recommended planting times for hemp crops
22 in this state.

23 NEW SECTION. **Sec. 10.** (1) There is no distance requirement,
24 limitation, or buffer zone between any licensed hemp producer or hemp
25 processing facility licensed or authorized under this chapter and any
26 marijuana producer or marijuana processor licensed under chapter
27 69.50 RCW. No rule may establish such a distance requirement,
28 limitation, or buffer zone.

29 (2) Notwithstanding subsection (1) of this section, in an effort
30 to prevent cross-pollination between hemp plants produced under this
31 chapter and marijuana plants produced under chapter 69.50 RCW, the
32 department, in consultation with the liquor and cannabis board, must
33 review the state's policy regarding cross-pollination and pollen
34 capture to ensure an appropriate policy is in place, and must modify
35 policies or establish new policies as appropriate. Under any such
36 policy, when a documented conflict involving cross-pollination exists

1 between two farms or production facilities growing or producing hemp
2 or marijuana, the farm or production facility operating first in time
3 shall have the right to continue operating and the farm or production
4 facility operating second in time must cease growing or producing
5 hemp or marijuana, as applicable.

6 NEW SECTION. **Sec. 11.** (1) The department must use expedited
7 rule making to adopt the state hemp plan submitted to the United
8 States department of agriculture upon receipt of approval of the plan
9 by the United States department of agriculture. As allowed under this
10 section, rule making by the department to adopt the approved hemp
11 plan qualifies as expedited rule making under RCW 34.05.353. Upon the
12 approval of the plan by the United States department of agriculture,
13 the department may conduct initial expedited rule making under RCW
14 34.05.353 to establish rules to allow hemp licenses to be issued
15 without delay.

16 (2) On the effective date of rules adopted by the department
17 regulating hemp production under chapter 15.--- RCW (the new chapter
18 created in section 16 of this act), a licensed hemp producer under
19 this chapter may immediately produce hemp pursuant to chapter 15.---
20 RCW (the new chapter created in section 16 of this act) with all the
21 privileges of a hemp producer licensed under chapter 15.--- RCW (the
22 new chapter created in section 16 of this act).

23 **Sec. 12.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and
24 amended to read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

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

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

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

34 (b) "Agent" means an authorized person who acts on behalf of or
35 at the direction of a manufacturer, distributor, or dispenser. It
36 does not include a common or contract carrier, public
37 warehouseperson, or employee of the carrier or warehouseperson.

1 (c) "CBD concentration" has the meaning provided in RCW
2 69.51A.010.

3 (d) "CBD product" means any product containing or consisting of
4 cannabidiol.

5 (e) "Commission" means the pharmacy quality assurance commission.

6 (f) "Controlled substance" means a drug, substance, or immediate
7 precursor included in Schedules I through V as set forth in federal
8 or state laws, or federal or commission rules, but does not include
9 hemp or industrial hemp as defined in (~~RCW 15.120.010~~) section 2 of
10 this act.

11 (g)(1) "Controlled substance analog" means a substance the
12 chemical structure of which is substantially similar to the chemical
13 structure of a controlled substance in Schedule I or II and:

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

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

24 (2) The term does not include:

25 (i) a controlled substance;

26 (ii) a substance for which there is an approved new drug
27 application;

28 (iii) a substance with respect to which an exemption is in effect
29 for investigational use by a particular person under Section 505 of
30 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
31 chapter 69.77 RCW to the extent conduct with respect to the substance
32 is pursuant to the exemption; or

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

36 (h) "Deliver" or "delivery" means the actual or constructive
37 transfer from one person to another of a substance, whether or not
38 there is an agency relationship.

39 (i) "Department" means the department of health.

1 (j) "Designated provider" has the meaning provided in RCW
2 69.51A.010.

3 (k) "Dispense" means the interpretation of a prescription or
4 order for a controlled substance and, pursuant to that prescription
5 or order, the proper selection, measuring, compounding, labeling, or
6 packaging necessary to prepare that prescription or order for
7 delivery.

8 (l) "Dispenser" means a practitioner who dispenses.

9 (m) "Distribute" means to deliver other than by administering or
10 dispensing a controlled substance.

11 (n) "Distributor" means a person who distributes.

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

23 (p) "Drug enforcement administration" means the drug enforcement
24 administration in the United States Department of Justice, or its
25 successor agency.

26 (q) "Electronic communication of prescription information" means
27 the transmission of a prescription or refill authorization for a drug
28 of a practitioner using computer systems. The term does not include a
29 prescription or refill authorization verbally transmitted by
30 telephone nor a facsimile manually signed by the practitioner.

31 (r) "Immature plant or clone" means a plant or clone that has no
32 flowers, is less than twelve inches in height, and is less than
33 twelve inches in diameter.

34 (s) "Immediate precursor" means a substance:

35 (1) that the commission has found to be and by rule designates as
36 being the principal compound commonly used, or produced primarily for
37 use, in the manufacture of a controlled substance;

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

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

3 (t) "Isomer" means an optical isomer, but in subsection (ff)(5)
4 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
5 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
6 (42), and 69.50.210(c) the term includes any positional isomer; and
7 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
8 includes any positional or geometric isomer.

9 (u) "Lot" means a definite quantity of marijuana, marijuana
10 concentrates, useable marijuana, or marijuana-infused product
11 identified by a lot number, every portion or package of which is
12 uniform within recognized tolerances for the factors that appear in
13 the labeling.

14 (v) "Lot number" must identify the licensee by business or trade
15 name and Washington state unified business identifier number, and the
16 date of harvest or processing for each lot of marijuana, marijuana
17 concentrates, useable marijuana, or marijuana-infused product.

18 (w) "Manufacture" means the production, preparation, propagation,
19 compounding, conversion, or processing of a controlled substance,
20 either directly or indirectly or by extraction from substances of
21 natural origin, or independently by means of chemical synthesis, or
22 by a combination of extraction and chemical synthesis, and includes
23 any packaging or repackaging of the substance or labeling or
24 relabeling of its container. The term does not include the
25 preparation, compounding, packaging, repackaging, labeling, or
26 relabeling of a controlled substance:

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

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

34 (x) "Marijuana" or "marihuana" means all parts of the plant
35 *Cannabis*, whether growing or not, with a THC concentration greater
36 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
37 extracted from any part of the plant; and every compound,
38 manufacture, salt, derivative, mixture, or preparation of the plant,
39 its seeds or resin. The term does not include:

1 (1) The mature stalks of the plant, fiber produced from the
2 stalks, oil or cake made from the seeds of the plant, any other
3 compound, manufacture, salt, derivative, mixture, or preparation of
4 the mature stalks (except the resin extracted therefrom), fiber, oil,
5 or cake, or the sterilized seed of the plant which is incapable of
6 germination; or

7 (2) (~~Industrial hemp as defined in RCW 15.120.010~~) Hemp or
8 industrial hemp as defined in section 2 of this act, seeds used for
9 licensed hemp production under chapter 15.--- RCW (the new chapter
10 created in section 16 of this act).

11 (y) "Marijuana concentrates" means products consisting wholly or
12 in part of the resin extracted from any part of the plant *Cannabis*
13 and having a THC concentration greater than ten percent.

14 (z) "Marijuana processor" means a person licensed by the state
15 liquor and cannabis board to process marijuana into marijuana
16 concentrates, useable marijuana, and marijuana-infused products,
17 package and label marijuana concentrates, useable marijuana, and
18 marijuana-infused products for sale in retail outlets, and sell
19 marijuana concentrates, useable marijuana, and marijuana-infused
20 products at wholesale to marijuana retailers.

21 (aa) "Marijuana producer" means a person licensed by the state
22 liquor and cannabis board to produce and sell marijuana at wholesale
23 to marijuana processors and other marijuana producers.

24 (bb) "Marijuana products" means useable marijuana, marijuana
25 concentrates, and marijuana-infused products as defined in this
26 section.

27 (cc) "Marijuana researcher" means a person licensed by the state
28 liquor and cannabis board to produce, process, and possess marijuana
29 for the purposes of conducting research on marijuana and marijuana-
30 derived drug products.

31 (dd) "Marijuana retailer" means a person licensed by the state
32 liquor and cannabis board to sell marijuana concentrates, useable
33 marijuana, and marijuana-infused products in a retail outlet.

34 (ee) "Marijuana-infused products" means products that contain
35 marijuana or marijuana extracts, are intended for human use, are
36 derived from marijuana as defined in subsection (x) of this section,
37 and have a THC concentration no greater than ten percent. The term
38 "marijuana-infused products" does not include either useable
39 marijuana or marijuana concentrates.

1 (ff) "Narcotic drug" means any of the following, whether produced
2 directly or indirectly by extraction from substances of vegetable
3 origin, or independently by means of chemical synthesis, or by a
4 combination of extraction and chemical synthesis:

5 (1) Opium, opium derivative, and any derivative of opium or opium
6 derivative, including their salts, isomers, and salts of isomers,
7 whenever the existence of the salts, isomers, and salts of isomers is
8 possible within the specific chemical designation. The term does not
9 include the isoquinoline alkaloids of opium.

10 (2) Synthetic opiate and any derivative of synthetic opiate,
11 including their isomers, esters, ethers, salts, and salts of isomers,
12 esters, and ethers, whenever the existence of the isomers, esters,
13 ethers, and salts is possible within the specific chemical
14 designation.

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

16 (4) Coca leaves, except coca leaves and extracts of coca leaves
17 from which cocaine, ecgonine, and derivatives or ecgonine or their
18 salts have been removed.

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

20 (6) Cocaine base.

21 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
22 thereof.

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

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

34 (hh) "Opium poppy" means the plant of the species *Papaver*
35 *somniferum* L., except its seeds.

36 (ii) "Person" means individual, corporation, business trust,
37 estate, trust, partnership, association, joint venture, government,
38 governmental subdivision or agency, or any other legal or commercial
39 entity.

40 (jj) "Plant" has the meaning provided in RCW 69.51A.010.

1 (kk) "Poppy straw" means all parts, except the seeds, of the
2 opium poppy, after mowing.

3 (ll) "Practitioner" means:

4 (1) A physician under chapter 18.71 RCW; a physician assistant
5 under chapter 18.71A RCW; an osteopathic physician and surgeon under
6 chapter 18.57 RCW; an osteopathic physician assistant under chapter
7 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
8 limitations in RCW 18.57A.040; an optometrist licensed under chapter
9 18.53 RCW who is certified by the optometry board under RCW 18.53.010
10 subject to any limitations in RCW 18.53.010; a dentist under chapter
11 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
12 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
13 registered nurse practitioner, or licensed practical nurse under
14 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
15 who is licensed under RCW 18.36A.030 subject to any limitations in
16 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
17 investigator under this chapter, licensed, registered or otherwise
18 permitted insofar as is consistent with those licensing laws to
19 distribute, dispense, conduct research with respect to or administer
20 a controlled substance in the course of their professional practice
21 or research in this state.

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

26 (3) A physician licensed to practice medicine and surgery, a
27 physician licensed to practice osteopathic medicine and surgery, a
28 dentist licensed to practice dentistry, a podiatric physician and
29 surgeon licensed to practice podiatric medicine and surgery, a
30 licensed physician assistant or a licensed osteopathic physician
31 assistant specifically approved to prescribe controlled substances by
32 his or her state's medical quality assurance commission or equivalent
33 and his or her supervising physician, an advanced registered nurse
34 practitioner licensed to prescribe controlled substances, or a
35 veterinarian licensed to practice veterinary medicine in any state of
36 the United States.

37 (mm) "Prescription" means an order for controlled substances
38 issued by a practitioner duly authorized by law or rule in the state
39 of Washington to prescribe controlled substances within the scope of
40 his or her professional practice for a legitimate medical purpose.

1 (nn) "Production" includes the manufacturing, planting,
2 cultivating, growing, or harvesting of a controlled substance.
3 (oo) "Qualifying patient" has the meaning provided in RCW
4 69.51A.010.
5 (pp) "Recognition card" has the meaning provided in RCW
6 69.51A.010.
7 (qq) "Retail outlet" means a location licensed by the state
8 liquor and cannabis board for the retail sale of marijuana
9 concentrates, useable marijuana, and marijuana-infused products.
10 (rr) "Secretary" means the secretary of health or the secretary's
11 designee.
12 (ss) "State," unless the context otherwise requires, means a
13 state of the United States, the District of Columbia, the
14 Commonwealth of Puerto Rico, or a territory or insular possession
15 subject to the jurisdiction of the United States.
16 (tt) "THC concentration" means percent of delta-9
17 tetrahydrocannabinol content per dry weight of any part of the plant
18 *Cannabis*, or per volume or weight of marijuana product, or the
19 combined percent of delta-9 tetrahydrocannabinol and
20 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
21 regardless of moisture content.
22 (uu) "Ultimate user" means an individual who lawfully possesses a
23 controlled substance for the individual's own use or for the use of a
24 member of the individual's household or for administering to an
25 animal owned by the individual or by a member of the individual's
26 household.
27 (vv) "Useable marijuana" means dried marijuana flowers. The term
28 "useable marijuana" does not include either marijuana-infused
29 products or marijuana concentrates.

30 **Sec. 13.** RCW 69.50.204 and 2015 2nd sp.s. c 4 s 1203 are each
31 amended to read as follows:

32 Unless specifically excepted by state or federal law or
33 regulation or more specifically included in another schedule, the
34 following controlled substances are listed in Schedule I:

35 (a) Any of the following opiates, including their isomers,
36 esters, ethers, salts, and salts of isomers, esters, and ethers
37 whenever the existence of these isomers, esters, ethers, and salts is
38 possible within the specific chemical designation:

- 1 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
- 2 piperidinyl]-N-phenylacetamide);
- 3 (2) Acetylmethadol;
- 4 (3) Allylprodine;
- 5 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
- 6 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 7 (5) Alphameprodine;
- 8 (6) Alphamethadol;
- 9 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
- 10 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
- 11 propanilido) piperidine);
- 12 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 13 piperidinyl]-N-phenylpropanamide);
- 14 (9) Benzethidine;
- 15 (10) Betacetylmethadol;
- 16 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 17 piperidinyl]-N-phenylpropanamide);
- 18 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:
- 19 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 20 phenylpropanamide;
- 21 (13) Betameprodine;
- 22 (14) Betamethadol;
- 23 (15) Betaprodine;
- 24 (16) Clonitazene;
- 25 (17) Dextromoramide;
- 26 (18) Diampromide;
- 27 (19) Diethylthiambutene;
- 28 (20) Difenoquin;
- 29 (21) Dimenoxadol;
- 30 (22) Dimepheptanol;
- 31 (23) Dimethylthiambutene;
- 32 (24) Dioxaphetyl butyrate;
- 33 (25) Dipipanone;
- 34 (26) Ethylmethylthiambutene;
- 35 (27) Etonitazene;
- 36 (28) Etoxadine;
- 37 (29) Furethidine;
- 38 (30) Hydroxypethidine;
- 39 (31) Ketobemidone;
- 40 (32) Levomoramide;

- 1 (33) Levophenacylmorphan;
2 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
3 piperidyl]-N-phenylprop anamide);
4 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
5 piperidinyl]-N-phenylpropanamide);
6 (36) Morpheridine;
7 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
8 (38) Noracymethadol;
9 (39) Norlevorphanol;
10 (40) Normethadone;
11 (41) Norpipanone;
12 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
13 phenethyl)-4-piperidinyl] propanamide);
14 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
15 (44) Phenadoxone;
16 (45) Phenampromide;
17 (46) Phenomorphan;
18 (47) Phenoperidine;
19 (48) Piritramide;
20 (49) Proheptazine;
21 (50) Properidine;
22 (51) Propiram;
23 (52) Racemoramide;
24 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
25 (~~propanamide~~) propanamide);
26 (54) Tilidine;
27 (55) Trimeperidine.

28 (b) Opium derivatives. Unless specifically excepted or unless
29 listed in another schedule, any of the following opium derivatives,
30 including their salts, isomers, and salts of isomers whenever the
31 existence of those salts, isomers, and salts of isomers is possible
32 within the specific chemical designation:

- 33 (1) Acetorphine;
34 (2) Acetyldihydrocodeine;
35 (3) Benzylmorphine;
36 (4) Codeine methylbromide;
37 (5) Codeine-N-Oxide;
38 (6) Cyprenorphine;
39 (7) Desomorphine;
40 (8) Dihydromorphine;

- 1 (9) Drotebanol;
- 2 (10) Etorphine, except hydrochloride salt;
- 3 (11) Heroin;
- 4 (12) Hydromorphenol;
- 5 (13) Methyldesorphine;
- 6 (14) Methyldihydromorphine;
- 7 (15) Morphine methylbromide;
- 8 (16) Morphine methylsulfonate;
- 9 (17) Morphine-N-Oxide;
- 10 (18) Myrophine;
- 11 (19) Nicocodeine;
- 12 (20) Nicomorphine;
- 13 (21) Normorphine;
- 14 (22) Pholcodine;
- 15 (23) Thebacon.

16 (c) Hallucinogenic substances. Unless specifically excepted or
17 unless listed in another schedule, any material, compound, mixture,
18 or preparation which contains any quantity of the following
19 hallucinogenic substances, including their salts, isomers, and salts
20 of isomers whenever the existence of those salts, isomers, and salts
21 of isomers is possible within the specific chemical designation. For
22 the purposes of this subsection only, the term "isomer" includes the
23 optical, position, and geometric isomers:

24 (1) Alpha-ethyltryptamine: Some trade or other names:
25 Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
26 indole; α -ET; and AET;

27 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
28 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

29 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
30 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
31 DOB; 2C-B, nexus;

32 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
33 dimethoxy- α -methylphenethylamine; 2,5-DMA;

34 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

35 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
36 2C-T-7;

37 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy- α -
38 methylphenethylamine; paramethoxyamphetamine, PMA;

39 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

- 1 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
2 names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and
3 "STP";
- 4 (10) 3,4-methylenedioxy amphetamine;
- 5 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 6 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
7 ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
8 MDE, MDEA;
- 9 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
10 N-hydroxy- α -methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
11 MDA;
- 12 (14) 3,4,5-trimethoxy amphetamine;
- 13 (15) Alpha-methyltryptamine: Other name: AMT;
- 14 (16) Bufotenine: Some trade or other names: 3-(beta-
15 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
16 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
17 mappine;
- 18 (17) Diethyltryptamine: Some trade or other names: N,N-
19 Diethyltryptamine; DET;
- 20 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 21 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 22 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
23 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'
24 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
- 25 (21) Lysergic acid diethylamide;
- 26 (22) Marihuana or marijuana;
- 27 (23) Mescaline;
- 28 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
29 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
30 dibenzo[b,d]pyran; synhexyl;
- 31 (25) Peyote, meaning all parts of the plant presently classified
32 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,
33 the seeds thereof, any extract from any part of such plant, and every
34 compound, manufacture, salts, derivative, mixture, or preparation of
35 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
36 (c), Schedule I (c) (12));
- 37 (26) N-ethyl-3-piperidyl benzilate;
- 38 (27) N-methyl-3-piperidyl benzilate;
- 39 (28) Psilocybin;
- 40 (29) Psilocyn;

1 (30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
2 naturally contained in a plant of the (~~(genus)~~) genera Cannabis
3 (~~(cannabis plant)~~), as well as synthetic equivalents of the
4 substances contained in the plant, or in the resinous extractives of
5 the genera Cannabis, (~~(species)~~) and/or synthetic substances,
6 derivatives, and their isomers with similar chemical structure and
7 pharmacological activity such as the following:

8 (~~(i)~~) (A) 1 - cis - or trans tetrahydrocannabinol, and their
9 optical isomers, excluding tetrahydrocannabinol in sesame oil and
10 encapsulated in a soft gelatin capsule in a drug product approved by
11 the United States Food and Drug Administration;

12 (~~(ii)~~) (B) 6 - cis - or trans tetrahydrocannabinol, and their
13 optical isomers;

14 (~~(iii)~~) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
15 optical isomers; or

16 (~~(iv)~~) (D) That is chemically synthesized and either:

17 (~~(a)~~) (I) Has been demonstrated to have binding activity at one
18 or more cannabinoid receptors; or

19 (~~(b)~~) (II) Is a chemical analog or isomer of a compound that
20 has been demonstrated to have binding activity at one or more
21 cannabinoid receptors;

22 (Since nomenclature of these substances is not internationally
23 standardized, compounds of these structures, regardless of numerical
24 designation of atomic positions covered.)

25 (ii) Hemp and industrial hemp, as defined in section 2 of this
26 act, are excepted from the categories of controlled substances
27 identified under this section;

28 (31) Ethylamine analog of phencyclidine: Some trade or other
29 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)
30 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

31 (32) Pyrrolidine analog of phencyclidine: Some trade or other
32 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

33 (33) Thiophene analog of phencyclidine: Some trade or other
34 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienylanalog of
35 phencyclidine; TPCP; TCP;

36 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
37 name is TCPy.

38 (d) Depressants. Unless specifically excepted or unless listed in
39 another schedule, any material, compound, mixture, or preparation
40 which contains any quantity of the following substances having a

1 depressant effect on the central nervous system, including its salts,
2 isomers, and salts of isomers whenever the existence of such salts,
3 isomers, and salts of isomers is possible within the specific
4 chemical designation.

5 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
6 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
7 sodium oxybate; sodium oxybutyrate;

8 (2) Mecloqualone;

9 (3) Methaqualone.

10 (e) Stimulants. Unless specifically excepted or unless listed in
11 another schedule, any material, compound, mixture, or preparation
12 which contains any quantity of the following substances having a
13 stimulant effect on the central nervous system, including its salts,
14 isomers, and salts of isomers:

15 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
16 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

17 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

18 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
19 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

20 (4) Fenethylamine;

21 (5) Methcathinone: Some other names: 2-(methylamino)-
22 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
23 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
24 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
25 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
26 salts of optical isomers;

27 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
28 phenyl-2-oxazolamine);

29 (7) N-ethylamphetamine;

30 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
31 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

32 The controlled substances in this section may be added,
33 rescheduled, or deleted as provided for in RCW 69.50.201.

34 NEW SECTION. **Sec. 14.** The following acts or parts of acts, as
35 now existing or hereafter amended, are each repealed, effective
36 January 1, 2020:

37 (1) RCW 15.120.005 (Intent) and 2016 sp.s. c 11 s 1;

38 (2) RCW 15.120.010 (Definitions) and 2016 sp.s. c 11 s 2;

1 (3) RCW 15.120.020 (Industrial hemp—Agricultural product—
2 Exclusively as part of industrial hemp research program) and 2016
3 sp.s. c 11 s 3;

4 (4) RCW 15.120.030 (Rule-making authority) and 2016 sp.s. c 11 s
5 4;

6 (5) RCW 15.120.035 (Rule-making authority—Monetary penalties,
7 license suspension or forfeiture, other sanctions—Rules to be
8 consistent with section 7606 of federal agricultural act of 2014) and
9 2017 c 317 s 10;

10 (6) RCW 15.120.040 (Industrial hemp research program—Established
11 —Licensure—Seed certification program—Permission/waiver from
12 appropriate federal entity) and 2016 sp.s. c 11 s 5;

13 (7) RCW 15.120.050 (Application form—Fee—Licensure—Renewal—
14 Record of license forwarded to county sheriff—Public disclosure
15 exemption) and 2016 sp.s. c 11 s 6; and

16 (8) RCW 15.120.060 (Sales and transfers of industrial hemp
17 produced for processing—Department and state liquor and cannabis
18 board to study feasibility and practicality of implementing
19 legislatively authorized regulatory framework) and 2017 c 317 s 9.

20 NEW SECTION. **Sec. 15.** Beginning on the effective date of this
21 section:

22 (1) No law or rule related to certified or interstate hemp seeds
23 applies to or may be enforced against a person with a license to
24 produce or process hemp issued under this chapter or chapter 15.120
25 RCW; and

26 (2) No department or other state agency rule may establish or
27 enforce a buffer zone or distance requirement between a person with a
28 license or authorization to produce or process hemp under this
29 chapter or chapter 15.120 RCW and a person with a license to produce
30 or process marijuana issued under chapter 69.50 RCW.

31 NEW SECTION. **Sec. 16.** Sections 1 through 11 and 15 of this act
32 constitute a new chapter in Title 15 RCW.

33 NEW SECTION. **Sec. 17.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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