
SUBSTITUTE SENATE BILL 5298

State of Washington

66th Legislature

2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Rivers, Palumbo, and Wellman)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to labeling of marijuana products; amending RCW
2 69.50.345 and 69.50.346; creating a new section; and providing an
3 effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to allow
6 additional information on the labels and labeling of marijuana
7 products to assist consumers in making purchases of these products.

8 The legislature declares that labels and labeling should not make
9 any disease claim indicating the product is intended for use in the
10 diagnosis, treatment, cure, or prevention of any disease.

11 The legislature recognizes that it may be useful for a label or
12 labeling to describe the intended role of a marijuana product that
13 contains nutrients or other dietary ingredients, including herbs and
14 other botanicals, to maintain a structure or function of the body, or
15 characterize the documented mechanism by which the product acts to
16 maintain such structure or function, provided that the claim is
17 substantiated as truthful and not misleading.

18 **Sec. 2.** RCW 69.50.345 and 2018 c 43 s 2 are each amended to read
19 as follows:

1 The state liquor and cannabis board, subject to the provisions of
2 this chapter, must adopt rules that establish the procedures and
3 criteria necessary to implement the following:

4 (1) Licensing of marijuana producers, marijuana processors, and
5 marijuana retailers, including prescribing forms and establishing
6 application, reinstatement, and renewal fees.

7 (a) Application forms for marijuana producers must request the
8 applicant to state whether the applicant intends to produce marijuana
9 for sale by marijuana retailers holding medical marijuana
10 endorsements and the amount of or percentage of canopy the applicant
11 intends to commit to growing plants determined by the department
12 under RCW 69.50.375 to be of a THC concentration, CBD concentration,
13 or THC to CBD ratio appropriate for marijuana concentrates, useable
14 marijuana, or marijuana-infused products sold to qualifying patients.

15 (b) The state liquor and cannabis board must reconsider and
16 increase limits on the amount of square feet permitted to be in
17 production on July 24, 2015, and increase the percentage of
18 production space for those marijuana producers who intend to grow
19 plants for marijuana retailers holding medical marijuana endorsements
20 if the marijuana producer designates the increased production space
21 to plants determined by the department under RCW 69.50.375 to be of a
22 THC concentration, CBD concentration, or THC to CBD ratio appropriate
23 for marijuana concentrates, useable marijuana, or marijuana-infused
24 products to be sold to qualifying patients. If current marijuana
25 producers do not use all the increased production space, the state
26 liquor and cannabis board may reopen the license period for new
27 marijuana producer license applicants but only to those marijuana
28 producers who agree to grow plants for marijuana retailers holding
29 medical marijuana endorsements. Priority in licensing must be given
30 to marijuana producer license applicants who have an application
31 pending on July 24, 2015, but who are not yet licensed and then to
32 new marijuana producer license applicants. After January 1, 2017, any
33 reconsideration of the limits on the amount of square feet permitted
34 to be in production to meet the medical needs of qualifying patients
35 must consider information contained in the medical marijuana
36 authorization database established in RCW 69.51A.230;

37 (2) Determining, in consultation with the office of financial
38 management, the maximum number of retail outlets that may be licensed
39 in each county, taking into consideration:

40 (a) Population distribution;

1 (b) Security and safety issues;

2 (c) The provision of adequate access to licensed sources of
3 marijuana concentrates, useable marijuana, and marijuana-infused
4 products to discourage purchases from the illegal market; and

5 (d) The number of retail outlets holding medical marijuana
6 endorsements necessary to meet the medical needs of qualifying
7 patients. The state liquor and cannabis board must reconsider and
8 increase the maximum number of retail outlets it established before
9 July 24, 2015, and allow for a new license application period and a
10 greater number of retail outlets to be permitted in order to
11 accommodate the medical needs of qualifying patients and designated
12 providers. After January 1, 2017, any reconsideration of the maximum
13 number of retail outlets needed to meet the medical needs of
14 qualifying patients must consider information contained in the
15 medical marijuana authorization database established in RCW
16 69.51A.230;

17 (3) Determining the maximum quantity of marijuana a marijuana
18 producer may have on the premises of a licensed location at any time
19 without violating Washington state law;

20 (4) Determining the maximum quantities of marijuana, marijuana
21 concentrates, useable marijuana, and marijuana-infused products a
22 marijuana processor may have on the premises of a licensed location
23 at any time without violating Washington state law;

24 (5) Determining the maximum quantities of marijuana concentrates,
25 useable marijuana, and marijuana-infused products a marijuana
26 retailer may have on the premises of a retail outlet at any time
27 without violating Washington state law;

28 (6) In making the determinations required by this section, the
29 state liquor and cannabis board shall take into consideration:

30 (a) Security and safety issues;

31 (b) The provision of adequate access to licensed sources of
32 marijuana, marijuana concentrates, useable marijuana, and marijuana-
33 infused products to discourage purchases from the illegal market; and

34 (c) Economies of scale, and their impact on licensees' ability to
35 both comply with regulatory requirements and undercut illegal market
36 prices;

37 (7) Determining the nature, form, and capacity of all containers
38 to be used by licensees to contain marijuana, marijuana concentrates,
39 useable marijuana, and marijuana-infused products, and their labeling
40 requirements (~~(, to include but not be limited to:~~

1 ~~(a) The business or trade name and Washington state unified~~
2 ~~business identifier number of the licensees that produced and~~
3 ~~processed the marijuana, marijuana concentrates, useable marijuana,~~
4 ~~or marijuana-infused product;~~

5 ~~(b) Lot numbers of the marijuana, marijuana concentrates, useable~~
6 ~~marijuana, or marijuana-infused product;~~

7 ~~(c) THC concentration and CBD concentration of the marijuana,~~
8 ~~marijuana concentrates, useable marijuana, or marijuana-infused~~
9 ~~product;~~

10 ~~(d) Medically and scientifically accurate information about the~~
11 ~~health and safety risks posed by marijuana use; and~~

12 ~~(e) Language required by RCW 69.04.480));~~

13 (8) In consultation with the department of agriculture and the
14 department, establishing classes of marijuana, marijuana
15 concentrates, useable marijuana, and marijuana-infused products
16 according to grade, condition, cannabinoid profile, THC
17 concentration, CBD concentration, or other qualitative measurements
18 deemed appropriate by the state liquor and cannabis board;

19 (9) Establishing reasonable time, place, and manner restrictions
20 and requirements regarding advertising of marijuana, marijuana
21 concentrates, useable marijuana, and marijuana-infused products that
22 are not inconsistent with the provisions of this chapter, taking into
23 consideration:

24 (a) Federal laws relating to marijuana that are applicable within
25 Washington state;

26 (b) Minimizing exposure of people under twenty-one years of age
27 to the advertising;

28 (c) The inclusion of medically and scientifically accurate
29 information about the health and safety risks posed by marijuana use
30 in the advertising; and

31 (d) Ensuring that retail outlets with medical marijuana
32 endorsements may advertise themselves as medical retail outlets;

33 (10) Specifying and regulating the time and periods when, and the
34 manner, methods, and means by which, licensees shall transport and
35 deliver marijuana, marijuana concentrates, useable marijuana, and
36 marijuana-infused products within the state;

37 (11) In consultation with the department and the department of
38 agriculture, establishing accreditation requirements for testing
39 laboratories used by licensees to demonstrate compliance with
40 standards adopted by the state liquor and cannabis board, and

1 prescribing methods of producing, processing, and packaging
2 marijuana, marijuana concentrates, useable marijuana, and marijuana-
3 infused products; conditions of sanitation; and standards of
4 ingredients, quality, and identity of marijuana, marijuana
5 concentrates, useable marijuana, and marijuana-infused products
6 produced, processed, packaged, or sold by licensees;

7 (12) Specifying procedures for identifying, seizing,
8 confiscating, destroying, and donating to law enforcement for
9 training purposes all marijuana, marijuana concentrates, useable
10 marijuana, and marijuana-infused products produced, processed,
11 packaged, labeled, or offered for sale in this state that do not
12 conform in all respects to the standards prescribed by this chapter
13 or the rules of the state liquor and cannabis board.

14 **Sec. 3.** RCW 69.50.346 and 2018 c 43 s 1 are each amended to read
15 as follows:

16 (1) The label on a marijuana product container, including
17 marijuana concentrates, useable marijuana, or marijuana-infused
18 products, sold at retail((÷

19 ~~(1))~~ must include:

20 (a) The business or trade name and Washington state unified
21 business identifier number of the marijuana producer and processor
22 ((that produced and processed the marijuana as required pursuant to
23 RCW 69.50.345(7); and

24 ~~(2) Is))~~ ;

25 (b) The lot numbers of the product;

26 (c) The THC concentration and CBD concentration of the product;

27 (d) Medically and scientifically accurate and reliable
28 information about the health and safety risks posed by marijuana use;
29 and

30 (e) Language required by RCW 69.04.480.

31 (2)(a) For marijuana products that have been identified by the
32 department under RCW 69.50.375(4) for medical use, the product label
33 and labeling may include a structure or function claim describing the
34 intended role of a product to maintain the structure or any function
35 of the body, or characterize the documented mechanism by which the
36 product acts to maintain such structure or function, provided that
37 the claim is substantiated as truthful and not misleading.

38 (b) In the context of describing the product's intended role in
39 maintaining the structure or any function of the body, including the

1 documented mechanism by which a product acts to maintain bodily
2 structure or function, the label and labeling may include such terms
3 as, but not limited to, "wellness," "well-being," "health,"
4 "maintain," "support," "assist," "promote," and "relief," and
5 derivatives of any such terms.

6 (c) A statement made under (a) and (b) of this subsection may not
7 claim to diagnose, mitigate, treat, cure, or prevent any disease.

8 (3) The labels and labeling may not be:

9 (a) False or misleading; or

10 (b) Especially appealing to children.

11 (4) The label is not required to include the business or trade
12 name or Washington state unified business identifier number of, or
13 any information about, the marijuana retailer selling the marijuana
14 product.

15 (5) A marijuana product is not in violation of any Washington
16 state law or rule of the Washington state liquor and cannabis board
17 solely because its label or labeling contains directions or
18 recommended conditions of use.

19 (6) This section does not create any civil liability on the part
20 of the state, the liquor and cannabis board, any other state agency,
21 officer, employee, or agent based on a marijuana licensee's
22 description of a structure or function claim or the product's
23 intended role under subsection (2) of this section.

24 NEW SECTION. Sec. 4. This act takes effect January 1, 2020.

--- END ---