

---

**SENATE BILL 5985**

---

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Saldaña, Rivers, and Palumbo

1 AN ACT Relating to provisions impacting marijuana business  
2 licensees; amending RCW 69.50.342, 69.50.331, 69.50.325, and  
3 69.50.369; reenacting and amending RCW 69.50.101; adding a new  
4 section to chapter 69.50 RCW; and creating new sections.

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

6 **Sec. 1.** RCW 69.50.342 and 2015 2nd sp.s. c 4 s 1601 are each  
7 amended to read as follows:

8 (1) For the purpose of carrying into effect the provisions of  
9 chapter 3, Laws of 2013 according to their true intent or of  
10 supplying any deficiency therein, ~~((the state liquor and cannabis))~~  
11 and except as provided in subsection (3) of this section, the board  
12 may adopt rules not inconsistent with the spirit of chapter 3, Laws  
13 of 2013 as are deemed necessary or advisable. Without limiting the  
14 generality of the preceding sentence, the state liquor and cannabis  
15 board is empowered to adopt rules regarding the following:

16 (a) The equipment and management of retail outlets and premises  
17 where marijuana is produced or processed, and inspection of the  
18 retail outlets and premises where marijuana is produced or processed;

19 (b) The books and records to be created and maintained by  
20 licensees, the reports to be made thereon to the state liquor and  
21 cannabis board, and inspection of the books and records;

1 (c) Methods of producing, processing, and packaging marijuana,  
2 useable marijuana, marijuana concentrates, and marijuana-infused  
3 products; conditions of sanitation; safe handling requirements;  
4 approved pesticides and pesticide testing requirements; and standards  
5 of ingredients, quality, and identity of marijuana, useable  
6 marijuana, marijuana concentrates, and marijuana-infused products  
7 produced, processed, packaged, or sold by licensees;

8 (d) Security requirements for retail outlets and premises where  
9 marijuana is produced or processed, and safety protocols for  
10 licensees and their employees;

11 (e) Screening, hiring, training, and supervising employees of  
12 licensees;

13 (f) Retail outlet locations and hours of operation;

14 (g) Labeling requirements and restrictions on advertisement of  
15 marijuana, useable marijuana, marijuana concentrates, cannabis health  
16 and beauty aids, and marijuana-infused products for sale in retail  
17 outlets;

18 (h) Forms to be used for purposes of this chapter and chapter  
19 69.51A RCW or the rules adopted to implement and enforce these  
20 chapters, the terms and conditions to be contained in licenses issued  
21 under this chapter and chapter 69.51A RCW, and the qualifications for  
22 receiving a license issued under this chapter and chapter 69.51A RCW,  
23 including a criminal history record information check. The state  
24 liquor and cannabis board may submit any criminal history record  
25 information check to the Washington state patrol and to the  
26 identification division of the federal bureau of investigation in  
27 order that these agencies may search their records for prior arrests  
28 and convictions of the individual or individuals who filled out the  
29 forms. The state liquor and cannabis board must require  
30 fingerprinting of any applicant whose criminal history record  
31 information check is submitted to the federal bureau of  
32 investigation;

33 (i) Application, reinstatement, and renewal fees for licenses  
34 issued under this chapter and chapter 69.51A RCW, and fees for  
35 anything done or permitted to be done under the rules adopted to  
36 implement and enforce this chapter and chapter 69.51A RCW;

37 (j) The manner of giving and serving notices required by this  
38 chapter and chapter 69.51A RCW or rules adopted to implement or  
39 enforce these chapters;

1 (k) Times and periods when, and the manner, methods, and means by  
2 which, licensees transport and deliver marijuana, marijuana  
3 concentrates, useable marijuana, and marijuana-infused products  
4 within the state;

5 (1) Identification, seizure, confiscation, destruction, or  
6 donation to law enforcement for training purposes of all marijuana,  
7 marijuana concentrates, useable marijuana, and marijuana-infused  
8 products produced, processed, sold, or offered for sale within this  
9 state which do not conform in all respects to the standards  
10 prescribed by this chapter or chapter 69.51A RCW or the rules adopted  
11 to implement and enforce these chapters.

12 (2) Rules adopted on retail outlets holding medical marijuana  
13 endorsements must be adopted in coordination and consultation with  
14 the department.

15 (3) (a) No rule may:

16 (i) Limit the number of marijuana retailer licenses that an  
17 individual retail licensee and other persons or entities with a  
18 financial or other ownership interest in the business operating under  
19 the license may hold in the aggregate, in a manner contrary to RCW  
20 69.50.325(3);

21 (ii) Limit the number of marijuana producer or marijuana  
22 processor licenses that an individual marijuana producer or marijuana  
23 processor licensee and other persons or entities with a financial or  
24 other ownership interest in the business operating under the license  
25 may hold in the aggregate, in a manner contrary to RCW 69.50.325 (1)  
26 and (2); or

27 (iii) Require a person or interest holder to be a resident of  
28 this state or require a business or nonprofit entity to be formed  
29 under the laws of this state for the person or entity to qualify for  
30 a marijuana producer, marijuana processor, or marijuana retailer  
31 license, if the person or entity has in effect a labor peace  
32 agreement covering each licensed establishment as provided in section  
33 3 of this act.

34 (b) This subsection (3) does not limit the application of RCW  
35 69.50.345(2).

36 **Sec. 2.** RCW 69.50.331 and 2017 c 317 s 2 are each amended to  
37 read as follows:

38 (1) For the purpose of considering any application for a license  
39 to produce, process, research, transport, or deliver marijuana,

1 useable marijuana, marijuana concentrates, or marijuana-infused  
2 products subject to the regulations established under RCW 69.50.385,  
3 or sell marijuana, or for the renewal of a license to produce,  
4 process, research, transport, or deliver marijuana, useable  
5 marijuana, marijuana concentrates, or marijuana-infused products  
6 subject to the regulations established under RCW 69.50.385, or sell  
7 marijuana, the ((~~state liquor and cannabis~~)) board must conduct a  
8 comprehensive, fair, and impartial evaluation of the applications  
9 timely received.

10 (a) The ((~~state liquor and cannabis~~)) board may cause an  
11 inspection of the premises to be made, and may inquire into all  
12 matters in connection with the construction and operation of the  
13 premises. For the purpose of reviewing any application for a license  
14 and for considering the denial, suspension, revocation, or renewal or  
15 denial thereof, of any license, the ((~~state liquor and cannabis~~))  
16 board may consider any prior criminal conduct of the applicant  
17 including an administrative violation history record with the ((~~state  
18 liquor and cannabis~~)) board and a criminal history record information  
19 check. The ((~~state liquor and cannabis~~)) board may submit the  
20 criminal history record information check to the Washington state  
21 patrol and to the identification division of the federal bureau of  
22 investigation in order that these agencies may search their records  
23 for prior arrests and convictions of the individual or individuals  
24 who filled out the forms. The ((~~state liquor and cannabis~~)) board  
25 must require fingerprinting of any applicant whose criminal history  
26 record information check is submitted to the federal bureau of  
27 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A  
28 RCW do not apply to these cases. Subject to the provisions of this  
29 section, the ((~~state liquor and cannabis~~)) board may, in its  
30 discretion, grant or deny the renewal or license applied for. Denial  
31 may be based on, without limitation, the existence of chronic illegal  
32 activity documented in objections submitted pursuant to subsections  
33 (7)(c) and (10) of this section. Authority to approve an uncontested  
34 or unopposed license may be granted by the ((~~state liquor and  
35 cannabis~~)) board to any staff member the board designates in writing.  
36 Conditions for granting this authority must be adopted by rule.

37 (b) Except as provided in (c) of this subsection and in section 3  
38 of this act, no license of any kind may be issued to:

39 (i) A person under the age of twenty-one years;

1 (ii) A person doing business as a sole proprietor who has not  
2 lawfully resided in the state for at least six months prior to  
3 applying to receive a license;

4 (iii) A ~~((partnership, employee cooperative, association,~~  
5 ~~nonprofit corporation, or corporation))~~ business or nonprofit entity  
6 unless formed under the laws of this state~~((7))~~ and, except as  
7 provided in (d) of this subsection, unless all of the ~~((members~~  
8 ~~thereof))~~ interest holders are qualified to obtain a license as  
9 provided in this section and have lawfully resided in the state for  
10 at least six months before applying to receive a license; or

11 (iv) A person whose place of business is conducted by a manager  
12 or agent, unless the manager or agent possesses the same  
13 qualifications required of the licensee.

14 (c) Pursuant to section 3 of this act, a person or business or  
15 nonprofit entity that does not meet the requirements of (b) of this  
16 subsection may be eligible for a marijuana license in certain  
17 circumstances.

18 (d) (i) For any marijuana license issued by the board, all natural  
19 persons holding an ownership interest of more than ten percent of the  
20 business or nonprofit entity licensed or proposed to be licensed must  
21 qualify for and be named on the license. If no natural person owns  
22 more than ten percent of the entity, the natural person with the  
23 largest ownership interest must qualify for and be named on the  
24 license. Officers and directors must possess the same qualifications  
25 as the licensee. Except as otherwise provided in this subsection, any  
26 natural person holding an ownership interest of ten percent or less  
27 of the entity is not required to qualify for or be named on the  
28 license. For licensees with labor peace agreements in effect as  
29 provided in section 3 of this act, a natural person who is not  
30 required to qualify for or be named on the license is not required to  
31 be a resident of Washington state. For licensees without labor peace  
32 agreements in effect, all natural persons who own any interest in the  
33 entity must be residents of this state and natural persons who own  
34 interests of more than ten percent of the entity must meet all other  
35 requirements and qualifications in this section and chapter.

36 (ii) The identification of any natural person holding an  
37 ownership interest of ten percent or less but more than one percent  
38 of the entity, who is not otherwise required to qualify for and be  
39 named on the license as provided in (d) (i) of this subsection, must  
40 be disclosed to the board.

1           (2) (a) The (~~state liquor and cannabis~~) board may, in its  
2 discretion, subject to the provisions of RCW 69.50.334, suspend or  
3 cancel any license; and all protections of the licensee from criminal  
4 or civil sanctions under state law for producing, processing,  
5 researching, or selling marijuana, marijuana concentrates, useable  
6 marijuana, or marijuana-infused products thereunder must be suspended  
7 or terminated, as the case may be.

8           (b) The (~~state liquor and cannabis~~) board must immediately  
9 suspend the license of a person who has been certified pursuant to  
10 RCW 74.20A.320 by the department of social and health services as a  
11 person who is not in compliance with a support order. If the person  
12 has continued to meet all other requirements for reinstatement during  
13 the suspension, reissuance of the license is automatic upon the  
14 (~~state liquor and cannabis~~) board's receipt of a release issued by  
15 the department of social and health services stating that the  
16 licensee is in compliance with the order.

17           (c) The (~~state liquor and cannabis~~) board may request the  
18 appointment of administrative law judges under chapter 34.12 RCW who  
19 shall have power to administer oaths, issue subpoenas for the  
20 attendance of witnesses and the production of papers, books,  
21 accounts, documents, and testimony, examine witnesses, and to receive  
22 testimony in any inquiry, investigation, hearing, or proceeding in  
23 any part of the state, under rules (~~and regulations~~) the (~~state~~  
24 ~~liquor and cannabis~~) board may adopt.

25           (d) Witnesses must be allowed fees and mileage each way to and  
26 from any inquiry, investigation, hearing, or proceeding at the rate  
27 authorized by RCW 34.05.446. Fees need not be paid in advance of  
28 appearance of witnesses to testify or to produce books, records, or  
29 other legal evidence.

30           (e) In case of disobedience of any person to comply with the  
31 order of the (~~state liquor and cannabis~~) board or a subpoena issued  
32 by the (~~state liquor and cannabis~~) board, or any of its members, or  
33 administrative law judges, or on the refusal of a witness to testify  
34 to any matter regarding which he or she may be lawfully interrogated,  
35 the judge of the superior court of the county in which the person  
36 resides, on application of any member of the board or administrative  
37 law judge, compels obedience by contempt proceedings, as in the case  
38 of disobedience of the requirements of a subpoena issued from said  
39 court or a refusal to testify therein.

1       (f) In accordance with section 3 of this act, the board shall  
2 suspend, cancel, or revoke the license of an establishment for which  
3 the board determines there is no longer a labor peace agreement in  
4 effect and for which a labor peace agreement is required under  
5 section 3 of this act.

6       (3) Upon receipt of notice of the suspension or cancellation of a  
7 license, the licensee must forthwith deliver up the license to the  
8 (~~state liquor and cannabis~~) board. Where the license has been  
9 suspended only, the (~~state liquor and cannabis~~) board must return  
10 the license to the licensee at the expiration or termination of the  
11 period of suspension. The (~~state liquor and cannabis~~) board must  
12 notify all other licensees in the county where the subject licensee  
13 has its premises of the suspension or cancellation of the license;  
14 and no other licensee or employee of another licensee may allow or  
15 cause any marijuana, marijuana concentrates, useable marijuana, or  
16 marijuana-infused products to be delivered to or for any person at  
17 the premises of the subject licensee.

18       (4) Every license issued under this chapter is subject to all  
19 conditions and restrictions imposed by this chapter or by rules  
20 adopted by the (~~state liquor and cannabis~~) board to implement and  
21 enforce this chapter. All conditions and restrictions imposed by the  
22 (~~state liquor and cannabis~~) board in the issuance of an individual  
23 license must be listed on the face of the individual license along  
24 with the trade name, address, and expiration date.

25       (5) Every licensee must post and keep posted its license, or  
26 licenses, in a conspicuous place on the premises.

27       (6) No licensee may employ any person under the age of twenty-one  
28 years.

29       (7) (a) Before the (~~state liquor and cannabis~~) board issues a  
30 new or renewed license to an applicant it must give notice of the  
31 application to the chief executive officer of the incorporated city  
32 or town, if the application is for a license within an incorporated  
33 city or town, or to the county legislative authority, if the  
34 application is for a license outside the boundaries of incorporated  
35 cities or towns, or to the tribal government if the application is  
36 for a license within Indian country, or to the port authority if the  
37 application for a license is located on property owned by a port  
38 authority.

39       (b) The incorporated city or town through the official or  
40 employee selected by it, the county legislative authority or the

1 official or employee selected by it, the tribal government, or port  
2 authority has the right to file with the (~~state liquor and~~  
3 ~~cannabis~~) board within twenty days after the date of transmittal of  
4 the notice for applications, or at least thirty days prior to the  
5 expiration date for renewals, written objections against the  
6 applicant or against the premises for which the new or renewed  
7 license is asked. The (~~state liquor and cannabis~~) board may extend  
8 the time period for submitting written objections upon request from  
9 the authority notified by the (~~state liquor and cannabis~~) board.

10 (c) The written objections must include a statement of all facts  
11 upon which the objections are based, and in case written objections  
12 are filed, the city or town or county legislative authority may  
13 request, and the (~~state liquor and cannabis~~) board may in its  
14 discretion hold, a hearing subject to the applicable provisions of  
15 Title 34 RCW. If the (~~state liquor and cannabis~~) board makes an  
16 initial decision to deny a license or renewal based on the written  
17 objections of an incorporated city or town or county legislative  
18 authority, the applicant may request a hearing subject to the  
19 applicable provisions of Title 34 RCW. If a hearing is held at the  
20 request of the applicant, (~~state liquor and cannabis~~) board  
21 representatives must present and defend the (~~state liquor and~~  
22 ~~cannabis~~) board's initial decision to deny a license or renewal.

23 (d) Upon the granting of a license under this title the (~~state~~  
24 ~~liquor and cannabis~~) board must send written notification to the  
25 chief executive officer of the incorporated city or town in which the  
26 license is granted, or to the county legislative authority if the  
27 license is granted outside the boundaries of incorporated cities or  
28 towns.

29 (8) (a) Except as provided in (b) through (d) of this subsection,  
30 the (~~state liquor and cannabis~~) board may not issue a license for  
31 any premises within one thousand feet of the perimeter of the grounds  
32 of any elementary or secondary school, playground, recreation center  
33 or facility, child care center, public park, public transit center,  
34 or library, or any game arcade admission to which is not restricted  
35 to persons aged twenty-one years or older.

36 (b) A city, county, or town may permit the licensing of premises  
37 within one thousand feet but not less than one hundred feet of the  
38 facilities described in (a) of this subsection, except elementary  
39 schools, secondary schools, and playgrounds, by enacting an ordinance  
40 authorizing such distance reduction, provided that such distance



1 reduction will not negatively impact the jurisdiction's civil  
2 regulatory enforcement, criminal law enforcement interests, public  
3 safety, or public health.

4 (c) A city, county, or town may permit the licensing of research  
5 premises allowed under RCW 69.50.372 within one thousand feet but not  
6 less than one hundred feet of the facilities described in (a) of this  
7 subsection by enacting an ordinance authorizing such distance  
8 reduction, provided that the ordinance will not negatively impact the  
9 jurisdiction's civil regulatory enforcement, criminal law  
10 enforcement, public safety, or public health.

11 (d) The (~~state liquor and cannabis~~) board may license premises  
12 located in compliance with the distance requirements set in an  
13 ordinance adopted under (b) or (c) of this subsection. Before issuing  
14 or renewing a research license for premises within one thousand feet  
15 but not less than one hundred feet of an elementary school, secondary  
16 school, or playground in compliance with an ordinance passed pursuant  
17 to (c) of this subsection, the board must ensure that the facility:

18 (i) Meets a security standard exceeding that which applies to  
19 marijuana producer, processor, or retailer licensees;

20 (ii) Is inaccessible to the public and no part of the operation  
21 of the facility is in view of the general public; and

22 (iii) Bears no advertising or signage indicating that it is a  
23 marijuana research facility.

24 (e) The (~~state liquor and cannabis~~) board may not issue a  
25 license for any premises within Indian country, as defined in 18  
26 U.S.C. Sec. 1151, including any fee patent lands within the exterior  
27 boundaries of a reservation, without the consent of the federally  
28 recognized tribe associated with the reservation or Indian country.

29 (9) A city, town, or county may adopt an ordinance prohibiting a  
30 marijuana producer or marijuana processor from operating or locating  
31 a business within areas zoned primarily for residential use or rural  
32 use with a minimum lot size of five acres or smaller.

33 (10) In determining whether to grant or deny a license or renewal  
34 of any license, the (~~state liquor and cannabis~~) board must give  
35 substantial weight to objections from an incorporated city or town or  
36 county legislative authority based upon chronic illegal activity  
37 associated with the applicant's operations of the premises proposed  
38 to be licensed or the applicant's operation of any other licensed  
39 premises, or the conduct of the applicant's patrons inside or outside  
40 the licensed premises.

1 (11) Nothing in this chapter prevents an interest in a business  
2 with a marijuana producer, processor, retailer, or transportation  
3 license from transferring, upon the death or incapacity of the owner,  
4 to an heir or assign of the owner in accordance with the uniform  
5 transfers to minors act, chapter 11.114 RCW, or otherwise, even if  
6 the heir or assign is under age twenty-one.

7 (12) For the purposes of this section:

8 (a) "Chronic illegal activity" means ((+a)):

9 (i) A pervasive pattern of activity that threatens the public  
10 health, safety, and welfare of the city, town, or county including,  
11 but not limited to, open container violations, assaults,  
12 disturbances, disorderly conduct, or other criminal law violations,  
13 or as documented in crime statistics, police reports, emergency  
14 medical response data, calls for service, field data, or similar  
15 records of a law enforcement agency for the city, town, county, or  
16 any other municipal corporation or any state agency; or ((+b))

17 (ii) An unreasonably high number of citations for violations of  
18 RCW 46.61.502 associated with the applicant's or licensee's operation  
19 of any licensed premises as indicated by the reported statements  
20 given to law enforcement upon arrest.

21 (b) "Entity" has the meaning provided in RCW 23.95.105.

22 (c) "Interest" has the meaning provided in RCW 23.95.105.

23 (d) "Interest holder" has the meaning provided in RCW 23.95.105.

24 NEW SECTION. Sec. 3. A new section is added to chapter 69.50  
25 RCW to read as follows:

26 (1) In accordance with RCW 69.50.331, 69.50.325, and 69.50.342, a  
27 licensed marijuana producer, processor, or retailer or an applicant  
28 for such a license, shall submit to the board an attestation signed  
29 by a bona fide labor organization stating the licensee or applicant  
30 has entered into a labor peace agreement with the bona fide labor  
31 organization, if the licensee or applicant:

32 (a) Is not formed under the laws of this state or if not all  
33 interest holders who must qualify for the license have lawfully  
34 resided in the state for longer than six months before applying for  
35 the license, so long as sixty percent of the interest holders meet  
36 the residency requirements;

37 (b) Is an applicant for a marijuana retailer license who, if the  
38 license is issued, would hold more than a collective total of five

1 marijuana retailer licenses but not more than a collective total of  
2 seven marijuana retailer licenses as provided in RCW 69.50.325(3); or

3 (c) Is an applicant for a marijuana producer or marijuana  
4 processor license who, if the license is issued, would collectively  
5 hold more marijuana producer or marijuana processor licenses than any  
6 limit established under board rules for marijuana producers or  
7 marijuana processors without labor peace agreements in effect, as  
8 provided in RCW 69.50.325 and 69.50.342(3).

9 (2) The board may issue a conditional license to an applicant who  
10 has not fully complied with this section, provided that compliance  
11 with this section is required for an applicant to receive final  
12 license approval, and an applicant must meet all other license  
13 requirements established in this chapter.

14 (3) For an applicant or licensee relying on the authorization in  
15 this section:

16 (a) The submission of the attestation and the maintenance of a  
17 labor peace agreement with a bona fide labor organization is an  
18 ongoing material condition of the establishment's license; and

19 (b) In accordance with RCW 69.50.331, the board shall suspend,  
20 cancel, or revoke the license of an establishment for which the board  
21 determines there is no longer a labor peace agreement in effect.

22 (4) The board may impose additional licensing fees to recover any  
23 additional costs incurred in investigating any nonresident required  
24 to be investigated under this section and RCW 69.50.331. If, after  
25 reasonable efforts, the board is unable to investigate any  
26 nonresident required to be investigated under this section and RCW  
27 69.50.331, in accordance with the investigatory standards applicable  
28 to the investigation of a state resident, the board may deny a  
29 license or license renewal to an entity.

30 (5) Any business entity or nonprofit entity not formed under  
31 Washington state law must hold a certificate of registration under  
32 chapter 23.95 RCW to be eligible for a marijuana license under this  
33 section.

34 **Sec. 4.** RCW 69.50.325 and 2018 c 132 s 3 are each amended to  
35 read as follows:

36 (1) (a) There shall be a marijuana producer's license regulated by  
37 the (~~state liquor and cannabis~~) board and subject to annual  
38 renewal. The licensee is authorized to produce: (a) Marijuana for  
39 sale at wholesale to marijuana processors and other marijuana

1 producers; (b) immature plants or clones and seeds for sale to  
2 cooperatives as described under RCW 69.51A.250; and (c) immature  
3 plants or clones and seeds for sale to qualifying patients and  
4 designated providers as provided under RCW 69.51A.310. The  
5 production, possession, delivery, distribution, and sale of marijuana  
6 in accordance with the provisions of this chapter and the rules  
7 adopted to implement and enforce it, by a validly licensed marijuana  
8 producer, shall not be a criminal or civil offense under Washington  
9 state law. Every marijuana producer's license shall be issued in the  
10 name of the applicant, shall specify the location at which the  
11 marijuana producer intends to operate, which must be within the state  
12 of Washington, and the holder thereof shall not allow any other  
13 person to use the license. The application fee for a marijuana  
14 producer's license shall be two hundred fifty dollars. The annual fee  
15 for issuance and renewal of a marijuana producer's license shall be  
16 one thousand three hundred eighty-one dollars. A separate license  
17 shall be required for each location at which a marijuana producer  
18 intends to produce marijuana.

19 (b) In accordance with RCW 69.50.342(3) and section 3 of this  
20 act, if the board adopts rules limiting the collective number of  
21 marijuana producer or marijuana processor licenses that an individual  
22 marijuana producer or marijuana processor licensee and all other  
23 persons or entities with a financial or other ownership interest in  
24 the business operating under the license are limited, in the  
25 aggregate, to holding, then the board's rules must provide an  
26 exemption for individual marijuana producer or marijuana processor  
27 licensees that have in effect a labor peace agreement to allow these  
28 licensees to hold up to two more marijuana producer or processor  
29 licenses than would otherwise be allowed under rule.

30 (2) There shall be a marijuana processor's license to process,  
31 package, and label marijuana concentrates, useable marijuana, and  
32 marijuana-infused products for sale at wholesale to marijuana  
33 processors and marijuana retailers, regulated by the (~~state liquor~~  
34 ~~and cannabis~~) board and subject to annual renewal. The processing,  
35 packaging, possession, delivery, distribution, and sale of marijuana,  
36 useable marijuana, marijuana-infused products, and marijuana  
37 concentrates in accordance with the provisions of this chapter and  
38 chapter 69.51A RCW and the rules adopted to implement and enforce  
39 these chapters, by a validly licensed marijuana processor, shall not  
40 be a criminal or civil offense under Washington state law. Every

1 marijuana processor's license shall be issued in the name of the  
2 applicant, shall specify the location at which the licensee intends  
3 to operate, which must be within the state of Washington, and the  
4 holder thereof shall not allow any other person to use the license.  
5 The application fee for a marijuana processor's license shall be two  
6 hundred fifty dollars. The annual fee for issuance and renewal of a  
7 marijuana processor's license shall be one thousand three hundred  
8 eighty-one dollars. A separate license shall be required for each  
9 location at which a marijuana processor intends to process marijuana.  
10 Subsection (1)(b) of this section applies to marijuana processors.

11 (3)(a) There shall be a marijuana retailer's license to sell  
12 marijuana concentrates, useable marijuana, and marijuana-infused  
13 products at retail in retail outlets, regulated by the (~~state liquor~~  
14 ~~and cannabis~~) board and subject to annual renewal. The possession,  
15 delivery, distribution, and sale of marijuana concentrates, useable  
16 marijuana, and marijuana-infused products in accordance with the  
17 provisions of this chapter and the rules adopted to implement and  
18 enforce it, by a validly licensed marijuana retailer, shall not be a  
19 criminal or civil offense under Washington state law. Every marijuana  
20 retailer's license shall be issued in the name of the applicant,  
21 shall specify the location of the retail outlet the licensee intends  
22 to operate, which must be within the state of Washington, and the  
23 holder thereof shall not allow any other person to use the license.  
24 The application fee for a marijuana retailer's license shall be two  
25 hundred fifty dollars. The annual fee for issuance and renewal of a  
26 marijuana retailer's license shall be one thousand three hundred  
27 eighty-one dollars. A separate license shall be required for each  
28 location at which a marijuana retailer intends to sell marijuana  
29 concentrates, useable marijuana, and marijuana-infused products.

30 (b)(i) Except as provided in (b)(ii) of this subsection, an  
31 individual retail licensee and all other persons or entities with a  
32 financial or other ownership interest in the business operating under  
33 the license are limited, in the aggregate, to holding a collective  
34 total of not more than five retail marijuana licenses.

35 (ii) Not more than a collective total of seven marijuana retailer  
36 licenses may be held by an individual retail licensee and all other  
37 persons or entities with a financial or other ownership interest in  
38 the business operating under the license, if each marijuana retailer  
39 establishment is covered by a labor peace agreement as provided in  
40 section 3 of this act.

1 (c) (i) A marijuana retailer's license is subject to forfeiture in  
2 accordance with rules adopted by the ((state liquor and cannabis))  
3 board pursuant to this section.

4 (ii) The ((state liquor and cannabis)) board shall adopt rules to  
5 establish a license forfeiture process for a licensed marijuana  
6 retailer that is not fully operational and open to the public within  
7 a specified period from the date of license issuance, as established  
8 by the ((state liquor and cannabis)) board, subject to the following  
9 restrictions:

10 (A) No marijuana retailer's license may be subject to forfeiture  
11 within the first nine months of license issuance; and

12 (B) The ((state liquor and cannabis)) board must require license  
13 forfeiture on or before twenty-four calendar months of license  
14 issuance if a marijuana retailer is not fully operational and open to  
15 the public, unless the board determines that circumstances out of the  
16 licensee's control are preventing the licensee from becoming fully  
17 operational and that, in the board's discretion, the circumstances  
18 warrant extending the forfeiture period beyond twenty-four calendar  
19 months.

20 (iii) The ((state liquor and cannabis)) board has discretion in  
21 adopting rules under this subsection (3) (c).

22 (iv) This subsection (3) (c) applies to marijuana retailer's  
23 licenses issued before and after July 23, 2017. However, no license  
24 of a marijuana retailer that otherwise meets the conditions for  
25 license forfeiture established pursuant to this subsection (3) (c) may  
26 be subject to forfeiture within the first nine calendar months of  
27 July 23, 2017.

28 (v) The ((state liquor and cannabis)) board may not require  
29 license forfeiture if the licensee has been incapable of opening a  
30 fully operational retail marijuana business due to actions by the  
31 city, town, or county with jurisdiction over the licensee that  
32 include any of the following:

33 (A) The adoption of a ban or moratorium that prohibits the  
34 opening of a retail marijuana business; or

35 (B) The adoption of an ordinance or regulation related to zoning,  
36 business licensing, land use, or other regulatory measure that has  
37 the effect of preventing a licensee from receiving an occupancy  
38 permit from the jurisdiction or which otherwise prevents a licensed  
39 marijuana retailer from becoming operational.

1       **Sec. 5.** RCW 69.50.369 and 2017 c 317 s 14 are each amended to  
2 read as follows:

3       (1) No licensed marijuana producer, processor, researcher, or  
4 retailer may place or maintain, or cause to be placed or maintained,  
5 any sign or other advertisement for a marijuana business or marijuana  
6 product, including useable marijuana, marijuana concentrates, or  
7 marijuana-infused product, in any form or through any medium  
8 whatsoever within one thousand feet of the perimeter of a school  
9 grounds, playground, recreation center or facility, child care  
10 center, public park, or library, or any game arcade admission to  
11 which is not restricted to persons aged twenty-one years or older.

12       (2) (~~Except for the use of billboards as authorized under this~~  
13 ~~section,~~) Licensed marijuana retailers may not display any signage  
14 outside of the licensed premises, other than reader boards, plus two  
15 signs identifying the retail outlet by the licensee's business or  
16 trade name, stating the location of the business, and identifying the  
17 nature of the business. (~~Each sign must be no larger than one~~  
18 ~~thousand six hundred square inches and be permanently affixed to a~~  
19 ~~building or other structure.~~) The location and content of the retail  
20 marijuana signs authorized under this subsection are subject to all  
21 other requirements and restrictions established in this section for  
22 indoor signs, outdoor signs, and other marijuana-related advertising  
23 methods.

24       (3) A marijuana licensee may not utilize transit advertisements  
25 for the purpose of advertising its business or product line. "Transit  
26 advertisements" means advertising on or within private or public  
27 vehicles and all advertisements placed at, on, or within any bus  
28 stop, taxi stand, transportation waiting area, train station,  
29 airport, or any similar transit-related location.

30       (4) A marijuana licensee may not engage in advertising or other  
31 marketing practice that specifically targets persons residing outside  
32 of the state of Washington.

33       (5) All signs(~~, billboards,~~) or other print advertising for  
34 marijuana businesses or marijuana products must contain text stating  
35 that marijuana products may be purchased or possessed only by persons  
36 twenty-one years of age or older.

37       (6) A marijuana licensee may not:

38       (a) Take any action, directly or indirectly, to target youth in  
39 the advertising, promotion, or marketing of marijuana and marijuana  
40 products, or take any action the primary purpose of which is to

1 initiate, maintain, or increase the incidence of youth use of  
2 marijuana or marijuana products;

3 (b) Use objects such as toys or inflatables, movie or cartoon  
4 characters, or any other depiction or image likely to be appealing to  
5 youth, where such objects, images, or depictions indicate an intent  
6 to cause youth to become interested in the purchase or consumption of  
7 marijuana products; or

8 (c) Use or employ a commercial mascot outside of, and in  
9 proximity to, a licensed marijuana business. A "commercial mascot"  
10 means live human being, animal, or mechanical device used for  
11 attracting the attention of motorists and passersby so as to make  
12 them aware of marijuana products or the presence of a marijuana  
13 business. Commercial mascots include, but are not limited to,  
14 inflatable tube displays, persons in costume, or wearing, holding, or  
15 spinning a sign with a marijuana-related commercial message or image,  
16 where the intent is to draw attention to a marijuana business or its  
17 products.

18 (7) A marijuana licensee that engages in outdoor advertising is  
19 subject to the advertising requirements and restrictions set forth in  
20 this subsection (7) and elsewhere in this chapter.

21 (a) All outdoor advertising signs, (~~including billboards~~) with  
22 the exception of outdoor advertising authorized by a local government  
23 under subsection (12) of this section, are limited to text that  
24 identifies the retail outlet by the licensee's business or trade  
25 name, states the location of the business, and identifies the type or  
26 nature of the business. Such signs may not contain any depictions of  
27 marijuana plants, marijuana products, or images that might be  
28 appealing to children. The (~~state liquor and cannabis~~) board is  
29 granted rule-making authority to regulate the text and images that  
30 are permissible on outdoor advertising. Such rule making must be  
31 consistent with other administrative rules generally applicable to  
32 the advertising of marijuana businesses and products.

33 (b) Outdoor advertising is prohibited:

34 (i) On signs and placards in arenas, stadiums, shopping malls,  
35 fairs that receive state allocations, farmers markets, and video game  
36 arcades, whether any of the foregoing are open air or enclosed, but  
37 not including any such sign or placard located in an adult only  
38 facility; and



1 (ii) On billboards that are visible from any street, road,  
2 highway, right-of-way, or public parking area (~~(are prohibited,~~  
3 ~~except as provided in (c) of this subsection)~~).

4 (c) Licensed retail outlets may use (~~(a billboard or)~~) an outdoor  
5 sign solely for the purpose of identifying the name of the business,  
6 the nature of the business, and providing the public with directional  
7 information to the licensed retail outlet. (~~Billboard advertising is~~  
8 ~~subject to the same requirements and restrictions as set forth in (a)~~  
9 ~~of this subsection.)~~)

10 (d) Advertising signs within the premises of a retail marijuana  
11 business outlet that are visible to the public from outside the  
12 premises must meet the signage regulations and requirements  
13 applicable to outdoor signs as set forth in this section.

14 (e) The restrictions and regulations applicable to outdoor  
15 advertising under this section are not applicable to:

16 (i) An advertisement inside a licensed retail establishment that  
17 sells marijuana products that is not placed on the inside surface of  
18 a window facing outward; or

19 (ii) An outdoor advertisement at the site of an event to be held  
20 at an adult only facility that is placed at such site during the  
21 period the facility or enclosed area constitutes an adult only  
22 facility, but in no event more than fourteen days before the event,  
23 and that does not advertise any marijuana product other than by using  
24 a brand name to identify the event.

25 (8) Merchandising within a retail outlet is not advertising for  
26 the purposes of this section.

27 (9) This section does not apply to a noncommercial message.

28 (10)(a) The (~~(state liquor and cannabis)~~) board must:

29 (i) Adopt rules implementing this section and specifically  
30 including provisions regulating (~~(the billboards and)~~) outdoor signs  
31 authorized under this section; and

32 (ii) Fine a licensee one thousand dollars for each violation of  
33 this section until the (~~(state liquor and cannabis)~~) board adopts  
34 rules prescribing penalties for violations of this section. The rules  
35 must establish escalating penalties including fines and up to  
36 suspension or revocation of a marijuana license for subsequent  
37 violations.

38 (b) Fines collected under this subsection must be deposited into  
39 the dedicated marijuana account created under RCW 69.50.530.

1 (11) A city, town, or county may adopt rules of outdoor  
2 advertising by licensed marijuana retailers that are more restrictive  
3 than the advertising restrictions imposed under this chapter.  
4 Enforcement of restrictions to advertising by a city, town, or county  
5 is the responsibility of the city, town, or county.

6 (12) A city, town, or county may adopt rules of outdoor  
7 advertising by marijuana retailers that are less restrictive than the  
8 advertising restrictions imposed under this chapter, so long as the  
9 rules are consistent with the signage provisions allowed for other  
10 businesses. The local government may regulate the signage for  
11 marijuana retailers in terms of number, size, and content, except for  
12 the restrictions concerning advertising that is appealing to children  
13 and the restriction on location of signs specified in subsection (1)  
14 of this section.

15 **Sec. 6.** RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and  
16 amended to read as follows:

17 The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

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

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

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

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

30 (c) "CBD concentration" has the meaning provided in RCW  
31 69.51A.010.

32 (d) "CBD product" means any product containing or consisting of  
33 cannabidiol.

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

35 (f) "Controlled substance" means a drug, substance, or immediate  
36 precursor included in Schedules I through V as set forth in federal  
37 or state laws, or federal or commission rules, but does not include  
38 industrial hemp as defined in RCW 15.120.010.

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

4 (i) that has a stimulant, depressant, or hallucinogenic effect on  
5 the central nervous system substantially similar to the stimulant,  
6 depressant, or hallucinogenic effect on the central nervous system of  
7 a controlled substance included in Schedule I or II; or

8 (ii) with respect to a particular individual, that the individual  
9 represents or intends to have a stimulant, depressant, or  
10 hallucinogenic effect on the central nervous system substantially  
11 similar to the stimulant, depressant, or hallucinogenic effect on the  
12 central nervous system of a controlled substance included in Schedule  
13 I or II.

14 (2) The term does not include:

15 (i) a controlled substance;

16 (ii) a substance for which there is an approved new drug  
17 application;

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

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

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

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

30 (j) "Designated provider" has the meaning provided in RCW  
31 69.51A.010.

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

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

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

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

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

12 (p) "Drug enforcement administration" means the drug enforcement  
13 administration in the United States Department of Justice, or its  
14 successor agency.

15 (q) "Electronic communication of prescription information" means  
16 the transmission of a prescription or refill authorization for a drug  
17 of a practitioner using computer systems. The term does not include a  
18 prescription or refill authorization verbally transmitted by  
19 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

37 (u) "Lot" means a definite quantity of marijuana, marijuana  
38 concentrates, useable marijuana, or marijuana-infused product  
39 identified by a lot number, every portion or package of which is

1 uniform within recognized tolerances for the factors that appear in  
2 the labeling.

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

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

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

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

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

29 (1) The mature stalks of the plant, fiber produced from the  
30 stalks, oil or cake made from the seeds of the plant, any other  
31 compound, manufacture, salt, derivative, mixture, or preparation of  
32 the mature stalks (except the resin extracted therefrom), fiber, oil,  
33 or cake, or the sterilized seed of the plant which is incapable of  
34 germination; or

35 (2) Industrial hemp as defined in RCW 15.120.010.

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

39 (z) "Marijuana processor" means a person licensed by the state  
40 liquor and cannabis board to process marijuana into marijuana

1 concentrates, useable marijuana, and marijuana-infused products,  
2 package and label marijuana concentrates, useable marijuana, and  
3 marijuana-infused products for sale in retail outlets, and sell  
4 marijuana concentrates, useable marijuana, and marijuana-infused  
5 products at wholesale to marijuana retailers.

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

9 (bb) "Marijuana products" means useable marijuana, marijuana  
10 concentrates, and marijuana-infused products as defined in this  
11 section.

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

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

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

25 (ff) "Narcotic drug" means any of the following, whether produced  
26 directly or indirectly by extraction from substances of vegetable  
27 origin, or independently by means of chemical synthesis, or by a  
28 combination of extraction and chemical synthesis:

29 (1) Opium, opium derivative, and any derivative of opium or opium  
30 derivative, including their salts, isomers, and salts of isomers,  
31 whenever the existence of the salts, isomers, and salts of isomers is  
32 possible within the specific chemical designation. The term does not  
33 include the isoquinoline alkaloids of opium.

34 (2) Synthetic opiate and any derivative of synthetic opiate,  
35 including their isomers, esters, ethers, salts, and salts of isomers,  
36 esters, and ethers, whenever the existence of the isomers, esters,  
37 ethers, and salts is possible within the specific chemical  
38 designation.

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

1 (4) Coca leaves, except coca leaves and extracts of coca leaves  
2 from which cocaine, ecgonine, and derivatives or ecgonine or their  
3 salts have been removed.

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

5 (6) Cocaine base.

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

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

10 (gg) "Opiate" means any substance having an addiction-forming or  
11 addiction-sustaining liability similar to morphine or being capable  
12 of conversion into a drug having addiction-forming or addiction-  
13 sustaining liability. The term includes opium, substances derived  
14 from opium (opium derivatives), and synthetic opiates. The term does  
15 not include, unless specifically designated as controlled under RCW  
16 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan  
17 and its salts (dextromethorphan). The term includes the racemic and  
18 levorotatory forms of dextromethorphan.

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

21 (ii) "Person" means individual, corporation, business trust,  
22 estate, trust, partnership, association, joint venture, government,  
23 governmental subdivision or agency, or any other legal or commercial  
24 entity.

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

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

28 (ll) "Practitioner" means:

29 (1) A physician under chapter 18.71 RCW; a physician assistant  
30 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
31 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
32 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
33 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
34 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
35 subject to any limitations in RCW 18.53.010; a dentist under chapter  
36 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
37 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
38 registered nurse practitioner, or licensed practical nurse under  
39 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
40 who is licensed under RCW 18.36A.030 subject to any limitations in

1 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
2 investigator under this chapter, licensed, registered or otherwise  
3 permitted insofar as is consistent with those licensing laws to  
4 distribute, dispense, conduct research with respect to or administer  
5 a controlled substance in the course of their professional practice  
6 or research in this state.

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

11 (3) A physician licensed to practice medicine and surgery, a  
12 physician licensed to practice osteopathic medicine and surgery, a  
13 dentist licensed to practice dentistry, a podiatric physician and  
14 surgeon licensed to practice podiatric medicine and surgery, a  
15 licensed physician assistant or a licensed osteopathic physician  
16 assistant specifically approved to prescribe controlled substances by  
17 his or her state's medical quality assurance commission or equivalent  
18 and his or her supervising physician, an advanced registered nurse  
19 practitioner licensed to prescribe controlled substances, or a  
20 veterinarian licensed to practice veterinary medicine in any state of  
21 the United States.

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

26 (nn) "Production" includes the manufacturing, planting,  
27 cultivating, growing, or harvesting of a controlled substance.

28 (oo) "Qualifying patient" has the meaning provided in RCW  
29 69.51A.010.

30 (pp) "Recognition card" has the meaning provided in RCW  
31 69.51A.010.

32 (qq) "Retail outlet" means a location licensed by the state  
33 liquor and cannabis board for the retail sale of marijuana  
34 concentrates, useable marijuana, and marijuana-infused products.

35 (rr) "Secretary" means the secretary of health or the secretary's  
36 designee.

37 (ss) "State," unless the context otherwise requires, means a  
38 state of the United States, the District of Columbia, the  
39 Commonwealth of Puerto Rico, or a territory or insular possession  
40 subject to the jurisdiction of the United States.



1 (tt) "THC concentration" means percent of delta-9  
2 tetrahydrocannabinol content per dry weight of any part of the plant  
3 *Cannabis*, or per volume or weight of marijuana product, or the  
4 combined percent of delta-9 tetrahydrocannabinol and  
5 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
6 regardless of moisture content.

7 (uu) "Ultimate user" means an individual who lawfully possesses a  
8 controlled substance for the individual's own use or for the use of a  
9 member of the individual's household or for administering to an  
10 animal owned by the individual or by a member of the individual's  
11 household.

12 (vv) "Useable marijuana" means dried marijuana flowers. The term  
13 "useable marijuana" does not include either marijuana-infused  
14 products or marijuana concentrates.

15 (ww) "Board" means the Washington state liquor and cannabis  
16 board.

17 (xx) "Labor peace agreement" means an agreement between an  
18 employer and a bona fide labor organization in which the employer  
19 agrees to remain neutral or otherwise agrees to work with or provide  
20 information to the bona fide labor organization for the purpose of  
21 unionizing employees.

22 NEW SECTION. Sec. 7. Applicants for marijuana licenses,  
23 marijuana licensees, and interest holders in marijuana businesses  
24 must submit to the liquor and cannabis board on a form or in a manner  
25 determined by the board demographic information, including gender,  
26 race, ethnicity, and related geographic distribution. The liquor and  
27 cannabis board must report the aggregate data to the relevant  
28 committees of the legislature by January 1, 2020.

29 NEW SECTION. Sec. 8. The liquor and cannabis board must collect  
30 an additional fee of one thousand dollars for each additional license  
31 it issues to a marijuana producer, marijuana processor, or marijuana  
32 retail outlet licensee under the labor peace agreement provisions of  
33 RCW 69.50.325 (1)(b), (2), or (3)(b)(ii).

34 NEW SECTION. Sec. 9. If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

--- **END** ---