

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 1210**

Chapter 16, Laws of 2022

67th Legislature  
2022 Regular Session

REPLACING "MARIJUANA" WITH "CANNABIS"

EFFECTIVE DATE: June 9, 2022—Except for sections 7, 51, and 116, which take effect July 1, 2022; sections 5, 9, 86, and 88, which take effect July 1, 2023; sections 65 and 68, which take effect July 1, 2024; and section 11, which takes effect July 1, 2030.

Passed by the House February 2, 2022  
Yeas 83 Nays 13

\_\_\_\_\_  
LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 1, 2022  
Yeas 41 Nays 8

\_\_\_\_\_  
DENNY HECK

**President of the Senate**

Approved March 11, 2022 10:12 AM

\_\_\_\_\_  
JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1210** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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BERNARD DEAN

**Chief Clerk**

FILED

March 11, 2022

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE HOUSE BILL 1210**

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Passed Legislature - 2022 Regular Session

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Commerce & Gaming (originally sponsored by Representatives Morgan, Peterson, Kloba, J. Johnson, Ryu, Santos, Ortiz-Self, Ormsby, Simmons, Gregerson, Riccelli, Macri, Frame, and Harris-Talley)

READ FIRST TIME 01/18/22.

1       AN ACT Relating to replacing the term "marijuana" with the term  
2 "cannabis" throughout the Revised Code of Washington; amending RCW  
3 9.01.210, 9.94.041, 9.94A.518, 9.94A.518, 9.94A.650, 13.40.0357,  
4 13.40.0357, 15.13.270, 15.13.270, 15.17.020, 15.49.061, 15.125.010,  
5 15.125.020, 15.125.030, 15.125.040, 15.125.050, 15.140.020,  
6 15.140.100, 15.140.120, 18.170.020, 19.02.110, 20.01.030,  
7 28A.210.325, 28B.20.502, 38.38.762, 42.56.270, 42.56.620, 42.56.625,  
8 42.56.630, 43.05.160, 43.06.490, 43.06.520, 43.21A.735, 43.330.540,  
9 46.20.308, 46.25.120, 46.61.502, 46.61.503, 46.61.504, 46.61.50571,  
10 46.61.5249, 46.61.745, 66.08.050, 69.04.480, 69.07.010, 69.07.020,  
11 69.07.200, 69.50.102, 69.50.204, 69.50.325, 69.50.326, 69.50.327,  
12 69.50.328, 69.50.331, 69.50.334, 69.50.335, 69.50.336, 69.50.339,  
13 69.50.342, 69.50.345, 69.50.346, 69.50.348, 69.50.348, 69.50.351,  
14 69.50.354, 69.50.363, 69.50.366, 69.50.369, 69.50.375, 69.50.378,  
15 69.50.380, 69.50.382, 69.50.385, 69.50.390, 69.50.395, 69.50.401,  
16 69.50.4013, 69.50.4013, 69.50.4014, 69.50.4014, 69.50.408, 69.50.410,  
17 69.50.412, 69.50.4121, 69.50.435, 69.50.445, 69.50.450, 69.50.465,  
18 69.50.475, 69.50.505, 69.50.515, 69.50.530, 69.50.535, 69.50.540,  
19 69.50.550, 69.50.555, 69.50.560, 69.50.562, 69.50.563, 69.50.564,  
20 69.50.570, 69.50.575, 69.50.580, 69.51.020, 69.51.030, 69.51.060,  
21 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043,  
22 69.51A.045, 69.51A.050, 69.51A.060, 69.51A.100, 69.51A.210,  
23 69.51A.220, 69.51A.225, 69.51A.240, 69.51A.250, 69.51A.260,

1 69.51A.270, 69.51A.290, 69.51A.300, 69.51A.310, 70.345.010,  
2 79A.60.040, 82.02.010, 82.04.100, 82.04.213, 82.04.260, 82.04.331,  
3 82.04.4266, 82.04.756, 82.08.010, 82.08.020, 82.08.02565, 82.08.0257,  
4 82.08.0273, 82.08.02745, 82.08.0281, 82.08.0288, 82.08.0293,  
5 82.08.820, 82.08.9997, 82.08.9998, 82.12.02565, 82.12.0258,  
6 82.12.0283, 82.12.9997, 82.12.9998, 82.14.430, 82.16.050, 82.25.005,  
7 82.29A.020, 82.84.030, 84.34.410, and 84.40.030; reenacting and  
8 amending RCW 9.96.060, 69.50.101, 69.50.345, 69.50.357, 69.50.360,  
9 69.50.372, and 69.51A.230; adding a new section to chapter 46.04 RCW;  
10 adding new sections to chapter 69.50 RCW; creating a new section;  
11 providing effective dates; and providing expiration dates.

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

13 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
14 make technical changes to replace the term "marijuana" with  
15 "cannabis" throughout the Revised Code of Washington. The legislature  
16 finds that the use of the term "marijuana" in the United States has  
17 discriminatory origins and should be replaced with the more  
18 scientifically accurate term "cannabis." This act is technical in  
19 nature and no substantive legal changes are intended or implied.

20 **Sec. 2.** RCW 9.01.210 and 2018 c 68 s 1 are each amended to read  
21 as follows:

22 (1) A person or entity that receives deposits, extends credit,  
23 conducts funds transfers, transports cash or financial instruments on  
24 behalf of a financial institution, or provides other financial  
25 services for a ((marijuana)) cannabis producer, ((marijuana))  
26 cannabis processor, or ((marijuana)) cannabis retailer authorized  
27 under chapter 69.50 RCW or for a qualifying patient, health care  
28 professional, or designated provider authorized under chapter 69.51A  
29 RCW, does not commit a crime under any Washington law solely by  
30 virtue of receiving deposits, extending credit, conducting funds  
31 transfers, transporting cash or other financial instruments, or  
32 providing other financial services for the person.

33 (2) For the purposes of this section((,—"person")):

34 (a) "Cannabis" has the meaning provided in RCW 69.50.101; and

35 (b) "Person or entity" means a financial institution as defined  
36 in RCW 30A.22.040, an armored car service operating under a permit  
37 issued by the utilities and transportation commission that has been

1 contracted by a financial institution, or a person providing  
2 financial services pursuant to a license issued under chapter 18.44,  
3 19.230, or 31.04 RCW.

4 (3) A certified public accountant or certified public accounting  
5 firm, which practices public accounting as defined in RCW 18.04.025,  
6 does not commit a crime solely for providing professional accounting  
7 services as specified in RCW 18.04.025 for a ((marijuana)) cannabis  
8 producer, ((marijuana)) cannabis processor, or ((marijuana)) cannabis  
9 retailer authorized under chapter 69.50 RCW.

10 **Sec. 3.** RCW 9.94.041 and 2016 c 199 s 1 are each amended to read  
11 as follows:

12 (1) Every person serving a sentence in any state correctional  
13 institution who, without legal authorization, while in the  
14 institution or while being conveyed to or from the institution, or  
15 while under the custody or supervision of institution officials,  
16 officers, or employees, or while on any premises subject to the  
17 control of the institution, knowingly possesses or carries upon his  
18 or her person or has under his or her control any narcotic drug or  
19 controlled substance, as defined in chapter 69.50 RCW, alcohol,  
20 ((marijuana)) cannabis, or other intoxicant, or a cell phone or other  
21 form of an electronic telecommunications device, is guilty of a class  
22 C felony.

23 (2) Every person confined in a county or local correctional  
24 institution who, without legal authorization, while in the  
25 institution or while being conveyed to or from the institution, or  
26 while under the custody or supervision of institution officials,  
27 officers, or employees, or while on any premises subject to the  
28 control of the institution, knowingly possesses or has under his or  
29 her control any narcotic drug or controlled substance, as defined in  
30 chapter 69.50 RCW, alcohol, ((marijuana)) cannabis, or other  
31 intoxicant, or a cell phone or other form of an electronic  
32 telecommunications device, is guilty of a class C felony.

33 (3) The sentence imposed under this section shall be in addition  
34 to any sentence being served.

35 (4) For the purposes of this section, "cannabis" has the meaning  
36 provided in RCW 69.50.101.

37 **Sec. 4.** RCW 9.94A.518 and 2021 c 311 s 15 are each amended to  
38 read as follows:

TABLE 4  
DRUG OFFENSES  
INCLUDED WITHIN EACH  
SERIOUSNESS LEVEL

III	Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW 9.94A.825
	Controlled Substance Homicide (RCW 69.50.415)
	Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
	Involving a minor in drug dealing (RCW 69.50.4015)
	Manufacture of methamphetamine (RCW 69.50.401(2)(b))
	Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)

Selling for profit (controlled or  
counterfeit) any controlled  
substance (RCW 69.50.410)

II Create or deliver a counterfeit  
controlled substance (RCW  
69.50.4011(1)(a))

Deliver or possess with intent to  
deliver methamphetamine (RCW  
69.50.401(2)(b))

Delivery of a material in lieu of a  
controlled substance (RCW  
69.50.4012)

Maintaining a Dwelling or Place for  
Controlled Substances (RCW  
69.50.402(1)(f))

Manufacture, deliver, or possess with  
intent to deliver amphetamine  
(RCW 69.50.401(2)(b))

Manufacture, deliver, or possess with  
intent to deliver narcotics from  
Schedule I or II or flunitrazepam  
from Schedule IV (RCW  
69.50.401(2)(a))

Manufacture, deliver, or possess with  
intent to deliver narcotics from  
Schedule III, IV, or V or  
nonnarcotics from Schedule I-V  
(except ((~~marijuana~~)) cannabis as  
defined in RCW 69.50.101,  
amphetamine, methamphetamines,  
or flunitrazepam) (RCW  
69.50.401(2) (c) through (e))

Manufacture, distribute, or possess  
with intent to distribute an  
imitation controlled substance  
(RCW 69.52.030(1))

I Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled  
2 Substance (RCW 69.50.403)  
3 Manufacture, deliver, or possess with  
4 intent to deliver (~~marijuana~~)  
5 cannabis as defined in RCW  
6 69.50.101 (RCW 69.50.401(2)(c))  
7 Unlawful Use of Building for Drug  
8 Purposes (RCW 69.53.010)

9 **Sec. 5.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to  
10 read as follows:

11 TABLE 4  
12 DRUG OFFENSES  
13 INCLUDED WITHIN EACH  
14 SERIOUSNESS LEVEL

15 III Any felony offense under chapter  
16 69.50 RCW with a deadly weapon  
17 special verdict under RCW  
18 ((9.94A.602)) 9.94A.825  
19 Controlled Substance Homicide (RCW  
20 69.50.415)  
21 Delivery of imitation controlled  
22 substance by person eighteen or  
23 over to person under eighteen  
24 (RCW 69.52.030(2))  
25 Involving a minor in drug dealing  
26 (RCW 69.50.4015)  
27 Manufacture of methamphetamine  
28 (RCW 69.50.401(2)(b))  
29 Over 18 and deliver heroin,  
30 methamphetamine, a narcotic from  
31 Schedule I or II, or flunitrazepam  
32 from Schedule IV to someone  
33 under 18 (RCW 69.50.406)

1 Over 18 and deliver narcotic from  
2 Schedule III, IV, or V or a  
3 nonnarcotic, except flunitrazepam  
4 or methamphetamine, from  
5 Schedule I-V to someone under 18  
6 and 3 years junior (RCW  
7 69.50.406)

8 Possession of Ephedrine,  
9 Pseudoephedrine, or Anhydrous  
10 Ammonia with intent to  
11 manufacture  
12 methamphetamine (RCW  
13 69.50.440)

14 Selling for profit (controlled or  
15 counterfeit) any controlled  
16 substance (RCW 69.50.410)

17 II Create, deliver, or possess a counterfeit  
18 controlled substance (RCW  
19 69.50.4011)

20 Deliver or possess with intent to  
21 deliver methamphetamine (RCW  
22 69.50.401(2)(b))

23 Delivery of a material in lieu of a  
24 controlled substance (RCW  
25 69.50.4012)

26 Maintaining a Dwelling or Place for  
27 Controlled Substances (RCW  
28 69.50.402(1)(f))

29 Manufacture, deliver, or possess with  
30 intent to deliver amphetamine  
31 (RCW 69.50.401(2)(b))

32 Manufacture, deliver, or possess with  
33 intent to deliver narcotics from  
34 Schedule I or II or flunitrazepam  
35 from Schedule IV (RCW  
36 69.50.401(2)(a))



1 Manufacture, deliver, or possess with  
2 intent to deliver narcotics from  
3 Schedule III, IV, or V or  
4 nonnarcotics from Schedule I-V  
5 (except ((~~marijuana~~)) cannabis as  
6 defined in RCW 69.50.101,  
7 amphetamine, methamphetamines,  
8 or flunitrazepam) (RCW  
9 69.50.401(2) (c) through (e))

10 Manufacture, distribute, or possess  
11 with intent to distribute an  
12 imitation controlled substance  
13 (RCW 69.52.030(1))

14 I Forged Prescription (RCW 69.41.020)

15 Forged Prescription for a Controlled  
16 Substance (RCW 69.50.403)

17 Manufacture, deliver, or possess with  
18 intent to deliver ((~~marijuana~~))  
19 cannabis as defined in RCW  
20 69.50.101 (RCW 69.50.401(2)(c))

21 Possess Controlled Substance that is a  
22 Narcotic from Schedule III, IV, or  
23 V or Nonnarcotic from Schedule I-  
24 V (RCW 69.50.4013)

25 Possession of Controlled Substance  
26 that is either heroin or narcotics  
27 from Schedule I or II (RCW  
28 69.50.4013)

29 Unlawful Use of Building for Drug  
30 Purposes (RCW 69.53.010)

31 **Sec. 6.** RCW 9.94A.650 and 2011 1st sp.s. c 40 s 9 are each  
32 amended to read as follows:

33 (1) This section applies to offenders who have never been  
34 previously convicted of a felony in this state, federal court, or  
35 another state, and who have never participated in a program of  
36 deferred prosecution for a felony, and who are convicted of a felony  
37 that is not:

1 (a) Classified as a violent offense or a sex offense under this  
2 chapter;

3 (b) Manufacture, delivery, or possession with intent to  
4 manufacture or deliver a controlled substance classified in Schedule  
5 I or II that is a narcotic drug or flunitrazepam classified in  
6 Schedule IV;

7 (c) Manufacture, delivery, or possession with intent to deliver a  
8 methamphetamine, its salts, isomers, and salts of its isomers as  
9 defined in RCW 69.50.206(d) (2);

10 (d) The selling for profit of any controlled substance or  
11 counterfeit substance classified in Schedule I, RCW 69.50.204, except  
12 leaves and flowering tops of (~~marihuana~~) cannabis; or

13 (e) Felony driving while under the influence of intoxicating  
14 liquor or any drug or felony physical control of a vehicle while  
15 under the influence of intoxicating liquor or any drug.

16 (2) In sentencing a first-time offender the court may waive the  
17 imposition of a sentence within the standard sentence range and  
18 impose a sentence which may include up to ninety days of confinement  
19 in a facility operated or utilized under contract by the county and a  
20 requirement that the offender refrain from committing new offenses.

21 (3) The court may impose up to six months of community custody  
22 unless treatment is ordered, in which case the period of community  
23 custody may include up to the period of treatment, but shall not  
24 exceed one year.

25 (4) As a condition of community custody, in addition to any  
26 conditions authorized in RCW 9.94A.703, the court may order the  
27 offender to pay all court-ordered legal financial obligations and/or  
28 perform community restitution work.

29 (5) For the purposes of this section, "cannabis" has the meaning  
30 provided in RCW 69.50.101.

31 **Sec. 7.** RCW 9.96.060 and 2021 c 237 s 4 and 2021 c 215 s 105 are  
32 each reenacted and amended to read as follows:

33 (1) When vacating a conviction under this section, the court  
34 effectuates the vacation by: (a)(i) Permitting the applicant to  
35 withdraw the applicant's plea of guilty and to enter a plea of not  
36 guilty; or (ii) if the applicant has been convicted after a plea of  
37 not guilty, the court setting aside the verdict of guilty; and (b)  
38 the court dismissing the information, indictment, complaint, or

1 citation against the applicant and vacating the judgment and  
2 sentence.

3 (2) Every person convicted of a misdemeanor or gross misdemeanor  
4 offense may apply to the sentencing court for a vacation of the  
5 applicant's record of conviction for the offense. If the court finds  
6 the applicant meets the requirements of this subsection, the court  
7 may in its discretion vacate the record of conviction. Except as  
8 provided in subsections (3), (4), and (5) of this section, an  
9 applicant may not have the record of conviction for a misdemeanor or  
10 gross misdemeanor offense vacated if any one of the following is  
11 present:

12 (a) The applicant has not completed all of the terms of the  
13 sentence for the offense;

14 (b) There are any criminal charges against the applicant pending  
15 in any court of this state or another state, or in any federal or  
16 tribal court, at the time of application;

17 (c) The offense was a violent offense as defined in RCW 9.94A.030  
18 or an attempt to commit a violent offense;

19 (d) The offense was a violation of RCW 46.61.502 (driving while  
20 under the influence), 46.61.504 (actual physical control while under  
21 the influence), 9.91.020 (operating a railroad, etc. while  
22 intoxicated), or the offense is considered a "prior offense" under  
23 RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug  
24 violation within ten years of the date of arrest for the prior  
25 offense or less than ten years has elapsed since the date of the  
26 arrest for the prior offense;

27 (e) The offense was any misdemeanor or gross misdemeanor  
28 violation, including attempt, of chapter 9.68 RCW (obscenity and  
29 pornography), chapter 9.68A RCW (sexual exploitation of children), or  
30 chapter 9A.44 RCW (sex offenses), except for failure to register as a  
31 sex offender under RCW 9A.44.132;

32 (f) The applicant was convicted of a misdemeanor or gross  
33 misdemeanor offense as defined in RCW 10.99.020, or the court  
34 determines after a review of the court file that the offense was  
35 committed by one family or household member against another or by one  
36 intimate partner against another, or the court, after considering the  
37 damage to person or property that resulted in the conviction, any  
38 prior convictions for crimes defined in RCW 10.99.020, or for  
39 comparable offenses in another state or in federal court, and the  
40 totality of the records under review by the court regarding the

conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on

1 behalf of the victim, but is fulfilling an administrative function on  
2 behalf of the state in order to further their responsibility to seek  
3 to reform and improve the administration of criminal justice. A  
4 record of conviction vacated using the process in RCW 9.96.080 is  
5 subject to subsections (6) and (7) of this section.

6 (4) Every person convicted prior to January 1, 1975, of violating  
7 any statute or rule regarding the regulation of fishing activities,  
8 including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070,  
9 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240  
10 who claimed to be exercising a treaty Indian fishing right, may apply  
11 to the sentencing court for vacation of the applicant's record of the  
12 misdemeanor, gross misdemeanor, or felony conviction for the offense.  
13 If the person is deceased, a member of the person's family or an  
14 official representative of the tribe of which the person was a member  
15 may apply to the court on behalf of the deceased person.  
16 Notwithstanding the requirements of RCW 9.94A.640, the court shall  
17 vacate the record of conviction if:

18 (a) The applicant is a member of a tribe that may exercise treaty  
19 Indian fishing rights at the location where the offense occurred; and

20 (b) The state has been enjoined from taking enforcement action of  
21 the statute or rule to the extent that it interferes with a treaty  
22 Indian fishing right as determined under *United States v. Washington*,  
23 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.  
24 899 (D. Oregon 1969), and any posttrial orders of those courts, or  
25 any other state supreme court or federal court decision.

26 (5) Every person convicted of a misdemeanor (~~(marijuana)~~)  
27 cannabis offense, who was twenty-one years of age or older at the  
28 time of the offense, may apply to the sentencing court for a vacation  
29 of the applicant's record of conviction for the offense. A  
30 misdemeanor (~~(marijuana)~~) cannabis offense includes, but is not  
31 limited to: Any offense under RCW 69.50.4014, from July 1, 2004,  
32 onward, and its predecessor statutes, including RCW 69.50.401(e),  
33 from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May  
34 21, 1971, to March 21, 1979, and any offense under an equivalent  
35 municipal ordinance. If an applicant qualifies under this subsection,  
36 the court shall vacate the record of conviction.

37 (6) A person who is a family member of a homicide victim may  
38 apply to the sentencing court on the behalf of the victim for  
39 vacation of the victim's record of conviction for prostitution under

1 RCW 9A.88.030. If an applicant qualifies under this subsection, the  
2 court shall vacate the victim's record of conviction.

3 (7)(a) Except as provided in (c) of this subsection, once the  
4 court vacates a record of conviction under this section, the person  
5 shall be released from all penalties and disabilities resulting from  
6 the offense and the fact that the person has been convicted of the  
7 offense shall not be included in the person's criminal history for  
8 purposes of determining a sentence in any subsequent conviction. For  
9 all purposes, including responding to questions on employment or  
10 housing applications, a person whose conviction has been vacated  
11 under this section may state that he or she has never been convicted  
12 of that crime. However, nothing in this section affects the  
13 requirements for restoring a right to possess a firearm under RCW  
14 9.41.040. Except as provided in (b) of this subsection, nothing in  
15 this section affects or prevents the use of an offender's prior  
16 conviction in a later criminal prosecution.

17 (b) When a court vacates a record of domestic violence as defined  
18 in RCW 10.99.020 under this section, the state may not use the  
19 vacated conviction in a later criminal prosecution unless the  
20 conviction was for: (i) Violating the provisions of a restraining  
21 order, no-contact order, or protection order restraining or enjoining  
22 the person or restraining the person from going on to the grounds of  
23 or entering a residence, workplace, school, or day care, or  
24 prohibiting the person from knowingly coming within, or knowingly  
25 remaining within, a specified distance of a location, a protected  
26 party's person, or a protected party's vehicle (RCW 10.99.040,  
27 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070,  
28 or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and  
29 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic  
30 violence protection order or vulnerable adult protection order  
31 entered under chapter 7.105 RCW. A vacated conviction under this  
32 section is not considered a conviction of such an offense for the  
33 purposes of 27 C.F.R. 478.11.

34 (c) A conviction vacated on or after July 28, 2019, qualifies as  
35 a prior conviction for the purpose of charging a present recidivist  
36 offense as defined in RCW 9.94A.030 occurring on or after July 28,  
37 2019.

38 (8) The clerk of the court in which the vacation order is entered  
39 shall immediately transmit the order vacating the conviction to the  
40 Washington state patrol identification section and to the local

1 police agency, if any, which holds criminal history information for  
2 the person who is the subject of the conviction. The Washington state  
3 patrol and any such local police agency shall immediately update  
4 their records to reflect the vacation of the conviction, and shall  
5 transmit the order vacating the conviction to the federal bureau of  
6 investigation. A conviction that has been vacated under this section  
7 may not be disseminated or disclosed by the state patrol or local law  
8 enforcement agency to any person, except other criminal justice  
9 enforcement agencies.

10 (9) For the purposes of this section, "cannabis" has the meaning  
11 provided in RCW 69.50.101.

12 **Sec. 8.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to  
13 read as follows:

14 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

20 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+

34 **Assault and Other Crimes Involving**  
35 **Physical Harm**

A	Assault 1 (9A.36.011)	B+
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1	B+	Assault 2 (9A.36.021)	C+
2	C+	Assault 3 (9A.36.031)	D+
3	D+	Assault 4 (9A.36.041)	E
4	B+	Drive-By Shooting (9A.36.045)	C+
5		committed at age 15 or under	
6	A++	Drive-By Shooting (9A.36.045)	A
7		committed at age 16 or 17	
8	D+	Reckless Endangerment (9A.36.050)	E
9	C+	Promoting Suicide Attempt (9A.36.060)	D+
10	D+	Coercion (9A.36.070)	E
11	C+	Custodial Assault (9A.36.100)	D+
12		<b>Burglary and Trespass</b>	
13	B+	Burglary 1 (9A.52.020) committed at	C+
14		age 15 or under	
15	A-	Burglary 1 (9A.52.020) committed at	B+
16		age 16 or 17	
17	B	Residential Burglary (9A.52.025)	C
18	B	Burglary 2 (9A.52.030)	C
19	D	Burglary Tools (Possession of)	E
20		(9A.52.060)	
21	D	Criminal Trespass 1 (9A.52.070)	E
22	E	Criminal Trespass 2 (9A.52.080)	E
23	C	Mineral Trespass (78.44.330)	C
24	C	Vehicle Prowling 1 (9A.52.095)	D
25	D	Vehicle Prowling 2 (9A.52.100)	E
26		<b>Drugs</b>	
27	E	Possession/Consumption of Alcohol	E
28		(66.44.270)	
29	C	Illegally Obtaining Legend Drug	D
30		(69.41.020)	
31	C+	Sale, Delivery, Possession of Legend	D+
32		Drug with Intent to Sell (69.41.030(2)(a))	
33	E	Possession of Legend	E
34		Drug (69.41.030(2)(b))	



1	B+	Violation of Uniform Controlled	B+
2		Substances Act - Narcotic,	
3		Methamphetamine, or Flunitrazepam	
4		Sale (69.50.401(2) (a) or (b))	
5	C	Violation of Uniform Controlled	C
6		Substances Act - Nonnarcotic Sale	
7		(69.50.401(2)(c))	
8	E	Possession of (( <del>Marihuana</del> )) <u>Cannabis</u>	E
9		<40 grams (69.50.4014)	
10	C	Fraudulently Obtaining Controlled	C
11		Substance (69.50.403)	
12	C+	Sale of Controlled Substance for Profit	C+
13		(69.50.410)	
14	E	Unlawful Inhalation (9.47A.020)	E
15	B	Violation of Uniform Controlled	B
16		Substances Act - Narcotic,	
17		Methamphetamine, or Flunitrazepam	
18		Counterfeit Substances (69.50.4011(2)	
19		(a) or (b))	
20	C	Violation of Uniform Controlled	C
21		Substances Act - Nonnarcotic Counterfeit	
22		Substances (69.50.4011(2) (c), (d), or (e))	
23	E	Violation of Uniform Controlled	E
24		Substances Act - Possession of a	
25		Controlled Substance (69.50.4013)	
26	C	Violation of Uniform Controlled	C
27		Substances Act - Possession of a	
28		Controlled Substance (69.50.4012)	
29		<b>Firearms and Weapons</b>	
30	B	Theft of Firearm (9A.56.300)	C
31	B	Possession of Stolen Firearm	C
32		(9A.56.310)	
33	E	Carrying Loaded Pistol Without Permit	E
34		(9.41.050)	
35	C	Possession of Firearms by Minor (<18)	C
36		(9.41.040(2)(a)(vi))	
37	D+	Possession of Dangerous Weapon	E
38		(9.41.250)	

1	D	Intimidating Another Person by use of	E
2		Weapon (9A.41.270)	
3		<b>Homicide</b>	
4	A+	Murder 1 (9A.32.030)	A
5	A+	Murder 2 (9A.32.050)	B+
6	B+	Manslaughter 1 (9A.32.060)	C+
7	C+	Manslaughter 2 (9A.32.070)	D+
8	B+	Vehicular Homicide (46.61.520)	C+
9		<b>Kidnapping</b>	
10	A	Kidnap 1 (9A.40.020)	B+
11	B+	Kidnap 2 (9A.40.030)	C+
12	C+	Unlawful Imprisonment (9A.40.040)	D+
13		<b>Obstructing Governmental Operation</b>	
14	D	Obstructing a Law Enforcement Officer	E
15		(9A.76.020)	
16	E	Resisting Arrest (9A.76.040)	E
17	B	Introducing Contraband 1 (9A.76.140)	C
18	C	Introducing Contraband 2 (9A.76.150)	D
19	E	Introducing Contraband 3 (9A.76.160)	E
20	B+	Intimidating a Public Servant	C+
21		(9A.76.180)	
22	B+	Intimidating a Witness (9A.72.110)	C+
23		<b>Public Disturbance</b>	
24	C+	Criminal Mischief with Weapon	D+
25		(9A.84.010(2)(b))	
26	D+	Criminal Mischief Without Weapon	E
27		(9A.84.010(2)(a))	
28	E	Failure to Disperse (9A.84.020)	E
29	E	Disorderly Conduct (9A.84.030)	E
30		<b>Sex Crimes</b>	
31	A	Rape 1 (9A.44.040)	B+
32	B++	Rape 2 (9A.44.050) committed at age 14	B+
33		or under	
34	A-	Rape 2 (9A.44.050) committed at age 15	B+
35		through age 17	
36	C+	Rape 3 (9A.44.060)	D+

1	B++	Rape of a Child 1 (9A.44.073)	B+
2		committed at age 14 or under	
3	A-	Rape of a Child 1 (9A.44.073)	B+
4		committed at age 15	
5	B+	Rape of a Child 2 (9A.44.076)	C+
6	B	Incest 1 (9A.64.020(1))	C
7	C	Incest 2 (9A.64.020(2))	D
8	D+	Indecent Exposure (Victim <14)	E
9		(9A.88.010)	
10	E	Indecent Exposure (Victim 14 or over)	E
11		(9A.88.010)	
12	B+	Promoting Prostitution 1 (9A.88.070)	C+
13	C+	Promoting Prostitution 2 (9A.88.080)	D+
14	E	O & A (Prostitution) (9A.88.030)	E
15	B+	Indecent Liberties (9A.44.100)	C+
16	B++	Child Molestation 1 (9A.44.083)	B+
17		committed at age 14 or under	
18	A-	Child Molestation 1 (9A.44.083)	B+
19		committed at age 15 through age 17	
20	B	Child Molestation 2 (9A.44.086)	C+
21	C	Failure to Register as a Sex Offender	D
22		(9A.44.132)	
23		<b>Theft, Robbery, Extortion, and</b>	
24		<b>Forgery</b>	
25	B	Theft 1 (9A.56.030)	C
26	C	Theft 2 (9A.56.040)	D
27	D	Theft 3 (9A.56.050)	E
28	B	Theft of Livestock 1 and 2 (9A.56.080	C
29		and 9A.56.083)	
30	C	Forgery (9A.60.020)	D
31	A	Robbery 1 (9A.56.200) committed at	B+
32		age 15 or under	
33	A++	Robbery 1 (9A.56.200) committed at	A
34		age 16 or 17	
35	B+	Robbery 2 (9A.56.210)	C+
36	B+	Extortion 1 (9A.56.120)	C+
37	C+	Extortion 2 (9A.56.130)	D+

1	C	Identity Theft 1 (9.35.020(2))	D
2	D	Identity Theft 2 (9.35.020(3))	E
3	D	Improperly Obtaining Financial	E
4		Information (9.35.010)	
5	B	Possession of a Stolen Vehicle	C
6		(9A.56.068)	
7	B	Possession of Stolen Property 1	C
8		(9A.56.150)	
9	C	Possession of Stolen Property 2	D
10		(9A.56.160)	
11	D	Possession of Stolen Property 3	E
12		(9A.56.170)	
13	B	Taking Motor Vehicle Without	C
14		Permission 1 (9A.56.070)	
15	C	Taking Motor Vehicle Without	D
16		Permission 2 (9A.56.075)	
17	B	Theft of a Motor Vehicle (9A.56.065)	C
18		<b>Motor Vehicle Related Crimes</b>	
19	E	Driving Without a License (46.20.005)	E
20	B+	Hit and Run - Death (46.52.020(4)(a))	C+
21	C	Hit and Run - Injury (46.52.020(4)(b))	D
22	D	Hit and Run-Attended (46.52.020(5))	E
23	E	Hit and Run-Unattended (46.52.010)	E
24	C	Vehicular Assault (46.61.522)	D
25	C	Attempting to Elude Pursuing Police	D
26		Vehicle (46.61.024)	
27	E	Reckless Driving (46.61.500)	E
28	D	Driving While Under the Influence	E
29		(46.61.502 and 46.61.504)	
30	B+	Felony Driving While Under the	B
31		Influence (46.61.502(6))	
32	B+	Felony Physical Control of a Vehicle	B
33		While Under the Influence (46.61.504(6))	
34		<b>Other</b>	
35	B	Animal Cruelty 1 (16.52.205)	C
36	B	Bomb Threat (9.61.160)	C

1	C	Escape 1 <sup>1</sup> (9A.76.110)	C
2	C	Escape 2 <sup>1</sup> (9A.76.120)	C
3	D	Escape 3 (9A.76.130)	E
4	E	Obscene, Harassing, Etc., Phone Calls	E
5		(9.61.230)	
6	A	Other Offense Equivalent to an Adult	B+
7		Class A Felony	
8	B	Other Offense Equivalent to an Adult	C
9		Class B Felony	
10	C	Other Offense Equivalent to an Adult	D
11		Class C Felony	
12	D	Other Offense Equivalent to an Adult	E
13		Gross Misdemeanor	
14	E	Other Offense Equivalent to an Adult	E
15		Misdemeanor	
16	V	Violation of Order of Restitution,	V
17		Community Supervision, or Confinement	
18		(13.40.200) <sup>2</sup>	

19 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
20 and the standard range is established as follows:

21 1st escape or attempted escape during 12-month period - 28 days  
22 confinement

23 2nd escape or attempted escape during 12-month period - 8 weeks  
24 confinement

25 3rd and subsequent escape or attempted escape during 12-month  
26 period - 12 weeks confinement

27 <sup>2</sup>If the court finds that a respondent has violated terms of an order,  
28 it may impose a penalty of up to 30 days of confinement.

## 29 **JUVENILE SENTENCING STANDARDS**

30 This schedule must be used for juvenile offenders. The court may  
31 select sentencing option A, B, C, or D.

32 **OPTION A**

33 **JUVENILE OFFENDER SENTENCING GRID**

34 **STANDARD RANGE**

35 **A++** 129 to 260 weeks for all category A++ offenses

1		A+	180 weeks to age 21 for all category A+ offenses				
2		A	103-129 weeks for all category A offenses				
3		A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
4		B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
5	CURRENT	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
6	OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
7	CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
8		C	LS	LS	LS	LS	15-36 weeks
9		D+	LS	LS	LS	LS	LS
10		D	LS	LS	LS	LS	LS
11		E	LS	LS	LS	LS	LS
12	PRIOR		0	1	2	3	4 or more
13	ADJUDICATIONS						

14 NOTE: References in the grid to days or weeks mean periods of  
15 confinement. "LS" means "local sanctions" as defined in RCW  
16 13.40.020.

17 (1) The vertical axis of the grid is the current offense  
18 category. The current offense category is determined by the offense  
19 of adjudication.

20 (2) The horizontal axis of the grid is the number of prior  
21 adjudications included in the juvenile's criminal history. Each prior  
22 felony adjudication shall count as one point. Each prior violation,  
23 misdemeanor, and gross misdemeanor adjudication shall count as 1/4  
24 point. Fractional points shall be rounded down.

25 (3) The standard range disposition for each offense is determined  
26 by the intersection of the column defined by the prior adjudications  
27 and the row defined by the current offense category.

28 (4) RCW 13.40.180 applies if the offender is being sentenced for  
29 more than one offense.

30 (5) A current offense that is a violation is equivalent to an  
31 offense category of E. However, a disposition for a violation shall  
32 not include confinement.

33 OR

34 OPTION B

35 SUSPENDED DISPOSITION ALTERNATIVE

1 (1) If the offender is subject to a standard range disposition  
2 involving confinement by the department, the court may impose the  
3 standard range and suspend the disposition on condition that the  
4 offender comply with one or more local sanctions and any educational  
5 or treatment requirement. The treatment programs provided to the  
6 offender must be either research-based best practice programs as  
7 identified by the Washington state institute for public policy or the  
8 joint legislative audit and review committee, or for chemical  
9 dependency treatment programs or services, they must be evidence-  
10 based or research-based best practice programs. For the purposes of  
11 this subsection:

12 (a) "Evidence-based" means a program or practice that has had  
13 multiple site random controlled trials across heterogeneous  
14 populations demonstrating that the program or practice is effective  
15 for the population; and

16 (b) "Research-based" means a program or practice that has some  
17 research demonstrating effectiveness, but that does not yet meet the  
18 standard of evidence-based practices.

19 (2) If the offender fails to comply with the suspended  
20 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
21 or may revoke the suspended disposition and order the disposition's  
22 execution.

23 (3) An offender is ineligible for the suspended disposition  
24 option under this section if the offender:

25 (a) Is adjudicated of an A+ or A++ offense;

26 (b) Is fourteen years of age or older and is adjudicated of one  
27 or more of the following offenses:

28 (i) A class A offense, or an attempt, conspiracy, or solicitation  
29 to commit a class A offense;

30 (ii) Manslaughter in the first degree (RCW 9A.32.060);

31 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
32 the first degree (RCW 9A.56.120), kidnapping in the second degree  
33 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
34 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
35 manslaughter 2 (RCW 9A.32.070); or

36 (iv) Violation of the uniform controlled substances act (RCW  
37 69.50.401(2) (a) and (b)), when the offense includes infliction of  
38 bodily harm upon another or when during the commission or immediate

1 withdrawal from the offense the respondent was armed with a deadly  
2 weapon;

3 (c) Is ordered to serve a disposition for a firearm violation  
4 under RCW 13.40.193;

5 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
6 or

7 (e) Has a prior option B disposition.

8 OR

9 **OPTION C**

10 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

11 If the juvenile offender is subject to a standard range  
12 disposition of local sanctions or 15 to 36 weeks of confinement and  
13 has not committed a B++ or B+ offense, the court may impose a  
14 disposition under RCW 13.40.160(4) and 13.40.165.

15 OR

16 **OPTION D**

17 **MANIFEST INJUSTICE**

18 If the court determines that a disposition under option A, B, or C  
19 would effectuate a manifest injustice, the court shall impose a  
20 disposition outside the standard range under RCW 13.40.160(2).

21 **Sec. 9.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to  
22 read as follows:

23 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

29 **Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D



1	D	Malicious Mischief 3 (9A.48.090)	E
2	E	Tampering with Fire Alarm Apparatus	E
3		(9.40.100)	
4	E	Tampering with Fire Alarm Apparatus	E
5		with Intent to Commit Arson (9.40.105)	
6	A	Possession of Incendiary Device	B+
7		(9.40.120)	
8		<b>Assault and Other Crimes Involving</b>	
9		<b>Physical Harm</b>	
10	A	Assault 1 (9A.36.011)	B+
11	B+	Assault 2 (9A.36.021)	C+
12	C+	Assault 3 (9A.36.031)	D+
13	D+	Assault 4 (9A.36.041)	E
14	B+	Drive-By Shooting (9A.36.045)	C+
15		committed at age 15 or under	
16	A++	Drive-By Shooting (9A.36.045)	A
17		committed at age 16 or 17	
18	D+	Reckless Endangerment (9A.36.050)	E
19	C+	Promoting Suicide Attempt (9A.36.060)	D+
20	D+	Coercion (9A.36.070)	E
21	C+	Custodial Assault (9A.36.100)	D+
22		<b>Burglary and Trespass</b>	
23	B+	Burglary 1 (9A.52.020) committed at	C+
24		age 15 or under	
25	A-	Burglary 1 (9A.52.020) committed at	B+
26		age 16 or 17	
27	B	Residential Burglary (9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of)	E
30		(9A.52.060)	
31	D	Criminal Trespass 1 (9A.52.070)	E
32	E	Criminal Trespass 2 (9A.52.080)	E
33	C	Mineral Trespass (78.44.330)	C
34	C	Vehicle Prowling 1 (9A.52.095)	D
35	D	Vehicle Prowling 2 (9A.52.100)	E
36		<b>Drugs</b>	

1	E	Possession/Consumption of Alcohol	E
2		(66.44.270)	
3	C	Illegally Obtaining Legend Drug	D
4		(69.41.020)	
5	C+	Sale, Delivery, Possession of Legend	D+
6		Drug with Intent to Sell (69.41.030(2)(a))	
7	E	Possession of Legend	E
8		Drug (69.41.030(2)(b))	
9	B+	Violation of Uniform Controlled	B+
10		Substances Act - Narcotic,	
11		Methamphetamine, or Flunitrazepam	
12		Sale (69.50.401(2) (a) or (b))	
13	C	Violation of Uniform Controlled	C
14		Substances Act - Nonnarcotic Sale	
15		(69.50.401(2)(c))	
16	E	Possession of (( <del>Marihuana</del> )) <u>Cannabis</u>	E
17		<40 grams (69.50.4014)	
18	C	Fraudulently Obtaining Controlled	C
19		Substance (69.50.403)	
20	C+	Sale of Controlled Substance for Profit	C+
21		(69.50.410)	
22	E	Unlawful Inhalation (9.47A.020)	E
23	B	Violation of Uniform Controlled	B
24		Substances Act - Narcotic,	
25		Methamphetamine, or Flunitrazepam	
26		Counterfeit Substances (69.50.4011(2)	
27		(a) or (b))	
28	C	Violation of Uniform Controlled	C
29		Substances Act - Nonnarcotic Counterfeit	
30		Substances (69.50.4011(2) (c), (d), or (e))	
31	C	Violation of Uniform Controlled	C
32		Substances Act - Possession of a	
33		Controlled Substance (69.50.4013)	
34	C	Violation of Uniform Controlled	C
35		Substances Act - Possession of a	
36		Controlled Substance (69.50.4012)	
37		<b>Firearms and Weapons</b>	
38	B	Theft of Firearm (9A.56.300)	C

1	B	Possession of Stolen Firearm	C
2		(9A.56.310)	
3	E	Carrying Loaded Pistol Without Permit	E
4		(9.41.050)	
5	C	Possession of Firearms by Minor (<18)	C
6		(9.41.040(2)(a)(vi))	
7	D+	Possession of Dangerous Weapon	E
8		(9.41.250)	
9	D	Intimidating Another Person by use of	E
10		Weapon (9.41.270)	
11		<b>Homicide</b>	
12	A+	Murder 1 (9A.32.030)	A
13	A+	Murder 2 (9A.32.050)	B+
14	B+	Manslaughter 1 (9A.32.060)	C+
15	C+	Manslaughter 2 (9A.32.070)	D+
16	B+	Vehicular Homicide (46.61.520)	C+
17		<b>Kidnapping</b>	
18	A	Kidnap 1 (9A.40.020)	B+
19	B+	Kidnap 2 (9A.40.030)	C+
20	C+	Unlawful Imprisonment (9A.40.040)	D+
21		<b>Obstructing Governmental Operation</b>	
22	D	Obstructing a Law Enforcement Officer	E
23		(9A.76.020)	
24	E	Resisting Arrest (9A.76.040)	E
25	B	Introducing Contraband 1 (9A.76.140)	C
26	C	Introducing Contraband 2 (9A.76.150)	D
27	E	Introducing Contraband 3 (9A.76.160)	E
28	B+	Intimidating a Public Servant	C+
29		(9A.76.180)	
30	B+	Intimidating a Witness (9A.72.110)	C+
31		<b>Public Disturbance</b>	
32	C+	Criminal Mischief with Weapon	D+
33		(9A.84.010(2)(b))	
34	D+	Criminal Mischief Without Weapon	E
35		(9A.84.010(2)(a))	
36	E	Failure to Disperse (9A.84.020)	E

1	E	Disorderly Conduct (9A.84.030)	E
2		<b>Sex Crimes</b>	
3	A	Rape 1 (9A.44.040)	B+
4	B++	Rape 2 (9A.44.050) committed at age 14	B+
5		or under	
6	A-	Rape 2 (9A.44.050) committed at age 15	B+
7		through age 17	
8	C+	Rape 3 (9A.44.060)	D+
9	B++	Rape of a Child 1 (9A.44.073)	B+
10		committed at age 14 or under	
11	A-	Rape of a Child 1 (9A.44.073)	B+
12		committed at age 15	
13	B+	Rape of a Child 2 (9A.44.076)	C+
14	B	Incest 1 (9A.64.020(1))	C
15	C	Incest 2 (9A.64.020(2))	D
16	D+	Indecent Exposure (Victim <14)	E
17		(9A.88.010)	
18	E	Indecent Exposure (Victim 14 or over)	E
19		(9A.88.010)	
20	B+	Promoting Prostitution 1 (9A.88.070)	C+
21	C+	Promoting Prostitution 2 (9A.88.080)	D+
22	E	O & A (Prostitution) (9A.88.030)	E
23	B+	Indecent Liberties (9A.44.100)	C+
24	B++	Child Molestation 1 (9A.44.083)	B+
25		committed at age 14 or under	
26	A-	Child Molestation 1 (9A.44.083)	B+
27		committed at age 15 through age 17	
28	B	Child Molestation 2 (9A.44.086)	C+
29	C	Failure to Register as a Sex Offender	D
30		(9A.44.132)	
31		<b>Theft, Robbery, Extortion, and</b>	
32		<b>Forgery</b>	
33	B	Theft 1 (9A.56.030)	C
34	C	Theft 2 (9A.56.040)	D
35	D	Theft 3 (9A.56.050)	E

1	B	Theft of Livestock 1 and 2 (9A.56.080	C
2		and 9A.56.083)	
3	C	Forgery (9A.60.020)	D
4	A	Robbery 1 (9A.56.200) committed at	B+
5		age 15 or under	
6	A++	Robbery 1 (9A.56.200) committed at	A
7		age 16 or 17	
8	B+	Robbery 2 (9A.56.210)	C+
9	B+	Extortion 1 (9A.56.120)	C+
10	C+	Extortion 2 (9A.56.130)	D+
11	C	Identity Theft 1 (9.35.020(2))	D
12	D	Identity Theft 2 (9.35.020(3))	E
13	D	Improperly Obtaining Financial	E
14		Information (9.35.010)	
15	B	Possession of a Stolen Vehicle	C
16		(9A.56.068)	
17	B	Possession of Stolen Property 1	C
18		(9A.56.150)	
19	C	Possession of Stolen Property 2	D
20		(9A.56.160)	
21	D	Possession of Stolen Property 3	E
22		(9A.56.170)	
23	B	Taking Motor Vehicle Without	C
24		Permission 1 (9A.56.070)	
25	C	Taking Motor Vehicle Without	D
26		Permission 2 (9A.56.075)	
27	B	Theft of a Motor Vehicle (9A.56.065)	C
28		<b>Motor Vehicle Related Crimes</b>	
29	E	Driving Without a License (46.20.005)	E
30	B+	Hit and Run - Death (46.52.020(4)(a))	C+
31	C	Hit and Run - Injury (46.52.020(4)(b))	D
32	D	Hit and Run-Attended (46.52.020(5))	E
33	E	Hit and Run-Unattended (46.52.010)	E
34	C	Vehicular Assault (46.61.522)	D
35	C	Attempting to Elude Pursuing Police	D
36		Vehicle (46.61.024)	
37	E	Reckless Driving (46.61.500)	E

1	D	Driving While Under the Influence	E
2		(46.61.502 and 46.61.504)	
3	B+	Felony Driving While Under the	B
4		Influence (46.61.502(6))	
5	B+	Felony Physical Control of a Vehicle	B
6		While Under the Influence (46.61.504(6))	
7		<b>Other</b>	
8	B	Animal Cruelty 1 (16.52.205)	C
9	B	Bomb Threat (9.61.160)	C
10	C	Escape 1 <sup>1</sup> (9A.76.110)	C
11	C	Escape 2 <sup>1</sup> (9A.76.120)	C
12	D	Escape 3 (9A.76.130)	E
13	E	Obscene, Harassing, Etc., Phone Calls	E
14		(9.61.230)	
15	A	Other Offense Equivalent to an Adult	B+
16		Class A Felony	
17	B	Other Offense Equivalent to an Adult	C
18		Class B Felony	
19	C	Other Offense Equivalent to an Adult	D
20		Class C Felony	
21	D	Other Offense Equivalent to an Adult	E
22		Gross Misdemeanor	
23	E	Other Offense Equivalent to an Adult	E
24		Misdemeanor	
25	V	Violation of Order of Restitution,	V
26		Community Supervision, or Confinement	
27		(13.40.200) <sup>2</sup>	

28 <sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses  
29 and the standard range is established as follows:

30 1st escape or attempted escape during 12-month period - 28 days  
31 confinement

32 2nd escape or attempted escape during 12-month period - 8 weeks  
33 confinement

34 3rd and subsequent escape or attempted escape during 12-month  
35 period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

### JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

#### OPTION A

#### JUVENILE OFFENDER SENTENCING GRID

##### STANDARD RANGE

CURRENT OFFENSE CATEGORY	A++	129 to 260 weeks for all category A++ offenses				
	A+	180 weeks to age 21 for all category A+ offenses				
	A	103-129 weeks for all category A offenses				
	A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
	B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks
	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS	E	LS	LS	LS	LS	LS
		0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

1 (3) The standard range disposition for each offense is determined  
2 by the intersection of the column defined by the prior adjudications  
3 and the row defined by the current offense category.

4 (4) RCW 13.40.180 applies if the offender is being sentenced for  
5 more than one offense.

6 (5) A current offense that is a violation is equivalent to an  
7 offense category of E. However, a disposition for a violation shall  
8 not include confinement.

9 OR

10 **OPTION B**

11 **SUSPENDED DISPOSITION ALTERNATIVE**

12 (1) If the offender is subject to a standard range disposition  
13 involving confinement by the department, the court may impose the  
14 standard range and suspend the disposition on condition that the  
15 offender comply with one or more local sanctions and any educational  
16 or treatment requirement. The treatment programs provided to the  
17 offender must be either research-based best practice programs as  
18 identified by the Washington state institute for public policy or the  
19 joint legislative audit and review committee, or for chemical  
20 dependency treatment programs or services, they must be evidence-  
21 based or research-based best practice programs. For the purposes of  
22 this subsection:

23 (a) "Evidence-based" means a program or practice that has had  
24 multiple site random controlled trials across heterogeneous  
25 populations demonstrating that the program or practice is effective  
26 for the population; and

27 (b) "Research-based" means a program or practice that has some  
28 research demonstrating effectiveness, but that does not yet meet the  
29 standard of evidence-based practices.

30 (2) If the offender fails to comply with the suspended  
31 disposition, the court may impose sanctions pursuant to RCW 13.40.200  
32 or may revoke the suspended disposition and order the disposition's  
33 execution.

34 (3) An offender is ineligible for the suspended disposition  
35 option under this section if the offender:

36 (a) Is adjudicated of an A+ or A++ offense;

37 (b) Is fourteen years of age or older and is adjudicated of one  
38 or more of the following offenses:



1 (i) A class A offense, or an attempt, conspiracy, or solicitation  
2 to commit a class A offense;

3 (ii) Manslaughter in the first degree (RCW 9A.32.060);

4 (iii) Assault in the second degree (RCW 9A.36.021), extortion in  
5 the first degree (RCW 9A.56.120), kidnapping in the second degree  
6 (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular  
7 homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or  
8 manslaughter 2 (RCW 9A.32.070); or

9 (iv) Violation of the uniform controlled substances act (RCW  
10 69.50.401(2) (a) and (b)), when the offense includes infliction of  
11 bodily harm upon another or when during the commission or immediate  
12 withdrawal from the offense the respondent was armed with a deadly  
13 weapon;

14 (c) Is ordered to serve a disposition for a firearm violation  
15 under RCW 13.40.193;

16 (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030;  
17 or

18 (e) Has a prior option B disposition.

19 OR

20 **OPTION C**

21 **CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

22 If the juvenile offender is subject to a standard range  
23 disposition of local sanctions or 15 to 36 weeks of confinement and  
24 has not committed a B++ or B+ offense, the court may impose a  
25 disposition under RCW 13.40.160(4) and 13.40.165.

26 OR

27 **OPTION D**

28 **MANIFEST INJUSTICE**

29 If the court determines that a disposition under option A, B, or C  
30 would effectuate a manifest injustice, the court shall impose a  
31 disposition outside the standard range under RCW 13.40.160(2).

32 **Sec. 10.** RCW 15.13.270 and 2014 c 140 s 32 are each amended to  
33 read as follows:

34 (1) The provisions of this chapter relating to nursery dealer  
35 licensing do not apply to: (a) Persons making casual or isolated  
36 sales that do not exceed one hundred dollars annually; (b) any garden  
37 club, conservation district, or charitable nonprofit association

conducting not more than three sales per year for not more than four consecutive days each of horticultural plants which are grown by or donated to its members; (c) educational organizations associated with private or public secondary schools; and (d) the production of (~~marijuana~~) cannabis and persons who are licensed as (~~marijuana~~) cannabis producers under RCW 69.50.325 with respect to the operations under such license. For the purposes of this subsection, the terms (~~"marijuana" and "marijuana"~~) "cannabis" and "cannabis producer" have the same meanings as provided in RCW 69.50.101. However, such a club, conservation district, association, or organization must apply to the director for a permit to conduct such sales.

(2) All horticultural plants sold under such a permit must be in compliance with the provisions of this chapter.

**Sec. 11.** RCW 15.13.270 and 2014 c 140 s 32 are each amended to read as follows:

(1) The provisions of this chapter relating to licensing do not apply to: (a) Persons making casual or isolated sales that do not exceed one hundred dollars annually; (b) any garden club, conservation district, or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants which are grown by or donated to its members; (c) educational organizations associated with private or public secondary schools; and (d) the production of (~~marijuana~~) cannabis and persons who are licensed as (~~marijuana~~) cannabis producers under RCW 69.50.325 with respect to the operations under such license. For the purposes of this subsection, the terms (~~"marijuana" and "marijuana"~~) "cannabis" and "cannabis producer" have the same meanings as provided in RCW 69.50.101. However, such a club, conservation district, association, or organization must apply to the director for a permit to conduct such sales.

(2) All horticultural plants sold under such a permit must be in compliance with the provisions of this chapter.

**Sec. 12.** RCW 15.17.020 and 2016 c 229 s 2 are each amended to read as follows:

For the purpose of this chapter:

(1) "Agent" means broker, commission merchant, solicitor, seller, or consignor, and any other person acting upon the actual or implied authority of another.

1       (2) "Certification" means, but is not limited to, the issuance by  
2 the director of an inspection certificate or other official document  
3 stating the grade, classification, and/or condition of any fruits or  
4 vegetables, and/or if the fruits or vegetables are free of plant  
5 pests and/or other defects.

6       (3) "Combination grade" means two or more grades packed together  
7 as one, except cull grades, with a minimum percent of the product of  
8 the higher grade, as established by rule.

9       (4) "Compliance agreement" means an agreement entered into  
10 between the department and a shipper or packer, that authorizes the  
11 shipper or packer to issue certificates of compliance for fruits and  
12 vegetables.

13       (5) "Container" means any container or subcontainer used to  
14 prepackage any fruits or vegetables. This does not include a  
15 container used by a retailer to package fruits or vegetables sold  
16 from a bulk display to a consumer.

17       (6) "Deceptive arrangement or display" means any bulk lot or  
18 load, arrangement, or display of fruits or vegetables which has in  
19 the exposed surface, fruits or vegetables which are so superior in  
20 quality, size, condition, or any other respect to those which are  
21 concealed, or the unexposed portion, as to materially misrepresent  
22 any part of the bulk lot or load, arrangement, or display.

23       (7) "Deceptive pack" means the pack of any container which has in  
24 the outer layer or any exposed surface fruits or vegetables which are  
25 in quality, size, condition, or any other respect so superior to  
26 those in the interior of the container in the unexposed portion as to  
27 materially misrepresent the contents. Such pack is deceptive when the  
28 outer or exposed surface is composed of fruits or vegetables whose  
29 size is not an accurate representation of the variation of the size  
30 of the fruits or vegetables in the entire container, even though the  
31 fruits or vegetables in the container are virtually uniform in size  
32 or comply with the specific standards adopted under this chapter.

33       (8) "Department" means the department of agriculture of the state  
34 of Washington.

35       (9) "Director" means the director of the department or his or her  
36 duly authorized representative.

37       (10) "Facility" means, but is not limited to, the premises where  
38 fruits and vegetables are grown, stored, handled, or delivered for  
39 sale or transportation, and all vehicles and equipment, whether  
40 aerial or surface, used to transport fruits and vegetables.

1 (11) "Fruits and vegetables" means any unprocessed fruits or  
2 vegetables, but does not include ((~~marijuana~~)) cannabis as defined in  
3 RCW 69.50.101.

4 (12) "Handler" means any person engaged in the business of  
5 handling, selling, processing, storing, shipping, or distributing  
6 fruits or vegetables that he or she has purchased or acquired from a  
7 producer.

8 (13) "Inspection" means, but is not limited to, the inspection by  
9 the director of any fruits or vegetables at any time prior to,  
10 during, or subsequent to harvest.

11 (14) "Mislabel" means the placing or presence of any false or  
12 misleading statement, design, or device upon any wrapper, container,  
13 container label or lining, or any placard used in connection with and  
14 having reference to fruits or vegetables.

15 (15) "Person" means any individual, firm, partnership,  
16 corporation, company, society, or association, and every officer,  
17 agent, or employee thereof.

18 (16) "Plant pests" means, but is not limited to, any living stage  
19 of any insects, mites, nematodes, slugs, snails, protozoa, or other  
20 invertebrate animals, bacteria, fungi, viruses, or any organisms  
21 similar to or allied with any of the foregoing, or any infectious  
22 substance, which can directly or indirectly injure or cause disease  
23 or damage in any plant or parts thereof, or any processed,  
24 manufactured, or other products of plants.

25 (17) "Sell" means to sell, offer for sale, hold for sale, or ship  
26 or transport in bulk or in containers.

27 (18) "Standards" means grades, classifications, and other  
28 inspection criteria for fruits and vegetables.

29 **Sec. 13.** RCW 15.49.061 and 2014 c 140 s 34 are each amended to  
30 read as follows:

31 (1) The provisions of this chapter do not apply to ((~~marijuana~~))  
32 cannabis seed. For the purposes of this subsection, ((~~"marijuana"~~))  
33 "cannabis" has the same meaning as defined in RCW 69.50.101.

34 (2) The provisions of RCW 15.49.011 through 15.49.051 do not  
35 apply:

36 (a) To seed or grain not intended for sowing purposes;

37 (b) To seed in storage by, or being transported or consigned  
38 to((~~+~~)), a conditioning establishment for conditioning if the  
39 invoice or labeling accompanying the shipment of such seed bears the

statement "seeds for conditioning" and if any labeling or other representation that may be made with respect to the unconditioned seed is subject to this chapter;

(c) To any carrier with respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, conditioning, or marketing seeds subject to this chapter; or

(d) Seed stored or transported by the grower of the seed.

(3) No person may be subject to the penalties of this chapter for having sold or offered for sale seeds subject to this chapter that were incorrectly labeled or represented as to kind, species, variety, or type, which seeds cannot be identified by examination thereof, unless he or she has failed to obtain an invoice, genuine grower's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

**Sec. 14.** RCW 15.125.010 and 2017 c 317 s 18 are each amended to read as follows:

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

(1) "Board" means the state liquor and cannabis board.

(2) "Licensee facilities" means any premises regulated by the board for producing, processing, or retailing (~~(marijuana)~~) cannabis or (~~(marijuana)~~) cannabis products.

(3) (~~("Marijuana")~~) "Cannabis" has the meaning provided in RCW 69.50.101.

(4) (~~("Marijuana")~~) "Cannabis processor" has the meaning provided in RCW 69.50.101.

(5) (~~("Marijuana")~~) "Cannabis producer" has the meaning provided in RCW 69.50.101.

(6) (~~("Marijuana")~~) "Cannabis products" has the meaning provided in RCW 69.50.101.

(7) (~~("Marijuana")~~) "Cannabis retailer" has the meaning provided in RCW 69.50.101.

(8) "Person" means any natural person, firm, partnership, association, private or public corporation, governmental entity, or other business entity.

1       **Sec. 15.** RCW 15.125.020 and 2017 c 317 s 19 are each amended to  
2 read as follows:

3       (1) The department may adopt rules establishing:

4       (a) Standards for ((~~marijuana~~ and ~~marijuana~~)) cannabis and  
5 cannabis products produced and processed in a manner consistent with,  
6 to the extent practicable, 7 C.F.R. Part 205;

7       (b) A self-sustaining program for certifying ((~~marijuana~~))  
8 cannabis producers and ((~~marijuana~~)) cannabis processors as meeting  
9 the standards established under (a) of this subsection; and

10       (c) Other rules as necessary for administration of this chapter.

11       (2) To the extent practicable, the program must be consistent  
12 with the program established by the director under chapter 15.86 RCW.

13       (3) The rules must include a fee schedule that will provide for  
14 the recovery of the full cost of the program including, but not  
15 limited to, application processing, inspections, sampling and  
16 testing, notifications, public awareness programs, and enforcement.

17       **Sec. 16.** RCW 15.125.030 and 2017 c 317 s 20 are each amended to  
18 read as follows:

19       (1) No ((~~marijuana~~ or ~~marijuana~~)) cannabis or cannabis product  
20 may be labeled, sold, or represented as produced or processed under  
21 the standards established under this chapter unless produced or  
22 processed by a person certified by the department under the program  
23 established under this chapter.

24       (2) No person may represent, sell, or offer for sale any  
25 ((~~marijuana~~ or ~~marijuana~~)) cannabis or cannabis products as produced  
26 or processed under standards adopted under this chapter if the person  
27 knows, or has reason to know, that the ((~~marijuana~~ or ~~marijuana~~))  
28 cannabis or cannabis product has not been produced or processed in  
29 conformance with the standards established under this chapter.

30       (3) No person may represent, sell, or offer for sale any  
31 ((~~marijuana~~ or ~~marijuana~~)) cannabis or cannabis products as "organic  
32 products" as that term has meaning under chapter 15.86 RCW.

33       **Sec. 17.** RCW 15.125.040 and 2017 c 317 s 21 are each amended to  
34 read as follows:

35       (1) The department may inspect licensee facilities to verify  
36 compliance with this chapter and rules adopted under it.

37       (2) The department may deny, suspend, or revoke a certification  
38 provided for in this chapter if the department determines that an

1 applicant or certified person has violated this chapter or rules  
2 adopted under it.

3 (3) The department may impose on and collect from any person who  
4 has violated this chapter or rules adopted under it a civil fine not  
5 exceeding the total of:

6 (a) The state's estimated costs of investigating and taking  
7 appropriate administrative and enforcement actions for the violation;  
8 and

9 (b) One thousand dollars.

10 (4) The board may take enforcement actions against a  
11 ((~~marijuana~~)) cannabis producer, ((~~marijuana~~)) cannabis processor, or  
12 ((~~marijuana~~)) cannabis retailer license issued by the board,  
13 including suspension or revocation of the license, when a licensee  
14 continues to violate this chapter after revocation of its  
15 certification or, if uncertified, receiving written notice from the  
16 department of certification requirements.

17 (5) The provisions of this chapter are cumulative and  
18 nonexclusive and do not affect any other remedy at law.

19 **Sec. 18.** RCW 15.125.050 and 2017 c 317 s 22 are each amended to  
20 read as follows:

21 Information about ((~~marijuana~~)) cannabis producers, ((~~marijuana~~))  
22 cannabis processors, and ((~~marijuana~~)) cannabis retailers otherwise  
23 exempt from public inspection and copying under chapter 42.56 RCW is  
24 also exempt from public inspection and copying if submitted to or  
25 used by the department.

26 **Sec. 19.** RCW 15.140.020 and 2021 c 104 s 2 are each amended to  
27 read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) "Agriculture improvement act of 2018" means sections 7605,  
31 10113, 10114, and 12619 of the agriculture improvement act of 2018,  
32 P.L. 115-334.

33 (2) "Cannabis" has the meaning provided in RCW 69.50.101.

34 (3) "Crop" means hemp grown as an agricultural commodity.

35 ((~~(3)~~)) (4) "Cultivar" means a variation of the plant *Cannabis*  
36 *sativa* L. that has been developed through cultivation by selective  
37 breeding.

1        ~~((4))~~ (5) "Department" means the Washington state department of  
2 agriculture.

3        ~~((5))~~ (6) "Food" has the same meaning as defined in RCW  
4 69.07.010.

5        ~~((6))~~ (7) "Hemp" means the plant *Cannabis sativa* L. and any  
6 part of that plant, including the seeds thereof and all derivatives,  
7 extracts, cannabinoids, isomers, acids, salts, and salts of isomers,  
8 whether growing or not, with a delta-9 tetrahydrocannabinol  
9 concentration of not more than 0.3 percent on a dry weight basis.

10       ~~((7))~~ (8) "Hemp processor" means a person who takes possession  
11 of raw hemp material with the intent to modify, package, or sell a  
12 transitional or finished hemp product.

13       ~~((8))~~ (9)(a) "Industrial hemp" means all parts and varieties of  
14 the genera *Cannabis*, cultivated or possessed by a grower, whether  
15 growing or not, that contain a tetrahydrocannabinol concentration of  
16 0.3 percent or less by dry weight that was grown under the industrial  
17 hemp research program as it existed on December 31, 2019.

18       (b) "Industrial hemp" does not include plants of the genera  
19 *Cannabis* that meet the definition of (~~"marijuana" as defined in RCW~~  
20 ~~69.50.101~~) "cannabis".

21       ~~((9))~~ (10) "Postharvest test" means a test of delta-9  
22 tetrahydrocannabinol concentration levels of hemp after being  
23 harvested based on:

24       (a) Ground whole plant samples without heat applied; or

25       (b) Other approved testing methods.

26       ~~((10))~~ (11) "Process" means the processing, compounding, or  
27 conversion of hemp into hemp commodities or products.

28       ~~((11))~~ (12) "Produce" or "production" means the planting,  
29 cultivation, growing, or harvesting of hemp including hemp seed.

30       **Sec. 20.** RCW 15.140.100 and 2019 c 158 s 10 are each amended to  
31 read as follows:

32       (1) There is no distance requirement, limitation, or buffer zone  
33 between any licensed hemp producer or hemp processing facility  
34 licensed or authorized under this chapter and any (~~marijuana~~)  
35 cannabis producer or (~~marijuana~~) cannabis processor licensed under  
36 chapter 69.50 RCW. No rule may establish such a distance requirement,  
37 limitation, or buffer zone without the evaluation of sufficient data  
38 showing impacts to either crop as a result of cross-pollination.



(2) Notwithstanding subsection (1) of this section, in an effort to prevent cross-pollination between hemp plants produced under this chapter and ~~((marijuana))~~ cannabis plants produced under chapter 69.50 RCW, the department, in consultation with the liquor and cannabis board, must review the state's policy regarding cross-pollination and pollen capture to ensure an appropriate policy is in place, and must modify policies or establish new policies as appropriate. Under any such policy, when a documented conflict involving cross-pollination exists between two farms or production facilities growing or producing hemp or ~~((marijuana))~~ cannabis, the farm or production facility operating first in time shall have the right to continue operating and the farm or production facility operating second in time must cease growing or producing hemp or ~~((marijuana))~~ cannabis, as applicable.

**Sec. 21.** RCW 15.140.120 and 2021 c 104 s 4 are each amended to read as follows:

Beginning on April 26, 2019:

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

~~((+2))~~ (b) No department or other state agency rule may establish or enforce a buffer zone or distance requirement between a person with a license or authorization to produce or process hemp under this chapter and a person with a license to produce or process ~~((marijuana))~~ cannabis issued under chapter 69.50 RCW. The department may not adopt rules without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.

~~((+3))~~ (2) Notwithstanding the rule-making provisions of RCW 15.140.030(2), if a ~~((marijuana))~~ cannabis producer or ~~((marijuana))~~ cannabis processor licensed by the liquor and cannabis board under chapter 69.50 RCW is engaged in producing or processing hemp at the same location for which they are licensed to produce or process ~~((marijuana))~~ cannabis, the liquor and cannabis board may test samples represented as hemp that are obtained from a location licensed for ~~((marijuana))~~ cannabis production or ~~((marijuana))~~ cannabis processing for the sole purpose of validating THC content of products represented as hemp. Any product with a delta-9 tetrahydrocannabinol concentration exceeding 0.3 percent on a dry

weight basis is considered (~~marijuana~~) cannabis and is subject to the provisions of chapter 69.50 RCW.

**Sec. 22.** RCW 18.170.020 and 2015 2nd sp.s. c 4 s 504 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company. However, in accordance with RCW 69.50.382, an employee engaged in (~~marijuana-related~~) cannabis-related transportation or delivery services on behalf of a common carrier must be licensed as an armed private security guard under this chapter in order to be authorized to carry or use a firearm while providing such services;

(2) A sworn peace officer while engaged in the performance of the officer's official duties;

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer; or

(4)(a) A person performing crowd management or guest services including, but not limited to, a person described as a ticket taker, usher, door attendant, parking attendant, crowd monitor, or event staff who:

(i) Does not carry a firearm or other dangerous weapon including, but not limited to, a stun gun, taser, pepper mace, or nightstick;

(ii) Does not wear a uniform or clothing readily identifiable by a member of the public as that worn by a private security officer or law enforcement officer; and

(iii) Does not have as his or her primary responsibility the detainment of persons or placement of persons under arrest.

(b) The exemption provided in this subsection applies only when a crowd has assembled for the purpose of attending or taking part in an organized event, including preevent assembly, event operation hours, and postevent departure activities.

1       **Sec. 23.** RCW 19.02.110 and 2017 c 138 s 3 are each amended to  
2 read as follows:

3       (1) In addition to the licenses processed under the business  
4 licensing system prior to April 1, 1982, on July 1, 1982, use of the  
5 business licensing system is expanded as provided by this section.

6       (2) Applications for the following must be filed with the  
7 business licensing service and must be processed, and renewals must  
8 be issued, under the business licensing system:

9       (a) Nursery dealer's licenses required by chapter 15.13 RCW;

10       (b) Seed dealer's licenses required by chapter 15.49 RCW;

11       (c) Pesticide dealer's licenses required by chapter 15.58 RCW;

12       (d) Shopkeeper's licenses required by chapter 18.64 RCW;

13       (e) Egg dealer's licenses required by chapter 69.25 RCW; and

14       (f) (~~Marijuana-infused~~) Cannabis-infused edible endorsements  
15 required by chapter 69.07 RCW.

16       **Sec. 24.** RCW 20.01.030 and 2014 c 140 s 35 are each amended to  
17 read as follows:

18       This chapter does not apply to:

19       (1) Any cooperative marketing associations or federations  
20 incorporated under, or whose articles of incorporation and bylaws are  
21 equivalent to, the requirements of chapter 23.86 RCW, except as to  
22 that portion of the activities of the association or federation that  
23 involve the handling or dealing in the agricultural products of  
24 nonmembers of the organization: PROVIDED, That the associations or  
25 federations may purchase up to fifteen percent of their gross from  
26 nonmembers for the purpose of filling orders: PROVIDED FURTHER, That  
27 if the cooperative or association acts as a processor as defined in  
28 RCW 20.01.500(2) and markets the processed agricultural crops on  
29 behalf of the grower or its own behalf, the association or federation  
30 is subject to the provisions of RCW 20.01.500 through 20.01.560 and  
31 the license provision of this chapter excluding bonding provisions:  
32 PROVIDED FURTHER, That none of the foregoing exemptions in this  
33 subsection apply to any such cooperative or federation dealing in or  
34 handling grain in any manner, and not licensed under the provisions  
35 of chapter 22.09 RCW;

36       (2) Any person who sells exclusively his or her own agricultural  
37 products as the producer thereof;

38       (3) Any public livestock market operating under a bond required  
39 by law or a bond required by the United States to secure the

1 performance of the public livestock market's obligation. However, any  
2 such market operating as a livestock dealer or order buyer, or both,  
3 is subject to all provisions of this chapter except for the payment  
4 of the license fee required in RCW 20.01.040;

5 (4) Any retail merchant having a bona fide fixed or permanent  
6 place of business in this state, but only for the retail merchant's  
7 retail business conducted at such fixed or established place of  
8 business;

9 (5) Any person buying farm products for his or her own use or  
10 consumption;

11 (6) Any warehouse operator or grain dealer licensed under the  
12 state grain warehouse act, chapter 22.09 RCW, with respect to his or  
13 her handling of any agricultural product as defined under that  
14 chapter;

15 (7) Any nursery dealer who is required to be licensed under the  
16 horticultural laws of the state with respect to his or her operations  
17 as such licensee;

18 (8) Any person licensed under the now existing dairy laws of the  
19 state with respect to his or her operations as such licensee;

20 (9) Any producer who purchases less than fifteen percent of his  
21 or her volume to complete orders;

22 (10) Any person, association, or corporation regulated under  
23 chapter 67.16 RCW and the rules adopted thereunder while performing  
24 acts regulated by that chapter and the rules adopted thereunder;

25 (11) Any domestic winery, as defined in RCW 66.04.010, licensed  
26 under Title 66 RCW, with respect to its transactions involving  
27 agricultural products used by the domestic winery in making wine;

28 (12) Any person licensed as a (~~marijuana~~) cannabis producer or  
29 processor under RCW 69.50.325 with respect to the operations under  
30 such license. The definitions in RCW 69.50.101 apply to this  
31 subsection (12).

32 **Sec. 25.** RCW 28A.210.325 and 2019 c 204 s 1 are each amended to  
33 read as follows:

34 (1) A school district must permit a student who meets the  
35 requirements of RCW 69.51A.220 to consume (~~marijuana-infused~~)  
36 cannabis-infused products for medical purposes on school grounds,  
37 aboard a school bus, or while attending a school-sponsored event in  
38 accordance with the school district's policy adopted under this  
39 section.

1 (2) Upon the request of a parent or guardian of a student who  
2 meets the requirements of RCW 69.51A.220, the board of directors of a  
3 school district shall adopt a policy to authorize parents or  
4 guardians to administer ~~((marijuana-infused))~~ cannabis-infused  
5 products to a student for medical purposes while the student is on  
6 school grounds, aboard a school bus, or attending a school-sponsored  
7 event. The policy must, at a minimum:

8 (a) Require that the student be authorized to use ~~((marijuana-~~  
9 ~~infused))~~ cannabis-infused products for medical purposes pursuant to  
10 RCW 69.51A.220 and that the parent or guardian acts as the designated  
11 provider for the student and assists the student with the consumption  
12 of the ~~((marijuana))~~ cannabis while on school grounds, aboard a  
13 school bus, or attending a school-sponsored event;

14 (b) Establish protocols for verifying the student is authorized  
15 to use ~~((marijuana))~~ cannabis for medical purposes and the parent or  
16 guardian is acting as the designated provider for the student  
17 pursuant to RCW 69.51A.220. The school may consider a student's and  
18 parent's or guardian's valid recognition cards to be proof of  
19 compliance with RCW 69.51A.220;

20 (c) Expressly authorize parents or guardians of students who have  
21 been authorized to use ~~((marijuana))~~ cannabis for medical purposes to  
22 administer ~~((marijuana-infused))~~ cannabis-infused products to the  
23 student while the student is on school grounds at a location  
24 identified pursuant to (d) of this subsection (2), aboard a school  
25 bus, or attending a school-sponsored event;

26 (d) Identify locations on school grounds where ~~((marijuana-~~  
27 ~~infused))~~ cannabis-infused products may be administered; and

28 (e) Prohibit the administration of medical ~~((marijuana))~~ cannabis  
29 to a student by smoking or other methods involving inhalation while  
30 the student is on school grounds, aboard a school bus, or attending a  
31 school-sponsored event.

32 (3) School district officials, employees, volunteers, students,  
33 and parents and guardians acting in accordance with the school  
34 district policy adopted under subsection (2) of this section may not  
35 be arrested, prosecuted, or subject to other criminal sanctions, or  
36 civil or professional consequences for possession, manufacture, or  
37 delivery of, or for possession with intent to manufacture or deliver  
38 ~~((marijuana))~~ cannabis under state law, or have real or personal  
39 property seized or forfeited for possession, manufacture, or delivery

1 of, or possession with intent to manufacture or deliver ((~~marijuana~~))  
2 cannabis under state law.

3 (4) For the purposes of this section, ((~~"marijuana-infused"~~))  
4 "cannabis-infused products" has the meaning provided in RCW  
5 69.50.101.

6 **Sec. 26.** RCW 28B.20.502 and 2015 2nd sp.s. c 4 s 1502 are each  
7 amended to read as follows:

8 (1) The University of Washington and Washington State University  
9 may conduct scientific research on the efficacy and safety of  
10 administering ((~~marijuana~~)) cannabis as part of medical treatment. As  
11 part of this research, the University of Washington and Washington  
12 State University may develop and conduct studies to ascertain the  
13 general medical safety and efficacy of ((~~marijuana~~)) cannabis, and  
14 may develop medical guidelines for the appropriate administration and  
15 use of ((~~marijuana~~)) cannabis.

16 (2) The University of Washington and Washington State University  
17 may, in accordance with RCW 69.50.372, contract with ((~~marijuana~~))  
18 cannabis research licensees to conduct research permitted under this  
19 section and RCW 69.50.372.

20 (3) The University of Washington and Washington State University  
21 may contract to conduct ((~~marijuana~~)) cannabis research with an  
22 entity licensed to conduct such research by a federally recognized  
23 Indian tribe located within the geographical boundaries of the state  
24 of Washington.

25 (4) For the purposes of this section, "cannabis" has the meaning  
26 provided in RCW 69.50.101.

27 **Sec. 27.** RCW 38.38.762 and 2009 c 378 s 25 are each amended to  
28 read as follows:

29 (1) Any person subject to this code who wrongfully uses,  
30 possesses, distributes, or introduces into an installation, vessel,  
31 vehicle, or aircraft used by or under the control of the armed forces  
32 or organized militia a substance described in subsection (2) of this  
33 section shall be punished as a court-martial may direct.

34 (2) The substances referred to in subsection (1) of this section  
35 are the following:

36 (a) Opium, heroin, cocaine, amphetamine, lysergic acid  
37 diethylamide, methamphetamine, phencyclidine, barbituric acid, and

1 ((~~marijuana~~)) cannabis and any compound or derivative of any such  
2 substance;

3 (b) Any substance not specified in (a) of this subsection that is  
4 listed on a schedule of controlled substances prohibited by the  
5 United States army; or

6 (c) Any other substance not specified in this subsection that is  
7 listed in Schedules I through V of section 202 of the federal  
8 controlled substances act, 21 U.S.C. Sec. 812, as amended.

9 (3) For the purposes of this section, "cannabis" has the meaning  
10 provided in RCW 69.50.101.

11 **Sec. 28.** RCW 42.56.270 and 2021 c 308 s 4 are each amended to  
12 read as follows:

13 The following financial, commercial, and proprietary information  
14 is exempt from disclosure under this chapter:

15 (1) Valuable formulae, designs, drawings, computer source code or  
16 object code, and research data obtained by any agency within five  
17 years of the request for disclosure when disclosure would produce  
18 private gain and public loss;

19 (2) Financial information supplied by or on behalf of a person,  
20 firm, or corporation for the purpose of qualifying to submit a bid or  
21 proposal for (a) a ferry system construction or repair contract as  
22 required by RCW 47.60.680 through 47.60.750; (b) highway construction  
23 or improvement as required by RCW 47.28.070; or (c) alternative  
24 public works contracting procedures as required by RCW 39.10.200  
25 through 39.10.905;

26 (3) Financial and commercial information and records supplied by  
27 private persons pertaining to export services provided under chapters  
28 43.163 and 53.31 RCW, and by persons pertaining to export projects  
29 under RCW 43.23.035;

30 (4) Financial and commercial information and records supplied by  
31 businesses or individuals during application for loans or program  
32 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
33 43.168 RCW, or during application for economic development loans or  
34 program services provided by any local agency;

35 (5) Financial information, business plans, examination reports,  
36 and any information produced or obtained in evaluating or examining a  
37 business and industrial development corporation organized or seeking  
38 certification under chapter 31.24 RCW;

1 (6) Financial and commercial information supplied to the state  
2 investment board by any person when the information relates to the  
3 investment of public trust or retirement funds and when disclosure  
4 would result in loss to such funds or in private loss to the  
5 providers of this information;

6 (7) Financial and valuable trade information under RCW 51.36.120;

7 (8) Financial, commercial, operations, and technical and research  
8 information and data submitted to or obtained by the clean Washington  
9 center in applications for, or delivery of, program services under  
10 chapter 70.95H RCW;

11 (9) Financial and commercial information requested by the public  
12 stadium authority from any person or organization that leases or uses  
13 the stadium and exhibition center as defined in RCW 36.102.010;

14 (10)(a) Financial information, including but not limited to  
15 account numbers and values, and other identification numbers supplied  
16 by or on behalf of a person, firm, corporation, limited liability  
17 company, partnership, or other entity related to an application for a  
18 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
19 ((~~marijuana~~)) cannabis producer, processor, or retailer license,  
20 liquor license, gambling license, or lottery retail license;

21 (b) Internal control documents, independent auditors' reports and  
22 financial statements, and supporting documents: (i) Of house-banked  
23 social card game licensees required by the gambling commission  
24 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
25 by tribes with an approved tribal/state compact for class III gaming;

26 (c) Valuable formulae or financial or proprietary commercial  
27 information records received during a consultative visit or while  
28 providing consultative services to a licensed ((~~marijuana~~)) cannabis  
29 business in accordance with RCW 69.50.561;

30 (11) Proprietary data, trade secrets, or other information that  
31 relates to: (a) A vendor's unique methods of conducting business; (b)  
32 data unique to the product or services of the vendor; or (c)  
33 determining prices or rates to be charged for services, submitted by  
34 any vendor to the department of social and health services or the  
35 health care authority for purposes of the development, acquisition,  
36 or implementation of state purchased health care as defined in RCW  
37 41.05.011;

38 (12)(a) When supplied to and in the records of the department of  
39 commerce:



1 (i) Financial and proprietary information collected from any  
2 person and provided to the department of commerce pursuant to RCW  
3 43.330.050(8);

4 (ii) Financial or proprietary information collected from any  
5 person and provided to the department of commerce or the office of  
6 the governor in connection with the siting, recruitment, expansion,  
7 retention, or relocation of that person's business and until a siting  
8 decision is made, identifying information of any person supplying  
9 information under this subsection and the locations being considered  
10 for siting, relocation, or expansion of a business; and

11 (iii) Financial or proprietary information collected from any  
12 person and provided to the department of commerce pursuant to RCW  
13 43.31.625 (3)(b) and (4);

14 (b) When developed by the department of commerce based on  
15 information as described in (a)(i) of this subsection, any work  
16 product is not exempt from disclosure;

17 (c) For the purposes of this subsection, "siting decision" means  
18 the decision to acquire or not to acquire a site;

19 (d) If there is no written contact for a period of sixty days to  
20 the department of commerce from a person connected with siting,  
21 recruitment, expansion, retention, or relocation of that person's  
22 business, information described in (a)(ii) of this subsection will be  
23 available to the public under this chapter;

24 (13) Financial and proprietary information submitted to or  
25 obtained by the department of ecology or the authority created under  
26 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

27 (14) Financial, commercial, operations, and technical and  
28 research information and data submitted to or obtained by the life  
29 sciences discovery fund authority in applications for, or delivery  
30 of, grants under RCW 43.330.502, to the extent that such information,  
31 if revealed, would reasonably be expected to result in private loss  
32 to the providers of this information;

33 (15) Financial and commercial information provided as evidence to  
34 the department of licensing as required by RCW 19.112.110 or  
35 19.112.120, except information disclosed in aggregate form that does  
36 not permit the identification of information related to individual  
37 fuel licensees;

38 (16) Any production records, mineral assessments, and trade  
39 secrets submitted by a permit holder, mine operator, or landowner to  
40 the department of natural resources under RCW 78.44.085;

1 (17)(a) Farm plans developed by conservation districts, unless  
2 permission to release the farm plan is granted by the landowner or  
3 operator who requested the plan, or the farm plan is used for the  
4 application or issuance of a permit;

5 (b) Farm plans developed under chapter 90.48 RCW and not under  
6 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
7 to RCW 42.56.610 and 90.64.190;

8 (18) Financial, commercial, operations, and technical and  
9 research information and data submitted to or obtained by a health  
10 sciences and services authority in applications for, or delivery of,  
11 grants under RCW 35.104.010 through 35.104.060, to the extent that  
12 such information, if revealed, would reasonably be expected to result  
13 in private loss to providers of this information;

14 (19) Information gathered under chapter 19.85 RCW or RCW  
15 34.05.328 that can be identified to a particular business;

16 (20) Financial and commercial information submitted to or  
17 obtained by the University of Washington, other than information the  
18 university is required to disclose under RCW 28B.20.150, when the  
19 information relates to investments in private funds, to the extent  
20 that such information, if revealed, would reasonably be expected to  
21 result in loss to the University of Washington consolidated endowment  
22 fund or to result in private loss to the providers of this  
23 information;

24 (21) Market share data submitted by a manufacturer under RCW  
25 70A.500.190(4);

26 (22) Financial information supplied to the department of  
27 financial institutions, when filed by or on behalf of an issuer of  
28 securities for the purpose of obtaining the exemption from state  
29 securities registration for small securities offerings provided under  
30 RCW 21.20.880 or when filed by or on behalf of an investor for the  
31 purpose of purchasing such securities;

32 (23) Unaggregated or individual notices of a transfer of crude  
33 oil that is financial, proprietary, or commercial information,  
34 submitted to the department of ecology pursuant to RCW  
35 90.56.565(1)(a), and that is in the possession of the department of  
36 ecology or any entity with which the department of ecology has shared  
37 the notice pursuant to RCW 90.56.565;

38 (24) Financial institution and retirement account information,  
39 and building security plan information, supplied to the liquor and  
40 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and

69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell ((marijuana)) cannabis as allowed under chapter 69.50 RCW;

(25) ((Marijuana)) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of ((marijuana)) cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for ((marijuana)) cannabis research licenses under RCW 69.50.372, or in reports submitted by ((marijuana)) cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed ((marijuana)) cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such

1 information, if revealed, would reasonably be expected to result in  
2 private loss to providers of this information;

3 (30) Proprietary information filed with the department of health  
4 under chapter 69.48 RCW;

5 (31) Records filed with the department of ecology under chapter  
6 70A.515 RCW that a court has determined are confidential valuable  
7 commercial information under RCW 70A.515.130; and

8 (32) Unaggregated financial, proprietary, or commercial  
9 information submitted to or obtained by the liquor and cannabis board  
10 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
11 any reports or remittances submitted by a person licensed under RCW  
12 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
13 board under chapter 66.08 RCW.

14 **Sec. 29.** RCW 42.56.620 and 2015 2nd sp.s. c 4 s 1504 are each  
15 amended to read as follows:

16 Reports submitted by (~~marijuana~~) cannabis research licensees in  
17 accordance with rules adopted by the state liquor and cannabis board  
18 under RCW 69.50.372 that contain proprietary information are exempt  
19 from disclosure under this chapter.

20 **Sec. 30.** RCW 42.56.625 and 2015 c 70 s 22 are each amended to  
21 read as follows:

22 Records in the medical (~~marijuana~~) cannabis authorization  
23 database established in RCW 69.51A.230 containing names and other  
24 personally identifiable information of qualifying patients and  
25 designated providers are exempt from disclosure under this chapter.

26 **Sec. 31.** RCW 42.56.630 and 2015 2nd sp.s. c 4 s 1002 are each  
27 amended to read as follows:

28 (1) Registration information submitted to the state liquor and  
29 cannabis board under RCW 69.51A.250 including the names of all  
30 participating members of a cooperative, copies of each member's  
31 recognition card, location of the cooperative, and other information  
32 required for registration by the state liquor and cannabis board is  
33 exempt from disclosure under this chapter.

34 (2) The definitions in this section apply throughout this section  
35 unless the context clearly requires otherwise.

1 (a) "Cooperative" means a cooperative established under RCW  
2 69.51A.250 to produce and process (~~marijuana~~) cannabis only for the  
3 medical use of members of the cooperative.

4 (b) "Recognition card" has the same meaning as provided in RCW  
5 69.51A.010.

6 **Sec. 32.** RCW 43.05.160 and 2019 c 394 s 2 are each amended to  
7 read as follows:

8 (1) If, during an inspection or visit to a (~~marijuana~~) cannabis  
9 business licensed under chapter 69.50 RCW that is not a technical  
10 assistance visit, the liquor and cannabis board becomes aware of  
11 conditions that are not in compliance with applicable laws and rules  
12 enforced by the board and are not subject to civil penalties as  
13 provided for in RCW 69.50.563, the board may issue a notice of  
14 correction to the licensee that includes:

15 (a) A description of the condition that is not in compliance and  
16 the text of the specific section or subsection of the applicable  
17 state law or rule;

18 (b) A statement of what is required to achieve compliance;

19 (c) The date by which the board requires compliance to be  
20 achieved;

21 (d) Notice of the means to contact any technical assistance  
22 services provided by the board or others; and

23 (e) Notice of when, where, and to whom a request to extend the  
24 time to achieve compliance for good cause may be filed with the  
25 board.

26 (2) A notice of correction is not a formal enforcement action, is  
27 not subject to appeal, and is a public record.

28 (3) If the liquor and cannabis board issues a notice of  
29 correction, it may not issue a civil penalty for the violations  
30 identified in the notice of correction unless the licensee fails to  
31 comply with the notice.

32 **Sec. 33.** RCW 43.06.490 and 2015 c 207 s 2 are each amended to  
33 read as follows:

34 (1) The governor may enter into agreements with federally  
35 recognized Indian tribes concerning (~~marijuana. —Marijuana~~)  
36 cannabis. Cannabis agreements may address any (~~marijuana-related~~)  
37 cannabis-related issue that involves both state and tribal interests  
38 or otherwise has an impact on tribal-state relations. Such agreements

1 may include, but are not limited to, the following provisions and  
2 subject matter:

3 (a) Criminal and civil law enforcement;

4 (b) Regulatory issues related to the commercial production,  
5 processing, sale, and possession of ((~~marijuana~~)) cannabis, and  
6 processed ((~~marijuana~~)) cannabis products, for both recreational and  
7 medical purposes;

8 (c) Medical and pharmaceutical research involving ((~~marijuana~~))  
9 cannabis;

10 (d) Taxation in accordance with subsection (2) of this section;

11 (e) Any tribal immunities or preemption of state law regarding  
12 the production, processing, or marketing of ((~~marijuana~~)) cannabis;  
13 and

14 (f) Dispute resolution, including the use of mediation or other  
15 nonjudicial process.

16 (2)(a) Each ((~~marijuana~~)) cannabis agreement adopted under this  
17 section must provide for a tribal ((~~marijuana~~)) cannabis tax that is  
18 at least one hundred percent of the state ((~~marijuana~~)) cannabis  
19 excise tax imposed under RCW 69.50.535 and state and local sales and  
20 use taxes on sales of ((~~marijuana~~)) cannabis. ((~~Marijuana~~)) Cannabis  
21 agreements apply to sales in which tribes, tribal enterprises, or  
22 tribal member-owned businesses (i) deliver or cause delivery to be  
23 made to or receive delivery from a ((~~marijuana~~)) cannabis producer,  
24 processor, or retailer licensed under chapter 69.50 RCW or (ii)  
25 physically transfer possession of the ((~~marijuana~~)) cannabis from the  
26 seller to the buyer within Indian country.

27 (b) The tribe may allow an exemption from tax for sales to the  
28 tribe, tribal enterprises, tribal member-owned businesses, or tribal  
29 members((~~f, t~~)), on ((~~marijuana~~)) cannabis grown, produced, or  
30 processed within its Indian country, or for activities to the extent  
31 they are exempt under state or federal law from the state  
32 ((~~marijuana~~)) cannabis excise tax imposed under RCW 69.50.535 or  
33 state and local sales or use taxes on sales of ((~~marijuana~~))  
34 cannabis. Medical ((~~marijuana~~)) cannabis products used in the course  
35 of medical treatments by a clinic, hospital, or similar facility  
36 owned and operated by a federally recognized Indian tribe within its  
37 Indian country may be exempted from tax under the terms of an  
38 agreement entered into under this section.

39 (3) Any ((~~marijuana~~)) cannabis agreement relating to the  
40 production, processing, and sale of ((~~marijuana~~)) cannabis in Indian

country, whether for recreational or medical purposes, must address the following issues:

(a) Preservation of public health and safety;

(b) Ensuring the security of production, processing, retail, and research facilities; and

(c) Cross-border commerce in ~~((marijuana))~~ cannabis.

(4) The governor may delegate the power to negotiate ~~((marijuana))~~ cannabis agreements to the state liquor ~~((control))~~ and cannabis board. In conducting such negotiations, the state liquor ~~((control))~~ and cannabis board must, when necessary, consult with the governor and/or the department of revenue.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Indian country" has the same meaning as in RCW 82.24.010.

(b) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(c) ~~((("Marijuana"))~~ "Cannabis" means ~~((("marijuana," "marijuana"))~~ "cannabis," "cannabis concentrates," ~~((("marijuana-infused"))~~ "cannabis-infused products," and "useable ~~((marijuana))~~ cannabis," as those terms are defined in RCW 69.50.101.

**Sec. 34.** RCW 43.06.520 and 2020 c 132 s 1 are each amended to read as follows:

(1) The legislature intends to further the government-to-government relationship between the state of Washington and federally recognized Indian tribes in the state of Washington by authorizing the governor to enter into compacts concerning the state's retail sales, use, and business and occupation taxes on certain activities.

(2) The legislature finds that these compacts will benefit all Washingtonians by providing a means to promote economic development and providing needed revenues for tribal governments and Indian persons.

(3) The state and the tribes have a long-standing history of working together to develop cooperative agreements on taxation for cigarettes, fuel, timber, and ~~((marijuana))~~ cannabis. It is the legislature's intent, given the positive experiences from the nearly two decades of cooperation, to build on these successes and provide the governor with the authority to address state sales, use, and business and occupation taxes on certain activities.

1 (4) In addition, it is the legislature's intent that these  
2 compacts will have no impact on the taxation of any transaction that  
3 is the subject of other compacts, contracts, or agreements authorized  
4 elsewhere in this chapter.

5 (5) For the purposes of this section, "cannabis" has the meaning  
6 provided in RCW 69.50.101.

7 **Sec. 35.** RCW 43.21A.735 and 2019 c 277 s 3 are each amended to  
8 read as follows:

9 (1)(a) The cannabis science task force is established with  
10 members as provided in this subsection.

11 (i) The directors, or the directors' appointees, of the  
12 departments of agriculture, health, ecology, and the liquor and  
13 cannabis board must each serve as members on the task force.

14 (ii) A majority of the four agency task force members will select  
15 additional members, as follows:

16 (A) Representatives with expertise in chemistry, microbiology,  
17 toxicology, public health, and/or food and agricultural testing  
18 methods from state and local agencies and tribal governments; and

19 (B) Nongovernmental cannabis industry scientists.

20 (b) The director or the director's designee from the department  
21 of ecology must serve as chair of the task force.

22 (2)(a) The cannabis science task force must:

23 (i) Collaborate on the development of appropriate laboratory  
24 quality standards for (~~marijuana~~) cannabis product testing  
25 laboratories;

26 (ii) Establish two work groups:

27 (A) A proficiency testing program work group to be led by the  
28 department; and

29 (B) A laboratory quality standards work group to be led by the  
30 department of agriculture. At a minimum this work group will address  
31 appropriate approved testing methods, method validation protocols,  
32 and method performance criteria.

33 (b) The cannabis science task force may reorganize the work  
34 groups or create additional work groups as necessary.

35 (3) Staff support for the cannabis science task force must be  
36 provided by the department.

37 (4) Reimbursement for members is subject to chapter 43.03 RCW.

38 (5) Expenses of the cannabis science task force must be paid by  
39 the department.



1 (6) The cannabis science task force must submit a report to the  
2 relevant committees of the legislature by July 1, 2020, that includes  
3 the findings and recommendations for laboratory quality standards for  
4 pesticides in plants for ((marijuana)) cannabis product testing  
5 laboratories. The report must include, but is not limited to,  
6 recommendations relating to the following:

7 (a) Appropriate approved testing methods;  
8 (b) Method validation protocols;  
9 (c) Method performance criteria;  
10 (d) Sampling and homogenization protocols;  
11 (e) Proficiency testing; and  
12 (f) Regulatory updates related to (a) through (e) of this  
13 subsection, by which agencies, and the timing of these updates.

14 (7) To the fullest extent possible, the task force must consult  
15 with other jurisdictions that have established, or are establishing,  
16 ((marijuana)) cannabis product testing programs.

17 (8) Following development of findings and recommendations for  
18 laboratory quality standards for pesticides in plants for  
19 ((marijuana)) cannabis product testing laboratories, the task force  
20 must develop findings and recommendations for additional laboratory  
21 quality standards, including, but not limited to, heavy metals in and  
22 potency of ((marijuana)) cannabis products.

23 (a) The cannabis science task force must submit a report on the  
24 findings and recommendations for these additional standards to the  
25 relevant committees of the legislature by December 1, 2021.

26 (b) The report must include recommendations pertaining to the  
27 items listed in subsection (6)(a) through (f) of this section.

28 (9) The task force must hold its first meeting by September 1,  
29 2019.

30 (10) This section expires December 31, 2022.

31 **Sec. 36.** RCW 43.330.540 and 2021 c 169 s 1 are each amended to  
32 read as follows:

33 (1) The cannabis social equity technical assistance grant program  
34 is established and is to be administered by the department.

35 (2)(a) The cannabis social equity technical assistance grant  
36 program must award grants to:

37 (i) Cannabis license applicants who are social equity applicants  
38 submitting social equity plans under RCW 69.50.335; and

(ii) Cannabis licensees holding a license issued after June 30, 2020, and before July 25, 2021, who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after June 30, 2020, and before July 25, 2021, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding include, but are not limited to:

- (a) Assistance navigating the cannabis licensure process;
- (b) Cannabis-business specific education and business plan development;
- (c) Regulatory compliance training;
- (d) Financial management training and assistance in seeking financing;
- (e) Strengthening a social equity plan; and
- (f) Connecting social equity applicants with established industry members and tribal cannabis enterprises and programs for mentoring and other forms of support.

(4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51(~~(%—[percent])~~) percent minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the cannabis social equity technical assistance grant program must be provided through the dedicated ((~~marijuana~~)) cannabis account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided ((for "~~marijuana~~") under RCW 69.50.101.

NEW SECTION. **Sec. 37.** A new section is added to chapter 46.04 RCW to read as follows:

"Cannabis," except as otherwise provided in this title, has the meaning provided in RCW 69.50.101.

**Sec. 38.** RCW 46.20.308 and 2019 c 232 s 21 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath for the purpose of determining the alcohol concentration in his or her breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. Prior to administering a breath test pursuant to this section, the officer shall inform the person of his or her right under this section to refuse the breath test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

1 (c) If the driver submits to the test and the test is  
2 administered, the driver's license, permit, or privilege to drive  
3 will be suspended, revoked, or denied for at least ninety days if:

4 (i) The driver is age twenty-one or over and the test indicates  
5 either that the alcohol concentration of the driver's breath is 0.08  
6 or more; or

7 (ii) The driver is under age twenty-one and the test indicates  
8 either that the alcohol concentration of the driver's breath is 0.02  
9 or more; or

10 (iii) The driver is under age twenty-one and the driver is in  
11 violation of RCW 46.61.502 or 46.61.504; and

12 (d) If the driver's license, permit, or privilege to drive is  
13 suspended, revoked, or denied the driver may be eligible to  
14 immediately apply for an ignition interlock driver's license.

15 (3) If, following his or her arrest and receipt of warnings under  
16 subsection (2) of this section, the person arrested exercises the  
17 right, granted herein, by refusing upon the request of a law  
18 enforcement officer to submit to a test or tests of his or her  
19 breath, no test shall be given except as otherwise authorized by law.

20 (4) Nothing in subsection (1), (2), or (3) of this section  
21 precludes a law enforcement officer from obtaining a person's blood  
22 to test for alcohol, (~~marijuana~~) cannabis, or any drug, pursuant to  
23 a search warrant, a valid waiver of the warrant requirement, when  
24 exigent circumstances exist, or under any other authority of law. Any  
25 blood drawn for the purpose of determining the person's alcohol,  
26 (~~marijuana~~) cannabis levels, or any drug, is drawn pursuant to this  
27 section when the officer has reasonable grounds to believe that the  
28 person is in physical control or driving a vehicle under the  
29 influence or in violation of RCW 46.61.503.

30 (5) If, after arrest and after any other applicable conditions  
31 and requirements of this section have been satisfied, a test or tests  
32 of the person's blood or breath is administered and the test results  
33 indicate that the alcohol concentration of the person's breath or  
34 blood is 0.08 or more, or the THC concentration of the person's blood  
35 is 5.00 or more, if the person is age twenty-one or over, or that the  
36 alcohol concentration of the person's breath or blood is 0.02 or  
37 more, or the THC concentration of the person's blood is above 0.00,  
38 if the person is under the age of twenty-one, or the person refuses  
39 to submit to a test, the arresting officer or other law enforcement  
40 officer at whose direction any test has been given, or the

1 department, where applicable, if the arrest results in a test of the  
2 person's blood, shall:

3 (a) Serve notice in writing on the person on behalf of the  
4 department of its intention to suspend, revoke, or deny the person's  
5 license, permit, or privilege to drive as required by subsection (6)  
6 of this section;

7 (b) Serve notice in writing on the person on behalf of the  
8 department of his or her right to a hearing, specifying the steps he  
9 or she must take to obtain a hearing as provided by subsection (7) of  
10 this section;

11 (c) Serve notice in writing that the license or permit, if any,  
12 is a temporary license that is valid for thirty days from the date of  
13 arrest or from the date notice has been given in the event notice is  
14 given by the department following a blood test, or until the  
15 suspension, revocation, or denial of the person's license, permit, or  
16 privilege to drive is sustained at a hearing pursuant to subsection  
17 (7) of this section, whichever occurs first. No temporary license is  
18 valid to any greater degree than the license or permit that it  
19 replaces; and

20 (d) Immediately notify the department of the arrest and transmit  
21 to the department within seventy-two hours, except as delayed as the  
22 result of a blood test, a sworn report or report under a declaration  
23 authorized by chapter 5.50 RCW that states:

24 (i) That the officer had reasonable grounds to believe the  
25 arrested person had been driving or was in actual physical control of  
26 a motor vehicle within this state while under the influence of  
27 intoxicating liquor or drugs, or both, or was under the age of  
28 twenty-one years and had been driving or was in actual physical  
29 control of a motor vehicle while having an alcohol or THC  
30 concentration in violation of RCW 46.61.503;

31 (ii) That after receipt of any applicable warnings required by  
32 subsection (2) of this section the person refused to submit to a test  
33 of his or her breath, or a test was administered and the results  
34 indicated that the alcohol concentration of the person's breath or  
35 blood was 0.08 or more, or the THC concentration of the person's  
36 blood was 5.00 or more, if the person is age twenty-one or over, or  
37 that the alcohol concentration of the person's breath or blood was  
38 0.02 or more, or the THC concentration of the person's blood was  
39 above 0.00, if the person is under the age of twenty-one; and

1 (iii) Any other information that the director may require by  
2 rule.

3 (6) The department of licensing, upon the receipt of a sworn  
4 report or report under a declaration authorized by chapter 5.50 RCW  
5 under subsection (5)(d) of this section, shall suspend, revoke, or  
6 deny the person's license, permit, or privilege to drive or any  
7 nonresident operating privilege, as provided in RCW 46.20.3101, such  
8 suspension, revocation, or denial to be effective beginning thirty  
9 days from the date of arrest or from the date notice has been given  
10 in the event notice is given by the department following a blood  
11 test, or when sustained at a hearing pursuant to subsection (7) of  
12 this section, whichever occurs first.

13 (7) A person receiving notification under subsection (5)(b) of  
14 this section may, within seven days after the notice has been given,  
15 request in writing a formal hearing before the department. The person  
16 shall pay a fee of three hundred seventy-five dollars as part of the  
17 request. If the request is mailed, it must be postmarked within seven  
18 days after receipt of the notification. Upon timely receipt of such a  
19 request for a formal hearing, including receipt of the required three  
20 hundred seventy-five dollar fee, the department shall afford the  
21 person an opportunity for a hearing. The department may waive the  
22 required three hundred seventy-five dollar fee if the person is an  
23 indigent as defined in RCW 10.101.010. Except as otherwise provided  
24 in this section, the hearing is subject to and shall be scheduled and  
25 conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing  
26 shall be conducted in the county of the arrest, except that all or  
27 part of the hearing may, at the discretion of the department, be  
28 conducted by telephone or other electronic means. The hearing shall  
29 be held within thirty days, excluding Saturdays, Sundays, and legal  
30 holidays, following the date of timely receipt of such request for a  
31 formal hearing before the department or thirty days, excluding  
32 Saturdays, Sundays, and legal holidays following the date notice has  
33 been given in the event notice is given by the department following a  
34 blood test, unless otherwise agreed to by the department and the  
35 person, in which case the action by the department shall be stayed,  
36 and any valid temporary license under subsection (5) of this section  
37 extended, if the person is otherwise eligible for licensing. Unless  
38 otherwise agreed to by the department and the person, the department  
39 must give five days notice of the hearing to the person. For the  
40 purposes of this section, the scope of the hearing shall cover the

1 issues of whether a law enforcement officer had reasonable grounds to  
2 believe the person had been driving or was in actual physical control  
3 of a motor vehicle within this state while under the influence of  
4 intoxicating liquor or any drug or had been driving or was in actual  
5 physical control of a motor vehicle within this state while having  
6 alcohol in his or her system in a concentration of 0.02 or more, or  
7 THC in his or her system in a concentration above 0.00, if the person  
8 was under the age of twenty-one, whether the person was placed under  
9 arrest, and (a) whether the person refused to submit to the test or  
10 tests upon request of the officer after having been informed that  
11 such refusal would result in the revocation of the person's license,  
12 permit, or privilege to drive, or (b) if a test or tests were  
13 administered, whether the applicable requirements of this section  
14 were satisfied before the administration of the test or tests,  
15 whether the person submitted to the test or tests, or whether a test  
16 was administered pursuant to a search warrant, a valid waiver of the  
17 warrant requirement, when exigent circumstances exist, or under any  
18 other authority of law as permitted under this section, and whether  
19 the test or tests indicated that the alcohol concentration of the  
20 person's breath or blood was 0.08 or more, or the THC concentration  
21 of the person's blood was 5.00 or more, if the person was age twenty-  
22 one or over at the time of the arrest, or that the alcohol  
23 concentration of the person's breath or blood was 0.02 or more, or  
24 the THC concentration of the person's blood was above 0.00, if the  
25 person was under the age of twenty-one at the time of the arrest.  
26 Where a person is found to be in actual physical control of a motor  
27 vehicle while under the influence of intoxicating liquor or any drug  
28 or was under the age of twenty-one at the time of the arrest and was  
29 in physical control of a motor vehicle while having alcohol in his or  
30 her system in a concentration of 0.02 or THC concentration above  
31 0.00, the person may petition the hearing officer to apply the  
32 affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The  
33 driver has the burden to prove the affirmative defense by a  
34 preponderance of the evidence. The sworn report or report under a  
35 declaration authorized by chapter 5.50 RCW submitted by a law  
36 enforcement officer is prima facie evidence that the officer had  
37 reasonable grounds to believe the person had been driving or was in  
38 actual physical control of a motor vehicle within this state while  
39 under the influence of intoxicating liquor or drugs, or both, or the  
40 person had been driving or was in actual physical control of a motor

1 vehicle within this state while having alcohol in his or her system  
2 in a concentration of 0.02 or more, or THC in his or her system in a  
3 concentration above 0.00, and was under the age of twenty-one and  
4 that the officer complied with the requirements of this section.

5 A hearing officer shall conduct the hearing, may issue subpoenas  
6 for the attendance of witnesses and the production of documents, and  
7 shall administer oaths to witnesses. The hearing officer shall not  
8 issue a subpoena for the attendance of a witness at the request of  
9 the person unless the request is accompanied by the fee required by  
10 RCW 5.56.010 for a witness in district court. The sworn report or  
11 report under a declaration authorized by chapter 5.50 RCW of the law  
12 enforcement officer and any other evidence accompanying the report  
13 shall be admissible without further evidentiary foundation and the  
14 certifications authorized by the criminal rules for courts of limited  
15 jurisdiction shall be admissible without further evidentiary  
16 foundation. The person may be represented by counsel, may question  
17 witnesses, may present evidence, and may testify. The department  
18 shall order that the suspension, revocation, or denial either be  
19 rescinded or sustained.

20 (8) If the suspension, revocation, or denial is sustained after  
21 such a hearing, the person whose license, privilege, or permit is  
22 suspended, revoked, or denied has the right to file a petition in the  
23 superior court of the county of arrest to review the final order of  
24 revocation by the department in the same manner as an appeal from a  
25 decision of a court of limited jurisdiction. Notice of appeal must be  
26 filed within thirty days after the date the final order is served or  
27 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
28 1.1, or other statutes or rules referencing de novo review, the  
29 appeal shall be limited to a review of the record of the  
30 administrative hearing. The appellant must pay the costs associated  
31 with obtaining the record of the hearing before the hearing officer.  
32 The filing of the appeal does not stay the effective date of the  
33 suspension, revocation, or denial. A petition filed under this  
34 subsection must include the petitioner's grounds for requesting  
35 review. Upon granting petitioner's request for review, the court  
36 shall review the department's final order of suspension, revocation,  
37 or denial as expeditiously as possible. The review must be limited to  
38 a determination of whether the department has committed any errors of  
39 law. The superior court shall accept those factual determinations  
40 supported by substantial evidence in the record: (a) That were



1 expressly made by the department; or (b) that may reasonably be  
2 inferred from the final order of the department. The superior court  
3 may reverse, affirm, or modify the decision of the department or  
4 remand the case back to the department for further proceedings. The  
5 decision of the superior court must be in writing and filed in the  
6 clerk's office with the other papers in the case. The court shall  
7 state the reasons for the decision. If judicial relief is sought for  
8 a stay or other temporary remedy from the department's action, the  
9 court shall not grant such relief unless the court finds that the  
10 appellant is likely to prevail in the appeal and that without a stay  
11 the appellant will suffer irreparable injury. If the court stays the  
12 suspension, revocation, or denial it may impose conditions on such  
13 stay.

14 (9)(a) If a person whose driver's license, permit, or privilege  
15 to drive has been or will be suspended, revoked, or denied under  
16 subsection (6) of this section, other than as a result of a breath  
17 test refusal, and who has not committed an offense for which he or  
18 she was granted a deferred prosecution under chapter 10.05 RCW,  
19 petitions a court for a deferred prosecution on criminal charges  
20 arising out of the arrest for which action has been or will be taken  
21 under subsection (6) of this section, or notifies the department of  
22 licensing of the intent to seek such a deferred prosecution, then the  
23 license suspension or revocation shall be stayed pending entry of the  
24 deferred prosecution. The stay shall not be longer than one hundred  
25 fifty days after the date charges are filed, or two years after the  
26 date of the arrest, whichever time period is shorter. If the court  
27 stays the suspension, revocation, or denial, it may impose conditions  
28 on such stay. If the person is otherwise eligible for licensing, the  
29 department shall issue a temporary license, or extend any valid  
30 temporary license under subsection (5) of this section, for the  
31 period of the stay. If a deferred prosecution treatment plan is not  
32 recommended in the report made under RCW 10.05.050, or if treatment  
33 is rejected by the court, or if the person declines to accept an  
34 offered treatment plan, or if the person violates any condition  
35 imposed by the court, then the court shall immediately direct the  
36 department to cancel the stay and any temporary license or extension  
37 of a temporary license issued under this subsection.

38 (b) A suspension, revocation, or denial imposed under this  
39 section, other than as a result of a breath test refusal, shall be  
40 stayed if the person is accepted for deferred prosecution as provided

1 in chapter 10.05 RCW for the incident upon which the suspension,  
2 revocation, or denial is based. If the deferred prosecution is  
3 terminated, the stay shall be lifted and the suspension, revocation,  
4 or denial reinstated. If the deferred prosecution is completed, the  
5 stay shall be lifted and the suspension, revocation, or denial  
6 canceled.

7 (c) The provisions of (b) of this subsection relating to a stay  
8 of a suspension, revocation, or denial and the cancellation of any  
9 suspension, revocation, or denial do not apply to the suspension,  
10 revocation, denial, or disqualification of a person's commercial  
11 driver's license or privilege to operate a commercial motor vehicle.

12 (10) When it has been finally determined under the procedures of  
13 this section that a nonresident's privilege to operate a motor  
14 vehicle in this state has been suspended, revoked, or denied, the  
15 department shall give information in writing of the action taken to  
16 the motor vehicle administrator of the state of the person's  
17 residence and of any state in which he or she has a license.

18 **Sec. 39.** RCW 46.25.120 and 2015 2nd sp.s. c 3 s 7 are each  
19 amended to read as follows:

20 (1) A person who drives a commercial motor vehicle within this  
21 state is deemed to have given consent, subject to RCW 46.61.506, to  
22 take a test or tests of that person's breath for the purpose of  
23 determining that person's alcohol concentration.

24 (2) A test or tests may be administered at the direction of a law  
25 enforcement officer, who after stopping or detaining the commercial  
26 motor vehicle driver, has reasonable grounds to believe that driver  
27 was driving a commercial motor vehicle while having alcohol in his or  
28 her system or while under the influence of any drug.

29 (3) The law enforcement officer requesting the test under  
30 subsection (1) of this section shall warn the person requested to  
31 submit to the test that a refusal to submit will result in that  
32 person being disqualified from operating a commercial motor vehicle  
33 under RCW 46.25.090.

34 (4) A law enforcement officer who at the time of stopping or  
35 detaining a commercial motor vehicle driver has reasonable grounds to  
36 believe that driver was driving a commercial motor vehicle while  
37 having alcohol, (~~marijuana~~) cannabis, or any drug in his or her  
38 system or while under the influence of alcohol, (~~marijuana~~)  
39 cannabis, or any drug may obtain a blood test pursuant to a search

warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law.

(5) If the person refuses testing, or a test is administered that discloses an alcohol concentration of 0.04 or more or any measurable amount of THC concentration, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section or a blood test was administered pursuant to subsection (4) of this section and that the person refused to submit to testing, or a test was administered that disclosed an alcohol concentration of 0.04 or more or any measurable amount of THC concentration.

(6) Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while having alcohol in the person's system or while under the influence of any drug, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, if applicable, and, if the test was administered, whether the results indicated an alcohol concentration of 0.04 percent or more or any measurable amount of THC concentration. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

1 (7) If a motor carrier or employer who is required to have a  
2 testing program under 49 C.F.R. 382 knows that a commercial driver in  
3 his or her employ has refused to submit to testing under this section  
4 and has not been disqualified from driving a commercial motor  
5 vehicle, the employer may notify law enforcement or his or her  
6 medical review officer or breath alcohol technician that the driver  
7 has refused to submit to the required testing.

8 (8) The hearing provisions of this section do not apply to those  
9 persons disqualified from driving a commercial motor vehicle under  
10 RCW 46.25.090(7).

11 **Sec. 40.** RCW 46.61.502 and 2017 c 335 s 1 are each amended to  
12 read as follows:

13 (1) A person is guilty of driving while under the influence of  
14 intoxicating liquor, (~~marijuana~~) cannabis, or any drug if the  
15 person drives a vehicle within this state:

16 (a) And the person has, within two hours after driving, an  
17 alcohol concentration of 0.08 or higher as shown by analysis of the  
18 person's breath or blood made under RCW 46.61.506; or

19 (b) The person has, within two hours after driving, a THC  
20 concentration of 5.00 or higher as shown by analysis of the person's  
21 blood made under RCW 46.61.506; or

22 (c) While the person is under the influence of or affected by  
23 intoxicating liquor, (~~marijuana~~) cannabis, or any drug; or

24 (d) While the person is under the combined influence of or  
25 affected by intoxicating liquor, (~~marijuana~~) cannabis, and any  
26 drug.

27 (2) The fact that a person charged with a violation of this  
28 section is or has been entitled to use a drug under the laws of this  
29 state shall not constitute a defense against a charge of violating  
30 this section.

31 (3)(a) It is an affirmative defense to a violation of subsection  
32 (1)(a) of this section, which the defendant must prove by a  
33 preponderance of the evidence, that the defendant consumed a  
34 sufficient quantity of alcohol after the time of driving and before  
35 the administration of an analysis of the person's breath or blood to  
36 cause the defendant's alcohol concentration to be 0.08 or more within  
37 two hours after driving. The court shall not admit evidence of this  
38 defense unless the defendant notifies the prosecution prior to the

1 omnibus or pretrial hearing in the case of the defendant's intent to  
2 assert the affirmative defense.

3 (b) It is an affirmative defense to a violation of subsection  
4 (1)(b) of this section, which the defendant must prove by a  
5 preponderance of the evidence, that the defendant consumed a  
6 sufficient quantity of (~~marijuana~~) cannabis after the time of  
7 driving and before the administration of an analysis of the person's  
8 blood to cause the defendant's THC concentration to be 5.00 or more  
9 within two hours after driving. The court shall not admit evidence of  
10 this defense unless the defendant notifies the prosecution prior to  
11 the omnibus or pretrial hearing in the case of the defendant's intent  
12 to assert the affirmative defense.

13 (4)(a) Analyses of blood or breath samples obtained more than two  
14 hours after the alleged driving may be used as evidence that within  
15 two hours of the alleged driving, a person had an alcohol  
16 concentration of 0.08 or more in violation of subsection (1)(a) of  
17 this section, and in any case in which the analysis shows an alcohol  
18 concentration above 0.00 may be used as evidence that a person was  
19 under the influence of or affected by intoxicating liquor or any drug  
20 in violation of subsection (1)(c) or (d) of this section.

21 (b) Analyses of blood samples obtained more than two hours after  
22 the alleged driving may be used as evidence that within two hours of  
23 the alleged driving, a person had a THC concentration of 5.00 or more  
24 in violation of subsection (1)(b) of this section, and in any case in  
25 which the analysis shows a THC concentration above 0.00 may be used  
26 as evidence that a person was under the influence of or affected by  
27 (~~marijuana~~) cannabis in violation of subsection (1)(c) or (d) of  
28 this section.

29 (5) Except as provided in subsection (6) of this section, a  
30 violation of this section is a gross misdemeanor.

31 (6) It is a class B felony punishable under chapter 9.94A RCW, or  
32 chapter 13.40 RCW if the person is a juvenile, if:

33 (a) The person has three or more prior offenses within ten years  
34 as defined in RCW 46.61.5055; or

35 (b) The person has ever previously been convicted of:

36 (i) Vehicular homicide while under the influence of intoxicating  
37 liquor or any drug, RCW 46.61.520(1)(a);

38 (ii) Vehicular assault while under the influence of intoxicating  
39 liquor or any drug, RCW 46.61.522(1)(b);

- 1 (iii) An out-of-state offense comparable to the offense specified  
2 in (b) (i) or (ii) of this subsection; or  
3 (iv) A violation of this subsection (6) or RCW 46.61.504(6).

4 **Sec. 41.** RCW 46.61.503 and 2015 2nd sp.s. c 3 s 14 are each  
5 amended to read as follows:

6 (1) Notwithstanding any other provision of this title, a person  
7 is guilty of driving or being in physical control of a motor vehicle  
8 after consuming alcohol or (~~marijuana~~) cannabis if the person  
9 operates or is in physical control of a motor vehicle within this  
10 state and the person:

11 (a) Is under the age of twenty-one; and

12 (b) Has, within two hours after operating or being in physical  
13 control of the motor vehicle, either:

14 (i) An alcohol concentration of at least 0.02 but less than the  
15 concentration specified in RCW 46.61.502, as shown by analysis of the  
16 person's breath or blood made under RCW 46.61.506; or

17 (ii) A THC concentration above 0.00 but less than the  
18 concentration specified in RCW 46.61.502, as shown by analysis of the  
19 person's blood made under RCW 46.61.506.

20 (2) It is an affirmative defense to a violation of subsection (1)  
21 of this section, which the defendant must prove by a preponderance of  
22 the evidence, that the defendant consumed a sufficient quantity of  
23 alcohol or (~~marijuana~~) cannabis after the time of driving or being  
24 in physical control and before the administration of an analysis of  
25 the person's breath or blood to cause the defendant's alcohol or THC  
26 concentration to be in violation of subsection (1) of this section  
27 within two hours after driving or being in physical control. The  
28 court shall not admit evidence of this defense unless the defendant  
29 notifies the prosecution prior to the earlier of: (a) Seven days  
30 prior to trial; or (b) the omnibus or pretrial hearing in the case of  
31 the defendant's intent to assert the affirmative defense.

32 (3) No person may be convicted under this section for being in  
33 physical control of a motor vehicle and it is an affirmative defense  
34 to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny  
35 the privilege to drive, if, prior to being pursued by a law  
36 enforcement officer, the person has moved the vehicle safely off the  
37 roadway.

38 (4) Analyses of blood or breath samples obtained more than two  
39 hours after the alleged driving or being in physical control may be

1 used as evidence that within two hours of the alleged driving or  
2 being in physical control, a person had an alcohol or THC  
3 concentration in violation of subsection (1) of this section.

4 (5) A violation of this section is a misdemeanor.

5 **Sec. 42.** RCW 46.61.504 and 2017 c 335 s 2 are each amended to  
6 read as follows:

7 (1) A person is guilty of being in actual physical control of a  
8 motor vehicle while under the influence of intoxicating liquor or any  
9 drug if the person has actual physical control of a vehicle within  
10 this state:

11 (a) And the person has, within two hours after being in actual  
12 physical control of the vehicle, an alcohol concentration of 0.08 or  
13 higher as shown by analysis of the person's breath or blood made  
14 under RCW 46.61.506; or

15 (b) The person has, within two hours after being in actual  
16 physical control of a vehicle, a THC concentration of 5.00 or higher  
17 as shown by analysis of the person's blood made under RCW 46.61.506;  
18 or

19 (c) While the person is under the influence of or affected by  
20 intoxicating liquor or any drug; or

21 (d) While the person is under the combined influence of or  
22 affected by intoxicating liquor and any drug.

23 (2) The fact that a person charged with a violation of this  
24 section is or has been entitled to use a drug under the laws of this  
25 state does not constitute a defense against any charge of violating  
26 this section. No person may be convicted under this section and it is  
27 an affirmative defense to any action pursuant to RCW 46.20.308 to  
28 suspend, revoke, or deny the privilege to drive if, prior to being  
29 pursued by a law enforcement officer, the person has moved the  
30 vehicle safely off the roadway.

31 (3)(a) It is an affirmative defense to a violation of subsection  
32 (1)(a) of this section which the defendant must prove by a  
33 preponderance of the evidence that the defendant consumed a  
34 sufficient quantity of alcohol after the time of being in actual  
35 physical control of the vehicle and before the administration of an  
36 analysis of the person's breath or blood to cause the defendant's  
37 alcohol concentration to be 0.08 or more within two hours after being  
38 in such control. The court shall not admit evidence of this defense  
39 unless the defendant notifies the prosecution prior to the omnibus or

1 pretrial hearing in the case of the defendant's intent to assert the  
2 affirmative defense.

3 (b) It is an affirmative defense to a violation of subsection  
4 (1)(b) of this section, which the defendant must prove by a  
5 preponderance of the evidence, that the defendant consumed a  
6 sufficient quantity of (~~marijuana~~) cannabis after the time of being  
7 in actual physical control of the vehicle and before the  
8 administration of an analysis of the person's blood to cause the  
9 defendant's THC concentration to be 5.00 or more within two hours  
10 after being in control of the vehicle. The court shall not admit  
11 evidence of this defense unless the defendant notifies the  
12 prosecution prior to the omnibus or pretrial hearing in the case of  
13 the defendant's intent to assert the affirmative defense.

14 (4)(a) Analyses of blood or breath samples obtained more than two  
15 hours after the alleged being in actual physical control of a vehicle  
16 may be used as evidence that within two hours of the alleged being in  
17 such control, a person had an alcohol concentration of 0.08 or more  
18 in violation of subsection (1)(a) of this section, and in any case in  
19 which the analysis shows an alcohol concentration above 0.00 may be  
20 used as evidence that a person was under the influence of or affected  
21 by intoxicating liquor or any drug in violation of subsection (1)(c)  
22 or (d) of this section.

23 (b) Analyses of blood samples obtained more than two hours after  
24 the alleged being in actual physical control of a vehicle may be used  
25 as evidence that within two hours of the alleged being in control of  
26 the vehicle, a person had a THC concentration of 5.00 or more in  
27 violation of subsection (1)(b) of this section, and in any case in  
28 which the analysis shows a THC concentration above 0.00 may be used  
29 as evidence that a person was under the influence of or affected by  
30 (~~marijuana~~) cannabis in violation of subsection (1)(c) or (d) of  
31 this section.

32 (5) Except as provided in subsection (6) of this section, a  
33 violation of this section is a gross misdemeanor.

34 (6) It is a class C felony punishable under chapter 9.94A RCW, or  
35 chapter 13.40 RCW if the person is a juvenile, if:

36 (a) The person has three or more prior offenses within ten years  
37 as defined in RCW 46.61.5055; or

38 (b) The person has ever previously been convicted of:

39 (i) Vehicular homicide while under the influence of intoxicating  
40 liquor or any drug, RCW 46.61.520(1)(a);



- 1 (ii) Vehicular assault while under the influence of intoxicating  
2 liquor or any drug, RCW 46.61.522(1)(b);
- 3 (iii) An out-of-state offense comparable to the offense specified  
4 in (b)(i) or (ii) of this subsection; or
- 5 (iv) A violation of this subsection (6) or RCW 46.61.502(6).

6 **Sec. 43.** RCW 46.61.50571 and 2015 3rd sp.s. c 35 s 2 are each  
7 amended to read as follows:

8 (1) A defendant who is charged with an offense involving driving  
9 while under the influence as defined in RCW 46.61.502, driving under  
10 age twenty-one after consuming alcohol or (~~marijuana~~) cannabis as  
11 defined in RCW 46.61.503, or being in physical control of a vehicle  
12 while under the influence as defined in RCW 46.61.504, shall be  
13 required to appear in person before a judicial officer within one  
14 judicial day after the arrest if the defendant is served with a  
15 citation or complaint at the time of the arrest. A court may by local  
16 court rule waive the requirement for appearance within one judicial  
17 day if it provides for the appearance at the earliest practicable day  
18 following arrest and establishes the method for identifying that day  
19 in the rule.

20 (2) A defendant who is charged with an offense involving driving  
21 while under the influence as defined in RCW 46.61.502, driving under  
22 age twenty-one after consuming alcohol or (~~marijuana~~) cannabis as  
23 defined in RCW 46.61.503, or being in physical control of a vehicle  
24 while under the influence as defined in RCW 46.61.504, and who is not  
25 served with a citation or complaint at the time of the incident,  
26 shall appear in court for arraignment in person as soon as  
27 practicable, but in no event later than fourteen days after the next  
28 day on which court is in session following the issuance of the  
29 citation or the filing of the complaint or information.

30 (3) At the time of an appearance required by this section, the  
31 court shall determine the necessity of imposing conditions of  
32 pretrial release according to the procedures established by court  
33 rule for a preliminary appearance or an arraignment.

34 (4) Appearances required by this section are mandatory and may  
35 not be waived.

36 (5) If electronic monitoring or alcohol abstinence monitoring is  
37 ordered, the court shall specify who shall provide the monitoring  
38 services, and the terms under which the monitoring shall be  
39 performed. Upon conviction, the court may require as a condition of

1 the sentence that the defendant reimburse the providing agency for  
2 the costs of the electronic monitoring or abstinence monitoring.

3 **Sec. 44.** RCW 46.61.5249 and 2013 2nd sp.s. c 35 s 16 are each  
4 amended to read as follows:

5 (1)(a) A person is guilty of negligent driving in the first  
6 degree if he or she operates a motor vehicle in a manner that is both  
7 negligent and endangers or is likely to endanger any person or  
8 property, and exhibits the effects of having consumed liquor or  
9 (~~(marijuana)~~) cannabis or any drug or exhibits the effects of having  
10 inhaled or ingested any chemical, whether or not a legal substance,  
11 for its intoxicating or hallucinatory effects.

12 (b) It is an affirmative defense to negligent driving in the  
13 first degree by means of exhibiting the effects of having consumed  
14 any drug that must be proved by the defendant by a preponderance of  
15 the evidence, that the driver has a valid prescription for the drug  
16 consumed, and has been consuming it according to the prescription  
17 directions and warnings.

18 (c) Negligent driving in the first degree is a misdemeanor.

19 (2) For the purposes of this section:

20 (a) "Negligent" means the failure to exercise ordinary care, and  
21 is the doing of some act that a reasonably careful person would not  
22 do under the same or similar circumstances or the failure to do  
23 something that a reasonably careful person would do under the same or  
24 similar circumstances.

25 (b) "Exhibiting the effects of having consumed liquor,  
26 (~~(marijuana)~~) cannabis, or any drug" means that a person has the odor  
27 of liquor, (~~(marijuana)~~) cannabis, or any drug on his or her breath,  
28 or that by speech, manner, appearance, behavior, lack of  
29 coordination, or otherwise exhibits that he or she has consumed  
30 liquor, (~~(marijuana)~~) cannabis, or any drug, and either:

31 (i) Is in possession of or in close proximity to a container that  
32 has or recently had liquor, (~~(marijuana)~~) cannabis, or any drug in  
33 it; or

34 (ii) Is shown by other evidence to have recently consumed liquor,  
35 (~~(marijuana)~~) cannabis, or any drug.

36 (c) "Exhibiting the effects of having inhaled or ingested any  
37 chemical, whether or not a legal substance, for its intoxicating or  
38 hallucinatory effects" means that a person by speech, manner,

1 appearance, behavior, or lack of coordination or otherwise exhibits  
2 that he or she has inhaled or ingested a chemical and either:

3 (i) Is in possession of the canister or container from which the  
4 chemical came; or

5 (ii) Is shown by other evidence to have recently inhaled or  
6 ingested a chemical for its intoxicating or hallucinatory effects.

7 (3) Any act prohibited by this section that also constitutes a  
8 crime under any other law of this state may be the basis of  
9 prosecution under such other law notwithstanding that it may also be  
10 the basis for prosecution under this section.

11 (4) A person convicted of negligent driving in the first degree  
12 who has one or more prior offenses as defined in RCW 46.61.5055(14)  
13 within seven years shall be required, under RCW 46.20.720, to install  
14 an ignition interlock device on all vehicles operated by the person.

15 **Sec. 45.** RCW 46.61.745 and 2015 2nd sp.s. c 3 s 8 are each  
16 amended to read as follows:

17 (1)(a) It is a traffic infraction:

18 (i) For the registered owner of a motor vehicle, or the driver if  
19 the registered owner is not then present, or passengers in the  
20 vehicle, to keep ((~~marijuana~~)) cannabis in a motor vehicle when the  
21 vehicle is upon a highway, unless it is (A) in the trunk of the  
22 vehicle, (B) in some other area of the vehicle not normally occupied  
23 or directly accessible by the driver or passengers if the vehicle  
24 does not have a trunk, or (C) in a package, container, or receptacle  
25 that has not been opened or the seal broken or contents partially  
26 removed. A utility compartment or glove compartment is deemed to be  
27 within the area occupied by the driver and passengers;

28 (ii) To consume ((~~marijuana~~)) cannabis in any manner including,  
29 but not limited to, smoking or ingesting in a motor vehicle when the  
30 vehicle is upon the public highway; or

31 (iii) To place ((~~marijuana~~)) cannabis in a container specifically  
32 labeled by the manufacturer of the container as containing a  
33 ((~~nonmarijuana~~)) noncannabis substance and to then violate (a)(i) of  
34 this subsection.

35 (b) There is a rebuttable presumption that it is a traffic  
36 infraction if the original container of ((~~marijuana~~)) cannabis is  
37 incorrectly labeled and there is a subsequent violation of (a)(i) of  
38 this subsection.

1       (2) As used in this section, (~~("marijuana" or "marihuana")~~)  
2 "cannabis" means all parts of the plant *Cannabis*, whether growing or  
3 not; the seeds thereof; the resin extracted from any part of the  
4 plant; and every compound, manufacture, salt, derivative, mixture, or  
5 preparation of the plant, its seeds, or resin. The term does not  
6 include the mature stalks of the plant, fiber produced from the  
7 stalks, oil or cake made from the seeds of the plant, any other  
8 compound, manufacture, salt, derivative, mixture, or preparation of  
9 the mature stalks, except the resin extracted therefrom, fiber, oil,  
10 or cake, or the sterilized seed of the plant which is incapable of  
11 germination.

12       **Sec. 46.** RCW 66.08.050 and 2015 2nd sp.s. c 4 s 601 are each  
13 amended to read as follows:

14       The board, subject to the provisions of this title and the rules,  
15 must:

16       (1) Determine the nature, form and capacity of all packages to be  
17 used for containing liquor kept for sale under this title;

18       (2) Execute or cause to be executed, all contracts, papers, and  
19 documents in the name of the board, under such regulations as the  
20 board may fix;

21       (3) Pay all customs, duties, excises, charges and obligations  
22 whatsoever relating to the business of the board;

23       (4) Require bonds from all employees in the discretion of the  
24 board, and to determine the amount of fidelity bond of each such  
25 employee;

26       (5) Perform services for the state lottery commission to such  
27 extent, and for such compensation, as may be mutually agreed upon  
28 between the board and the commission;

29       (6) Accept and deposit into the general fund-local account and  
30 disburse, subject to appropriation, federal grants or other funds or  
31 donations from any source for the purpose of improving public  
32 awareness of the health risks associated with alcohol and  
33 (~~("marijuana")~~) cannabis consumption by youth and the abuse of alcohol  
34 and (~~("marijuana")~~) cannabis by adults in Washington state. The board's  
35 alcohol awareness program must cooperate with federal and state  
36 agencies, interested organizations, and individuals to effect an  
37 active public beverage alcohol awareness program. For the purposes of  
38 this subsection, "cannabis" has the meaning provided in RCW  
39 69.50.101;

1 (7) Monitor and regulate the practices of licensees as necessary  
2 in order to prevent the theft and illegal trafficking of liquor  
3 pursuant to RCW 66.28.350;

4 (8) Perform all other matters and things, whether similar to the  
5 foregoing or not, to carry out the provisions of this title, and has  
6 full power to do each and every act necessary to the conduct of its  
7 regulatory functions, including all supplies procurement, preparation  
8 and approval of forms, and every other undertaking necessary to  
9 perform its regulatory functions whatsoever, subject only to audit by  
10 the state auditor. However, the board has no authority to regulate  
11 the content of spoken language on licensed premises where wine and  
12 other liquors are served and where there is not a clear and present  
13 danger of disorderly conduct being provoked by such language or to  
14 restrict advertising of lawful prices.

15 **Sec. 47.** RCW 69.04.480 and 2009 c 549 s 1023 are each amended to  
16 read as follows:

17 A drug or device shall be deemed to be misbranded if it is for  
18 use by human beings and contains any quantity of the narcotic or  
19 hypnotic substance alpha eucaine, barbituric acid, beta eucaine,  
20 bromal, cannabis, as that term is defined in RCW 69.50.101,  
21 carbromal, chloral, coca, cocaine, codeine, heroin, ((marijuana,))  
22 morphine, opium, paraldehyde, peyote, or sulphomethane; or any  
23 chemical derivative of such substance, which derivative has been  
24 designated as habit forming by regulations promulgated under section  
25 502(d) of the federal act; unless its label bears the name and  
26 quantity or proportion of such substance or derivative and in  
27 juxtaposition therewith the statement "Warning—May be habit forming."

28 **Sec. 48.** RCW 69.07.010 and 2021 c 104 s 5 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Board" means the state liquor and cannabis board.

33 (2) "Department" means the department of agriculture of the state  
34 of Washington.

35 (3) "Director" means the director of the department.

36 (4) "Food" means any substance used for food or drink by any  
37 person, including ice, bottled water, and any ingredient used for

1 components of any such substance regardless of the quantity of such  
2 component.

3 (5) "Food processing" means the handling or processing of any  
4 food in any manner in preparation for sale for human consumption:  
5 PROVIDED, That it shall not include fresh fruit or vegetables merely  
6 washed or trimmed while being prepared or packaged for sale in their  
7 natural state.

8 (6) "Food processing plant" includes but is not limited to any  
9 premises, plant, establishment, building, room, area, facilities and  
10 the appurtenances thereto, in whole or in part, where food is  
11 prepared, handled or processed in any manner for distribution or sale  
12 for resale by retail outlets, restaurants, and any such other  
13 facility selling or distributing to the ultimate consumer: PROVIDED,  
14 That, as set forth herein, establishments processing foods in any  
15 manner for resale shall be considered a food processing plant as to  
16 such processing.

17 (7) "Food service establishment" shall mean any fixed or mobile  
18 restaurant, coffee shop, cafeteria, short order cafe, luncheonette,  
19 grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail  
20 lounge, night club, roadside stand, industrial-feeding establishment,  
21 retail grocery, retail food market, retail meat market, retail  
22 bakery, private, public, or nonprofit organization routinely serving  
23 food, catering kitchen, commissary or similar place in which food or  
24 drink is prepared for sale or for service on the premises or  
25 elsewhere, and any other eating or drinking establishment or  
26 operation where food is served or provided for the public with or  
27 without charge.

28 For the purpose of this chapter any custom cannery or processing  
29 plant where raw food products, food, or food products are processed  
30 for the owner thereof, or the food processing facilities are made  
31 available to the owners or persons in control of raw food products or  
32 food or food products for processing in any manner, shall be  
33 considered to be food processing plants.

34 (8) "Hemp extract" means a substance or compound intended for  
35 human ingestion that is derived from, or made by, processing hemp.  
36 The term does not include hemp seeds or hemp seed-derived ingredients  
37 that are generally recognized as safe by the United States food and  
38 drug administration.

39 (9) "Hemp extract certification" means a certification issued by  
40 the department to a hemp processor manufacturing hemp extract for

export to other states, which certifies the hemp processor's compliance with Washington state's inspection and sanitation requirements.

(10) "Hemp processor" has same meaning as defined in RCW 15.140.020.

(11) (~~("Marijuana")~~) "Cannabis" has the definition in RCW 69.50.101.

(12) (~~("Marijuana-infused")~~) "Cannabis-infused edible" has the same meaning as (~~("marijuana-infused")~~) "cannabis-infused products" as defined in RCW 69.50.101, but limited to products intended for oral consumption.

(13) (~~("Marijuana-infused")~~) "Cannabis-infused edible processing" means processing, packaging, or making (~~("marijuana-infused")~~) cannabis-infused edibles using (~~("marijuana")~~) cannabis, (~~("marijuana")~~) cannabis extract, or (~~("marijuana")~~) cannabis concentrates as an ingredient. The term does not include preparation of (~~("marijuana")~~) cannabis as an ingredient including, but not limited to, processing (~~("marijuana")~~) cannabis extracts or (~~("marijuana")~~) cannabis concentrates.

(14) (~~("Marijuana")~~) "Cannabis processor" has the definition in RCW 69.50.101.

(15) "Person" means an individual, partnership, corporation, or association.

(16) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

**Sec. 49.** RCW 69.07.020 and 2021 c 104 s 7 are each amended to read as follows:

(1) The department shall enforce and carry out the provisions of this chapter, and may adopt the necessary rules to carry out its purposes.

(2) Such rules may include:

(a) Standards for temperature controls in the storage of foods, so as to provide proper refrigeration.

(b) Standards for temperatures at which low acid foods must be processed and the length of time such temperatures must be applied and at what pressure in the processing of such low acid foods.

(c) Standards and types of recording devices that must be used in providing records of the processing of low acid foods, and how they

1 shall be made available to the department of agriculture for  
2 inspection.

3 (d) Requirements for the keeping of records of the temperatures,  
4 times and pressures at which foods were processed, or for the  
5 temperatures at which refrigerated products were stored by the  
6 licensee and the furnishing of such records to the department.

7 (e) Standards that must be used to establish the temperature and  
8 purity of water used in the processing of foods.

9 (3) The department may adopt rules specific to (~~marijuana-~~  
10 ~~infused~~) cannabis-infused edibles. Such rules must be written and  
11 interpreted to be consistent with rules adopted by the board and the  
12 department of health.

13 (4) The department may adopt rules specific to hemp extract  
14 certification to implement RCW 69.07.220.

15 **Sec. 50.** RCW 69.07.200 and 2017 c 138 s 4 are each amended to  
16 read as follows:

17 (1) In addition to the requirements administered by the board  
18 under chapter 69.50 RCW, the department shall regulate (~~marijuana-~~  
19 ~~infused~~) cannabis-infused edible processing the same as other food  
20 processing under this chapter, except:

21 (a) The department shall not consider foods containing  
22 (~~marijuana~~) cannabis to be adulterated when produced in compliance  
23 with chapter 69.50 RCW and the rules adopted by the board;

24 (b) Initial issuance and renewal for an annual (~~marijuana-~~  
25 ~~infused~~) cannabis-infused edible endorsement in lieu of a food  
26 processing license under RCW 69.07.040 must be made through the  
27 business licensing system under chapter 19.02 RCW;

28 (c) Renewal of the endorsement must coincide with renewal of the  
29 endorsement holder's (~~marijuana~~) cannabis processor license;

30 (d) The department shall adopt a penalty schedule specific to  
31 (~~marijuana~~) cannabis processors, which may have values equivalent  
32 to the penalty schedule adopted by the board. Such penalties are in  
33 addition to any penalties imposed under the penalty schedule adopted  
34 by the board; and

35 (e) The department shall notify the board of violations by  
36 (~~marijuana~~) cannabis processors under this chapter.

37 (2) A (~~marijuana~~) cannabis processor that processes, packages,  
38 or makes (~~marijuana-infused~~) cannabis-infused edibles must obtain



1 an annual (~~((marijuana-infused))~~) cannabis-infused edible endorsement,  
2 as provided in this subsection (2).

3 (a) The (~~((marijuana))~~) cannabis processor must apply for issuance  
4 and renewal for the endorsement from the department through the  
5 business licensing system under chapter 19.02 RCW.

6 (b) The (~~((marijuana))~~) cannabis processor must have a valid  
7 (~~((marijuana))~~) cannabis processor license before submitting an  
8 application for initial endorsement. The application and initial  
9 endorsement fees total eight hundred ninety-five dollars. Applicants  
10 for endorsement otherwise must meet the same requirements as  
11 applicants for a food processing license under this chapter  
12 including, but not limited to, successful completion of inspection by  
13 the department.

14 (c) Annual renewal of the endorsement must coincide with renewal  
15 of the endorsement holder's (~~((marijuana))~~) cannabis processor license.  
16 The endorsement renewal fee is eight hundred ninety-five dollars.

17 (d) A (~~((marijuana))~~) cannabis processor must obtain a separate  
18 endorsement for each location at which the (~~((marijuana))~~) cannabis  
19 processor intends to process (~~((marijuana-infused))~~) cannabis-infused  
20 edibles. Premises used for (~~((marijuana-infused))~~) cannabis-infused  
21 edible processing may not be used for processing food that does not  
22 use (~~((marijuana))~~) cannabis as an ingredient, with the exception of  
23 edibles produced solely for tasting samples or internal product  
24 testing.

25 (3) The department may deny, suspend, or revoke a (~~((marijuana-~~  
26 ~~infused))~~) cannabis-infused edible endorsement on the same grounds as  
27 the department may deny, suspend, or revoke a food processor's  
28 license under this chapter.

29 (4) Information about processors otherwise exempt from public  
30 inspection and copying under chapter 42.56 RCW is also exempt from  
31 public inspection and copying if submitted to or used by the  
32 department.

33 **Sec. 51.** RCW 69.50.101 and 2020 c 133 s 2 and 2020 c 80 s 43 are  
34 each reenacted and amended to read as follows:

35 The definitions in this section apply throughout this chapter  
36 unless the context clearly requires otherwise.

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

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

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

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

9 (c) "Board" means the Washington state liquor and cannabis board.

10 (d) "CBD concentration" has the meaning provided in RCW  
11 69.51A.010.

12 (e) "CBD product" means any product containing or consisting of  
13 cannabidiol.

14 (f) "Commission" means the pharmacy quality assurance commission.

15 (g) "Controlled substance" means a drug, substance, or immediate  
16 precursor included in Schedules I through V as set forth in federal  
17 or state laws, or federal or commission rules, but does not include  
18 hemp or industrial hemp as defined in RCW 15.140.020.

19 (h)(1) "Controlled substance analog" means a substance the  
20 chemical structure of which is substantially similar to the chemical  
21 structure of a controlled substance in Schedule I or II and:

22 (i) that has a stimulant, depressant, or hallucinogenic effect on  
23 the central nervous system substantially similar to the stimulant,  
24 depressant, or hallucinogenic effect on the central nervous system of  
25 a controlled substance included in Schedule I or II; or

26 (ii) with respect to a particular individual, that the individual  
27 represents or intends to have a stimulant, depressant, or  
28 hallucinogenic effect on the central nervous system substantially  
29 similar to the stimulant, depressant, or hallucinogenic effect on the  
30 central nervous system of a controlled substance included in Schedule  
31 I or II.

32 (2) The term does not include:

33 (i) a controlled substance;

34 (ii) a substance for which there is an approved new drug  
35 application;

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

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

4 (i) "Deliver" or "delivery" means the actual or constructive  
5 transfer from one person to another of a substance, whether or not  
6 there is an agency relationship.

7 (j) "Department" means the department of health.

8 (k) "Designated provider" has the meaning provided in RCW  
9 69.51A.010.

10 (l) "Dispense" means the interpretation of a prescription or  
11 order for a controlled substance and, pursuant to that prescription  
12 or order, the proper selection, measuring, compounding, labeling, or  
13 packaging necessary to prepare that prescription or order for  
14 delivery.

15 (m) "Dispenser" means a practitioner who dispenses.

16 (n) "Distribute" means to deliver other than by administering or  
17 dispensing a controlled substance.

18 (o) "Distributor" means a person who distributes.

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

30 (q) "Drug enforcement administration" means the drug enforcement  
31 administration in the United States Department of Justice, or its  
32 successor agency.

33 (r) "Electronic communication of prescription information" means  
34 the transmission of a prescription or refill authorization for a drug  
35 of a practitioner using computer systems. The term does not include a  
36 prescription or refill authorization verbally transmitted by  
37 telephone nor a facsimile manually signed by the practitioner.

38 (s) "Immature plant or clone" means a plant or clone that has no  
39 flowers, is less than twelve inches in height, and is less than  
40 twelve inches in diameter.

(t) "Immediate precursor" means a substance:

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

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

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

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

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

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

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

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

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

1       (y) (~~("Marijuana" or "marihuana")~~) "Cannabis" means all parts of  
2 the plant *Cannabis*, whether growing or not, with a THC concentration  
3 greater than 0.3 percent on a dry weight basis; the seeds thereof;  
4 the resin extracted from any part of the plant; and every compound,  
5 manufacture, salt, derivative, mixture, or preparation of the plant,  
6 its seeds or resin. The term does not include:

7       (1) The mature stalks of the plant, fiber produced from the  
8 stalks, oil or cake made from the seeds of the plant, any other  
9 compound, manufacture, salt, derivative, mixture, or preparation of  
10 the mature stalks (except the resin extracted therefrom), fiber, oil,  
11 or cake, or the sterilized seed of the plant which is incapable of  
12 germination; or

13       (2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds  
14 used for licensed hemp production under chapter 15.140 RCW.

15       (z) (~~("Marijuana")~~) "Cannabis concentrates" means products  
16 consisting wholly or in part of the resin extracted from any part of  
17 the plant *Cannabis* and having a THC concentration greater than ten  
18 percent.

19       (aa) (~~("Marijuana")~~) "Cannabis processor" means a person licensed  
20 by the board to process (~~(marijuana into marijuana)~~) cannabis into  
21 cannabis concentrates, useable (~~(marijuana, and marijuana-infused)~~)  
22 cannabis, and cannabis-infused products, package and label  
23 (~~(marijuana)~~) cannabis concentrates, useable (~~(marijuana, and~~  
24 ~~marijuana-infused)~~) cannabis, and cannabis-infused products for sale  
25 in retail outlets, and sell (~~(marijuana)~~) cannabis concentrates,  
26 useable (~~(marijuana, and marijuana-infused)~~) cannabis, and cannabis-  
27 infused products at wholesale to (~~(marijuana)~~) cannabis retailers.

28       (bb) (~~("Marijuana")~~) "Cannabis producer" means a person licensed  
29 by the board to produce and sell (~~(marijuana)~~) cannabis at wholesale  
30 to (~~(marijuana)~~) cannabis processors and other (~~(marijuana)~~) cannabis  
31 producers.

32       (cc) (~~("Marijuana")~~) "Cannabis products" means useable  
33 (~~(marijuana, marijuana)~~) cannabis, cannabis concentrates, and  
34 (~~(marijuana-infused)~~) cannabis-infused products as defined in this  
35 section.

36       (dd) (~~("Marijuana")~~) "Cannabis researcher" means a person licensed  
37 by the board to produce, process, and possess (~~(marijuana)~~) cannabis  
38 for the purposes of conducting research on (~~(marijuana and marijuana-~~  
39 ~~derived)~~) cannabis and cannabis-derived drug products.

1 (ee) (~~("Marijuana")~~) "Cannabis retailer" means a person licensed  
2 by the board to sell (~~(marijuana)~~) cannabis concentrates, useable  
3 (~~(marijuana, and marijuana-infused)~~) cannabis, and cannabis-infused  
4 products in a retail outlet.

5 (ff) (~~("Marijuana-infused")~~) "Cannabis-infused products" means  
6 products that contain (~~(marijuana or marijuana)~~) cannabis or cannabis  
7 extracts, are intended for human use, are derived from (~~(marijuana)~~)  
8 cannabis as defined in subsection (y) of this section, and have a THC  
9 concentration no greater than ten percent. The term (~~("marijuana-~~  
10 ~~infused")~~) "cannabis-infused products" does not include either useable  
11 (~~(marijuana or marijuana)~~) cannabis or cannabis concentrates.

12 (gg) "Narcotic drug" means any of the following, whether produced  
13 directly or indirectly by extraction from substances of vegetable  
14 origin, or independently by means of chemical synthesis, or by a  
15 combination of extraction and chemical synthesis:

16 (1) Opium, opium derivative, and any derivative of opium or opium  
17 derivative, including their salts, isomers, and salts of isomers,  
18 whenever the existence of the salts, isomers, and salts of isomers is  
19 possible within the specific chemical designation. The term does not  
20 include the isoquinoline alkaloids of opium.

21 (2) Synthetic opiate and any derivative of synthetic opiate,  
22 including their isomers, esters, ethers, salts, and salts of isomers,  
23 esters, and ethers, whenever the existence of the isomers, esters,  
24 ethers, and salts is possible within the specific chemical  
25 designation.

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

27 (4) Coca leaves, except coca leaves and extracts of coca leaves  
28 from which cocaine, ecgonine, and derivatives or ecgonine or their  
29 salts have been removed.

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

31 (6) Cocaine base.

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

34 (8) Any compound, mixture, or preparation containing any quantity  
35 of any substance referred to in (1) through (7) of this subsection.

36 (hh) "Opiate" means any substance having an addiction-forming or  
37 addiction-sustaining liability similar to morphine or being capable  
38 of conversion into a drug having addiction-forming or addiction-  
39 sustaining liability. The term includes opium, substances derived  
40 from opium (opium derivatives), and synthetic opiates. The term does

not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

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

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

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

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

(mm) "Practitioner" means:

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

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

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by

1 his or her state's medical commission or equivalent and his or her  
2 supervising physician, an advanced registered nurse practitioner  
3 licensed to prescribe controlled substances, or a veterinarian  
4 licensed to practice veterinary medicine in any state of the United  
5 States.

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

10 (oo) "Production" includes the manufacturing, planting,  
11 cultivating, growing, or harvesting of a controlled substance.

12 (pp) "Qualifying patient" has the meaning provided in RCW  
13 69.51A.010.

14 (qq) "Recognition card" has the meaning provided in RCW  
15 69.51A.010.

16 (rr) "Retail outlet" means a location licensed by the board for  
17 the retail sale of ((marijuana)) cannabis concentrates, useable  
18 ((marijuana, and marijuana-infused)) cannabis, and cannabis-infused  
19 products.

20 (ss) "Secretary" means the secretary of health or the secretary's  
21 designee.

22 (tt) "State," unless the context otherwise requires, means a  
23 state of the United States, the District of Columbia, the  
24 Commonwealth of Puerto Rico, or a territory or insular possession  
25 subject to the jurisdiction of the United States.

26 (uu) "THC concentration" means percent of delta-9  
27 tetrahydrocannabinol content per dry weight of any part of the plant  
28 *Cannabis*, or per volume or weight of ((marijuana)) cannabis product,  
29 or the combined percent of delta-9 tetrahydrocannabinol and  
30 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
31 regardless of moisture content.

32 (vv) "Ultimate user" means an individual who lawfully possesses a  
33 controlled substance for the individual's own use or for the use of a  
34 member of the individual's household or for administering to an  
35 animal owned by the individual or by a member of the individual's  
36 household.

37 (ww) "Useable ((marijuana)) cannabis" means dried ((marijuana))  
38 cannabis flowers. The term "useable ((marijuana)) cannabis" does not  
39 include either ((marijuana-infused)) cannabis-infused products or  
40 ((marijuana)) cannabis concentrates.



(xx) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

**Sec. 52.** RCW 69.50.102 and 2012 c 117 s 366 are each amended to read as follows:

(a) As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, (~~marihuana~~) cannabis;

(8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

1 (9) Capsules, balloons, envelopes, and other containers used,  
2 intended for use, or designed for use in packaging small quantities  
3 of controlled substances;

4 (10) Containers and other objects used, intended for use, or  
5 designed for use in storing or concealing controlled substances;

6 (11) Hypodermic syringes, needles, and other objects used,  
7 intended for use, or designed for use in parenterally injecting  
8 controlled substances into the human body;

9 (12) Objects used, intended for use, or designed for use in  
10 ingesting, inhaling, or otherwise introducing ((~~marihuana~~)) cannabis,  
11 cocaine, hashish, or hashish oil into the human body, such as:

12 (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic  
13 pipes with or without screens, permanent screens, hashish heads, or  
14 punctured metal bowls;

15 (ii) Water pipes;

16 (iii) Carburetion tubes and devices;

17 (iv) Smoking and carburetion masks;

18 (v) Roach clips: Meaning objects used to hold burning material,  
19 such as a ((~~marihuana~~)) cannabis cigarette, that has become too small  
20 or too short to be held in the hand;

21 (vi) Miniature cocaine spoons, and cocaine vials;

22 (vii) Chamber pipes;

23 (viii) Carburetor pipes;

24 (ix) Electric pipes;

25 (x) Air-driven pipes;

26 (xi) Chillums;

27 (xii) Bongs; and

28 (xiii) Ice pipes or chillers.

29 (b) In determining whether an object is drug paraphernalia under  
30 this section, a court or other authority should consider, in addition  
31 to all other logically relevant factors, the following:

32 (1) Statements by an owner or by anyone in control of the object  
33 concerning its use;

34 (2) Prior convictions, if any, of an owner, or of anyone in  
35 control of the object, under any state or federal law relating to any  
36 controlled substance;

37 (3) The proximity of the object, in time and space, to a direct  
38 violation of this chapter;

39 (4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;

(7) Instructions, oral or written, provided with the object concerning its use;

(8) Descriptive materials accompanying the object which explain or depict its use;

(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community; and

(14) Expert testimony concerning its use.

**Sec. 53.** RCW 69.50.204 and 2019 c 158 s 13 are each amended to read as follows:

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

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

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

(5) Alphameprodine;

1 (6) Alphamethadol;  
2 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)  
3 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-  
4 propanilido) piperidine);  
5 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-  
6 piperidinyl]-N-phenylpropanamide);  
7 (9) Benzethidine;  
8 (10) Betacetylmethadol;  
9 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-  
10 piperidinyl]-N-phenylpropanamide);  
11 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:  
12 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-  
13 phenylpropanamide;  
14 (13) Betameprodine;  
15 (14) Betamethadol;  
16 (15) Betaprodine;  
17 (16) Clonitazene;  
18 (17) Dextromoramide;  
19 (18) Diampromide;  
20 (19) Diethylthiambutene;  
21 (20) Difenoxin;  
22 (21) Dimenoxadol;  
23 (22) Dimepheptanol;  
24 (23) Dimethylthiambutene;  
25 (24) Dioxaphetyl butyrate;  
26 (25) Dipipanone;  
27 (26) Ethylmethylthiambutene;  
28 (27) Etonitazene;  
29 (28) Etoxeridine;  
30 (29) Furethidine;  
31 (30) Hydroxypethidine;  
32 (31) Ketobemidone;  
33 (32) Levomoramide;  
34 (33) Levophenacylmorphane;  
35 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-  
36 piperidyl]-N-phenylprop anamide);  
37 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-  
38 piperidinyl]-N-phenylpropanamide);  
39 (36) Morpheridine;  
40 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

1 (38) Noracymethadol;  
2 (39) Norlevorphanol;  
3 (40) Normethadone;  
4 (41) Norpipanone;  
5 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-  
6 phenethyl)-4-piperidinyl] propanamide);  
7 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
8 (44) Phenadoxone;  
9 (45) Phenampromide;  
10 (46) Phenomorphan;  
11 (47) Phenoperidine;  
12 (48) Piritramide;  
13 (49) Proheptazine;  
14 (50) Properidine;  
15 (51) Propiram;  
16 (52) Racemoramide;  
17 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-  
18 propanamide);  
19 (54) Tilidine;  
20 (55) Trimeperidine.  
21 (b) Opium derivatives. Unless specifically excepted or unless  
22 listed in another schedule, any of the following opium derivatives,  
23 including their salts, isomers, and salts of isomers whenever the  
24 existence of those salts, isomers, and salts of isomers is possible  
25 within the specific chemical designation:  
26 (1) Acetorphine;  
27 (2) Acetyldihydrocodeine;  
28 (3) Benzylmorphine;  
29 (4) Codeine methylbromide;  
30 (5) Codeine-N-Oxide;  
31 (6) Cyprenorphine;  
32 (7) Desomorphine;  
33 (8) Dihydromorphine;  
34 (9) Drotebanol;  
35 (10) Etorphine, except hydrochloride salt;  
36 (11) Heroin;  
37 (12) Hydromorphenol;  
38 (13) Methyldesorphine;  
39 (14) Methyldihydromorphine;  
40 (15) Morphine methylbromide;

- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

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

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

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

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

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

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

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

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

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

(9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;

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

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

(B) 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;

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

(D) That is chemically synthesized and either:

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

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

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

(ii) Hemp and industrial hemp, as defined in RCW 15.140.020, are excepted from the categories of controlled substances identified under this section;

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

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

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

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

(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

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



(2) Mecloqualone;

(3) Methaqualone.

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

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

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

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

(4) Fenethylline;

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

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

(7) N-ethylamphetamine;

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

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

**Sec. 54.** RCW 69.50.325 and 2020 c 236 s 6 are each amended to read as follows:

(1) There shall be a ((~~marijuana~~)) cannabis producer's license regulated by the board and subject to annual renewal. The licensee is authorized to produce: (a) ((~~Marijuana~~)) Cannabis for sale at wholesale to ((~~marijuana~~)) cannabis processors and other ((~~marijuana~~)) cannabis producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of ((~~marijuana~~)) cannabis in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a

1 validly licensed ((~~marijuana~~)) cannabis producer, shall not be a  
2 criminal or civil offense under Washington state law. Every  
3 ((~~marijuana~~)) cannabis producer's license shall be issued in the name  
4 of the applicant, shall specify the location at which the  
5 ((~~marijuana~~)) cannabis producer intends to operate, which must be  
6 within the state of Washington, and the holder thereof shall not  
7 allow any other person to use the license. The application fee for a  
8 ((~~marijuana~~)) cannabis producer's license shall be two hundred fifty  
9 dollars. The annual fee for issuance and renewal of a ((~~marijuana~~))  
10 cannabis producer's license shall be one thousand three hundred  
11 eighty-one dollars. A separate license shall be required for each  
12 location at which a ((~~marijuana~~)) cannabis producer intends to  
13 produce ((~~marijuana~~)) cannabis.

14 (2) There shall be a ((~~marijuana~~)) cannabis processor's license  
15 to process, package, and label ((~~marijuana~~)) cannabis concentrates,  
16 useable ((~~marijuana, and marijuana-infused~~)) cannabis, and cannabis-  
17 infused products for sale at wholesale to ((~~marijuana~~)) cannabis  
18 processors and ((~~marijuana~~)) cannabis retailers, regulated by the  
19 board and subject to annual renewal. The processing, packaging,  
20 possession, delivery, distribution, and sale of ((~~marijuana~~))  
21 cannabis, useable ((~~marijuana, —marijuana-infused~~)) cannabis,  
22 cannabis-infused products, and ((~~marijuana~~)) cannabis concentrates in  
23 accordance with the provisions of this chapter and chapter 69.51A RCW  
24 and the rules adopted to implement and enforce these chapters, by a  
25 validly licensed ((~~marijuana~~)) cannabis processor, shall not be a  
26 criminal or civil offense under Washington state law. Every  
27 ((~~marijuana~~)) cannabis processor's license shall be issued in the  
28 name of the applicant, shall specify the location at which the  
29 licensee intends to operate, which must be within the state of  
30 Washington, and the holder thereof shall not allow any other person  
31 to use the license. The application fee for a ((~~marijuana~~)) cannabis  
32 processor's license shall be two hundred fifty dollars. The annual  
33 fee for issuance and renewal of a ((~~marijuana~~)) cannabis processor's  
34 license shall be one thousand three hundred eighty-one dollars. A  
35 separate license shall be required for each location at which a  
36 ((~~marijuana~~)) cannabis processor intends to process ((~~marijuana~~))  
37 cannabis.

38 (3)(a) There shall be a ((~~marijuana~~)) cannabis retailer's license  
39 to sell ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, and~~  
40 ~~marijuana-infused~~)) cannabis, and cannabis-infused products at retail

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

20 (b) An individual retail licensee and all other persons or  
21 entities with a financial or other ownership interest in the business  
22 operating under the license are limited, in the aggregate, to holding  
23 a collective total of not more than five retail ((~~marijuana~~))  
24 cannabis licenses.

25 (c)(i) A ((~~marijuana~~)) cannabis retailer's license is subject to  
26 forfeiture in accordance with rules adopted by the board pursuant to  
27 this section.

28 (ii) The board shall adopt rules to establish a license  
29 forfeiture process for a licensed ((~~marijuana~~)) cannabis retailer  
30 that is not fully operational and open to the public within a  
31 specified period from the date of license issuance, as established by  
32 the board, subject to the following restrictions:

33 (A) No ((~~marijuana~~)) cannabis retailer's license may be subject  
34 to forfeiture within the first nine months of license issuance; and

35 (B) The board must require license forfeiture on or before  
36 twenty-four calendar months of license issuance if a ((~~marijuana~~))  
37 cannabis retailer is not fully operational and open to the public,  
38 unless the board determines that circumstances out of the licensee's  
39 control are preventing the licensee from becoming fully operational

1 and that, in the board's discretion, the circumstances warrant  
2 extending the forfeiture period beyond twenty-four calendar months.

3 (iii) The board has discretion in adopting rules under this  
4 subsection (3)(c).

5 (iv) This subsection (3)(c) applies to ((marijuana)) cannabis  
6 retailer's licenses issued before and after July 23, 2017. However,  
7 no license of a ((marijuana)) cannabis retailer that otherwise meets  
8 the conditions for license forfeiture established pursuant to this  
9 subsection (3)(c) may be subject to forfeiture within the first nine  
10 calendar months of July 23, 2017.

11 (v) The board may not require license forfeiture if the licensee  
12 has been incapable of opening a fully operational retail  
13 ((marijuana)) cannabis business due to actions by the city, town, or  
14 county with jurisdiction over the licensee that include any of the  
15 following:

16 (A) The adoption of a ban or moratorium that prohibits the  
17 opening of a retail ((marijuana)) cannabis business; or

18 (B) The adoption of an ordinance or regulation related to zoning,  
19 business licensing, land use, or other regulatory measure that has  
20 the effect of preventing a licensee from receiving an occupancy  
21 permit from the jurisdiction or which otherwise prevents a licensed  
22 ((marijuana)) cannabis retailer from becoming operational.

23 (d) The board may issue ((marijuana)) cannabis retailer licenses  
24 pursuant to this chapter and RCW 69.50.335.

25 **Sec. 55.** RCW 69.50.326 and 2018 c 132 s 1 are each amended to  
26 read as follows:

27 (1) Licensed ((marijuana)) cannabis producers and licensed  
28 ((marijuana)) cannabis processors may use a CBD product as an  
29 additive for the purpose of enhancing the cannabidiol concentration  
30 of any product authorized for production, processing, and sale under  
31 this chapter. Except as otherwise provided in subsection (2) of this  
32 section, such CBD product additives must be lawfully produced by, or  
33 purchased from, a producer or processor licensed under this chapter.

34 (2) Subject to the requirements set forth in (a) and (b) of this  
35 subsection, and for the purpose of enhancing the cannabidiol  
36 concentration of any product authorized for production, processing,  
37 or sale under this chapter, licensed ((marijuana)) cannabis producers  
38 and licensed ((marijuana)) cannabis processors may use a CBD product

1 obtained from a source not licensed under this chapter, provided the  
2 CBD product:

3 (a) Has a THC level of 0.3 percent or less on a dry weight basis;  
4 and

5 (b) Has been tested for contaminants and toxins by a testing  
6 laboratory accredited under this chapter and in accordance with  
7 testing standards established under this chapter and the applicable  
8 administrative rules.

9 (3) Subject to the requirements of this subsection (3), the  
10 (~~((liquor and cannabis))~~) board may enact rules necessary to implement  
11 the requirements of this section. Such rule making is limited to  
12 regulations pertaining to laboratory testing and product safety  
13 standards for those cannabidiol products used by licensed producers  
14 and processors in the manufacture of (~~((marijuana))~~) cannabis products  
15 marketed by licensed retailers under this chapter (~~((69.50 RCW))~~). The  
16 purpose of such rule making must be to ensure the safety and purity  
17 of cannabidiol products used by (~~((marijuana))~~) cannabis producers and  
18 processors licensed under this chapter (~~((69.50 RCW))~~) and incorporated  
19 into products sold by licensed recreational (~~((marijuana))~~) cannabis  
20 retailers. This rule-making authority does not include the authority  
21 to enact rules regarding either the production or processing  
22 practices of the industrial hemp industry or any cannabidiol products  
23 that are sold or marketed outside of the regulatory framework  
24 established under this chapter (~~((69.50 RCW))~~).

25 **Sec. 56.** RCW 69.50.327 and 2020 c 133 s 4 are each amended to  
26 read as follows:

27 (1) Except as provided in subsection (2) of this section,  
28 (~~((marijuana))~~) cannabis processors may incorporate in (~~((marijuana))~~)  
29 cannabis vapor products a characterizing flavor if the characterizing  
30 flavor is derived from botanical terpenes naturally occurring in the  
31 cannabis plant, regardless of source, and if the characterizing  
32 flavor mimics the terpene profile found in a cannabis plant.  
33 Characterizing flavors authorized under this section do not include  
34 any synthetic terpenes.

35 (2) If the board determines a characterizing flavor otherwise  
36 authorized under this section may pose a risk to public health or  
37 youth access, the board may, by rule adopted under RCW 69.50.342,  
38 prohibit the use in (~~((marijuana))~~) cannabis vapor products of such a  
39 characterizing flavor.

1       **Sec. 57.** RCW 69.50.328 and 2013 c 3 s 5 are each amended to read  
2 as follows:

3       Neither a licensed ((~~marijuana~~)) cannabis producer nor a licensed  
4 ((~~marijuana~~)) cannabis processor shall have a direct or indirect  
5 financial interest in a licensed ((~~marijuana~~)) cannabis retailer.

6       **Sec. 58.** RCW 69.50.331 and 2020 c 154 s 1 are each amended to  
7 read as follows:

8       (1) For the purpose of considering any application for a license  
9 to produce, process, research, transport, or deliver ((~~marijuana~~))  
10 cannabis, useable ((~~marijuana, marijuana~~)) cannabis, cannabis  
11 concentrates, or ((~~marijuana-infused~~)) cannabis-infused products  
12 subject to the regulations established under RCW 69.50.385, or sell  
13 ((~~marijuana~~)) cannabis, or for the renewal of a license to produce,  
14 process, research, transport, or deliver ((~~marijuana~~)) cannabis,  
15 useable ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates, or  
16 ((~~marijuana-infused~~)) cannabis-infused products subject to the  
17 regulations established under RCW 69.50.385, or sell ((~~marijuana~~))  
18 cannabis, the board must conduct a comprehensive, fair, and impartial  
19 evaluation of the applications timely received.

20       (a) The board may cause an inspection of the premises to be made,  
21 and may inquire into all matters in connection with the construction  
22 and operation of the premises. For the purpose of reviewing any  
23 application for a license and for considering the denial, suspension,  
24 revocation, cancellation, or renewal or denial thereof, of any  
25 license, the board may consider any prior criminal arrests or  
26 convictions of the applicant, any public safety administrative  
27 violation history record with the board, and a criminal history  
28 record information check. The board may submit the criminal history  
29 record information check to the Washington state patrol and to the  
30 identification division of the federal bureau of investigation in  
31 order that these agencies may search their records for prior arrests  
32 and convictions of the individual or individuals who filled out the  
33 forms. The board must require fingerprinting of any applicant whose  
34 criminal history record information check is submitted to the federal  
35 bureau of investigation. The provisions of RCW 9.95.240 and of  
36 chapter 9.96A RCW do not apply to these cases. Subject to the  
37 provisions of this section, the board may, in its discretion, grant  
38 or deny the renewal or license applied for. Denial may be based on,  
39 without limitation, the existence of chronic illegal activity

1 documented in objections submitted pursuant to subsections (7)(c) and  
2 (10) of this section. Authority to approve an uncontested or  
3 unopposed license may be granted by the board to any staff member the  
4 board designates in writing. Conditions for granting this authority  
5 must be adopted by rule.

6 (b) No license of any kind may be issued to:

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

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

11 (iii) A partnership, employee cooperative, association, nonprofit  
12 corporation, or corporation unless formed under the laws of this  
13 state, and unless all of the members thereof are qualified to obtain  
14 a license as provided in this section; or

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

18 (2)(a) The board may, in its discretion, subject to RCW  
19 43.05.160, 69.50.563, 69.50.562, 69.50.334, and 69.50.342(3) suspend  
20 or cancel any license; and all protections of the licensee from  
21 criminal or civil sanctions under state law for producing,  
22 processing, researching, or selling ((marijuana,—marijuana))  
23 cannabis, cannabis concentrates, useable ((marijuana)) cannabis, or  
24 ((marijuana-infused)) cannabis-infused products thereunder must be  
25 suspended or terminated, as the case may be.

26 (b) The board must immediately suspend the license of a person  
27 who has been certified pursuant to RCW 74.20A.320 by the department  
28 of social and health services as a person who is not in compliance  
29 with a support order. If the person has continued to meet all other  
30 requirements for reinstatement during the suspension, reissuance of  
31 the license is automatic upon the board's receipt of a release issued  
32 by the department of social and health services stating that the  
33 licensee is in compliance with the order.

34 (c) The board may request the appointment of administrative law  
35 judges under chapter 34.12 RCW who shall have power to administer  
36 oaths, issue subpoenas for the attendance of witnesses and the  
37 production of papers, books, accounts, documents, and testimony,  
38 examine witnesses, receive testimony in any inquiry, investigation,  
39 hearing, or proceeding in any part of the state, and consider

1 mitigating and aggravating circumstances in any case and deviate from  
2 any prescribed penalty, under rules the board may adopt.

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

8 (e) In case of disobedience of any person to comply with the  
9 order of the board or a subpoena issued by the board, or any of its  
10 members, or administrative law judges, or on the refusal of a witness  
11 to testify to any matter regarding which he or she may be lawfully  
12 interrogated, the judge of the superior court of the county in which  
13 the person resides, on application of any member of the board or  
14 administrative law judge, compels obedience by contempt proceedings,  
15 as in the case of disobedience of the requirements of a subpoena  
16 issued from said court or a refusal to testify therein.

17 (3) Upon receipt of notice of the suspension or cancellation of a  
18 license, the licensee must forthwith deliver up the license to the  
19 board. Where the license has been suspended only, the board must  
20 return the license to the licensee at the expiration or termination  
21 of the period of suspension. The board must notify all other  
22 licensees in the county where the subject licensee has its premises  
23 of the suspension or cancellation of the license; and no other  
24 licensee or employee of another licensee may allow or cause any  
25 (~~marijuana, marijuana~~) cannabis, cannabis concentrates, useable  
26 (~~marijuana, or marijuana-infused~~) cannabis, or cannabis-infused  
27 products to be delivered to or for any person at the premises of the  
28 subject licensee.

29 (4) Every license issued under this chapter is subject to all  
30 conditions and restrictions imposed by this chapter or by rules  
31 adopted by the board to implement and enforce this chapter. All  
32 conditions and restrictions imposed by the board in the issuance of  
33 an individual license must be listed on the face of the individual  
34 license along with the trade name, address, and expiration date.

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

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

39 (7)(a) Before the board issues a new or renewed license to an  
40 applicant it must give notice of the application to the chief



1 executive officer of the incorporated city or town, if the  
2 application is for a license within an incorporated city or town, or  
3 to the county legislative authority, if the application is for a  
4 license outside the boundaries of incorporated cities or towns, or to  
5 the tribal government if the application is for a license within  
6 Indian country, or to the port authority if the application for a  
7 license is located on property owned by a port authority.

8 (b) The incorporated city or town through the official or  
9 employee selected by it, the county legislative authority or the  
10 official or employee selected by it, the tribal government, or port  
11 authority has the right to file with the board within twenty days  
12 after the date of transmittal of the notice for applications, or at  
13 least thirty days prior to the expiration date for renewals, written  
14 objections against the applicant or against the premises for which  
15 the new or renewed license is asked. The board may extend the time  
16 period for submitting written objections upon request from the  
17 authority notified by the board.

18 (c) The written objections must include a statement of all facts  
19 upon which the objections are based, and in case written objections  
20 are filed, the city or town or county legislative authority may  
21 request, and the board may in its discretion hold, a hearing subject  
22 to the applicable provisions of Title 34 RCW. If the board makes an  
23 initial decision to deny a license or renewal based on the written  
24 objections of an incorporated city or town or county legislative  
25 authority, the applicant may request a hearing subject to the  
26 applicable provisions of Title 34 RCW. If a hearing is held at the  
27 request of the applicant, board representatives must present and  
28 defend the board's initial decision to deny a license or renewal.

29 (d) Upon the granting of a license under this title the board  
30 must send written notification to the chief executive officer of the  
31 incorporated city or town in which the license is granted, or to the  
32 county legislative authority if the license is granted outside the  
33 boundaries of incorporated cities or towns.

34 (8)(a) Except as provided in (b) through (e) of this subsection,  
35 the board may not issue a license for any premises within one  
36 thousand feet of the perimeter of the grounds of any elementary or  
37 secondary school, playground, recreation center or facility, child  
38 care center, public park, public transit center, or library, or any  
39 game arcade admission to which is not restricted to persons aged  
40 twenty-one years or older.

1 (b) A city, county, or town may permit the licensing of premises  
2 within one thousand feet but not less than one hundred feet of the  
3 facilities described in (a) of this subsection, except elementary  
4 schools, secondary schools, and playgrounds, by enacting an ordinance  
5 authorizing such distance reduction, provided that such distance  
6 reduction will not negatively impact the jurisdiction's civil  
7 regulatory enforcement, criminal law enforcement interests, public  
8 safety, or public health.

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

16 (d) The board may license premises located in compliance with the  
17 distance requirements set in an ordinance adopted under (b) or (c) of  
18 this subsection. Before issuing or renewing a research license for  
19 premises within one thousand feet but not less than one hundred feet  
20 of an elementary school, secondary school, or playground in  
21 compliance with an ordinance passed pursuant to (c) of this  
22 subsection, the board must ensure that the facility:

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

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

27 (iii) Bears no advertising or signage indicating that it is a  
28 ((marijuana)) cannabis research facility.

29 (e) The board must issue a certificate of compliance if the  
30 premises met the requirements under (a), (b), (c), or (d) of this  
31 subsection on the date of the application. The certificate allows the  
32 licensee to operate the business at the proposed location  
33 notwithstanding a later occurring, otherwise disqualifying factor.

34 (f) The board may not issue a license for any premises within  
35 Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee  
36 patent lands within the exterior boundaries of a reservation, without  
37 the consent of the federally recognized tribe associated with the  
38 reservation or Indian country.

39 (9) A city, town, or county may adopt an ordinance prohibiting a  
40 ((marijuana)) cannabis producer or ((marijuana)) cannabis processor

1 from operating or locating a business within areas zoned primarily  
2 for residential use or rural use with a minimum lot size of five  
3 acres or smaller.

4 (10) In determining whether to grant or deny a license or renewal  
5 of any license, the board must give substantial weight to objections  
6 from an incorporated city or town or county legislative authority  
7 based upon chronic illegal activity associated with the applicant's  
8 operations of the premises proposed to be licensed or the applicant's  
9 operation of any other licensed premises, or the conduct of the  
10 applicant's patrons inside or outside the licensed premises. "Chronic  
11 illegal activity" means (a) a pervasive pattern of activity that  
12 threatens the public health, safety, and welfare of the city, town,  
13 or county including, but not limited to, open container violations,  
14 assaults, disturbances, disorderly conduct, or other criminal law  
15 violations, or as documented in crime statistics, police reports,  
16 emergency medical response data, calls for service, field data, or  
17 similar records of a law enforcement agency for the city, town,  
18 county, or any other municipal corporation or any state agency; or  
19 (b) an unreasonably high number of citations for violations of RCW  
20 46.61.502 associated with the applicant's or licensee's operation of  
21 any licensed premises as indicated by the reported statements given  
22 to law enforcement upon arrest.

23 **Sec. 59.** RCW 69.50.334 and 2015 2nd sp.s. c 4 s 201 are each  
24 amended to read as follows:

25 (1) The action, order, or decision of the ((~~state liquor and~~  
26 ~~cannabis~~)) board as to any denial of an application for the  
27 reissuance of a license to produce, process, or sell ((~~marijuana~~))  
28 cannabis, or as to any revocation, suspension, or modification of any  
29 license to produce, process, or sell ((~~marijuana~~)) cannabis, or as to  
30 the administrative review of a notice of unpaid trust fund taxes  
31 under RCW 69.50.565, must be an adjudicative proceeding and subject  
32 to the applicable provisions of chapter 34.05 RCW.

33 (2) An opportunity for a hearing may be provided to an applicant  
34 for the reissuance of a license prior to the disposition of the  
35 application, and if no opportunity for a prior hearing is provided  
36 then an opportunity for a hearing to reconsider the application must  
37 be provided the applicant.

38 (3) An opportunity for a hearing must be provided to a licensee  
39 prior to a revocation or modification of any license and, except as

provided in subsection (6) of this section, prior to the suspension of any license.

(4) An opportunity for a hearing must be provided to any person issued a notice of unpaid trust fund taxes under RCW 69.50.565.

(5) No hearing may be required under this section until demanded by the applicant, licensee, or person issued a notice of unpaid trust fund taxes under RCW 69.50.565.

(6) The ((~~state liquor and cannabis~~)) board may summarily suspend a license for a period of up to one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and it incorporates a finding to that effect in its order. Proceedings for revocation or other action must be promptly instituted and determined. An administrative law judge may extend the summary suspension period for up to one calendar year from the first day of the initial summary suspension in the event the proceedings for revocation or other action cannot be completed during the initial one hundred eighty-day period due to actions by the licensee. The ((~~state liquor and cannabis~~)) board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the ((~~state liquor and cannabis~~)) board.

**Sec. 60.** RCW 69.50.335 and 2021 c 169 s 2 are each amended to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2029, cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the cannabis retailer license requirements of this chapter.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other cannabis retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

1 (b) Persons holding an existing cannabis retailer license or  
2 title certificate for a cannabis retailer business in a local  
3 jurisdiction subject to a ban or moratorium on cannabis retail  
4 businesses may apply for a license under this section.

5 (3)(a) In determining the issuance of a license among applicants,  
6 the board may prioritize applicants based on the extent to which the  
7 application addresses the components of the social equity plan.

8 (b) The board may deny any application submitted under this  
9 subsection if the board determines that:

10 (i) The application does not meet social equity goals or does not  
11 meet social equity plan requirements; or

12 (ii) The application does not otherwise meet the licensing  
13 requirements of this chapter.

14 (4) The board may adopt rules to implement this section. Rules  
15 may include strategies for receiving advice on the social equity  
16 program from individuals the program is intended to benefit. Rules  
17 may also require that licenses awarded under this section be  
18 transferred or sold only to individuals or groups of individuals who  
19 comply with the requirements for initial licensure as a social equity  
20 applicant with a social equity plan under this section.

21 (5) The annual fee for issuance, reissuance, or renewal for any  
22 license under this section must be equal to the fee established in  
23 RCW 69.50.325.

24 (6) For the purposes of this section:

25 (a) (~~("Cannabis" has the meaning provided for "marijuana" under~~  
26 ~~this chapter.~~

27 ~~(b))~~ "Disproportionately impacted area" means a census tract or  
28 comparable geographic area that satisfies the following criteria,  
29 which may be further defined in rule by the board after consultation  
30 with the commission on African American affairs and other agencies,  
31 commissions, and community members as determined by the board:

32 (i) The area has a high poverty rate;

33 (ii) The area has a high rate of participation in income-based  
34 federal or state programs;

35 (iii) The area has a high rate of unemployment; and

36 (iv) The area has a high rate of arrest, conviction, or  
37 incarceration related to the sale, possession, use, cultivation,  
38 manufacture, or transport of cannabis.

39 (~~(e))~~ (b) "Social equity applicant" means:

1 (i) An applicant who has at least fifty-one percent ownership and  
2 control by one or more individuals who have resided in a  
3 disproportionately impacted area for a period of time defined in rule  
4 by the board after consultation with the commission on African  
5 American affairs and other commissions, agencies, and community  
6 members as determined by the board;

7 (ii) An applicant who has at least fifty-one percent ownership  
8 and control by at least one individual who has been convicted of a  
9 cannabis offense, a drug offense, or is a family member of such an  
10 individual; or

11 (iii) An applicant who meets criteria defined in rule by the  
12 board after consultation with the commission on African American  
13 affairs and other commissions, agencies, and community members as  
14 determined by the board.

15 ~~((d))~~ (c) "Social equity goals" means:

16 (i) Increasing the number of cannabis retailer licenses held by  
17 social equity applicants from disproportionately impacted areas; and

18 (ii) Reducing accumulated harm suffered by individuals, families,  
19 and local areas subject to severe impacts from the historical  
20 application and enforcement of cannabis prohibition laws.

21 ~~((e))~~ (d) "Social equity plan" means a plan that addresses at  
22 least some of the elements outlined in this subsection (6) ~~((e))~~  
23 (d), along with any additional plan components or requirements  
24 approved by the board following consultation with the task force  
25 created in RCW 69.50.336. The plan may include:

26 (i) A statement that the social equity applicant qualifies as a  
27 social equity applicant and intends to own at least fifty-one percent  
28 of the proposed cannabis retail business or applicants representing  
29 at least fifty-one percent of the ownership of the proposed business  
30 qualify as social equity applicants;

31 (ii) A description of how issuing a cannabis retail license to  
32 the social equity applicant will meet social equity goals;

33 (iii) The social equity applicant's personal or family history  
34 with the criminal justice system including any offenses involving  
35 cannabis;

36 (iv) The composition of the workforce the social equity applicant  
37 intends to hire;

38 (v) Neighborhood characteristics of the location where the social  
39 equity applicant intends to operate, focusing especially on  
40 disproportionately impacted areas; and

1 (vi) Business plans involving partnerships or assistance to  
2 organizations or residents with connection to populations with a  
3 history of high rates of enforcement of cannabis prohibition.

4 **Sec. 61.** RCW 69.50.336 and 2021 c 169 s 3 are each amended to  
5 read as follows:

6 (1) A legislative task force on social equity in cannabis is  
7 established. The purpose of the task force is to make recommendations  
8 to the board including but not limited to establishing a social  
9 equity program for the issuance and reissuance of existing retail,  
10 processor, and producer cannabis licenses, and to advise the governor  
11 and the legislature on policies that will facilitate development of a  
12 cannabis social equity program.

13 (2) The members of the task force are as provided in this  
14 subsection.

15 (a) The president of the senate shall appoint one member from  
16 each of the two largest caucuses of the senate.

17 (b) The speaker of the house of representatives shall appoint one  
18 member from each of the two largest caucuses of the house of  
19 representatives.

20 (c) The president of the senate and the speaker of the house of  
21 representatives shall jointly appoint:

22 (i) One member from each of the following:

23 (A) The commission on African American affairs;

24 (B) The commission on Hispanic affairs;

25 (C) The governor's office of Indian affairs;

26 (D) An organization representing the African American community;

27 (E) An organization representing the Latinx community;

28 (F) A labor organization involved in the cannabis industry;

29 (G) The liquor and cannabis board;

30 (H) The department of commerce;

31 (I) The office of the attorney general; and

32 (J) The association of Washington cities;

33 (ii) Two members that currently hold a cannabis retail license;

34 (iii) Two members that currently hold a producer license; and

35 (iv) Two members that currently hold a processor license.

36 (3) In addition to the members appointed to the task force under  
37 subsection (2) of this section, individuals representing other  
38 sectors may be invited by the chair of the task force, in

1 consultation with the other appointed members of the task force, to  
2 participate in an advisory capacity in meetings of the task force.

3 (a) Individuals participating in an advisory capacity under this  
4 subsection are not members of the task force, may not vote, and are  
5 not subject to the appointment process established in this section.

6 (b) There is no limit to the number of individuals who may  
7 participate in task force meetings in an advisory capacity under this  
8 subsection.

9 (c) A majority of the task force members constitutes a quorum. If  
10 a member has not been designated for a position set forth in this  
11 section, that position may not be counted for the purpose of  
12 determining a quorum.

13 (4) The task force shall hold its first meeting by July 1, 2020.  
14 The task force shall elect a chair from among its legislative members  
15 at the first meeting. The election of the chair must be by a majority  
16 vote of the task force members who are present at the meeting. The  
17 chair of the task force is responsible for arranging subsequent  
18 meetings and developing meeting agendas.

19 (5) Staff support for the task force, including arranging the  
20 first meeting of the task force and assisting the chair of the task  
21 force in arranging subsequent meetings, must be provided by the  
22 health equity council of the governor's interagency  
23 (~~((coordinating))~~) coordinating council on health disparities. The  
24 responsibility for providing staff support for the task force must be  
25 transferred to the office of equity created under chapter 43.06D RCW  
26 when requested by the office of equity.

27 (6) Legislative members of the task force may be reimbursed for  
28 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
29 members are not entitled to be reimbursed for travel expenses if they  
30 are elected officials or are participating on behalf of an employer,  
31 governmental entity, or other organization. Any reimbursement for  
32 other nonlegislative members is subject to chapter 43.03 RCW.

33 (7) The task force is a class one group under chapter 43.03 RCW.

34 (8) A public comment period must be provided at every meeting of  
35 the task force.

36 (9) The task force shall submit one or more reports on  
37 recommended policies that will facilitate the development of a  
38 cannabis social equity program in Washington to the governor, the  
39 board, and the appropriate committees of the legislature. The task  
40 force is encouraged to submit individual recommendations, as soon as



possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by December 9, 2022. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established by the board before January 1, 2020;

(b) Whether any additional cannabis producer, processor, or retailer licenses should be issued beyond the total number of licenses that have been issued as of June 11, 2020. For purposes of determining the total number of licenses issued as of June 11, 2020, the total number includes licenses that have been forfeited, revoked, or canceled;

(c) The social equity impact of altering residential cannabis agriculture regulations;

(d) The social equity impact of shifting primary regulation of cannabis production from the board to the department of agriculture, including potential impacts to the employment rights of workers;

(e) The social equity impact of removing nonviolent cannabis-related felonies and misdemeanors from the existing point system used to determine if a person qualifies for obtaining or renewing a cannabis license;

(f) Whether to create workforce training opportunities for underserved communities to increase employment opportunities in the cannabis industry;

(g) The social equity impact of creating new cannabis license types; and

(h) Recommendations for the cannabis social equity technical assistance grant program created under RCW 43.330.540.

(10) The board may adopt rules to implement the recommendations of the task force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

~~(11) ((For the purposes of this section, "cannabis" has the meaning provided for "marijuana" under this chapter.~~

~~(12))~~) This section expires June 30, 2023.

1       **Sec. 62.** RCW 69.50.339 and 2013 c 3 s 8 are each amended to read  
2 as follows:

3       (1) If the ((~~state liquor control~~)) board approves, a license to  
4 produce, process, or sell ((~~marijuana~~)) cannabis may be transferred,  
5 without charge, to the surviving spouse or domestic partner of a  
6 deceased licensee if the license was issued in the names of one or  
7 both of the parties. For the purpose of considering the  
8 qualifications of the surviving party to receive a ((~~marijuana~~))  
9 cannabis producer's, ((~~marijuana~~)) cannabis processor's, or  
10 ((~~marijuana~~)) cannabis retailer's license, the ((~~state liquor~~  
11 ~~control~~)) board may require a criminal history record information  
12 check. The ((~~state liquor control~~)) board may submit the criminal  
13 history record information check to the Washington state patrol and  
14 to the identification division of the federal bureau of investigation  
15 in order that these agencies may search their records for prior  
16 arrests and convictions of the individual or individuals who filled  
17 out the forms. The ((~~state liquor control~~)) board shall require  
18 fingerprinting of any applicant whose criminal history record  
19 information check is submitted to the federal bureau of  
20 investigation.

21       (2) The proposed sale of more than ten percent of the outstanding  
22 or issued stock of a corporation licensed under chapter 3, Laws of  
23 2013, or any proposed change in the officers of such a corporation,  
24 must be reported to the ((~~state liquor control~~)) board, and ((~~state~~  
25 ~~liquor control~~)) board approval must be obtained before the changes  
26 are made. A fee of seventy-five dollars will be charged for the  
27 processing of the change of stock ownership or corporate officers.

28       **Sec. 63.** RCW 69.50.342 and 2020 c 133 s 3 are each amended to  
29 read as follows:

30       (1) For the purpose of carrying into effect the provisions of  
31 chapter 3, Laws of 2013 according to their true intent or of  
32 supplying any deficiency therein, the board may adopt rules not  
33 inconsistent with the spirit of chapter 3, Laws of 2013 as are deemed  
34 necessary or advisable. Without limiting the generality of the  
35 preceding sentence, the board is empowered to adopt rules regarding  
36 the following:

37       (a) The equipment and management of retail outlets and premises  
38 where ((~~marijuana~~)) cannabis is produced or processed, and inspection

1 of the retail outlets and premises where ((~~marijuana~~)) cannabis is  
2 produced or processed;

3 (b) The books and records to be created and maintained by  
4 licensees, the reports to be made thereon to the board, and  
5 inspection of the books and records;

6 (c) Methods of producing, processing, and packaging ((~~marijuana~~))  
7 cannabis, useable ((~~marijuana~~,~~—marijuana~~)) cannabis, cannabis  
8 concentrates, and ((~~marijuana-infused~~)) cannabis-infused products;  
9 conditions of sanitation; safe handling requirements; approved  
10 pesticides and pesticide testing requirements; and standards of  
11 ingredients, quality, and identity of ((~~marijuana~~)) cannabis, useable  
12 ((~~marijuana~~,~~—marijuana~~)) cannabis, cannabis concentrates, and  
13 ((~~marijuana-infused~~)) cannabis-infused products produced, processed,  
14 packaged, or sold by licensees;

15 (d) Security requirements for retail outlets and premises where  
16 ((~~marijuana~~)) cannabis is produced or processed, and safety protocols  
17 for licensees and their employees;

18 (e) Screening, hiring, training, and supervising employees of  
19 licensees;

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

21 (g) Labeling requirements and restrictions on advertisement of  
22 ((~~marijuana~~)) cannabis, useable ((~~marijuana~~,~~—marijuana~~)) cannabis,  
23 cannabis concentrates, cannabis health and beauty aids, and  
24 ((~~marijuana-infused~~)) cannabis-infused products for sale in retail  
25 outlets;

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

1 (i) Application, reinstatement, and renewal fees for licenses  
2 issued under this chapter and chapter 69.51A RCW, and fees for  
3 anything done or permitted to be done under the rules adopted to  
4 implement and enforce this chapter and chapter 69.51A RCW;

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

8 (k) Times and periods when, and the manner, methods, and means by  
9 which, licensees transport and deliver ((~~marijuana~~, ~~marijuana~~))  
10 cannabis, cannabis concentrates, useable ((~~marijuana~~)) cannabis, and  
11 ((~~marijuana-infused~~)) cannabis-infused products within the state;

12 (l) Identification, seizure, confiscation, destruction, or  
13 donation to law enforcement for training purposes of all ((~~marijuana~~,  
14 ~~marijuana~~)) cannabis, cannabis concentrates, useable ((~~marijuana~~))  
15 cannabis, and ((~~marijuana-infused~~)) cannabis-infused products  
16 produced, processed, sold, or offered for sale within this state  
17 which do not conform in all respects to the standards prescribed by  
18 this chapter or chapter 69.51A RCW or the rules adopted to implement  
19 and enforce these chapters;

20 (m) The prohibition of any type of device used in conjunction  
21 with a ((~~marijuana~~)) cannabis vapor product and the prohibition of  
22 the use of any type of additive, solvent, ingredient, or compound in  
23 the production and processing of ((~~marijuana~~)) cannabis products,  
24 including ((~~marijuana~~)) cannabis vapor products, when the board  
25 determines, following consultation with the department of health or  
26 any other authority the board deems appropriate, that the device,  
27 additive, solvent, ingredient, or compound may pose a risk to public  
28 health or youth access; and

29 (n) Requirements for processors to submit under oath to the  
30 department of health a complete list of all constituent substances  
31 and the amount and sources thereof in each ((~~marijuana~~)) cannabis  
32 vapor product, including all additives, thickening agents,  
33 preservatives, compounds, and any other substance used in the  
34 production and processing of each ((~~marijuana~~)) cannabis vapor  
35 product.

36 (2) Rules adopted on retail outlets holding medical ((~~marijuana~~))  
37 cannabis endorsements must be adopted in coordination and  
38 consultation with the department.

39 (3) The board must adopt rules to perfect and expand existing  
40 programs for compliance education for licensed ((~~marijuana~~)) cannabis

1 businesses and their employees. The rules must include a voluntary  
2 compliance program created in consultation with licensed  
3 ~~((marijuana))~~ cannabis businesses and their employees. The voluntary  
4 compliance program must include recommendations on abating violations  
5 of this chapter and rules adopted under this chapter.

6 **Sec. 64.** RCW 69.50.345 and 2019 c 393 s 2 are each amended to  
7 read as follows:

8 The ~~((state liquor and cannabis))~~ board, subject to the  
9 provisions of this chapter, must adopt rules that establish the  
10 procedures and criteria necessary to implement the following:

11 (1) Licensing of ~~((marijuana))~~ cannabis producers, ~~((marijuana))~~  
12 cannabis processors, and ~~((marijuana))~~ cannabis retailers, including  
13 prescribing forms and establishing application, reinstatement, and  
14 renewal fees.

15 (a) Application forms for ~~((marijuana))~~ cannabis producers must  
16 request the applicant to state whether the applicant intends to  
17 produce ~~((marijuana))~~ cannabis for sale by ~~((marijuana))~~ cannabis  
18 retailers holding medical ~~((marijuana))~~ cannabis endorsements and the  
19 amount of or percentage of canopy the applicant intends to commit to  
20 growing plants determined by the department under RCW 69.50.375 to be  
21 of a THC concentration, CBD concentration, or THC to CBD ratio  
22 appropriate for ~~((marijuana))~~ cannabis concentrates, useable  
23 ~~((marijuana, or marijuana-infused))~~ cannabis, or cannabis-infused  
24 products sold to qualifying patients.

25 (b) The ~~((state liquor and cannabis))~~ board must reconsider and  
26 increase limits on the amount of square feet permitted to be in  
27 production on July 24, 2015, and increase the percentage of  
28 production space for those ~~((marijuana))~~ cannabis producers who  
29 intend to grow plants for ~~((marijuana))~~ cannabis retailers holding  
30 medical ~~((marijuana))~~ cannabis endorsements if the ~~((marijuana))~~  
31 cannabis producer designates the increased production space to plants  
32 determined by the department under RCW 69.50.375 to be of a THC  
33 concentration, CBD concentration, or THC to CBD ratio appropriate for  
34 ~~((marijuana))~~ cannabis concentrates, useable ~~((marijuana, or~~  
35 ~~marijuana-infused))~~ cannabis, or cannabis-infused products to be sold  
36 to qualifying patients. If current ~~((marijuana))~~ cannabis producers  
37 do not use all the increased production space, the ~~((state liquor and~~  
38 ~~cannabis))~~ board may reopen the license period for new ~~((marijuana))~~  
39 cannabis producer license applicants but only to those ~~((marijuana))~~

1 cannabis producers who agree to grow plants for ((~~marijuana~~))  
2 cannabis retailers holding medical ((~~marijuana~~)) cannabis  
3 endorsements. Priority in licensing must be given to ((~~marijuana~~))  
4 cannabis producer license applicants who have an application pending  
5 on July 24, 2015, but who are not yet licensed and then to new  
6 ((~~marijuana~~)) cannabis producer license applicants. After January 1,  
7 2017, any reconsideration of the limits on the amount of square feet  
8 permitted to be in production to meet the medical needs of qualifying  
9 patients must consider information contained in the medical  
10 ((~~marijuana~~)) cannabis authorization database established in RCW  
11 69.51A.230;

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

15 (a) Population distribution;

16 (b) Security and safety issues;

17 (c) The provision of adequate access to licensed sources of  
18 ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana~~, and  
19 ~~marijuana-infused~~)) cannabis, and cannabis-infused products to  
20 discourage purchases from the illegal market; and

21 (d) The number of retail outlets holding medical ((~~marijuana~~))  
22 cannabis endorsements necessary to meet the medical needs of  
23 qualifying patients. The ((~~state liquor and cannabis~~)) board must  
24 reconsider and increase the maximum number of retail outlets it  
25 established before July 24, 2015, and allow for a new license  
26 application period and a greater number of retail outlets to be  
27 permitted in order to accommodate the medical needs of qualifying  
28 patients and designated providers. After January 1, 2017, any  
29 reconsideration of the maximum number of retail outlets needed to  
30 meet the medical needs of qualifying patients must consider  
31 information contained in the medical ((~~marijuana~~)) cannabis  
32 authorization database established in RCW 69.51A.230;

33 (3) Determining the maximum quantity of ((~~marijuana a marijuana~~))  
34 cannabis a cannabis producer may have on the premises of a licensed  
35 location at any time without violating Washington state law;

36 (4) Determining the maximum quantities of ((~~marijuana,~~  
37 ~~marijuana~~)) cannabis, cannabis concentrates, useable ((~~marijuana, and~~  
38 ~~marijuana-infused~~)) cannabis, and cannabis-infused products a  
39 ((~~marijuana~~)) cannabis processor may have on the premises of a  
40 licensed location at any time without violating Washington state law;

1 (5) Determining the maximum quantities of (~~marijuana~~) cannabis  
2 concentrates, useable (~~marijuana, and marijuana-infused~~) cannabis,  
3 and cannabis-infused products a (~~marijuana~~) cannabis retailer may  
4 have on the premises of a retail outlet at any time without violating  
5 Washington state law;

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

8 (a) Security and safety issues;

9 (b) The provision of adequate access to licensed sources of  
10 (~~marijuana, marijuana~~) cannabis, cannabis concentrates, useable  
11 (~~marijuana, and marijuana-infused~~) cannabis, and cannabis-infused  
12 products to discourage purchases from the illegal market; and

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

16 (7) Determining the nature, form, and capacity of all containers  
17 to be used by licensees to contain (~~marijuana, marijuana~~) cannabis,  
18 cannabis concentrates, useable (~~marijuana, and marijuana-infused~~)  
19 cannabis, and cannabis-infused products, and their labeling  
20 requirements;

21 (8) In consultation with the department of agriculture and the  
22 department, establishing classes of (~~marijuana, marijuana~~)  
23 cannabis, cannabis concentrates, useable (~~marijuana, and marijuana-~~  
24 ~~infused~~) cannabis, and cannabis infused products according to grade,  
25 condition, cannabinoid profile, THC concentration, CBD concentration,  
26 or other qualitative measurements deemed appropriate by the (~~state~~  
27 ~~liquor and cannabis~~) board;

28 (9) Establishing reasonable time, place, and manner restrictions  
29 and requirements regarding advertising of (~~marijuana, marijuana~~)  
30 cannabis, cannabis concentrates, useable (~~marijuana, and marijuana-~~  
31 ~~infused~~) cannabis, and cannabis-infused products that are not  
32 inconsistent with the provisions of this chapter, taking into  
33 consideration:

34 (a) Federal laws relating to (~~marijuana~~) cannabis that are  
35 applicable within Washington state;

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

38 (c) The inclusion of medically and scientifically accurate  
39 information about the health and safety risks posed by (~~marijuana~~)  
40 cannabis use in the advertising; and

1 (d) Ensuring that retail outlets with medical (~~marijuana~~)  
2 cannabis endorsements may advertise themselves as medical retail  
3 outlets;

4 (10) Specifying and regulating the time and periods when, and the  
5 manner, methods, and means by which, licensees shall transport and  
6 deliver (~~marijuana, marijuana~~) cannabis, cannabis concentrates,  
7 useable (~~marijuana, and marijuana-infused~~) cannabis, and cannabis-  
8 infused products within the state;

9 (11) In consultation with the department and the department of  
10 agriculture, establishing accreditation requirements for testing  
11 laboratories used by licensees to demonstrate compliance with  
12 standards adopted by the (~~state liquor and cannabis~~) board, and  
13 prescribing methods of producing, processing, and packaging  
14 (~~marijuana, marijuana~~) cannabis, cannabis concentrates, useable  
15 (~~marijuana, and marijuana-infused~~) cannabis, and cannabis-infused  
16 products; conditions of sanitation; and standards of ingredients,  
17 quality, and identity of (~~marijuana, marijuana~~) cannabis, cannabis  
18 concentrates, useable (~~marijuana, and marijuana-infused~~) cannabis,  
19 and cannabis-infused products produced, processed, packaged, or sold  
20 by licensees;

21 (12) Specifying procedures for identifying, seizing,  
22 confiscating, destroying, and donating to law enforcement for  
23 training purposes all (~~marijuana, marijuana~~) cannabis, cannabis  
24 concentrates, useable (~~marijuana, and marijuana-infused~~) cannabis,  
25 and cannabis-infused products produced, processed, packaged, labeled,  
26 or offered for sale in this state that do not conform in all respects  
27 to the standards prescribed by this chapter or the rules of the  
28 (~~state liquor and cannabis~~) board.

29 **Sec. 65.** RCW 69.50.345 and 2019 c 393 s 2 and 2019 c 277 s 6 are  
30 each reenacted and amended to read as follows:

31 The (~~state liquor and cannabis~~) board, subject to the  
32 provisions of this chapter, must adopt rules that establish the  
33 procedures and criteria necessary to implement the following:

34 (1) Licensing of (~~marijuana~~) cannabis producers, (~~marijuana~~)  
35 cannabis processors, and (~~marijuana~~) cannabis retailers, including  
36 prescribing forms and establishing application, reinstatement, and  
37 renewal fees.

38 (a) Application forms for (~~marijuana~~) cannabis producers must  
39 request the applicant to state whether the applicant intends to



1 produce ((~~marijuana~~)) cannabis for sale by ((~~marijuana~~)) cannabis  
2 retailers holding medical ((~~marijuana~~)) cannabis endorsements and the  
3 amount of or percentage of canopy the applicant intends to commit to  
4 growing plants determined by the department under RCW 69.50.375 to be  
5 of a THC concentration, CBD concentration, or THC to CBD ratio  
6 appropriate for ((~~marijuana~~)) cannabis concentrates, useable  
7 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
8 products sold to qualifying patients.

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

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

38 (a) Population distribution;

39 (b) Security and safety issues;

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

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

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

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

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

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

32 (a) Security and safety issues;

33 (b) The provision of adequate access to licensed sources of  
34 ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates, useable  
35 ((~~marijuana, and marijuana-infused~~)) cannabis, and cannabis-infused  
36 products to discourage purchases from the illegal market; and

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

1 (7) Determining the nature, form, and capacity of all containers  
2 to be used by licensees to contain ((~~marijuana, marijuana~~)) cannabis,  
3 cannabis concentrates, useable ((~~marijuana, and marijuana-infused~~))  
4 cannabis, and cannabis-infused products, and their labeling  
5 requirements;

6 (8) In consultation with the department of agriculture and the  
7 department, establishing classes of ((~~marijuana, marijuana~~))  
8 cannabis, cannabis concentrates, useable ((~~marijuana, and marijuana-~~  
9 ~~infused~~)) cannabis, and cannabis-infused products according to grade,  
10 condition, cannabinoid profile, THC concentration, CBD concentration,  
11 or other qualitative measurements deemed appropriate by the ((~~state~~  
12 ~~liquor and cannabis~~)) board;

13 (9) Establishing reasonable time, place, and manner restrictions  
14 and requirements regarding advertising of ((~~marijuana, marijuana~~))  
15 cannabis, cannabis concentrates, useable ((~~marijuana, and marijuana-~~  
16 ~~infused~~)) cannabis, and cannabis-infused products that are not  
17 inconsistent with the provisions of this chapter, taking into  
18 consideration:

19 (a) Federal laws relating to ((~~marijuana~~)) cannabis that are  
20 applicable within Washington state;

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

23 (c) The inclusion of medically and scientifically accurate  
24 information about the health and safety risks posed by ((~~marijuana~~))  
25 cannabis use in the advertising; and

26 (d) Ensuring that retail outlets with medical ((~~marijuana~~))  
27 cannabis endorsements may advertise themselves as medical retail  
28 outlets;

29 (10) Specifying and regulating the time and periods when, and the  
30 manner, methods, and means by which, licensees shall transport and  
31 deliver ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates,  
32 useable ((~~marijuana, and marijuana-infused~~)) cannabis, and cannabis-  
33 infused products within the state;

34 (11) In consultation with the department and the department of  
35 agriculture, prescribing methods of producing, processing, and  
36 packaging ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates,  
37 useable ((~~marijuana, and marijuana-infused~~)) cannabis, and cannabis-  
38 infused products; conditions of sanitation; and standards of  
39 ingredients, quality, and identity of ((~~marijuana, marijuana~~))  
40 cannabis, cannabis concentrates, useable ((~~marijuana, and marijuana-~~

infused)) cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

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

**Sec. 66.** RCW 69.50.346 and 2019 c 393 s 3 are each amended to read as follows:

(1) The label on a ((~~marijuana~~)) cannabis product container, including ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused products, sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the ((~~marijuana~~)) cannabis producer and processor;

(b) The lot numbers of the product;

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

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

(e) Language required by RCW 69.04.480; and

(f) A disclaimer, subject to the following conditions:

(i) Where there is one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."; and

(ii) Where there is more than one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(2)(a) For ((~~marijuana~~)) cannabis products that have been identified by the department in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being a compliant ((~~marijuana~~)) cannabis

1 product, the product label and labeling may include a structure or  
2 function claim describing the intended role of a product to maintain  
3 the structure or any function of the body, or characterize the  
4 documented mechanism by which the product acts to maintain such  
5 structure or function, provided that the claim is truthful and not  
6 misleading.

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

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

10 (a) False or misleading; or

11 (b) Especially appealing to children.

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

16 (5) A ((~~marijuana~~)) cannabis product is not in violation of any  
17 Washington state law or rule of the ((~~Washington state liquor and~~  
18 ~~cannabis~~)) board solely because its label or labeling contains:

19 (a) Directions or recommended conditions of use; or

20 (b) A warning describing the psychoactive effects of the  
21 ((~~marijuana~~)) cannabis product, provided that the warning is truthful  
22 and not misleading.

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

28 (7) Nothing in this section shall apply to a drug, as defined in  
29 RCW 69.50.101, or a pharmaceutical product approved by the United  
30 States food and drug administration.

31 **Sec. 67.** RCW 69.50.348 and 2019 c 277 s 1 are each amended to  
32 read as follows:

33 (1) On a schedule determined by the ((~~state liquor and cannabis~~))  
34 board, every licensed ((~~marijuana~~)) cannabis producer and processor  
35 must submit representative samples of ((~~marijuana~~)) cannabis, useable  
36 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
37 products produced or processed by the licensee to an independent,  
38 third-party testing laboratory meeting the accreditation requirements  
39 established by the ((~~state liquor and cannabis~~)) board, for

1 inspection and testing to certify compliance with quality assurance  
2 and product standards adopted by the ((~~state liquor and cannabis~~))  
3 board under RCW 69.50.342. Any sample remaining after testing shall  
4 be destroyed by the laboratory or returned to the licensee submitting  
5 the sample.

6 (2) Licensees must submit the results of inspection and testing  
7 for quality assurance and product standards required under subsection  
8 (1) of this section to the ((~~state liquor and cannabis~~)) board on a  
9 form developed by the ((~~state liquor and cannabis~~)) board.

10 (3) If a representative sample inspected and tested under this  
11 section does not meet the applicable quality assurance and product  
12 standards established by the ((~~state liquor and cannabis~~)) board, the  
13 entire lot from which the sample was taken must be destroyed.

14 (4) The ((~~state liquor and cannabis~~)) board may adopt rules  
15 necessary to implement this section.

16 **Sec. 68.** RCW 69.50.348 and 2019 c 277 s 2 are each amended to  
17 read as follows:

18 (1) On a schedule determined by the ((~~state liquor and cannabis~~))  
19 board, every licensed ((~~marijuana~~)) cannabis producer and processor  
20 must submit representative samples of ((~~marijuana~~)) cannabis, useable  
21 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
22 products produced or processed by the licensee to an independent,  
23 third-party testing laboratory meeting the accreditation requirements  
24 established by the state department of ecology, for inspection and  
25 testing to certify compliance with quality assurance and product  
26 standards adopted by the ((~~state liquor and cannabis~~)) board under  
27 RCW 69.50.342. Any sample remaining after testing shall be destroyed  
28 by the laboratory or returned to the licensee submitting the sample.

29 (2) Licensees must submit the results of inspection and testing  
30 for quality assurance and product standards required under RCW  
31 69.50.342 to the ((~~state liquor and cannabis~~)) board on a form  
32 developed by the ((~~state liquor and cannabis~~)) board.

33 (3) If a representative sample inspected and tested under this  
34 section does not meet the applicable quality assurance and product  
35 standards established by the ((~~state liquor and cannabis~~)) board, the  
36 entire lot from which the sample was taken must be destroyed.

37 (4)(a) The department of ecology may determine, assess, and  
38 collect annual fees sufficient to cover the direct and indirect costs  
39 of implementing a state ((~~marijuana~~)) cannabis product testing

laboratory accreditation program, except for the initial program development costs. The department of ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited ~~((marijuana))~~ cannabis product testing laboratories. The department of ecology may establish a payment schedule requiring periodic installments of the annual fee. The fee schedule must be established in amounts to fully cover, but not exceed, the administrative and oversight costs. The department of ecology must review and update its fee schedule biennially. The costs of ~~((marijuana))~~ cannabis product testing laboratory accreditation are those incurred by the department of ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

- (i) Evaluating the protocols and procedures used by a laboratory;
- (ii) Performing on-site audits;
- (iii) Evaluating participation and successful completion of proficiency testing;

- (iv) Determining the capability of a laboratory to produce accurate and reliable test results; and

- (v) Such other accreditation activities as the department of ecology deems appropriate.

(b) The state ~~((marijuana))~~ cannabis product testing laboratory accreditation program initial development costs must be fully paid from the dedicated ~~((marijuana))~~ cannabis account created in RCW 69.50.530.

(5) The department of ecology and the ~~((liquor and cannabis))~~ board must act cooperatively to ensure effective implementation and administration of this section.

(6) All fees collected under this section must be deposited in the dedicated ~~((marijuana))~~ cannabis account created in RCW 69.50.530.

**Sec. 69.** RCW 69.50.351 and 2013 c 3 s 12 are each amended to read as follows:

Except as provided by chapter 42.52 RCW, no member of the ~~((state liquor control))~~ board and no employee of the ~~((state liquor control))~~ board shall have any interest, directly or indirectly, in the producing, processing, or sale of ~~((marijuana))~~ cannabis, useable ~~((marijuana, or marijuana-infused))~~ cannabis, or cannabis-infused

1 products, or derive any profit or remuneration from the sale of  
2 ((~~marijuana~~)) cannabis, useable ((~~marijuana, or marijuana-infused~~))  
3 cannabis, or cannabis-infused products other than the salary or wages  
4 payable to him or her in respect of his or her office or position,  
5 and shall receive no gratuity from any person in connection with the  
6 business.

7 **Sec. 70.** RCW 69.50.354 and 2015 c 70 s 9 are each amended to  
8 read as follows:

9 There may be licensed, in no greater number in each of the  
10 counties of the state than as the ((~~state liquor and cannabis~~)) board  
11 shall deem advisable, retail outlets established for the purpose of  
12 making ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, and~~  
13 ~~marijuana-infused~~)) cannabis, and cannabis-infused products available  
14 for sale to adults aged twenty-one and over. Retail sale of  
15 ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, and~~  
16 ~~marijuana-infused~~)) cannabis, and cannabis-infused products in  
17 accordance with the provisions of this chapter and the rules adopted  
18 to implement and enforce it, by a validly licensed ((~~marijuana~~))  
19 cannabis retailer or retail outlet employee, shall not be a criminal  
20 or civil offense under Washington state law.

21 **Sec. 71.** RCW 69.50.357 and 2017 c 317 s 13 and 2017 c 131 s 1  
22 are each reenacted and amended to read as follows:

23 (1)(a) Retail outlets may not sell products or services other  
24 than ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana,~~  
25 ~~marijuana-infused~~)) cannabis, cannabis-infused products, or  
26 paraphernalia intended for the storage or use of ((~~marijuana~~))  
27 cannabis concentrates, useable ((~~marijuana, or marijuana-infused~~))  
28 cannabis, or cannabis-infused products.

29 (b)(i) Retail outlets may receive lockable boxes, intended for  
30 the secure storage of ((~~marijuana~~)) cannabis products and  
31 paraphernalia, and related literature as a donation from another  
32 person or entity, that is not a ((~~marijuana~~)) cannabis producer,  
33 processor, or retailer, for donation to their customers.

34 (ii) Retail outlets may donate the lockable boxes and provide the  
35 related literature to any person eligible to purchase ((~~marijuana~~))  
36 cannabis products under subsection (2) of this section. Retail  
37 outlets may not use the donation of lockable boxes or literature as



1 an incentive or as a condition of a recipient's purchase of a  
2 (~~((marijuana))~~) cannabis product or paraphernalia.

3 (iii) Retail outlets may also purchase and sell lockable boxes,  
4 provided that the sales price is not less than the cost of  
5 acquisition.

6 (2) Licensed (~~((marijuana))~~) cannabis retailers may not employ  
7 persons under twenty-one years of age or allow persons under twenty-  
8 one years of age to enter or remain on the premises of a retail  
9 outlet. However, qualifying patients between eighteen and twenty-one  
10 years of age with a recognition card may enter and remain on the  
11 premises of a retail outlet holding a medical (~~((marijuana))~~) cannabis  
12 endorsement and may purchase products for their personal medical use.  
13 Qualifying patients who are under the age of eighteen with a  
14 recognition card and who accompany their designated providers may  
15 enter and remain on the premises of a retail outlet holding a medical  
16 (~~((marijuana))~~) cannabis endorsement, but may not purchase products for  
17 their personal medical use.

18 (3) (a) Licensed (~~((marijuana))~~) cannabis retailers must ensure that  
19 all employees are trained on the rules adopted to implement this  
20 chapter, identification of persons under the age of twenty-one, and  
21 other requirements adopted by the (~~((state liquor and cannabis))~~) board  
22 to ensure that persons under the age of twenty-one are not permitted  
23 to enter or remain on the premises of a retail outlet.

24 (b) Licensed (~~((marijuana))~~) cannabis retailers with a medical  
25 (~~((marijuana))~~) cannabis endorsement must ensure that all employees are  
26 trained on the subjects required by (a) of this subsection as well as  
27 identification of authorizations and recognition cards. Employees  
28 must also be trained to permit qualifying patients who hold  
29 recognition cards and are between the ages of eighteen and twenty-one  
30 to enter the premises and purchase (~~((marijuana))~~) cannabis for their  
31 personal medical use and to permit qualifying patients who are under  
32 the age of eighteen with a recognition card to enter the premises if  
33 accompanied by their designated providers.

34 (4) Except for the purposes of disposal as authorized by the  
35 (~~((state liquor and cannabis))~~) board, no licensed (~~((marijuana))~~)  
36 cannabis retailer or employee of a retail outlet may open or consume,  
37 or allow to be opened or consumed, any (~~((marijuana))~~) cannabis  
38 concentrates, useable (~~((marijuana, or marijuana-infused))~~) cannabis,  
39 or cannabis-infused product on the outlet premises.

1       (5) The ((~~state liquor and cannabis~~)) board must fine a licensee  
2 one thousand dollars for each violation of any subsection of this  
3 section. Fines collected under this section must be deposited into  
4 the dedicated ((~~marijuana~~)) cannabis account created under RCW  
5 69.50.530.

6       **Sec. 72.** RCW 69.50.360 and 2015 c 207 s 6 and 2015 c 70 s 13 are  
7 each reenacted and amended to read as follows:

8       The following acts, when performed by a validly licensed  
9 ((~~marijuana~~)) cannabis retailer or employee of a validly licensed  
10 retail outlet in compliance with rules adopted by the ((~~state liquor~~  
11 ~~and cannabis~~)) board to implement and enforce chapter 3, Laws of  
12 2013, do not constitute criminal or civil offenses under Washington  
13 state law:

14       (1) Purchase and receipt of ((~~marijuana~~)) cannabis concentrates,  
15 useable ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-  
16 infused products that have been properly packaged and labeled from a  
17 ((~~marijuana~~)) cannabis processor validly licensed under this chapter;

18       (2) Possession of quantities of ((~~marijuana~~)) cannabis  
19 concentrates, useable ((~~marijuana, or marijuana-infused~~)) cannabis,  
20 or cannabis-infused products that do not exceed the maximum amounts  
21 established by the ((~~state liquor and cannabis~~)) board under RCW  
22 69.50.345(5);

23       (3) Delivery, distribution, and sale, on the premises of the  
24 retail outlet, of any combination of the following amounts of  
25 ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, or~~  
26 ~~marijuana-infused~~)) cannabis, or cannabis-infused product to any  
27 person twenty-one years of age or older:

28       (a) One ounce of useable ((~~marijuana~~)) cannabis;

29       (b) Sixteen ounces of ((~~marijuana-infused~~)) cannabis-infused  
30 product in solid form;

31       (c) Seventy-two ounces of ((~~marijuana-infused~~)) cannabis-infused  
32 product in liquid form; or

33       (d) Seven grams of ((~~marijuana~~)) cannabis concentrate; and

34       (4) Purchase and receipt of ((~~marijuana~~)) cannabis concentrates,  
35 useable ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-  
36 infused products that have been properly packaged and labeled from a  
37 federally recognized Indian tribe as permitted under an agreement  
38 between the state and the tribe entered into under RCW 43.06.490.

1       **Sec. 73.** RCW 69.50.363 and 2015 c 207 s 7 are each amended to  
2 read as follows:

3       The following acts, when performed by a validly licensed  
4 ~~((marijuana))~~ cannabis processor or employee of a validly licensed  
5 ~~((marijuana))~~ cannabis processor in compliance with rules adopted by  
6 the ~~((state-liquor-control))~~ board to implement and enforce chapter  
7 3, Laws of 2013, do not constitute criminal or civil offenses under  
8 Washington state law:

9       (1) Purchase and receipt of ~~((marijuana))~~ cannabis that has been  
10 properly packaged and labeled from a ~~((marijuana))~~ cannabis producer  
11 validly licensed under chapter 3, Laws of 2013;

12       (2) Possession, processing, packaging, and labeling of quantities  
13 of ~~((marijuana))~~ cannabis, useable ~~((marijuana, and marijuana-~~  
14 ~~infused))~~ cannabis, and cannabis-infused products that do not exceed  
15 the maximum amounts established by the ~~((state-liquor-control))~~ board  
16 under RCW 69.50.345(4);

17       (3) Delivery, distribution, and sale of useable ~~((marijuana-or~~  
18 ~~marijuana-infused))~~ cannabis or cannabis-infused products to a  
19 ~~((marijuana))~~ cannabis retailer validly licensed under chapter 3,  
20 Laws of 2013; and

21       (4) Delivery, distribution, and sale of useable ~~((marijuana,~~  
22 ~~marijuana))~~ cannabis, cannabis concentrates, or ~~((marijuana-infused))~~  
23 cannabis-infused products to a federally recognized Indian tribe as  
24 permitted under an agreement between the state and the tribe entered  
25 into under RCW 43.06.490.

26       **Sec. 74.** RCW 69.50.366 and 2017 c 317 s 6 are each amended to  
27 read as follows:

28       The following acts, when performed by a validly licensed  
29 ~~((marijuana))~~ cannabis producer or employee of a validly licensed  
30 ~~((marijuana))~~ cannabis producer in compliance with rules adopted by  
31 the ~~((state-liquor-and-cannabis))~~ board to implement and enforce this  
32 chapter, do not constitute criminal or civil offenses under  
33 Washington state law:

34       (1) Production or possession of quantities of ~~((marijuana))~~  
35 cannabis that do not exceed the maximum amounts established by the  
36 ~~((state-liquor-and-cannabis))~~ board under RCW 69.50.345(3);

37       (2) Delivery, distribution, and sale of ~~((marijuana))~~ cannabis to  
38 a ~~((marijuana))~~ cannabis processor or another ~~((marijuana))~~ cannabis  
39 producer validly licensed under this chapter;

1 (3) Delivery, distribution, and sale of immature plants or clones  
2 and ~~((marijuana))~~ cannabis seeds to a licensed ~~((marijuana))~~ cannabis  
3 researcher, and to receive or purchase immature plants or clones and  
4 seeds from a licensed ~~((marijuana))~~ cannabis researcher; and

5 (4) Delivery, distribution, and sale of ~~((marijuana))~~ cannabis or  
6 useable ~~((marijuana))~~ cannabis to a federally recognized Indian tribe  
7 as permitted under an agreement between the state and the tribe  
8 entered into under RCW 43.06.490.

9 **Sec. 75.** RCW 69.50.369 and 2017 c 317 s 14 are each amended to  
10 read as follows:

11 (1) No licensed ~~((marijuana))~~ cannabis producer, processor,  
12 researcher, or retailer may place or maintain, or cause to be placed  
13 or maintained, any sign or other advertisement for a ~~((marijuana))~~  
14 cannabis business or ~~((marijuana))~~ cannabis product, including  
15 useable ~~((marijuana, marijuana))~~ cannabis, cannabis concentrates, or  
16 ~~((marijuana-infused))~~ cannabis-infused product, in any form or  
17 through any medium whatsoever within one thousand feet of the  
18 perimeter of a school grounds, playground, recreation center or  
19 facility, child care center, public park, or library, or any game  
20 arcade admission to which is not restricted to persons aged twenty-  
21 one years or older.

22 (2) Except for the use of billboards as authorized under this  
23 section, licensed ~~((marijuana))~~ cannabis retailers may not display  
24 any signage outside of the licensed premises, other than two signs  
25 identifying the retail outlet by the licensee's business or trade  
26 name, stating the location of the business, and identifying the  
27 nature of the business. Each sign must be no larger than one thousand  
28 six hundred square inches and be permanently affixed to a building or  
29 other structure. The location and content of the retail ~~((marijuana))~~  
30 cannabis signs authorized under this subsection are subject to all  
31 other requirements and restrictions established in this section for  
32 indoor signs, outdoor signs, and other ~~((marijuana-related))~~  
33 cannabis-related advertising methods.

34 (3) A ~~((marijuana))~~ cannabis licensee may not utilize transit  
35 advertisements for the purpose of advertising its business or product  
36 line. "Transit advertisements" means advertising on or within private  
37 or public vehicles and all advertisements placed at, on, or within  
38 any bus stop, taxi stand, transportation waiting area, train station,  
39 airport, or any similar transit-related location.

1 (4) A ((~~marijuana~~)) cannabis licensee may not engage in  
2 advertising or other marketing practice that specifically targets  
3 persons residing outside of the state of Washington.

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

9 (6) A ((~~marijuana~~)) cannabis licensee may not:

10 (a) Take any action, directly or indirectly, to target youth in  
11 the advertising, promotion, or marketing of ((~~marijuana~~—and  
12 ~~marijuana~~)) cannabis and cannabis products, or take any action the  
13 primary purpose of which is to initiate, maintain, or increase the  
14 incidence of youth use of ((~~marijuana~~—or ~~marijuana~~)) cannabis or  
15 cannabis products;

16 (b) Use objects such as toys or inflatables, movie or cartoon  
17 characters, or any other depiction or image likely to be appealing to  
18 youth, where such objects, images, or depictions indicate an intent  
19 to cause youth to become interested in the purchase or consumption of  
20 ((~~marijuana~~)) cannabis products; or

21 (c) Use or employ a commercial mascot outside of, and in  
22 proximity to, a licensed ((~~marijuana~~)) cannabis business. A  
23 "commercial mascot" means live human being, animal, or mechanical  
24 device used for attracting the attention of motorists and passersby  
25 so as to make them aware of ((~~marijuana~~)) cannabis products or the  
26 presence of a ((~~marijuana~~)) cannabis business. Commercial mascots  
27 include, but are not limited to, inflatable tube displays, persons in  
28 costume, or wearing, holding, or spinning a sign with a ((~~marijuana~~—  
29 ~~related~~)) cannabis-related commercial message or image, where the  
30 intent is to draw attention to a ((~~marijuana~~)) cannabis business or  
31 its products.

32 (7) A ((~~marijuana~~)) cannabis licensee that engages in outdoor  
33 advertising is subject to the advertising requirements and  
34 restrictions set forth in this subsection (7) and elsewhere in this  
35 chapter.

36 (a) All outdoor advertising signs, including billboards, are  
37 limited to text that identifies the retail outlet by the licensee's  
38 business or trade name, states the location of the business, and  
39 identifies the type or nature of the business. Such signs may not  
40 contain any depictions of ((~~marijuana~~)) cannabis plants,

1 ((~~marijuana~~)) cannabis products, or images that might be appealing to  
2 children. The ((~~state liquor and cannabis~~)) board is granted rule-  
3 making authority to regulate the text and images that are permissible  
4 on outdoor advertising. Such rule making must be consistent with  
5 other administrative rules generally applicable to the advertising of  
6 ((~~marijuana~~)) cannabis businesses and products.

7 (b) Outdoor advertising is prohibited:

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

13 (ii) Billboards that are visible from any street, road, highway,  
14 right-of-way, or public parking area are prohibited, except as  
15 provided in (c) of this subsection.

16 (c) Licensed retail outlets may use a billboard or outdoor sign  
17 solely for the purpose of identifying the name of the business, the  
18 nature of the business, and providing the public with directional  
19 information to the licensed retail outlet. Billboard advertising is  
20 subject to the same requirements and restrictions as set forth in (a)  
21 of this subsection.

22 (d) Advertising signs within the premises of a retail  
23 ((~~marijuana~~)) cannabis business outlet that are visible to the public  
24 from outside the premises must meet the signage regulations and  
25 requirements applicable to outdoor signs as set forth in this  
26 section.

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

29 (i) An advertisement inside a licensed retail establishment that  
30 sells ((~~marijuana~~)) cannabis products that is not placed on the  
31 inside surface of a window facing outward; or

32 (ii) An outdoor advertisement at the site of an event to be held  
33 at an adult only facility that is placed at such site during the  
34 period the facility or enclosed area constitutes an adult only  
35 facility, but in no event more than fourteen days before the event,  
36 and that does not advertise any ((~~marijuana~~)) cannabis product other  
37 than by using a brand name to identify the event.

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

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

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

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

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

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

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

**Sec. 76.** RCW 69.50.372 and 2017 c 317 s 3 and 2017 c 316 s 3 are each reenacted and amended to read as follows:

(1) A ((~~marijuana~~)) cannabis research license is established that permits a licensee to produce, process, and possess ((~~marijuana~~)) cannabis for the following limited research purposes:

(a) To test chemical potency and composition levels;

(b) To conduct clinical investigations of ((~~marijuana-derived~~)) cannabis-derived drug products;

(c) To conduct research on the efficacy and safety of administering ((~~marijuana~~)) cannabis as part of medical treatment; and

(d) To conduct genomic or agricultural research.

(2) As part of the application process for a ((~~marijuana~~)) cannabis research license, an applicant must submit to the ((~~liquor and cannabis~~)) board's designated scientific reviewer a description of the research that is intended to be conducted. The ((~~liquor and cannabis~~)) board must select a scientific reviewer to review an applicant's research project and determine that it meets the requirements of subsection (1) of this section, as well as assess the following:

(a) Project quality, study design, value, or impact;

1 (b) Whether applicants have the appropriate personnel, expertise,  
2 facilities/infrastructure, funding, and human/animal/other federal  
3 approvals in place to successfully conduct the project; and

4 (c) Whether the amount of (~~marijuana~~) cannabis to be grown by  
5 the applicant is consistent with the project's scope and goals.

6 If the scientific reviewer determines that the research project  
7 does not meet the requirements of subsection (1) of this section, the  
8 application must be denied.

9 (3) A (~~marijuana~~) cannabis research licensee may only sell  
10 (~~marijuana~~) cannabis grown or within its operation to other  
11 (~~marijuana~~) cannabis research licensees. The (~~liquor—and~~  
12 ~~eannabis~~) board may revoke a (~~marijuana~~) cannabis research license  
13 for violations of this subsection.

14 (4) A (~~marijuana~~) cannabis research licensee may contract with  
15 the University of Washington or Washington State University to  
16 perform research in conjunction with the university. All research  
17 projects, not including those projects conducted pursuant to a  
18 contract entered into under RCW 28B.20.502(3), must be approved by  
19 the scientific reviewer and meet the requirements of subsection (1)  
20 of this section.

21 (5) In establishing a (~~marijuana~~) cannabis research license,  
22 the (~~liquor—and cannab~~) board may adopt rules on the following:

23 (a) Application requirements;

24 (b) (~~Marijuana~~) Cannabis research license renewal requirements,  
25 including whether additional research projects may be added or  
26 considered;

27 (c) Conditions for license revocation;

28 (d) Security measures to ensure (~~marijuana~~) cannabis is not  
29 diverted to purposes other than research;

30 (e) Amount of plants, useable (~~marijuana, marijuana~~) cannabis,  
31 cannabis concentrates, or (~~marijuana-infused~~) cannabis-infused  
32 products a licensee may have on its premises;

33 (f) Licensee reporting requirements;

34 (g) Conditions under which (~~marijuana~~) cannabis grown by  
35 licensed (~~marijuana~~) cannabis producers and other product types  
36 from licensed (~~marijuana~~) cannabis processors may be donated to  
37 (~~marijuana~~) cannabis research licensees; and

38 (h) Additional requirements deemed necessary by the (~~liquor—and~~  
39 ~~eannabis~~) board.



1 (6) The production, processing, possession, delivery, donation,  
2 and sale of ((~~marijuana~~)) cannabis, including immature plants or  
3 clones and seeds, in accordance with this section, RCW 69.50.366(3),  
4 and the rules adopted to implement and enforce this section and RCW  
5 69.50.366(3), by a validly licensed ((~~marijuana~~)) cannabis  
6 researcher, shall not be a criminal or civil offense under Washington  
7 state law. Every ((~~marijuana~~)) cannabis research license must be  
8 issued in the name of the applicant, must specify the location at  
9 which the ((~~marijuana~~)) cannabis researcher intends to operate, which  
10 must be within the state of Washington, and the holder thereof may  
11 not allow any other person to use the license.

12 (7) The application fee for a ((~~marijuana~~)) cannabis research  
13 license is two hundred fifty dollars. The annual fee for issuance and  
14 renewal of a ((~~marijuana~~)) cannabis research license is one thousand  
15 three hundred dollars. The applicant must pay the cost of the review  
16 process directly to the scientific reviewer as designated by the  
17 ((~~liquor and cannabis~~)) board.

18 (8) The scientific reviewer shall review any reports made by  
19 ((~~marijuana~~)) cannabis research licensees under ((~~liquor and~~  
20 ~~cannabis~~)) board rule and provide the ((~~liquor and cannabis~~)) board  
21 with its determination on whether the research project continues to  
22 meet research qualifications under this section.

23 (9) For the purposes of this section, "scientific reviewer" means  
24 an organization that convenes or contracts with persons who have the  
25 training and experience in research practice and research methodology  
26 to determine whether a project meets the criteria for a ((~~marijuana~~))  
27 cannabis research license under this section and to review any  
28 reports submitted by ((~~marijuana~~)) cannabis research licensees under  
29 ((~~liquor and cannabis~~)) board rule. "Scientific reviewers" include,  
30 but are not limited to, educational institutions, research  
31 institutions, peer review bodies, or such other organizations that  
32 are focused on science or research in its day-to-day activities.

33 **Sec. 77.** RCW 69.50.375 and 2015 c 70 s 10 are each amended to  
34 read as follows:

35 (1) A medical ((~~marijuana~~)) cannabis endorsement to a  
36 ((~~marijuana~~)) cannabis retail license is hereby established to permit  
37 a ((~~marijuana~~)) cannabis retailer to sell ((~~marijuana~~)) cannabis for  
38 medical use to qualifying patients and designated providers. This  
39 endorsement also permits such retailers to provide ((~~marijuana~~))

1 cannabis at no charge, at their discretion, to qualifying patients  
2 and designated providers.

3 (2) An applicant may apply for a medical ~~((marijuana))~~ cannabis  
4 endorsement concurrently with an application for a ~~((marijuana))~~  
5 cannabis retail license.

6 (3) To be issued an endorsement, a ~~((marijuana))~~ cannabis  
7 retailer must:

8 (a) Not authorize the medical use of ~~((marijuana))~~ cannabis for  
9 qualifying patients at the retail outlet or permit health care  
10 professionals to authorize the medical use of ~~((marijuana))~~ cannabis  
11 for qualifying patients at the retail outlet;

12 (b) Carry ~~((marijuana))~~ cannabis concentrates and ~~((marijuana-  
13 infused)) cannabis-infused products identified by the department  
14 under subsection (4) of this section;~~

15 (c) Not use labels or market ~~((marijuana))~~ cannabis concentrates,  
16 useable ~~((marijuana, or marijuana-infused))~~ cannabis, or cannabis-  
17 infused products in a way that make them intentionally attractive to  
18 minors;

19 (d) Demonstrate the ability to enter qualifying patients and  
20 designated providers in the medical ~~((marijuana))~~ cannabis  
21 authorization database established in RCW 69.51A.230 and issue  
22 recognition cards and agree to enter qualifying patients and  
23 designated providers into the database and issue recognition cards in  
24 compliance with department standards;

25 (e) Keep copies of the qualifying patient's or designated  
26 provider's recognition card, or keep equivalent records as required  
27 by rule of the ~~((state liquor and cannabis))~~ board or the department  
28 of revenue to document the validity of tax exempt sales; and

29 (f) Meet other requirements as adopted by rule of the department  
30 or the ~~((state liquor and cannabis))~~ board.

31 (4) The department, in conjunction with the ~~((state liquor and~~  
32 ~~cannabis))~~ board, must adopt rules on requirements for ~~((marijuana))~~  
33 cannabis concentrates, useable ~~((marijuana, and marijuana-infused))~~  
34 cannabis, and cannabis-infused products that may be sold, or provided  
35 at no charge, to qualifying patients or designated providers at a  
36 retail outlet holding a medical ~~((marijuana))~~ cannabis endorsement.  
37 These rules must include:

38 (a) THC concentration, CBD concentration, or low THC, high CBD  
39 ratios appropriate for ~~((marijuana))~~ cannabis concentrates, useable

1 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
2 products sold to qualifying patients or designated providers;

3 (b) Labeling requirements including that the labels attached to  
4 ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, or~~  
5 ~~marijuana-infused~~)) cannabis, or cannabis-infused products contain  
6 THC concentration, CBD concentration, and THC to CBD ratios;

7 (c) Other product requirements, including any additional mold,  
8 fungus, or pesticide testing requirements, or limitations to the  
9 types of solvents that may be used in ((~~marijuana~~)) cannabis  
10 processing that the department deems necessary to address the medical  
11 needs of qualifying patients;

12 (d) Safe handling requirements for ((~~marijuana~~)) cannabis  
13 concentrates, useable ((~~marijuana, or marijuana-infused~~)) cannabis,  
14 or cannabis-infused products; and

15 (e) Training requirements for employees.

16 (5) A ((~~marijuana~~)) cannabis retailer holding an endorsement to  
17 sell ((~~marijuana~~)) cannabis to qualifying patients or designated  
18 providers must train its employees on:

19 (a) Procedures regarding the recognition of valid authorizations  
20 and the use of equipment to enter qualifying patients and designated  
21 providers into the medical ((~~marijuana~~)) cannabis authorization  
22 database;

23 (b) Recognition of valid recognition cards; and

24 (c) Recognition of strains, varieties, THC concentration, CBD  
25 concentration, and THC to CBD ratios of ((~~marijuana~~)) cannabis  
26 concentrates, useable ((~~marijuana, and marijuana-infused~~)) cannabis,  
27 and cannabis-infused products, available for sale when assisting  
28 qualifying patients and designated providers at the retail outlet.

29 **Sec. 78.** RCW 69.50.378 and 2015 c 70 s 11 are each amended to  
30 read as follows:

31 A ((~~marijuana~~)) cannabis retailer or a ((~~marijuana~~)) cannabis  
32 retailer holding a medical ((~~marijuana~~)) cannabis endorsement may  
33 sell products with a THC concentration of 0.3 percent or less.  
34 ((~~Marijuana~~)) Cannabis retailers holding a medical ((~~marijuana~~))  
35 cannabis endorsement may also provide these products at no charge to  
36 qualifying patients or designated providers.

37 **Sec. 79.** RCW 69.50.380 and 2015 2nd sp.s. c 4 s 211 are each  
38 amended to read as follows:

1 (1) (~~Marijuana~~) Cannabis producers, processors, and retailers  
2 are prohibited from making sales of any (~~marijuana or marijuana~~)  
3 cannabis or cannabis product, if the sale of the (~~marijuana or~~  
4 ~~marijuana~~) cannabis or cannabis product is conditioned upon the  
5 buyer's purchase of any service or (~~nonmarijuana~~) noncannabis  
6 product. This subsection applies whether the buyer purchases such  
7 service or (~~nonmarijuana~~) noncannabis product at the time of sale  
8 of the (~~marijuana or marijuana~~) cannabis or cannabis product, or in  
9 a separate transaction.

10 (2) The definitions in this subsection apply throughout this  
11 section unless the context clearly requires otherwise.

12 (a) (~~"Marijuana"~~) "Cannabis product" means "useable  
13 (~~marijuana, " "marijuana~~) cannabis," "cannabis concentrates," and  
14 (~~"marijuana-infused"~~) "cannabis-infused products," as those terms  
15 are defined in RCW 69.50.101.

16 (b) (~~"Nonmarijuana"~~) "Noncannabis product" includes  
17 paraphernalia, promotional items, lighters, bags, boxes, containers,  
18 and such other items as may be identified by the (~~state liquor and~~  
19 ~~cannabis~~) board.

20 (c) "Selling price" has the same meaning as in RCW 69.50.535.

21 (d) "Service" includes memberships and any other services  
22 identified by the (~~state liquor and cannabis~~) board.

23 **Sec. 80.** RCW 69.50.382 and 2017 c 317 s 7 are each amended to  
24 read as follows:

25 (1) A licensed (~~marijuana~~) cannabis producer, (~~marijuana~~)  
26 cannabis processor, (~~marijuana~~) cannabis researcher, or  
27 (~~marijuana~~) cannabis retailer, or their employees, in accordance  
28 with the requirements of this chapter and the administrative rules  
29 adopted thereunder, may use the services of a common carrier subject  
30 to regulation under chapters 81.28 and 81.29 RCW and licensed in  
31 compliance with the regulations established under RCW 69.50.385, to  
32 physically transport or deliver, as authorized under this chapter,  
33 (~~marijuana~~) cannabis, useable (~~marijuana, marijuana~~) cannabis,  
34 cannabis concentrates, immature plants or clones, (~~marijuana~~)  
35 cannabis seeds, and (~~marijuana-infused~~) cannabis-infused products  
36 between licensed (~~marijuana~~) cannabis businesses located within the  
37 state.

38 (2) An employee of a common carrier engaged in (~~marijuana-~~  
39 ~~related~~) cannabis-related transportation or delivery services

1 authorized under subsection (1) of this section is prohibited from  
2 carrying or using a firearm during the course of providing such  
3 services, unless:

4 (a) Pursuant to RCW 69.50.385, the (~~state liquor and cannabis~~)  
5 board explicitly authorizes the carrying or use of firearms by such  
6 employee while engaged in the transportation or delivery services;

7 (b) The employee has an armed private security guard license  
8 issued pursuant to RCW 18.170.040; and

9 (c) The employee is in full compliance with the regulations  
10 established by the (~~state liquor and cannabis~~) board under RCW  
11 69.50.385.

12 (3) A common carrier licensed under RCW 69.50.385 may, for the  
13 purpose of transporting and delivering (~~marijuana~~) cannabis,  
14 useable (~~marijuana, marijuana~~) cannabis, cannabis concentrates, and  
15 (~~marijuana-infused~~) cannabis-infused products, utilize Washington  
16 state ferry routes for such transportation and delivery.

17 (4) The possession of (~~marijuana~~) cannabis, useable  
18 (~~marijuana, marijuana~~) cannabis, cannabis concentrates, and  
19 (~~marijuana-infused~~) cannabis-infused products being physically  
20 transported or delivered within the state, in amounts not exceeding  
21 those that may be established under RCW 69.50.385(3), by a licensed  
22 employee of a common carrier when performing the duties authorized  
23 under, and in accordance with, this section and RCW 69.50.385, is not  
24 a violation of this section, this chapter, or any other provision of  
25 Washington state law.

26 **Sec. 81.** RCW 69.50.385 and 2015 2nd sp.s. c 4 s 502 are each  
27 amended to read as follows:

28 (1) The (~~state liquor and cannabis~~) board must adopt rules  
29 providing for an annual licensing procedure of a common carrier who  
30 seeks to transport or deliver (~~marijuana~~) cannabis, useable  
31 (~~marijuana, marijuana~~) cannabis, cannabis concentrates, and  
32 (~~marijuana-infused~~) cannabis-infused products within the state.

33 (2) The rules for licensing must:

34 (a) Establish criteria for considering the approval or denial of  
35 a common carrier's original application or renewal application;

36 (b) Provide minimum qualifications for any employee authorized to  
37 drive or operate the transportation or delivery vehicle, including a  
38 minimum age of at least twenty-one years;

1 (c) Address the safety of the employees transporting or  
2 delivering the products, including issues relating to the carrying of  
3 firearms by such employees;

4 (d) Address the security of the products being transported,  
5 including a system of electronically tracking all products at both  
6 the point of pickup and the point of delivery; and

7 (e) Set reasonable fees for the application and licensing  
8 process.

9 (3) The ((~~state liquor and cannabis~~)) board may adopt rules  
10 establishing the maximum amounts of ((~~marijuana~~)) cannabis, useable  
11 ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates, and  
12 ((~~marijuana-infused~~)) cannabis-infused products that may be  
13 physically transported or delivered at one time by a common carrier  
14 as provided under RCW 69.50.382.

15 **Sec. 82.** RCW 69.50.390 and 2015 2nd sp.s. c 4 s 1301 are each  
16 amended to read as follows:

17 (1) A retailer licensed under this chapter is prohibited from  
18 operating a vending machine, as defined in RCW 82.08.080(3) for the  
19 sale of ((~~marijuana~~)) cannabis products at retail or a drive-through  
20 purchase facility where ((~~marijuana~~)) cannabis products are sold at  
21 retail and dispensed through a window or door to a purchaser who is  
22 either in or on a motor vehicle or otherwise located outside of the  
23 licensed premises at the time of sale.

24 (2) The ((~~state liquor and cannabis~~)) board may not issue,  
25 transfer, or renew a ((~~marijuana~~)) cannabis retail license for any  
26 licensee in violation of the provisions of subsection (1) of this  
27 section.

28 **Sec. 83.** RCW 69.50.395 and 2019 c 380 s 1 are each amended to  
29 read as follows:

30 (1) A licensed ((~~marijuana~~)) cannabis business may enter into an  
31 agreement with any person, business, or other entity for:

32 (a) Any goods or services that are registered as a trademark  
33 under federal law, under chapter 19.77 RCW, or under any other state  
34 or international trademark law;

35 (b) Any unregistered trademark, trade name, or trade dress; or

36 (c) Any trade secret, technology, or proprietary information used  
37 to manufacture a cannabis product or used to provide a service  
38 related to any ((~~marijuana~~)) cannabis business.

(2) Any agreements entered into by a licensed ~~((marijuana))~~ cannabis business, as authorized under this section, must be disclosed to the ~~((state liquor and cannabis))~~ board and may include:

(a) A royalty fee or flat rate calculated based on sales of each product that includes the intellectual property or was manufactured or sold using the licensed intellectual property or service, provided that the royalty fee is no greater than an amount equivalent to ten percent of the licensed ~~((marijuana))~~ cannabis business's gross sales derived from the sale of such product;

(b) A flat rate or lump sum calculated based on time or milestones;

(c) Terms giving either party exclusivity or qualified exclusivity as it relates to use of the intellectual property;

(d) Quality control standards as necessary to protect the integrity of the intellectual property;

(e) Enforcement obligations to be undertaken by the licensed ~~((marijuana))~~ cannabis business;

(f) Covenants to use the licensed intellectual property; and

(g) Assignment of licensor improvements of the intellectual property.

(3) A person, business, or entity that enters into an agreement with a licensed ~~((marijuana))~~ cannabis business, where both parties to the agreement are in compliance with the terms of this section, is exempt from the requirement to qualify for a ~~((marijuana))~~ cannabis business license for purposes of the agreements authorized by subsection (1) of this section.

(4) All agreements entered into by a licensed ~~((marijuana))~~ cannabis business, as authorized by this section, are subject to the ~~((liquor and cannabis))~~ board's recordkeeping requirements as established by rule.

**Sec. 84.** RCW 69.50.401 and 2019 c 379 s 2 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(2) Any person who violates this section with respect to:

(a) A controlled substance classified in Schedule I or II which is a narcotic drug or flunitrazepam, including its salts, isomers, and salts of isomers, classified in Schedule IV, is guilty of a class

1 B felony and upon conviction may be imprisoned for not more than ten  
2 years, or (i) fined not more than twenty-five thousand dollars if the  
3 crime involved less than two kilograms of the drug, or both such  
4 imprisonment and fine; or (ii) if the crime involved two or more  
5 kilograms of the drug, then fined not more than one hundred thousand  
6 dollars for the first two kilograms and not more than fifty dollars  
7 for each gram in excess of two kilograms, or both such imprisonment  
8 and fine;

9 (b) Amphetamine, including its salts, isomers, and salts of  
10 isomers, or methamphetamine, including its salts, isomers, and salts  
11 of isomers, is guilty of a class B felony and upon conviction may be  
12 imprisoned for not more than ten years, or (i) fined not more than  
13 twenty-five thousand dollars if the crime involved less than two  
14 kilograms of the drug, or both such imprisonment and fine; or (ii) if  
15 the crime involved two or more kilograms of the drug, then fined not  
16 more than one hundred thousand dollars for the first two kilograms  
17 and not more than fifty dollars for each gram in excess of two  
18 kilograms, or both such imprisonment and fine. Three thousand dollars  
19 of the fine may not be suspended. As collected, the first three  
20 thousand dollars of the fine must be deposited with the law  
21 enforcement agency having responsibility for cleanup of laboratories,  
22 sites, or substances used in the manufacture of the methamphetamine,  
23 including its salts, isomers, and salts of isomers. The fine moneys  
24 deposited with that law enforcement agency must be used for such  
25 clean-up cost;

26 (c) Any other controlled substance classified in Schedule I, II,  
27 or III, is guilty of a class C felony punishable according to chapter  
28 9A.20 RCW, except as provided in RCW 69.50.475;

29 (d) A substance classified in Schedule IV, except flunitrazepam,  
30 including its salts, isomers, and salts of isomers, is guilty of a  
31 class C felony punishable according to chapter 9A.20 RCW; or

32 (e) A substance classified in Schedule V, is guilty of a class C  
33 felony punishable according to chapter 9A.20 RCW.

34 (3) The production, manufacture, processing, packaging, delivery,  
35 distribution, sale, or possession of (~~marijuana~~) cannabis in  
36 compliance with the terms set forth in RCW 69.50.360, 69.50.363, or  
37 69.50.366 shall not constitute a violation of this section, this  
38 chapter, or any other provision of Washington state law.

39 (4) The fines in this section apply to adult offenders only.



**Sec. 85.** RCW 69.50.4013 and 2021 c 311 s 9 are each amended to read as follows:

(1) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a misdemeanor.

(3) The prosecutor is encouraged to divert cases under this section for assessment, treatment, or other services.

(4)(a) The possession, by a person twenty-one years of age or older, of useable ((~~marijuana~~, ~~marijuana~~)) cannabis, cannabis concentrates, or ((~~marijuana-infused~~)) cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of ((~~marijuana~~)) cannabis, useable ((~~marijuana~~, ~~marijuana~~)) cannabis, cannabis concentrates, and ((~~marijuana-infused~~)) cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(5)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following ((~~marijuana~~)) cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable ((~~marijuana~~)) cannabis;

(ii) Eight ounces of ((~~marijuana-infused~~)) cannabis-infused product in solid form;

(iii) Thirty-six ounces of ((~~marijuana-infused~~)) cannabis-infused product in liquid form; or

(iv) Three and one-half grams of ((~~marijuana~~)) cannabis concentrates.

(b) The act of delivering (~~((marijuana or a marijuana))~~) cannabis or a cannabis product as authorized under this subsection (5) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The (~~((marijuana or marijuana))~~) cannabis or cannabis product must be in the original packaging as purchased from the (~~((marijuana))~~) cannabis retailer.

(6) No person under twenty-one years of age may possess, manufacture, sell, or distribute (~~((marijuana, marijuana-infused))~~) cannabis, cannabis-infused products, or (~~((marijuana))~~) cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(7) The possession by a qualifying patient or designated provider of (~~((marijuana))~~) cannabis concentrates, useable (~~((marijuana, marijuana-infused))~~) cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

**Sec. 86.** RCW 69.50.4013 and 2017 c 317 s 15 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3)(a) The possession, by a person twenty-one years of age or older, of useable (~~((marijuana, marijuana))~~) cannabis, cannabis concentrates, or (~~((marijuana-infused))~~) cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of (~~((marijuana))~~) cannabis, useable (~~((marijuana, marijuana))~~) cannabis, cannabis concentrates, and (~~((marijuana-infused))~~) cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding

those that may be established under RCW 69.50.385(3), by a licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person twenty-one years of age or older to one or more persons twenty-one years of age or older, during a single twenty-four hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following ~~((marijuana))~~ cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable ~~((marijuana))~~ cannabis;

(ii) Eight ounces of ~~((marijuana-infused))~~ cannabis-infused product in solid form;

(iii) Thirty-six ounces of ~~((marijuana-infused))~~ cannabis-infused product in liquid form; or

(iv) Three and one-half grams of ~~((marijuana))~~ cannabis concentrates.

(b) The act of delivering ~~((marijuana or a marijuana))~~ cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The ~~((marijuana or marijuana))~~ cannabis or cannabis product must be in the original packaging as purchased from the ~~((marijuana))~~ cannabis retailer.

(5) No person under twenty-one years of age may possess, manufacture, sell, or distribute ~~((marijuana, marijuana-infused))~~ cannabis, cannabis-infused products, or ~~((marijuana))~~ cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of ~~((marijuana))~~ cannabis concentrates, useable ~~((marijuana, marijuana-infused))~~ cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

1       **Sec. 87.** RCW 69.50.4014 and 2021 c 311 s 10 are each amended to  
2 read as follows:

3       Except as provided in RCW 69.50.401(2)(c) or as otherwise  
4 authorized by this chapter, any person found guilty of knowing  
5 possession of forty grams or less of (~~marijuana~~) cannabis is guilty  
6 of a misdemeanor. The prosecutor is encouraged to divert cases under  
7 this section for assessment, treatment, or other services.

8       **Sec. 88.** RCW 69.50.4014 and 2015 2nd sp.s. c 4 s 505 are each  
9 amended to read as follows:

10       Except as provided in RCW 69.50.401(2)(c) or as otherwise  
11 authorized by this chapter, any person found guilty of possession of  
12 forty grams or less of (~~marijuana~~) cannabis is guilty of a  
13 misdemeanor.

14       **Sec. 89.** RCW 69.50.408 and 2003 c 53 s 341 are each amended to  
15 read as follows:

16       (1) Any person convicted of a second or subsequent offense under  
17 this chapter may be imprisoned for a term up to twice the term  
18 otherwise authorized, fined an amount up to twice that otherwise  
19 authorized, or both.

20       (2) For purposes of this section, an offense is considered a  
21 second or subsequent offense, if, prior to his or her conviction of  
22 the offense, the offender has at any time been convicted under this  
23 chapter or under any statute of the United States or of any state  
24 relating to narcotic drugs, (~~marihuana~~) cannabis, depressant,  
25 stimulant, or hallucinogenic drugs.

26       (3) This section does not apply to offenses under RCW 69.50.4013.

27       **Sec. 90.** RCW 69.50.410 and 2003 c 53 s 342 are each amended to  
28 read as follows:

29       (1) Except as authorized by this chapter it is a class C felony  
30 for any person to sell for profit any controlled substance or  
31 counterfeit substance classified in Schedule I, RCW 69.50.204, except  
32 leaves and flowering tops of (~~marihuana~~) cannabis.

33       For the purposes of this section only, the following words and  
34 phrases shall have the following meanings:

35       (a) "To sell" means the passing of title and possession of a  
36 controlled substance from the seller to the buyer for a price whether  
37 or not the price is paid immediately or at a future date.

1 (b) "For profit" means the obtaining of anything of value in  
2 exchange for a controlled substance.

3 (c) "Price" means anything of value.

4 (2)(a) Any person convicted of a violation of subsection (1) of  
5 this section shall receive a sentence of not more than five years in  
6 a correctional facility of the department of social and health  
7 services for the first offense.

8 (b) Any person convicted on a second or subsequent cause, the  
9 sale having transpired after prosecution and conviction on the first  
10 cause, of subsection (1) of this section shall receive a mandatory  
11 sentence of five years in a correctional facility of the department  
12 of social and health services and no judge of any court shall suspend  
13 or defer the sentence imposed for the second or subsequent violation  
14 of subsection (1) of this section.

15 (3)(a) Any person convicted of a violation of subsection (1) of  
16 this section by selling heroin shall receive a mandatory sentence of  
17 two years in a correctional facility of the department of social and  
18 health services and no judge of any court shall suspend or defer the  
19 sentence imposed for such violation.

20 (b) Any person convicted on a second or subsequent sale of  
21 heroin, the sale having transpired after prosecution and conviction  
22 on the first cause of the sale of heroin shall receive a mandatory  
23 sentence of ten years in a correctional facility of the department of  
24 social and health services and no judge of any court shall suspend or  
25 defer the sentence imposed for this second or subsequent violation:  
26 PROVIDED, That the indeterminate sentence review board under RCW  
27 9.95.040 shall not reduce the minimum term imposed for a violation  
28 under this subsection.

29 (4) Whether or not a mandatory minimum term has expired, an  
30 offender serving a sentence under this section may be granted an  
31 extraordinary medical placement when authorized under RCW  
32 9.94A.728(~~((4))~~) (1)(c).

33 (5) In addition to the sentences provided in subsection (2) of  
34 this section, any person convicted of a violation of subsection (1)  
35 of this section shall be fined in an amount calculated to at least  
36 eliminate any and all proceeds or profits directly or indirectly  
37 gained by such person as a result of sales of controlled substances  
38 in violation of the laws of this or other states, or the United  
39 States, up to the amount of five hundred thousand dollars on each  
40 count.

(6) Any person, addicted to the use of controlled substances, who voluntarily applies to the department of social and health services for the purpose of participating in a rehabilitation program approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his or her voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

(7) This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 through 69.50.4015.

**Sec. 91.** RCW 69.50.412 and 2021 c 311 s 14 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare a controlled substance other than (~~marijuana~~) cannabis. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, or prepare a controlled substance other than (~~marijuana~~) cannabis. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his or her junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing blood-borne diseases.

**Sec. 92.** RCW 69.50.4121 and 2013 c 3 s 23 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than (~~marijuana~~) cannabis. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Miniature cocaine spoons and cocaine vials;

(f) Chamber pipes;

(g) Carburetor pipes;

(h) Electric pipes;

(i) Air-driven pipes; and

(j) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits legal distribution of injection syringe equipment through public health and community based HIV prevention programs, and pharmacies.

1       **Sec. 93.** RCW 69.50.435 and 2015 c 265 s 37 are each amended to  
2 read as follows:

3       (1) Any person who violates RCW 69.50.401 by manufacturing,  
4 selling, delivering, or possessing with the intent to manufacture,  
5 sell, or deliver a controlled substance listed under RCW 69.50.401 or  
6 who violates RCW 69.50.410 by selling for profit any controlled  
7 substance or counterfeit substance classified in schedule I, RCW  
8 69.50.204, except leaves and flowering tops of (~~marihuana~~) cannabis  
9 to a person:

10       (a) In a school;

11       (b) On a school bus;

12       (c) Within one thousand feet of a school bus route stop  
13 designated by the school district;

14       (d) Within one thousand feet of the perimeter of the school  
15 grounds;

16       (e) In a public park;

17       (f) In a public housing project designated by a local governing  
18 authority as a drug-free zone;

19       (g) On a public transit vehicle;

20       (h) In a public transit stop shelter;

21       (i) At a civic center designated as a drug-free zone by the local  
22 governing authority; or

23       (j) Within one thousand feet of the perimeter of a facility  
24 designated under (i) of this subsection, if the local governing  
25 authority specifically designates the one thousand foot perimeter may  
26 be punished by a fine of up to twice the fine otherwise authorized by  
27 this chapter, but not including twice the fine authorized by RCW  
28 69.50.406, or by imprisonment of up to twice the imprisonment  
29 otherwise authorized by this chapter, but not including twice the  
30 imprisonment authorized by RCW 69.50.406, or by both such fine and  
31 imprisonment. The provisions of this section shall not operate to  
32 more than double the fine or imprisonment otherwise authorized by  
33 this chapter for an offense.

34       (2) It is not a defense to a prosecution for a violation of this  
35 section that the person was unaware that the prohibited conduct took  
36 place while in a school or school bus or within one thousand feet of  
37 the school or school bus route stop, in a public park, in a public  
38 housing project designated by a local governing authority as a drug-  
39 free zone, on a public transit vehicle, in a public transit stop  
40 shelter, at a civic center designated as a drug-free zone by the



1 local governing authority, or within one thousand feet of the  
2 perimeter of a facility designated under subsection (1)(i) of this  
3 section, if the local governing authority specifically designates the  
4 one thousand foot perimeter.

5 (3) It is not a defense to a prosecution for a violation of this  
6 section or any other prosecution under this chapter that persons  
7 under the age of eighteen were not present in the school, the school  
8 bus, the public park, the public housing project designated by a  
9 local governing authority as a drug-free zone, or the public transit  
10 vehicle, or at the school bus route stop, the public transit vehicle  
11 stop shelter, at a civic center designated as a drug-free zone by the  
12 local governing authority, or within one thousand feet of the  
13 perimeter of a facility designated under subsection (1)(i) of this  
14 section, if the local governing authority specifically designates the  
15 one thousand foot perimeter at the time of the offense or that school  
16 was not in session.

17 (4) It is an affirmative defense to a prosecution for a violation  
18 of this section that the prohibited conduct took place entirely  
19 within a private residence, that no person under eighteen years of  
20 age or younger was present in such private residence at any time  
21 during the commission of the offense, and that the prohibited conduct  
22 did not involve delivering, manufacturing, selling, or possessing  
23 with the intent to manufacture, sell, or deliver any controlled  
24 substance in RCW 69.50.401 for profit. The affirmative defense  
25 established in this section shall be proved by the defendant by a  
26 preponderance of the evidence. This section shall not be construed to  
27 establish an affirmative defense with respect to a prosecution for an  
28 offense defined in any other section of this chapter.

29 (5) In a prosecution under this section, a map produced or  
30 reproduced by any municipality, school district, county, transit  
31 authority engineer, or public housing authority for the purpose of  
32 depicting the location and boundaries of the area on or within one  
33 thousand feet of any property used for a school, school bus route  
34 stop, public park, public housing project designated by a local  
35 governing authority as a drug-free zone, public transit vehicle stop  
36 shelter, or a civic center designated as a drug-free zone by a local  
37 governing authority, or a true copy of such a map, shall under proper  
38 authentication, be admissible and shall constitute prima facie  
39 evidence of the location and boundaries of those areas if the  
40 governing body of the municipality, school district, county, or

1 transit authority has adopted a resolution or ordinance approving the  
2 map as the official location and record of the location and  
3 boundaries of the area on or within one thousand feet of the school,  
4 school bus route stop, public park, public housing project designated  
5 by a local governing authority as a drug-free zone, public transit  
6 vehicle stop shelter, or civic center designated as a drug-free zone  
7 by a local governing authority. Any map approved under this section  
8 or a true copy of the map shall be filed with the clerk of the  
9 municipality or county, and shall be maintained as an official record  
10 of the municipality or county. This section shall not be construed as  
11 precluding the prosecution from introducing or relying upon any other  
12 evidence or testimony to establish any element of the offense. This  
13 section shall not be construed as precluding the use or admissibility  
14 of any map or diagram other than the one which has been approved by  
15 the governing body of a municipality, school district, county,  
16 transit authority, or public housing authority if the map or diagram  
17 is otherwise admissible under court rule.

18 (6) As used in this section the following terms have the meanings  
19 indicated unless the context clearly requires otherwise:

20 (a) "School" has the meaning under RCW 28A.150.010 or  
21 28A.150.020. The term "school" also includes a private school  
22 approved under RCW 28A.195.010;

23 (b) "School bus" means a school bus as defined by the  
24 superintendent of public instruction by rule which is owned and  
25 operated by any school district and all school buses which are  
26 privately owned and operated under contract or otherwise with any  
27 school district in the state for the transportation of students. The  
28 term does not include buses operated by common carriers in the urban  
29 transportation of students such as transportation of students through  
30 a municipal transportation system;

31 (c) "School bus route stop" means a school bus stop as designated  
32 by a school district;

33 (d) "Public park" means land, including any facilities or  
34 improvements on the land, that is operated as a park by the state or  
35 a local government;

36 (e) "Public transit vehicle" means any motor vehicle, streetcar,  
37 train, trolley vehicle, or any other device, vessel, or vehicle which  
38 is owned or operated by a transit authority and which is used for the  
39 purpose of carrying passengers on a regular schedule;

(f) "Transit authority" means a city, county, or state transportation system, transportation authority, public transportation benefit area, public transit authority, or metropolitan municipal corporation within the state that operates public transit vehicles;

(g) "Stop shelter" means a passenger shelter designated by a transit authority;

(h) "Civic center" means a publicly owned or publicly operated place or facility used for recreational, educational, or cultural activities;

(i) "Public housing project" means the same as "housing project" as defined in RCW 35.82.020.

(7) The fines imposed by this section apply to adult offenders only.

**Sec. 94.** RCW 69.50.445 and 2015 2nd sp.s. c 4 s 401 are each amended to read as follows:

(1) It is unlawful to open a package containing ~~((marijuana))~~ cannabis, useable ~~((marijuana, —marijuana-infused))~~ cannabis, cannabis-infused products, or ~~((marijuana))~~ cannabis concentrates, or consume ~~((marijuana))~~ cannabis, useable ~~((marijuana, —marijuana-infused))~~ cannabis, cannabis-infused products, or ~~((marijuana))~~ cannabis concentrates, in view of the general public or in a public place.

(2) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

(3) A person who violates this section is guilty of a class 3 civil infraction under chapter 7.80 RCW.

**Sec. 95.** RCW 69.50.450 and 2015 c 70 s 15 are each amended to read as follows:

(1) Nothing in this chapter permits anyone other than a validly licensed ~~((marijuana))~~ cannabis processor to use butane or other explosive gases to extract or separate resin from ~~((marijuana))~~ cannabis or to produce or process any form of ~~((marijuana))~~ cannabis concentrates or ~~((marijuana-infused))~~ cannabis-infused products that include ~~((marijuana))~~ cannabis concentrates not purchased from a validly licensed ~~((marijuana))~~ cannabis retailer as an ingredient. The extraction or separation of resin from ~~((marijuana))~~ cannabis,

1 the processing of ((~~marijuana~~)) cannabis concentrates, and the  
2 processing of ((~~marijuana-infused~~)) cannabis-infused products that  
3 include ((~~marijuana~~)) cannabis concentrates not purchased from a  
4 validly licensed ((~~marijuana~~)) cannabis retailer as an ingredient by  
5 any person other than a validly licensed ((~~marijuana~~)) cannabis  
6 processor each constitute manufacture of ((~~marijuana~~)) cannabis in  
7 violation of RCW 69.50.401. Cooking oil, butter, and other  
8 nonexplosive home cooking substances may be used to make  
9 ((~~marijuana~~)) cannabis extracts for noncommercial personal use.

10 (2) Except for the use of butane, the ((~~state-liquor-and~~  
11 ~~cannabis~~)) board may not enforce this section until it has adopted  
12 the rules required by RCW 69.51A.270.

13 **Sec. 96.** RCW 69.50.465 and 2015 2nd sp.s. c 4 s 1401 are each  
14 amended to read as follows:

15 (1) It is unlawful for any person to conduct or maintain a  
16 ((~~marijuana~~)) cannabis club by himself or herself or by associating  
17 with others, or in any manner aid, assist, or abet in conducting or  
18 maintaining a ((~~marijuana~~)) cannabis club.

19 (2) It is unlawful for any person to conduct or maintain a public  
20 place where ((~~marijuana~~)) cannabis is held or stored, except as  
21 provided for a licensee under this chapter, or consumption of  
22 ((~~marijuana~~)) cannabis is permitted.

23 (3) Any person who violates this section is guilty of a class C  
24 felony punishable under chapter 9A.20 RCW.

25 (4) The following definitions apply throughout this section  
26 unless the context clearly requires otherwise.

27 (a) ((~~"Marijuana"~~)) "Cannabis club" means a club, association, or  
28 other business, for profit or otherwise, that conducts or maintains a  
29 premises for the primary or incidental purpose of providing a  
30 location where members or other persons may keep or consume  
31 ((~~marijuana~~)) cannabis on the premises.

32 (b) "Public place" means, in addition to the definition provided  
33 in RCW 66.04.010, any place to which admission is charged or for  
34 which any pecuniary gain is realized by the owner or operator of such  
35 place.

36 **Sec. 97.** RCW 69.50.475 and 2019 c 379 s 1 are each amended to  
37 read as follows:

1       (1) Except as otherwise authorized in this chapter and as  
2 provided in subsection (2) of this section, an employee of a retail  
3 outlet who sells ((~~marijuana~~)) cannabis products to a person under  
4 the age of twenty-one years in the course of his or her employment is  
5 guilty of a gross misdemeanor.

6       (2) An employee of a retail outlet may be prosecuted under RCW  
7 69.50.401 or 69.50.406 or any other applicable provision, if the  
8 employee sells ((~~marijuana~~)) cannabis products to a person the  
9 employee knows is under the age of twenty-one and not otherwise  
10 authorized to purchase ((~~marijuana~~)) cannabis products under this  
11 chapter, or if the employee sells or otherwise provides ((~~marijuana~~))  
12 cannabis products to a person under the age of twenty-one outside of  
13 the course of his or her employment.

14       **Sec. 98.** RCW 69.50.505 and 2013 c 3 s 25 are each amended to  
15 read as follows:

16       (1) The following are subject to seizure and forfeiture and no  
17 property right exists in them:

18       (a) All controlled substances which have been manufactured,  
19 distributed, dispensed, acquired, or possessed in violation of this  
20 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals,  
21 as defined in RCW 64.44.010, used or intended to be used in the  
22 manufacture of controlled substances;

23       (b) All raw materials, products, and equipment of any kind which  
24 are used, or intended for use, in manufacturing, compounding,  
25 processing, delivering, importing, or exporting any controlled  
26 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

27       (c) All property which is used, or intended for use, as a  
28 container for property described in (a) or (b) of this subsection;

29       (d) All conveyances, including aircraft, vehicles, or vessels,  
30 which are used, or intended for use, in any manner to facilitate the  
31 sale, delivery, or receipt of property described in (a) or (b) of  
32 this subsection, except that:

33       (i) No conveyance used by any person as a common carrier in the  
34 transaction of business as a common carrier is subject to forfeiture  
35 under this section unless it appears that the owner or other person  
36 in charge of the conveyance is a consenting party or privy to a  
37 violation of this chapter or chapter 69.41 or 69.52 RCW;

38       (ii) No conveyance is subject to forfeiture under this section by  
39 reason of any act or omission established by the owner thereof to

1 have been committed or omitted without the owner's knowledge or  
2 consent;

3 (iii) No conveyance is subject to forfeiture under this section  
4 if used in the receipt of only an amount of (~~marijuana~~) cannabis  
5 for which possession constitutes a misdemeanor under RCW 69.50.4014;

6 (iv) A forfeiture of a conveyance encumbered by a bona fide  
7 security interest is subject to the interest of the secured party if  
8 the secured party neither had knowledge of nor consented to the act  
9 or omission; and

10 (v) When the owner of a conveyance has been arrested under this  
11 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the  
12 person is arrested may not be subject to forfeiture unless it is  
13 seized or process is issued for its seizure within ten days of the  
14 owner's arrest;

15 (e) All books, records, and research products and materials,  
16 including formulas, microfilm, tapes, and data which are used, or  
17 intended for use, in violation of this chapter or chapter 69.41 or  
18 69.52 RCW;

19 (f) All drug paraphernalia(~~(21)~~) other than paraphernalia  
20 possessed, sold, or used solely to facilitate (~~marijuana-related~~)  
21 cannabis-related activities that are not violations of this chapter;

22 (g) All moneys, negotiable instruments, securities, or other  
23 tangible or intangible property of value furnished or intended to be  
24 furnished by any person in exchange for a controlled substance in  
25 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible  
26 or intangible personal property, proceeds, or assets acquired in  
27 whole or in part with proceeds traceable to an exchange or series of  
28 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,  
29 and all moneys, negotiable instruments, and securities used or  
30 intended to be used to facilitate any violation of this chapter or  
31 chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable  
32 instruments, securities, or other tangible or intangible property  
33 encumbered by a bona fide security interest is subject to the  
34 interest of the secured party if, at the time the security interest  
35 was created, the secured party neither had knowledge of nor consented  
36 to the act or omission. No personal property may be forfeited under  
37 this subsection (1)(g), to the extent of the interest of an owner, by  
38 reason of any act or omission which that owner establishes was  
39 committed or omitted without the owner's knowledge or consent; and

1 (h) All real property, including any right, title, and interest  
2 in the whole of any lot or tract of land, and any appurtenances or  
3 improvements which are being used with the knowledge of the owner for  
4 the manufacturing, compounding, processing, delivery, importing, or  
5 exporting of any controlled substance, or which have been acquired in  
6 whole or in part with proceeds traceable to an exchange or series of  
7 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,  
8 if such activity is not less than a class C felony and a substantial  
9 nexus exists between the commercial production or sale of the  
10 controlled substance and the real property. However:

11 (i) No property may be forfeited pursuant to this subsection  
12 (1)(h), to the extent of the interest of an owner, by reason of any  
13 act or omission committed or omitted without the owner's knowledge or  
14 consent;

15 (ii) The bona fide gift of a controlled substance, legend drug,  
16 or imitation controlled substance shall not result in the forfeiture  
17 of real property;

18 (iii) The possession of ((~~marijuana~~)) cannabis shall not result  
19 in the forfeiture of real property unless the ((~~marijuana~~)) cannabis  
20 is possessed for commercial purposes that are unlawful under  
21 Washington state law, the amount possessed is five or more plants or  
22 one pound or more of ((~~marijuana~~)) cannabis, and a substantial nexus  
23 exists between the possession of ((~~marijuana~~)) cannabis and the real  
24 property. In such a case, the intent of the offender shall be  
25 determined by the preponderance of the evidence, including the  
26 offender's prior criminal history, the amount of ((~~marijuana~~))  
27 cannabis possessed by the offender, the sophistication of the  
28 activity or equipment used by the offender, whether the offender was  
29 licensed to produce, process, or sell ((~~marijuana~~)) cannabis, or was  
30 an employee of a licensed producer, processor, or retailer, and other  
31 evidence which demonstrates the offender's intent to engage in  
32 unlawful commercial activity;

33 (iv) The unlawful sale of ((~~marijuana~~)) cannabis or a legend drug  
34 shall not result in the forfeiture of real property unless the sale  
35 was forty grams or more in the case of ((~~marijuana~~)) cannabis or one  
36 hundred dollars or more in the case of a legend drug, and a  
37 substantial nexus exists between the unlawful sale and the real  
38 property; and

39 (v) A forfeiture of real property encumbered by a bona fide  
40 security interest is subject to the interest of the secured party if

1 the secured party, at the time the security interest was created,  
2 neither had knowledge of nor consented to the act or omission.

3 (2) Real or personal property subject to forfeiture under this  
4 chapter may be seized by any ((~~board~~)) commission inspector or law  
5 enforcement officer of this state upon process issued by any superior  
6 court having jurisdiction over the property. Seizure of real property  
7 shall include the filing of a lis pendens by the seizing agency. Real  
8 property seized under this section shall not be transferred or  
9 otherwise conveyed until ninety days after seizure or until a  
10 judgment of forfeiture is entered, whichever is later: PROVIDED, That  
11 real property seized under this section may be transferred or  
12 conveyed to any person or entity who acquires title by foreclosure or  
13 deed in lieu of foreclosure of a security interest. Seizure of  
14 personal property without process may be made if:

15 (a) The seizure is incident to an arrest or a search under a  
16 search warrant or an inspection under an administrative inspection  
17 warrant;

18 (b) The property subject to seizure has been the subject of a  
19 prior judgment in favor of the state in a criminal injunction or  
20 forfeiture proceeding based upon this chapter;

21 (c) A ((~~board~~)) commission inspector or law enforcement officer  
22 has probable cause to believe that the property is directly or  
23 indirectly dangerous to health or safety; or

24 (d) The ((~~board~~)) commission inspector or law enforcement officer  
25 has probable cause to believe that the property was used or is  
26 intended to be used in violation of this chapter.

27 (3) In the event of seizure pursuant to subsection (2) of this  
28 section, proceedings for forfeiture shall be deemed commenced by the  
29 seizure. The law enforcement agency under whose authority the seizure  
30 was made shall cause notice to be served within fifteen days  
31 following the seizure on the owner of the property seized and the  
32 person in charge thereof and any person having any known right or  
33 interest therein, including any community property interest, of the  
34 seizure and intended forfeiture of the seized property. Service of  
35 notice of seizure of real property shall be made according to the  
36 rules of civil procedure. However, the state may not obtain a default  
37 judgment with respect to real property against a party who is served  
38 by substituted service absent an affidavit stating that a good faith  
39 effort has been made to ascertain if the defaulted party is  
40 incarcerated within the state, and that there is no present basis to



1 believe that the party is incarcerated within the state. Notice of  
2 seizure in the case of property subject to a security interest that  
3 has been perfected by filing a financing statement in accordance with  
4 chapter 62A.9A RCW, or a certificate of title, shall be made by  
5 service upon the secured party or the secured party's assignee at the  
6 address shown on the financing statement or the certificate of title.  
7 The notice of seizure in other cases may be served by any method  
8 authorized by law or court rule including but not limited to service  
9 by certified mail with return receipt requested. Service by mail  
10 shall be deemed complete upon mailing within the fifteen day period  
11 following the seizure.

12 (4) If no person notifies the seizing law enforcement agency in  
13 writing of the person's claim of ownership or right to possession of  
14 items specified in subsection (1)(d), (g), or (h) of this section  
15 within forty-five days of the service of notice from the seizing  
16 agency in the case of personal property and ninety days in the case  
17 of real property, the item seized shall be deemed forfeited. The  
18 community property interest in real property of a person whose spouse  
19 or domestic partner committed a violation giving rise to seizure of  
20 the real property may not be forfeited if the person did not  
21 participate in the violation.

22 (5) If any person notifies the seizing law enforcement agency in  
23 writing of the person's claim of ownership or right to possession of  
24 items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h)  
25 of this section within forty-five days of the service of notice from  
26 the seizing agency in the case of personal property and ninety days  
27 in the case of real property, the person or persons shall be afforded  
28 a reasonable opportunity to be heard as to the claim or right. The  
29 notice of claim may be served by any method authorized by law or  
30 court rule including, but not limited to, service by first-class  
31 mail. Service by mail shall be deemed complete upon mailing within  
32 the forty-five day period following service of the notice of seizure  
33 in the case of personal property and within the ninety-day period  
34 following service of the notice of seizure in the case of real  
35 property. The hearing shall be before the chief law enforcement  
36 officer of the seizing agency or the chief law enforcement officer's  
37 designee, except where the seizing agency is a state agency as  
38 defined in RCW 34.12.020(4), the hearing shall be before the chief  
39 law enforcement officer of the seizing agency or an administrative  
40 law judge appointed under chapter 34.12 RCW, except that any person

1 asserting a claim or right may remove the matter to a court of  
2 competent jurisdiction. Removal of any matter involving personal  
3 property may only be accomplished according to the rules of civil  
4 procedure. The person seeking removal of the matter must serve  
5 process against the state, county, political subdivision, or  
6 municipality that operates the seizing agency, and any other party of  
7 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-  
8 five days after the person seeking removal has notified the seizing  
9 law enforcement agency of the person's claim of ownership or right to  
10 possession. The court to which the matter is to be removed shall be  
11 the district court when the aggregate value of personal property is  
12 within the jurisdictional limit set forth in RCW 3.66.020. A hearing  
13 before the seizing agency and any appeal therefrom shall be under  
14 Title 34 RCW. In all cases, the burden of proof is upon the law  
15 enforcement agency to establish, by a preponderance of the evidence,  
16 that the property is subject to forfeiture.

17 The seizing law enforcement agency shall promptly return the  
18 article or articles to the claimant upon a determination by the  
19 administrative law judge or court that the claimant is the present  
20 lawful owner or is lawfully entitled to possession thereof of items  
21 specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of  
22 this section.

23 (6) In any proceeding to forfeit property under this title, where  
24 the claimant substantially prevails, the claimant is entitled to  
25 reasonable attorneys' fees reasonably incurred by the claimant. In  
26 addition, in a court hearing between two or more claimants to the  
27 article or articles involved, the prevailing party is entitled to a  
28 judgment for costs and reasonable attorneys' fees.

29 (7) When property is forfeited under this chapter the ((board))  
30 commission or seizing law enforcement agency may:

31 (a) Retain it for official use or upon application by any law  
32 enforcement agency of this state release such property to such agency  
33 for the exclusive use of enforcing the provisions of this chapter;

34 (b) Sell that which is not required to be destroyed by law and  
35 which is not harmful to the public;

36 (c) Request the appropriate sheriff or director of public safety  
37 to take custody of the property and remove it for disposition in  
38 accordance with law; or

39 (d) Forward it to the drug enforcement administration for  
40 disposition.

1 (8)(a) When property is forfeited, the seizing agency shall keep  
2 a record indicating the identity of the prior owner, if known, a  
3 description of the property, the disposition of the property, the  
4 value of the property at the time of seizure, and the amount of  
5 proceeds realized from disposition of the property.

6 (b) Each seizing agency shall retain records of forfeited  
7 property for at least seven years.

8 (c) Each seizing agency shall file a report including a copy of  
9 the records of forfeited property with the state treasurer each  
10 calendar quarter.

11 (d) The quarterly report need not include a record of forfeited  
12 property that is still being held for use as evidence during the  
13 investigation or prosecution of a case or during the appeal from a  
14 conviction.

15 (9)(a) By January 31st of each year, each seizing agency shall  
16 remit to the state treasurer an amount equal to ten percent of the  
17 net proceeds of any property forfeited during the preceding calendar  
18 year. Money remitted shall be deposited in the state general fund.

19 (b) The net proceeds of forfeited property is the value of the  
20 forfeitable interest in the property after deducting the cost of  
21 satisfying any bona fide security interest to which the property is  
22 subject at the time of seizure; and in the case of sold property,  
23 after deducting the cost of sale, including reasonable fees or  
24 commissions paid to independent selling agents, and the cost of any  
25 valid landlord's claim for damages under subsection (15) of this  
26 section.

27 (c) The value of sold forfeited property is the sale price. The  
28 value of retained forfeited property is the fair market value of the  
29 property at the time of seizure, determined when possible by  
30 reference to an applicable commonly used index, such as the index  
31 used by the department of licensing for valuation of motor vehicles.  
32 A seizing agency may use, but need not use, an independent qualified  
33 appraiser to determine the value of retained property. If an  
34 appraiser is used, the value of the property appraised is net of the  
35 cost of the appraisal. The value of destroyed property and retained  
36 firearms or illegal property is zero.

37 (10) Forfeited property and net proceeds not required to be paid  
38 to the state treasurer shall be retained by the seizing law  
39 enforcement agency exclusively for the expansion and improvement of  
40 controlled substances related law enforcement activity. Money

1 retained under this section may not be used to supplant preexisting  
2 funding sources.

3 (11) Controlled substances listed in Schedule I, II, III, IV, and  
4 V that are possessed, transferred, sold, or offered for sale in  
5 violation of this chapter are contraband and shall be seized and  
6 summarily forfeited to the state. Controlled substances listed in  
7 Schedule I, II, III, IV, and V, which are seized or come into the  
8 possession of the ((board)) commission, the owners of which are  
9 unknown, are contraband and shall be summarily forfeited to the  
10 ((board)) commission.

11 (12) Species of plants from which controlled substances in  
12 Schedules I and II may be derived which have been planted or  
13 cultivated in violation of this chapter, or of which the owners or  
14 cultivators are unknown, or which are wild growths, may be seized and  
15 summarily forfeited to the ((board)) commission.

16 (13) The failure, upon demand by a ((board)) commission inspector  
17 or law enforcement officer, of the person in occupancy or in control  
18 of land or premises upon which the species of plants are growing or  
19 being stored to produce an appropriate registration or proof that he  
20 or she is the holder thereof constitutes authority for the seizure  
21 and forfeiture of the plants.

22 (14) Upon the entry of an order of forfeiture of real property,  
23 the court shall forward a copy of the order to the assessor of the  
24 county in which the property is located. Orders for the forfeiture of  
25 real property shall be entered by the superior court, subject to  
26 court rules. Such an order shall be filed by the seizing agency in  
27 the county auditor's records in the county in which the real property  
28 is located.

29 (15)(a) A landlord may assert a claim against proceeds from the  
30 sale of assets seized and forfeited under subsection (7)(b) of this  
31 section, only if:

32 (i) A law enforcement officer, while acting in his or her  
33 official capacity, directly caused damage to the complaining  
34 landlord's property while executing a search of a tenant's residence;  
35 and

36 (ii) The landlord has applied any funds remaining in the tenant's  
37 deposit, to which the landlord has a right under chapter 59.18 RCW,  
38 to cover the damage directly caused by a law enforcement officer  
39 prior to asserting a claim under the provisions of this section;

1 (A) Only if the funds applied under (a)(ii) of this subsection  
2 are insufficient to satisfy the damage directly caused by a law  
3 enforcement officer, may the landlord seek compensation for the  
4 damage by filing a claim against the governmental entity under whose  
5 authority the law enforcement agency operates within thirty days  
6 after the search;

7 (B) Only if the governmental entity denies or fails to respond to  
8 the landlord's claim within sixty days of the date of filing, may the  
9 landlord collect damages under this subsection by filing within  
10 thirty days of denial or the expiration of the sixty-day period,  
11 whichever occurs first, a claim with the seizing law enforcement  
12 agency. The seizing law enforcement agency must notify the landlord  
13 of the status of the claim by the end of the thirty-day period.  
14 Nothing in this section requires the claim to be paid by the end of  
15 the sixty-day or thirty-day period.

16 (b) For any claim filed under (a)(ii) of this subsection, the law  
17 enforcement agency shall pay the claim unless the agency provides  
18 substantial proof that the landlord either:

19 (i) Knew or consented to actions of the tenant in violation of  
20 this chapter or chapter 69.41 or 69.52 RCW; or

21 (ii) Failed to respond to a notification of the illegal activity,  
22 provided by a law enforcement agency under RCW 59.18.075, within  
23 seven days of receipt of notification of the illegal activity.

24 (16) The landlord's claim for damages under subsection (15) of  
25 this section may not include a claim for loss of business and is  
26 limited to:

27 (a) Damage to tangible property and clean-up costs;

28 (b) The lesser of the cost of repair or fair market value of the  
29 damage directly caused by a law enforcement officer;

30 (c) The proceeds from the sale of the specific tenant's property  
31 seized and forfeited under subsection (7)(b) of this section; and

32 (d) The proceeds available after the seizing law enforcement  
33 agency satisfies any bona fide security interest in the tenant's  
34 property and costs related to sale of the tenant's property as  
35 provided by subsection (9)(b) of this section.

36 (17) Subsections (15) and (16) of this section do not limit any  
37 other rights a landlord may have against a tenant to collect for  
38 damages. However, if a law enforcement agency satisfies a landlord's  
39 claim under subsection (15) of this section, the rights the landlord  
40 has against the tenant for damages directly caused by a law

enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

**Sec. 99.** RCW 69.50.515 and 2013 c 133 s 1 are each amended to read as follows:

(1) Upon finding one ounce or less of ~~((marijuana))~~ cannabis inadvertently left at a retail store holding a pharmacy license, the store manager or employee must promptly notify the local law enforcement agency. After notification to the local law enforcement agency, the store manager or employee must properly dispose of the ~~((marijuana))~~ cannabis.

(2) For the purposes of this section, "properly dispose" means ensuring that the product is destroyed or rendered incapable of use by another person.

**Sec. 100.** RCW 69.50.530 and 2018 c 299 s 909 are each amended to read as follows:

The dedicated ~~((marijuana))~~ cannabis account is created in the state treasury. All moneys received by the ~~((state-liquor-and-eannabis))~~ board, or any employee thereof, from ~~((marijuana-related))~~ cannabis-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all ~~((marijuana))~~ cannabis excise taxes collected from sales of ~~((marijuana))~~ cannabis, useable ~~((marijuana, marijuana))~~ cannabis, cannabis concentrates, and ~~((marijuana-infused))~~ cannabis-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from ~~((marijuana))~~ cannabis producer, ~~((marijuana))~~ cannabis processor, ~~((marijuana))~~ cannabis researcher, and ~~((marijuana))~~ cannabis retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 and 2017-2019 fiscal biennia, the legislature may transfer from the dedicated ~~((marijuana))~~ cannabis account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

**Sec. 101.** RCW 69.50.535 and 2015 2nd sp.s. c 4 s 205 are each amended to read as follows:

(1)(a) There is levied and collected a ~~((marijuana))~~ cannabis excise tax equal to thirty-seven percent of the selling price on each retail sale in this state of ~~((marijuana))~~ cannabis concentrates,

1 useable (~~((marijuana, and marijuana-infused))~~) cannabis, and cannabis-  
2 infused products. This tax is separate and in addition to general  
3 state and local sales and use taxes that apply to retail sales of  
4 tangible personal property, and is not part of the total retail price  
5 to which general state and local sales and use taxes apply. The tax  
6 must be separately itemized from the state and local retail sales tax  
7 on the sales receipt provided to the buyer.

8 (b) The tax levied in this section must be reflected in the price  
9 list or quoted shelf price in the licensed (~~((marijuana))~~) cannabis  
10 retail store and in any advertising that includes prices for all  
11 useable (~~((marijuana, marijuana))~~) cannabis, cannabis concentrates, or  
12 (~~((marijuana-infused))~~) cannabis-infused products.

13 (2) All revenues collected from the (~~((marijuana))~~) cannabis excise  
14 tax imposed under this section must be deposited each day in the  
15 dedicated (~~((marijuana))~~) cannabis account.

16 (3) The tax imposed in this section must be paid by the buyer to  
17 the seller. Each seller must collect from the buyer the full amount  
18 of the tax payable on each taxable sale. The tax collected as  
19 required by this section is deemed to be held in trust by the seller  
20 until paid to the board. If any seller fails to collect the tax  
21 imposed in this section or, having collected the tax, fails to pay it  
22 as prescribed by the board, whether such failure is the result of the  
23 seller's own acts or the result of acts or conditions beyond the  
24 seller's control, the seller is, nevertheless, personally liable to  
25 the state for the amount of the tax.

26 (4) The definitions in this subsection apply throughout this  
27 section unless the context clearly requires otherwise.

28 (a) "Board" means the state liquor and cannabis board.

29 (b) "Retail sale" has the same meaning as in RCW 82.08.010.

30 (c) "Selling price" has the same meaning as in RCW 82.08.010,  
31 except that when product is sold under circumstances where the total  
32 amount of consideration paid for the product is not indicative of its  
33 true value, "selling price" means the true value of the product sold.

34 (d) "Product" means (~~((marijuana, marijuana))~~) cannabis, cannabis  
35 concentrates, useable (~~((marijuana, and marijuana-infused))~~) cannabis,  
36 and cannabis-infused products.

37 (e) "True value" means market value based on sales at comparable  
38 locations in this state of the same or similar product of like  
39 quality and character sold under comparable conditions of sale to  
40 comparable purchasers. However, in the absence of such sales of the

1 same or similar product, true value means the value of the product  
2 sold as determined by all of the seller's direct and indirect costs  
3 attributable to the product.

4 (5)(a) The board must regularly review the tax level established  
5 under this section and make recommendations, in consultation with the  
6 department of revenue, to the legislature as appropriate regarding  
7 adjustments that would further the goal of discouraging use while  
8 undercutting illegal market prices.

9 (b) The (~~state liquor and cannabis~~) board must report, in  
10 compliance with RCW 43.01.036, to the appropriate committees of the  
11 legislature every two years. The report at a minimum must include the  
12 following:

13 (i) The specific recommendations required under (a) of this  
14 subsection;

15 (ii) A comparison of gross sales and tax collections prior to and  
16 after any (~~marijuana~~) cannabis tax change;

17 (iii) The increase or decrease in the volume of legal  
18 (~~marijuana~~) cannabis sold prior to and after any (~~marijuana~~)  
19 cannabis tax change;

20 (iv) Increases or decreases in the number of licensed  
21 (~~marijuana~~) cannabis producers, processors, and retailers;

22 (v) The number of illegal and noncompliant (~~marijuana~~) cannabis  
23 outlets the board requires to be closed;

24 (vi) Gross (~~marijuana~~) cannabis sales and tax collections in  
25 Oregon; and

26 (vii) The total amount of reported sales and use taxes exempted  
27 for qualifying patients. The department of revenue must provide the  
28 data of exempt amounts to the board.

29 (c) The board is not required to report to the legislature as  
30 required in (b) of this subsection after January 1, 2025.

31 (6) The legislature does not intend and does not authorize any  
32 person or entity to engage in activities or to conspire to engage in  
33 activities that would constitute per se violations of state and  
34 federal antitrust laws including, but not limited to, agreements  
35 among retailers as to the selling price of any goods sold.

36 **Sec. 102.** RCW 69.50.540 and 2021 c 334 s 986 are each amended to  
37 read as follows:

38 The legislature must annually appropriate moneys in the dedicated  
39 (~~marijuana~~) cannabis account created in RCW 69.50.530 as follows:



1       (1) For the purposes listed in this subsection (1), the  
2 legislature must appropriate to the respective agencies amounts  
3 sufficient to make the following expenditures on a quarterly basis or  
4 as provided in this subsection:

5       (a) One hundred twenty-five thousand dollars to the health care  
6 authority to design and administer the Washington state healthy youth  
7 survey, analyze the collected data, and produce reports, in  
8 collaboration with the office of the superintendent of public  
9 instruction, department of health, department of commerce, family  
10 policy council, and board. The survey must be conducted at least  
11 every two years and include questions regarding, but not necessarily  
12 limited to, academic achievement, age at time of substance use  
13 initiation, antisocial behavior of friends, attitudes toward  
14 antisocial behavior, attitudes toward substance use, laws and  
15 community norms regarding antisocial behavior, family conflict,  
16 family management, parental attitudes toward substance use, peer  
17 rewarding of antisocial behavior, perceived risk of substance use,  
18 and rebelliousness. Funds disbursed under this subsection may be used  
19 to expand administration of the healthy youth survey to student  
20 populations attending institutions of higher education in Washington;

21       (b) Fifty thousand dollars to the health care authority for the  
22 purpose of contracting with the Washington state institute for public  
23 policy to conduct the cost-benefit evaluation and produce the reports  
24 described in RCW 69.50.550. This appropriation ends after production  
25 of the final report required by RCW 69.50.550;

26       (c) Five thousand dollars to the University of Washington alcohol  
27 and drug abuse institute for the creation, maintenance, and timely  
28 updating of web-based public education materials providing medically  
29 and scientifically accurate information about the health and safety  
30 risks posed by ((~~marijuana~~)) cannabis use;

31       (d)(i) An amount not less than one million two hundred fifty  
32 thousand dollars to the board for administration of this chapter as  
33 appropriated in the omnibus appropriations act;

34       (ii) One million three hundred twenty-three thousand dollars for  
35 fiscal year 2020 to the health professions account established under  
36 RCW 43.70.320 for the development and administration of the  
37 ((~~marijuana~~)) cannabis authorization database by the department of  
38 health;

39       (iii) Two million four hundred fifty-three thousand dollars for  
40 fiscal year 2020 and two million four hundred twenty-three thousand

dollars for fiscal years 2021, 2022, and 2023 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of ~~((marijuana))~~ cannabis product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020, four hundred sixty-four thousand dollars for fiscal year 2021, two hundred seventy thousand dollars in fiscal year 2022, and two hundred seventy-six thousand dollars in fiscal year 2023 to the department of ecology for implementation of accreditation of ~~((marijuana))~~ cannabis product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for each of fiscal years 2020 through 2023 to the department of health for the administration of the ~~((marijuana))~~ cannabis authorization database;

(h) Six hundred thirty-five thousand dollars for fiscal year 2020, six hundred thirty-five thousand dollars for fiscal year 2021, six hundred twenty-one thousand dollars for fiscal year 2022, and six hundred twenty-seven thousand dollars for fiscal year 2023 to the department of agriculture for compliance-based laboratory analysis of pesticides in ~~((marijuana))~~ cannabis;

(i) One million six hundred fifty thousand dollars for fiscal year 2022 and one million six hundred fifty thousand dollars for fiscal year 2023 to the department of commerce to fund the ~~((marijuana))~~ cannabis social equity technical assistance ~~((competitive))~~ grant program under RCW 43.330.540; and

(j) One hundred sixty-three thousand dollars for fiscal year 2022 and one hundred fifty-nine thousand dollars for fiscal year 2023 to the department of commerce to establish a roster of mentors as part of the cannabis social equity technical assistance grant program under ~~((Engrossed Substitute House Bill No. 1443 (cannabis industry/ equity) [chapter 169, Laws of 2021]))~~ RCW 43.330.540; and

(2) From the amounts in the dedicated ~~((marijuana))~~ cannabis account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

1 (a)(i) Up to fifteen percent to the health care authority for the  
2 development, implementation, maintenance, and evaluation of programs  
3 and practices aimed at the prevention or reduction of maladaptive  
4 substance use, substance use disorder, substance abuse or substance  
5 dependence, as these terms are defined in the Diagnostic and  
6 Statistical Manual of Mental Disorders, among middle school and high  
7 school-age students, whether as an explicit goal of a given program  
8 or practice or as a consistently corresponding effect of its  
9 implementation, mental health services for children and youth, and  
10 services for pregnant and parenting women; PROVIDED, That:

11 (A) Of the funds appropriated under (a)(i) of this subsection for  
12 new programs and new services, at least eighty-five percent must be  
13 directed to evidence-based or research-based programs and practices  
14 that produce objectively measurable results and, by September 1,  
15 2020, are cost-beneficial; and

16 (B) Up to fifteen percent of the funds appropriated under (a)(i)  
17 of this subsection for new programs and new services may be directed  
18 to proven and tested practices, emerging best practices, or promising  
19 practices.

20 (ii) In deciding which programs and practices to fund, the  
21 director of the health care authority must consult, at least  
22 annually, with the University of Washington's social development  
23 research group and the University of Washington's alcohol and drug  
24 abuse institute.

25 (iii) For each fiscal year, the legislature must appropriate a  
26 minimum of twenty-five million five hundred thirty-six thousand  
27 dollars under this subsection (2)(a);

28 (b)(i) Up to ten percent to the department of health for the  
29 following, subject to (b)(ii) of this subsection (2):

30 (A) Creation, implementation, operation, and management of a  
31 ((~~marijuana~~)) cannabis education and public health program that  
32 contains the following:

33 (I) A ((~~marijuana~~)) cannabis use public health hotline that  
34 provides referrals to substance abuse treatment providers, utilizes  
35 evidence-based or research-based public health approaches to  
36 minimizing the harms associated with ((~~marijuana~~)) cannabis use, and  
37 does not solely advocate an abstinence-only approach;

38 (II) A grants program for local health departments or other local  
39 community agencies that supports development and implementation of

1 coordinated intervention strategies for the prevention and reduction  
2 of ((~~marijuana~~)) cannabis use by youth; and

3 (III) Media-based education campaigns across television,  
4 internet, radio, print, and out-of-home advertising, separately  
5 targeting youth and adults, that provide medically and scientifically  
6 accurate information about the health and safety risks posed by  
7 ((~~marijuana~~)) cannabis use; and

8 (B) The Washington poison control center.

9 (ii) For each fiscal year, the legislature must appropriate a  
10 minimum of nine million seven hundred fifty thousand dollars under  
11 this subsection (2)(b);

12 (c)(i) Up to six-tenths of one percent to the University of  
13 Washington and four-tenths of one percent to Washington State  
14 University for research on the short and long-term effects of  
15 ((~~marijuana~~)) cannabis use, to include but not be limited to formal  
16 and informal methods for estimating and measuring intoxication and  
17 impairment, and for the dissemination of such research.

18 (ii) For each fiscal year, except for the 2019-2021 and 2021-2023  
19 fiscal biennia, the legislature must appropriate a minimum of one  
20 million twenty-one thousand dollars to the University of Washington.  
21 For each fiscal year, except for the 2019-2021 and 2021-2023 fiscal  
22 biennia, the legislature must appropriate a minimum of six hundred  
23 eighty-one thousand dollars to Washington State University under this  
24 subsection (2)(c). It is the intent of the legislature that this  
25 policy will be continued in the 2023-2025 fiscal biennium;

26 (d) Fifty percent to the state basic health plan trust account to  
27 be administered by the Washington basic health plan administrator and  
28 used as provided under chapter 70.47 RCW;

29 (e) Five percent to the Washington state health care authority to  
30 be expended exclusively through contracts with community health  
31 centers to provide primary health and dental care services, migrant  
32 health services, and maternity health care services as provided under  
33 RCW 41.05.220;

34 (f)(i) Up to three-tenths of one percent to the office of the  
35 superintendent of public instruction to fund grants to building  
36 bridges programs under chapter 28A.175 RCW.

37 (ii) For each fiscal year, the legislature must appropriate a  
38 minimum of five hundred eleven thousand dollars to the office of the  
39 superintendent of public instruction under this subsection (2)(f);  
40 and

1 (g) At the end of each fiscal year, the treasurer must transfer  
2 any amounts in the dedicated ((~~marijuana~~)) cannabis account that are  
3 not appropriated pursuant to subsection (1) of this section and this  
4 subsection (2) into the general fund, except as provided in (g)(i) of  
5 this subsection (2).

6 (i) Beginning in fiscal year 2018, if ((~~marijuana~~)) cannabis  
7 excise tax collections deposited into the general fund in the prior  
8 fiscal year exceed twenty-five million dollars, then each fiscal year  
9 the legislature must appropriate an amount equal to thirty percent of  
10 all ((~~marijuana~~)) cannabis excise taxes deposited into the general  
11 fund the prior fiscal year to the treasurer for distribution to  
12 counties, cities, and towns as follows:

13 (A) Thirty percent must be distributed to counties, cities, and  
14 towns where licensed ((~~marijuana~~)) cannabis retailers are physically  
15 located. Each jurisdiction must receive a share of the revenue  
16 distribution under this subsection (2)(g)(i)(A) based on the  
17 proportional share of the total revenues generated in the individual  
18 jurisdiction from the taxes collected under RCW 69.50.535, from  
19 licensed ((~~marijuana~~)) cannabis retailers physically located in each  
20 jurisdiction. For purposes of this subsection (2)(g)(i)(A), one  
21 hundred percent of the proportional amount attributed to a retailer  
22 physically located in a city or town must be distributed to the city  
23 or town.

24 (B) Seventy percent must be distributed to counties, cities, and  
25 towns ratably on a per capita basis. Counties must receive sixty  
26 percent of the distribution, which must be disbursed based on each  
27 county's total proportional population. Funds may only be distributed  
28 to jurisdictions that do not prohibit the siting of any state  
29 licensed ((~~marijuana~~)) cannabis producer, processor, or retailer.

30 (ii) Distribution amounts allocated to each county, city, and  
31 town must be distributed in four installments by the last day of each  
32 fiscal quarter.

33 (iii) By September 15th of each year, the board must provide the  
34 state treasurer the annual distribution amount, if any, for each  
35 county and city as determined in (g)(i) of this subsection (2).

36 (iv) The total share of ((~~marijuana~~)) cannabis excise tax  
37 revenues distributed to counties and cities in (g)(i) of this  
38 subsection (2) may not exceed fifteen million dollars in fiscal years  
39 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal  
40 year thereafter.

1       **Sec. 103.** RCW 69.50.550 and 2013 c 3 s 30 are each amended to  
2 read as follows:

3       (1) The Washington state institute for public policy shall  
4 conduct cost-benefit evaluations of the implementation of chapter 3,  
5 Laws of 2013. A preliminary report, and recommendations to  
6 appropriate committees of the legislature, shall be made by September  
7 1, 2015, and the first final report with recommendations by September  
8 1, 2017. Subsequent reports shall be due September 1, 2022, and  
9 September 1, 2032.

10       (2) The evaluation of the implementation of chapter 3, Laws of  
11 2013 shall include, but not necessarily be limited to, consideration  
12 of the following factors:

13       (a) Public health, to include but not be limited to:

14       (i) Health costs associated with ((~~marijuana~~)) cannabis use;

15       (ii) Health costs associated with criminal prohibition of  
16 ((~~marijuana~~)) cannabis, including lack of product safety or quality  
17 control regulations and the relegation of ((~~marijuana~~)) cannabis to  
18 the same illegal market as potentially more dangerous substances; and

19       (iii) The impact of increased investment in the research,  
20 evaluation, education, prevention and intervention programs,  
21 practices, and campaigns identified in RCW 69.50.363 on rates of  
22 ((~~marijuana-related~~)) cannabis-related maladaptive substance use and  
23 diagnosis of ((~~marijuana-related~~)) cannabis-related substance use  
24 disorder, substance abuse, or substance dependence, as these terms  
25 are defined in the Diagnostic and Statistical Manual of Mental  
26 Disorders;

27       (b) Public safety, to include but not be limited to:

28       (i) Public safety issues relating to ((~~marijuana~~)) cannabis use;

29 and

30       (ii) Public safety issues relating to criminal prohibition of  
31 ((~~marijuana~~)) cannabis;

32       (c) Youth and adult rates of the following:

33       (i) ((~~Marijuana~~)) Cannabis use;

34       (ii) Maladaptive use of ((~~marijuana~~)) cannabis; and

35       (iii) Diagnosis of ((~~marijuana-related~~)) cannabis-related  
36 substance use disorder, substance abuse, or substance dependence,  
37 including primary, secondary, and tertiary choices of substance;

38       (d) Economic impacts in the private and public sectors, including  
39 but not limited to:

40       (i) Jobs creation;

- (ii) Workplace safety;
- (iii) Revenues; and
- (iv) Taxes generated for state and local budgets;
- (e) Criminal justice impacts, to include but not be limited to:
  - (i) Use of public resources like law enforcement officers and equipment, prosecuting attorneys and public defenders, judges and court staff, the Washington state patrol crime lab and identification and criminal history section, jails and prisons, and misdemeanor and felon supervision officers to enforce state criminal laws regarding ~~((marijuana))~~ cannabis; and
  - (ii) Short and long-term consequences of involvement in the criminal justice system for persons accused of crimes relating to ~~((marijuana))~~ cannabis, their families, and their communities; and
- (f) State and local agency administrative costs and revenues.

**Sec. 104.** RCW 69.50.555 and 2015 c 207 s 3 are each amended to read as follows:

The taxes, fees, assessments, and other charges imposed by this chapter do not apply to commercial activities related to the production, processing, sale, and possession of ~~((marijuana))~~ cannabis, useable ~~((marijuana, —marijuana))~~ cannabis, cannabis concentrates, and ((marijuana-infused)) cannabis-infused products covered by an agreement entered into under RCW 43.06.490.

**Sec. 105.** RCW 69.50.560 and 2015 c 70 s 33 are each amended to read as follows:

(1) The ~~((state liquor and cannabis))~~ board may conduct controlled purchase programs to determine whether:

(a) A ~~((marijuana))~~ cannabis retailer is unlawfully selling ~~((marijuana))~~ cannabis to persons under the age of twenty-one;

(b) A ~~((marijuana))~~ cannabis retailer holding a medical ~~((marijuana))~~ cannabis endorsement is selling to persons under the age of eighteen or selling to persons between the ages of eighteen and twenty-one who do not hold valid recognition cards; or

~~(c) ((Until July 1, 2016, collective gardens under RCW 69.51A.085 are providing marijuana to persons under the age of twenty-one; or~~

~~(d)))~~ A cooperative organized under RCW 69.51A.250 is permitting a person under the age of twenty-one to participate.

1 (2) Every person under the age of twenty-one years who purchases  
2 or attempts to purchase ((~~marijuana~~)) cannabis is guilty of a  
3 violation of this section. This section does not apply to:

4 (a) Persons between the ages of eighteen and twenty-one who hold  
5 valid recognition cards and purchase ((~~marijuana~~)) cannabis at a  
6 ((~~marijuana~~)) cannabis retail outlet holding a medical ((~~marijuana~~))  
7 cannabis endorsement;

8 (b) Persons between the ages of eighteen and twenty-one years who  
9 are participating in a controlled purchase program authorized by the  
10 ((~~state liquor and cannabis~~)) board under rules adopted by the board.  
11 Violations occurring under a private, controlled purchase program  
12 authorized by the ((~~state liquor and cannabis~~)) board may not be used  
13 for criminal or administrative prosecution.

14 (3) A ((~~marijuana~~)) cannabis retailer who conducts an in-house  
15 controlled purchase program authorized under this section shall  
16 provide his or her employees a written description of the employer's  
17 in-house controlled purchase program. The written description must  
18 include notice of actions an employer may take as a consequence of an  
19 employee's failure to comply with company policies regarding the sale  
20 of ((~~marijuana~~)) cannabis during an in-house controlled purchase  
21 program.

22 (4) An in-house controlled purchase program authorized under this  
23 section shall be for the purposes of employee training and employer  
24 self-compliance checks. A ((~~marijuana~~)) cannabis retailer may not  
25 terminate an employee solely for a first-time failure to comply with  
26 company policies regarding the sale of ((~~marijuana~~)) cannabis during  
27 an in-house controlled purchase program authorized under this  
28 section.

29 (5) Every person between the ages of eighteen and twenty-one who  
30 is convicted of a violation of this section is guilty of a  
31 misdemeanor punishable as provided by RCW 9A.20.021.

32 **Sec. 106.** RCW 69.50.562 and 2019 c 394 s 6 are each amended to  
33 read as follows:

34 (1) The board must prescribe procedures for the following:

35 (a) Issuance of written warnings or notices to correct in lieu of  
36 penalties, sanctions, or other violations with respect to regulatory  
37 violations that have no direct or immediate relationship to public  
38 safety as defined by the board;



1 (b) Waiving any fines, civil penalties, or administrative  
2 sanctions for violations, that have no direct or immediate  
3 relationship to public safety, and are corrected by the licensee  
4 within a reasonable amount of time as designated by the board; and

5 (c) A compliance program in accordance with chapter 43.05 RCW and  
6 RCW 69.50.342, whereby licensees may request compliance assistance  
7 and inspections without issuance of a penalty, sanction, or other  
8 violation provided that any noncompliant issues are resolved within a  
9 specified period of time.

10 (2) The board must adopt rules prescribing penalties for  
11 violations of this chapter. The board:

12 (a) May establish escalating penalties for violation of this  
13 chapter, provided that the cumulative effect of any such escalating  
14 penalties cannot last beyond two years and the escalation applies  
15 only to multiple violations that are the same or similar in nature;

16 (b) May not include cancellation of a license for a single  
17 violation, unless the board can prove by a preponderance of the  
18 evidence:

19 (i) Diversion of ((~~marijuana~~)) cannabis product to the illicit  
20 market or sales across state lines;

21 (ii) Furnishing of ((~~marijuana~~)) cannabis product to minors;

22 (iii) Diversion of revenue to criminal enterprises, gangs,  
23 cartels, or parties not qualified to hold a ((~~marijuana~~)) cannabis  
24 license based on criminal history requirements;

25 (iv) The commission of ((~~nonmarijuana-related~~)) noncannabis-  
26 related crimes; or

27 (v) Knowingly making a misrepresentation of fact to the board, an  
28 officer of the board, or an employee of the board related to conduct  
29 or an action that is, or alleged to be, any of the violations  
30 identified in (b) (i) through ((~~(b)~~)) (iv) of this subsection (2);

31 (c) May include cancellation of a license for cumulative  
32 violations only if a ((~~marijuana~~)) cannabis licensee commits at least  
33 four violations within a two-year period of time;

34 (d) Must consider aggravating and mitigating circumstances and  
35 deviate from the prescribed penalties accordingly, and must authorize  
36 enforcement officers to do the same, provided that such penalty may  
37 not exceed the maximum escalating penalty prescribed by the board for  
38 that violation; and

(e) Must give substantial consideration to mitigating any penalty imposed on a licensee when there is employee misconduct that led to the violation and the licensee:

(i) Established a compliance program designed to prevent the violation;

(ii) Performed meaningful training with employees designed to prevent the violation; and

(iii) Had not enabled or ignored the violation or other similar violations in the past.

(3) The board may not consider any violation that occurred more than two years prior as grounds for denial, suspension, revocation, cancellation, or nonrenewal, unless the board can prove by a preponderance of the evidence that the prior administrative violation evidences:

(a) Diversion of (~~marijuana~~) cannabis product to the illicit market or sales across state lines;

(b) Furnishing of (~~marijuana~~) cannabis product to minors;

(c) Diversion of revenue to criminal enterprises, gangs, cartels, or parties not qualified to hold a (~~marijuana~~) cannabis license based on criminal history requirements;

(d) The commission of (~~nonmarijuana-related~~) noncannabis-related crimes; or

(e) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (a) through (d) of this subsection (3).

**Sec. 107.** RCW 69.50.563 and 2019 c 394 s 3 are each amended to read as follows:

(1) The (~~liquor and cannabis~~) board may issue a civil penalty without first issuing a notice of correction if:

(a) The licensee has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule;

(b) Compliance is not achieved by the date established by the (~~liquor and cannabis~~) board in a previously issued notice of correction and if the board has responded to a request for review of the date by reaffirming the original date or establishing a new date; or

(c) The board can prove by a preponderance of the evidence:

(i) Diversion of (~~marijuana~~) cannabis product to the illicit market or sales across state lines;

(ii) Furnishing of (~~marijuana~~) cannabis product to minors;

(iii) Diversion of revenue to criminal enterprises, gangs, cartels, or parties not qualified to hold a (~~marijuana~~) cannabis license based on criminal history requirements;

(iv) The commission of (~~nonmarijuana-related~~) noncannabis-related crimes; or

(v) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (c)(i) through (~~(e)~~)(iv) of this subsection (1).

(2) The (~~liquor and cannabis~~) board may adopt rules to implement this section and RCW 43.05.160.

**Sec. 108.** RCW 69.50.564 and 2019 c 394 s 8 are each amended to read as follows:

(1) This section applies to the board's issuance of administrative violations to licensed (~~marijuana~~) cannabis producers, processors, retailers, transporters, and researchers, when a settlement conference is held between a hearing officer or designee of the board and the (~~marijuana~~) cannabis licensee that received a notice of an alleged administrative violation or violations.

(2) If a settlement agreement is entered between a (~~marijuana~~) cannabis licensee and a hearing officer or designee of the board at or after a settlement conference, the terms of the settlement agreement must be given substantial weight by the board.

(3) For the purposes of this section:

(a) "Settlement agreement" means the agreement or compromise between a licensed (~~marijuana~~) cannabis producer, processor, retailer, researcher, transporter, or researcher and the hearing officer or designee of the board with authority to participate in the settlement conference, that:

(i) Includes the terms of the agreement or compromise regarding an alleged violation or violations by the licensee of this chapter, chapter 69.51A RCW, or rules adopted under either chapter, and any related penalty or licensing restriction; and

(ii) Is in writing and signed by the licensee and the hearing officer or designee of the board.

1 (b) "Settlement conference" means a meeting or discussion between  
2 a licensed ((marijuana)) cannabis producer, processor, retailer,  
3 researcher, transporter, researcher, or authorized representative of  
4 any of the preceding licensees, and a hearing officer or designee of  
5 the board, held for purposes such as discussing the circumstances  
6 surrounding an alleged violation of law or rules by the licensee, the  
7 recommended penalty, and any aggravating or mitigating factors, and  
8 that is intended to resolve the alleged violation before an  
9 administrative hearing or judicial proceeding is initiated.

10 **Sec. 109.** RCW 69.50.570 and 2015 2nd sp.s. c 4 s 210 are each  
11 amended to read as follows:

12 (1)(a) Except as provided in (b) of this subsection, a retail  
13 sale of a bundled transaction that includes ((marijuana)) cannabis  
14 product is subject to the tax imposed under RCW 69.50.535 on the  
15 entire selling price of the bundled transaction.

16 (b) If the selling price is attributable to products that are  
17 taxable and products that are not taxable under RCW 69.50.535, the  
18 portion of the price attributable to the nontaxable products are  
19 subject to the tax imposed by RCW 69.50.535 unless the seller can  
20 identify by reasonable and verifiable standards the portion that is  
21 not subject to tax from its books and records that are kept in the  
22 regular course of business for other purposes including, but not  
23 limited to, nontax purposes.

24 (2) The definitions in this subsection apply throughout this  
25 section unless the context clearly requires otherwise.

26 (a) "Bundled transaction" means:

27 (i) The retail sale of two or more products where the products  
28 are otherwise distinct and identifiable, are sold for one nonitemized  
29 price, and at least one product is a ((marijuana)) cannabis product  
30 subject to the tax under RCW 69.50.535; and

31 (ii) A ((marijuana)) cannabis product provided free of charge  
32 with the required purchase of another product. A ((marijuana))  
33 cannabis product is provided free of charge if the sales price of the  
34 product purchased does not vary depending on the inclusion of the  
35 ((marijuana)) cannabis product provided free of charge.

36 (b) "Distinct and identifiable products" does not include  
37 packaging such as containers, boxes, sacks, bags, and bottles, or  
38 materials such as wrapping, labels, tags, and instruction guides,  
39 that accompany the retail sale of the products and are incidental or

1 immaterial to the retail sale thereof. Examples of packaging that are  
2 incidental or immaterial include grocery sacks, shoeboxes, and dry  
3 cleaning garment bags.

4 (c) (~~("Marijuana"))~~ "Cannabis product" means "useable  
5 (~~(("marijuana,"—"marijuana"))~~ cannabis," "cannabis concentrates," and  
6 (~~("marijuana-infused"))~~ "cannabis-infused products" as defined in RCW  
7 69.50.101.

8 (d) "Selling price" has the same meaning as in RCW 82.08.010,  
9 except that when product is sold under circumstances where the total  
10 amount of consideration paid for the product is not indicative of its  
11 true value, "selling price" means the true value of the product sold.

12 (e) "True value" means market value based on sales at comparable  
13 locations in this state of the same or similar product of like  
14 quality and character sold under comparable conditions of sale to  
15 comparable purchasers. However, in the absence of such sales of the  
16 same or similar product, "true value" means the value of the product  
17 sold as determined by all of the seller's direct and indirect costs  
18 attributable to the product.

19 **Sec. 110.** RCW 69.50.575 and 2015 2nd sp.s. c 4 s 701 are each  
20 amended to read as follows:

21 (1) Cannabis health and beauty aids are not subject to the  
22 regulations and penalties of this chapter that apply to (~~(("marijuana,"~~  
23 ~~marijuana))~~ cannabis, cannabis concentrates, or (~~(("marijuana-infused"))~~  
24 cannabis-infused products.

25 (2) For purposes of this section, "cannabis health and beauty  
26 aid" means a product containing parts of the cannabis plant and  
27 which:

28 (a) Is intended for use only as a topical application to provide  
29 therapeutic benefit or to enhance appearance;

30 (b) Contains a THC concentration of not more than 0.3 percent;

31 (c) Does not cross the blood-brain barrier; and

32 (d) Is not intended for ingestion by humans or animals.

33 **Sec. 111.** RCW 69.50.580 and 2015 2nd sp.s. c 4 s 801 are each  
34 amended to read as follows:

35 (1) Applicants for a (~~(("marijuana"))~~ cannabis producer's,  
36 (~~(("marijuana"))~~ cannabis processor's, (~~(("marijuana"))~~ cannabis  
37 researcher's or (~~(("marijuana"))~~ cannabis retailer's license under this  
38 chapter must display a sign provided by the (~~(("state liquor and~~

~~cannabis~~)) board on the outside of the premises to be licensed notifying the public that the premises are subject to an application for such license. The sign must:

(a) Contain text with content sufficient to notify the public of the nature of the pending license application, the date of the application, the name of the applicant, and contact information for the ~~((state liquor and cannabis))~~ board;

(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size sufficient to ensure that it will be readily seen by the public; and

(d) Be posted within seven business days of the submission of the application to the ~~((state liquor and cannabis))~~ board.

(2) The ~~((state liquor and cannabis))~~ board must adopt such rules as are necessary for the implementation of this section, including rules pertaining to the size of the sign and the text thereon, the textual content of the sign, the fee for providing the sign, and any other requirements necessary to ensure that the sign provides adequate notice to the public.

(3)(a) A city, town, or county may adopt an ordinance requiring individual notice by an applicant for a ~~((marijuana))~~ cannabis producer's, ~~((marijuana))~~ cannabis processor's, ~~((marijuana))~~ cannabis researcher's, or ~~((marijuana))~~ cannabis retailer's license under this chapter, sixty days prior to issuance of the license, to any elementary or secondary school, playground, recreation center or facility, child care center, church, public park, public transit center, library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older, that is within one thousand feet of the perimeter of the grounds of the establishment seeking licensure. The notice must provide the contact information for the ~~((liquor and cannabis))~~ board where any of the owners or operators of these entities may submit comments or concerns about the proposed business location.

(b) For the purposes of this subsection, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

**Sec. 112.** RCW 69.51.020 and 1979 c 136 s 2 are each amended to read as follows:

1       The legislature finds that recent research has shown that the use  
2 of (~~marijuana~~) cannabis may alleviate the nausea and ill effects of  
3 cancer chemotherapy and radiology, and, additionally, may alleviate  
4 the ill effects of glaucoma. The legislature further finds that there  
5 is a need for further research and experimentation regarding the use  
6 of (~~marijuana~~) cannabis under strictly controlled circumstances. It  
7 is for this purpose that the controlled substances therapeutic  
8 research act is hereby enacted.

9       **Sec. 113.** RCW 69.51.030 and 2013 c 19 s 113 are each amended to  
10 read as follows:

11       As used in this chapter:

- 12       (1) "Commission" means the pharmacy quality assurance commission;  
13       (2) "Department" means the department of health;  
14       (3) (~~("Marijuana")~~) "Cannabis" means all parts of the plant of  
15 the genus Cannabis L., whether growing or not, the seeds thereof, the  
16 resin extracted from any part of the plant, and every compound,  
17 manufacture, salt, derivative, mixture, or preparation of the plant,  
18 its seeds, or resin; and  
19       (4) "Practitioner" means a physician licensed pursuant to chapter  
20 18.71 or 18.57 RCW.

21       **Sec. 114.** RCW 69.51.060 and 2013 c 19 s 116 are each amended to  
22 read as follows:

23       (1) The commission shall obtain (~~marijuana~~) cannabis through  
24 whatever means it deems most appropriate and consistent with  
25 regulations promulgated by the United States food and drug  
26 administration, the drug enforcement agency, and the national  
27 institute on drug abuse, and pursuant to the provisions of this  
28 chapter.

29       (2) The commission may use (~~marijuana~~) cannabis which has been  
30 confiscated by local or state law enforcement agencies and has been  
31 determined to be free from contamination.

32       (3) The commission shall distribute the analyzed (~~marijuana~~)  
33 cannabis to approved practitioners and/or institutions in accordance  
34 with rules promulgated by the commission.

35       **Sec. 115.** RCW 69.51A.005 and 2015 c 70 s 16 are each amended to  
36 read as follows:

- 37       (1) The legislature finds that:

1 (a) There is medical evidence that some patients with terminal or  
2 debilitating medical conditions may, under their health care  
3 professional's care, benefit from the medical use of ((~~marijuana~~))  
4 cannabis. Some of the conditions for which ((~~marijuana~~)) cannabis  
5 appears to be beneficial include, but are not limited to:

6 (i) Nausea, vomiting, and cachexia associated with cancer, HIV-  
7 positive status, AIDS, hepatitis C, anorexia, and their treatments;

8 (ii) Severe muscle spasms associated with multiple sclerosis,  
9 epilepsy, and other seizure and spasticity disorders;

10 (iii) Acute or chronic glaucoma;

11 (iv) Crohn's disease; and

12 (v) Some forms of intractable pain.

13 (b) Humanitarian compassion necessitates that the decision to use  
14 ((~~marijuana~~)) cannabis by patients with terminal or debilitating  
15 medical conditions is a personal, individual decision, based upon  
16 their health care professional's professional medical judgment and  
17 discretion.

18 (2) Therefore, the legislature intends that, so long as such  
19 activities are in strict compliance with this chapter:

20 (a) Qualifying patients with terminal or debilitating medical  
21 conditions who, in the judgment of their health care professionals,  
22 may benefit from the medical use of ((~~marijuana~~)) cannabis, shall not  
23 be arrested, prosecuted, or subject to other criminal sanctions or  
24 civil consequences under state law based solely on their medical use  
25 of ((~~marijuana~~)) cannabis, notwithstanding any other provision of  
26 law;

27 (b) Persons who act as designated providers to such patients  
28 shall also not be arrested, prosecuted, or subject to other criminal  
29 sanctions or civil consequences under state law, notwithstanding any  
30 other provision of law, based solely on their assisting with the  
31 medical use of ((~~marijuana~~)) cannabis; and

32 (c) Health care professionals shall also not be arrested,  
33 prosecuted, or subject to other criminal sanctions or civil  
34 consequences under state law for the proper authorization of medical  
35 use of ((~~marijuana~~)) cannabis by qualifying patients for whom, in the  
36 health care professional's professional judgment, the medical use of  
37 ((~~marijuana~~)) cannabis may prove beneficial.

38 (3) Nothing in this chapter establishes the medical necessity or  
39 medical appropriateness of ((~~marijuana~~)) cannabis for treating



terminal or debilitating medical conditions as defined in RCW 69.51A.010.

(4) Nothing in this chapter diminishes the authority of correctional agencies and departments, including local governments or jails, to establish a procedure for determining when the use of ~~((marijuana))~~ cannabis would impact community safety or the effective supervision of those on active supervision for a criminal conviction, nor does it create the right to any accommodation of any medical use of ~~((marijuana))~~ cannabis in any correctional facility or jail.

**Sec. 116.** RCW 69.51A.010 and 2020 c 80 s 44 are each amended to read as follows:

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

(1) (a) ~~((Until July 1, 2016, "authorization" means:~~

~~(i) A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of marijuana; and~~

~~(ii) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035.~~

~~(b) Beginning July 1, 2016, "authorization"))~~ "Authorization" means a form developed by the department that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper.

~~((e))~~ (b) An authorization is not a prescription as defined in RCW 69.50.101.

(2) "CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of ~~((marijuana))~~ cannabis product.

(3) "Department" means the department of health.

(4) "Designated provider" means a person who is twenty-one years of age or older and:

(a) (i) Is the parent or guardian of a qualifying patient who is under the age of eighteen and ~~((beginning July 1, 2016,))~~ holds a recognition card; or

(ii) Has been designated in writing by a qualifying patient to serve as the designated provider for that patient;

(b) (i) Has an authorization from the qualifying patient's health care professional; or

1 (ii) (~~Beginning July 1, 2016:~~)

2 (A) Has been entered into the medical (~~marijuana~~) cannabis  
3 authorization database as being the designated provider to a  
4 qualifying patient; and

5 (B) Has been provided a recognition card;

6 (c) Is prohibited from consuming (~~marijuana~~) cannabis obtained  
7 for the personal, medical use of the qualifying patient for whom the  
8 individual is acting as designated provider;

9 (d) Provides (~~marijuana~~) cannabis to only the qualifying  
10 patient that has designated him or her;

11 (e) Is in compliance with the terms and conditions of this  
12 chapter; and

13 (f) Is the designated provider to only one patient at any one  
14 time.

15 (5) "Health care professional," for purposes of this chapter  
16 only, means a physician licensed under chapter 18.71 RCW, a physician  
17 assistant licensed under chapter 18.71A RCW, an osteopathic physician  
18 licensed under chapter 18.57 RCW, a naturopath licensed under chapter  
19 18.36A RCW, or an advanced registered nurse practitioner licensed  
20 under chapter 18.79 RCW.

21 (6) "Housing unit" means a house, an apartment, a mobile home, a  
22 group of rooms, or a single room that is occupied as separate living  
23 quarters, in which the occupants live and eat separately from any  
24 other persons in the building, and which have direct access from the  
25 outside of the building or through a common hall.

26 (7) "Low THC, high CBD" means products determined by the  
27 department to have a low THC, high CBD ratio under RCW 69.50.375. Low  
28 THC, high CBD products must be inhalable, ingestible, or absorbable.

29 (8) (~~"Marijuana"~~) "Cannabis" has the meaning provided in RCW  
30 69.50.101.

31 (9) (~~"Marijuana"~~) "Cannabis concentrates" has the meaning  
32 provided in RCW 69.50.101.

33 (10) (~~"Marijuana"~~) "Cannabis processor" has the meaning provided  
34 in RCW 69.50.101.

35 (11) (~~"Marijuana"~~) "Cannabis producer" has the meaning provided  
36 in RCW 69.50.101.

37 (12) (~~"Marijuana"~~) "Cannabis retailer" has the meaning provided  
38 in RCW 69.50.101.

39 (13) (~~"Marijuana"~~) "Cannabis retailer with a medical  
40 (~~marijuana~~) cannabis endorsement" means a (~~marijuana~~) cannabis

1 retailer that has been issued a medical (~~marijuana~~) cannabis  
2 endorsement by the state liquor and cannabis board pursuant to RCW  
3 69.50.375.

4 (14) (~~"Marijuana-infused"~~) "Cannabis-infused products" has the  
5 meaning provided in RCW 69.50.101.

6 (15) "Medical (~~marijuana~~) cannabis authorization database"  
7 means the secure and confidential database established in RCW  
8 69.51A.230.

9 (16) "Medical use of (~~marijuana~~) cannabis" means the  
10 manufacture, production, possession, transportation, delivery,  
11 ingestion, application, or administration of (~~marijuana~~) cannabis  
12 for the exclusive benefit of a qualifying patient in the treatment of  
13 his or her terminal or debilitating medical condition.

14 (17) "Plant" means a (~~marijuana~~) cannabis plant having at least  
15 three distinguishable and distinct leaves, each leaf being at least  
16 three centimeters in diameter, and a readily observable root  
17 formation consisting of at least two separate and distinct roots,  
18 each being at least two centimeters in length. Multiple stalks  
19 emanating from the same root ball or root system is considered part  
20 of the same single plant.

21 (18) "Public place" has the meaning provided in RCW 70.160.020.

22 (19) "Qualifying patient" means a person who:

23 (a) (i) Is a patient of a health care professional;

24 (ii) Has been diagnosed by that health care professional as  
25 having a terminal or debilitating medical condition;

26 (iii) Is a resident of the state of Washington at the time of  
27 such diagnosis;

28 (iv) Has been advised by that health care professional about the  
29 risks and benefits of the medical use of (~~marijuana~~) cannabis;

30 (v) Has been advised by that health care professional that they  
31 may benefit from the medical use of (~~marijuana~~) cannabis;

32 (vi) (A) Has an authorization from his or her health care  
33 professional; or

34 (B) (~~"Beginning July 1, 2016, has"~~) Has been entered into the  
35 medical (~~marijuana~~) cannabis authorization database and has been  
36 provided a recognition card; and

37 (vii) Is otherwise in compliance with the terms and conditions  
38 established in this chapter.

39 (b) "Qualifying patient" does not include a person who is  
40 actively being supervised for a criminal conviction by a corrections

1 agency or department that has determined that the terms of this  
2 chapter are inconsistent with and contrary to his or her supervision  
3 and all related processes and procedures related to that supervision.

4 (20) "Recognition card" means a card issued to qualifying  
5 patients and designated providers by a ((~~marijuana~~)) cannabis  
6 retailer with a medical ((~~marijuana~~)) cannabis endorsement that has  
7 entered them into the medical ((~~marijuana~~)) cannabis authorization  
8 database.

9 (21) "Retail outlet" has the meaning provided in RCW 69.50.101.

10 (22) "Secretary" means the secretary of the department of health.

11 (23) "Tamper-resistant paper" means paper that meets one or more  
12 of the following industry-recognized features:

13 (a) One or more features designed to prevent copying of the  
14 paper;

15 (b) One or more features designed to prevent the erasure or  
16 modification of information on the paper; or

17 (c) One or more features designed to prevent the use of  
18 counterfeit authorization.

19 (24) "Terminal or debilitating medical condition" means a  
20 condition severe enough to significantly interfere with the patient's  
21 activities of daily living and ability to function, which can be  
22 objectively assessed and evaluated and limited to the following:

23 (a) Cancer, human immunodeficiency virus (HIV), multiple  
24 sclerosis, epilepsy or other seizure disorder, or spasticity  
25 disorders;

26 (b) Intractable pain, limited for the purpose of this chapter to  
27 mean pain unrelieved by standard medical treatments and medications;

28 (c) Glaucoma, either acute or chronic, limited for the purpose of  
29 this chapter to mean increased intraocular pressure unrelieved by  
30 standard treatments and medications;

31 (d) Crohn's disease with debilitating symptoms unrelieved by  
32 standard treatments or medications;

33 (e) Hepatitis C with debilitating nausea or intractable pain  
34 unrelieved by standard treatments or medications;

35 (f) Diseases, including anorexia, which result in nausea,  
36 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,  
37 or spasticity, when these symptoms are unrelieved by standard  
38 treatments or medications;

39 (g) Posttraumatic stress disorder; or

40 (h) Traumatic brain injury.

(25) "THC concentration" has the meaning provided in RCW 69.50.101.

(26) "Useable (~~marijuana~~) cannabis" has the meaning provided in RCW 69.50.101.

**Sec. 117.** RCW 69.51A.030 and 2019 c 203 s 1 are each amended to read as follows:

(1) The following acts do not constitute crimes under state law or unprofessional conduct under chapter 18.130 RCW, and a health care professional may not be arrested, searched, prosecuted, disciplined, or subject to other criminal sanctions or civil consequences or liability under state law, or have real or personal property searched, seized, or forfeited pursuant to state law, notwithstanding any other provision of law as long as the health care professional complies with subsection (2) of this section:

(a) Advising a patient about the risks and benefits of medical use of (~~marijuana~~) cannabis or that the patient may benefit from the medical use of (~~marijuana~~) cannabis; or

(b) Providing a patient or designated provider meeting the criteria established under RCW 69.51A.010 with an authorization, based upon the health care professional's assessment of the patient's medical history and current medical condition, if the health care professional has complied with this chapter and he or she determines within a professional standard of care or in the individual health care professional's medical judgment the qualifying patient may benefit from the medical use of (~~marijuana~~) cannabis.

(2)(a) A health care professional may provide a qualifying patient or that patient's designated provider with an authorization for the medical use of (~~marijuana~~) cannabis in accordance with this section.

(b) In order to authorize for the medical use of (~~marijuana~~) cannabis under (a) of this subsection, the health care professional must:

(i) Have a documented relationship with the patient, as a principal care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition;

(ii) Complete an in-person physical examination of the patient or a remote physical examination of the patient if one is determined to be appropriate under (c)(iii) of this subsection;

1 (iii) Document the terminal or debilitating medical condition of  
2 the patient in the patient's medical record and that the patient may  
3 benefit from treatment of this condition or its symptoms with medical  
4 use of ((~~marijuana~~)) cannabis;

5 (iv) Inform the patient of other options for treating the  
6 terminal or debilitating medical condition and documenting in the  
7 patient's medical record that the patient has received this  
8 information;

9 (v) Document in the patient's medical record other measures  
10 attempted to treat the terminal or debilitating medical condition  
11 that do not involve the medical use of ((~~marijuana~~)) cannabis; and

12 (vi) Complete an authorization on forms developed by the  
13 department, in accordance with subsection (3) of this section.

14 (c)(i) For a qualifying patient eighteen years of age or older,  
15 an authorization expires one year after its issuance. For a  
16 qualifying patient less than eighteen years of age, an authorization  
17 expires six months after its issuance.

18 (ii) An authorization may be renewed upon completion of an in-  
19 person physical examination or a remote physical examination of the  
20 patient if one is determined to be appropriate under (c)(iii) of this  
21 subsection and, in compliance with the other requirements of (b) of  
22 this subsection.

23 (iii) Following an in-person physical examination to authorize  
24 the use of ((~~marijuana~~)) cannabis for medical purposes, the health  
25 care professional may determine and note in the patient's medical  
26 record that subsequent physical examinations for the purposes of  
27 renewing an authorization may occur through the use of telemedicine  
28 technology if the health care professional determines that requiring  
29 the qualifying patient to attend a physical examination in person to  
30 renew an authorization would likely result in severe hardship to the  
31 qualifying patient because of the qualifying patient's physical or  
32 emotional condition.

33 (iv) When renewing a qualifying patient's authorization for the  
34 medical use of ((~~marijuana on or after July 28, 2019~~)) cannabis, the  
35 health care professional may indicate that the qualifying patient  
36 qualifies for a compassionate care renewal of his or her registration  
37 in the medical ((~~marijuana~~)) cannabis authorization database and  
38 recognition card if the health care professional determines that  
39 requiring the qualifying patient to renew a registration in person  
40 would likely result in severe hardship to the qualifying patient

1 because of the qualifying patient's physical or emotional condition.  
2 A compassionate care renewal of a qualifying patient's registration  
3 and recognition card allows the qualifying patient to receive  
4 renewals without the need to be physically present at a retailer and  
5 without the requirement to have a photograph taken.

6 (d) A health care professional shall not:

7 (i) Accept, solicit, or offer any form of pecuniary remuneration  
8 from or to a ((~~marijuana~~)) cannabis retailer, ((~~marijuana~~)) cannabis  
9 processor, or ((~~marijuana~~)) cannabis producer;

10 (ii) Offer a discount or any other thing of value to a qualifying  
11 patient who is a customer of, or agrees to be a customer of, a  
12 particular ((~~marijuana~~)) cannabis retailer;

13 (iii) Examine or offer to examine a patient for purposes of  
14 diagnosing a terminal or debilitating medical condition at a location  
15 where ((~~marijuana~~)) cannabis is produced, processed, or sold;

16 (iv) Have a business or practice which consists primarily of  
17 authorizing the medical use of ((~~marijuana~~)) cannabis or authorize  
18 the medical use of ((~~marijuana~~)) cannabis at any location other than  
19 his or her practice's permanent physical location;

20 (v) Except as provided in RCW 69.51A.280, sell, or provide at no  
21 charge, ((~~marijuana~~)) cannabis concentrates, ((~~marijuana-infused~~))  
22 cannabis-infused products, or useable ((~~marijuana~~)) cannabis to a  
23 qualifying patient or designated provider; or

24 (vi) Hold an economic interest in an enterprise that produces,  
25 processes, or sells ((~~marijuana~~)) cannabis if the health care  
26 professional authorizes the medical use of ((~~marijuana~~)) cannabis.

27 (3) The department shall develop the form for the health care  
28 professional to use as an authorization for qualifying patients and  
29 designated providers. The form shall include the qualifying patient's  
30 or designated provider's name, address, and date of birth; the health  
31 care professional's name, address, and license number; the amount of  
32 ((~~marijuana~~)) cannabis recommended for the qualifying patient; a  
33 telephone number where the authorization can be verified during  
34 normal business hours; the dates of issuance and expiration; and a  
35 statement that an authorization does not provide protection from  
36 arrest unless the qualifying patient or designated provider is also  
37 entered in the medical ((~~marijuana~~)) cannabis authorization database  
38 and holds a recognition card.

39 (4) The appropriate health professions disciplining authority may  
40 inspect or request patient records to confirm compliance with this

1 section. The health care professional must provide access to or  
2 produce documents, records, or other items that are within his or her  
3 possession or control within twenty-one calendar days of service of a  
4 request by the health professions disciplining authority. If the  
5 twenty-one calendar day limit results in a hardship upon the health  
6 care professional, he or she may request, for good cause, an  
7 extension not to exceed thirty additional calendar days. Failure to  
8 produce the documents, records, or other items shall result in  
9 citations and fines issued consistent with RCW 18.130.230. Failure to  
10 otherwise comply with the requirements of this section shall be  
11 considered unprofessional conduct and subject to sanctions under  
12 chapter 18.130 RCW.

13 (5) After a health care professional authorizes a qualifying  
14 patient for the medical use of ((~~marijuana~~)) cannabis, he or she may  
15 discuss with the qualifying patient how to use ((~~marijuana~~)) cannabis  
16 and the types of products the qualifying patient should seek from a  
17 retail outlet.

18 **Sec. 118.** RCW 69.51A.040 and 2015 c 70 s 24 are each amended to  
19 read as follows:

20 The medical use of ((~~marijuana~~)) cannabis in accordance with the  
21 terms and conditions of this chapter does not constitute a crime and  
22 a qualifying patient or designated provider in compliance with the  
23 terms and conditions of this chapter may not be arrested, prosecuted,  
24 or subject to other criminal sanctions or civil consequences for  
25 possession, manufacture, or delivery of, or for possession with  
26 intent to manufacture or deliver, ((~~marijuana~~)) cannabis under state  
27 law, or have real or personal property seized or forfeited for  
28 possession, manufacture, or delivery of, or for possession with  
29 intent to manufacture or deliver, ((~~marijuana~~)) cannabis under state  
30 law, and investigating law enforcement officers and agencies may not  
31 be held civilly liable for failure to seize ((~~marijuana~~)) cannabis in  
32 this circumstance, if:

33 (1)(a)(i) The qualifying patient or designated provider has been  
34 entered into the medical ((~~marijuana~~)) cannabis authorization  
35 database and holds a valid recognition card and possesses no more  
36 than the amount of ((~~marijuana~~)) cannabis concentrates, useable  
37 ((~~marijuana~~)) cannabis, plants, or ((~~marijuana-infused~~)) cannabis-  
38 infused products authorized under RCW 69.51A.210.



1       (ii) If a person is both a qualifying patient and a designated  
2 provider for another qualifying patient, the person may possess no  
3 more than twice the amounts described in RCW 69.51A.210 for the  
4 qualifying patient and designated provider, whether the plants,  
5 ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana~~,—or  
6 ~~marijuana-infused~~)) cannabis, or cannabis-infused products are  
7 possessed individually or in combination between the qualifying  
8 patient and his or her designated provider;

9       (b) The qualifying patient or designated provider presents his or  
10 her recognition card to any law enforcement officer who questions the  
11 patient or provider regarding his or her medical use of ((~~marijuana~~))  
12 cannabis;

13       (c) The qualifying patient or designated provider keeps a copy of  
14 his or her recognition card and the qualifying patient or designated  
15 provider's contact information posted prominently next to any plants,  
16 ((~~marijuana~~)) cannabis concentrates, ((~~marijuana-infused~~)) cannabis-  
17 infused products, or useable ((~~marijuana~~)) cannabis located at his or  
18 her residence;

19       (d) The investigating law enforcement officer does not possess  
20 evidence that:

21       (i) The designated provider has converted ((~~marijuana~~)) cannabis  
22 produced or obtained for the qualifying patient for his or her own  
23 personal use or benefit; or

24       (ii) The qualifying patient sold, donated, or supplied  
25 ((~~marijuana~~)) cannabis to another person; and

26       (e) The designated provider has not served as a designated  
27 provider to more than one qualifying patient within a fifteen-day  
28 period; or

29       (2) The qualifying patient or designated provider participates in  
30 a cooperative as provided in RCW 69.51A.250.

31       **Sec. 119.** RCW 69.51A.043 and 2015 c 70 s 25 are each amended to  
32 read as follows:

33       (1) A qualifying patient or designated provider who has a valid  
34 authorization from his or her health care professional, but is not  
35 entered in the medical ((~~marijuana~~)) cannabis authorization database  
36 and does not have a recognition card may raise the affirmative  
37 defense set forth in subsection (2) of this section, if:

38       (a) The qualifying patient or designated provider presents his or  
39 her authorization to any law enforcement officer who questions the

1 patient or provider regarding his or her medical use of ((~~marijuana~~))  
2 cannabis;

3 (b) The qualifying patient or designated provider possesses no  
4 more ((~~marijuana~~)) cannabis than the limits set forth in RCW  
5 69.51A.210(3);

6 (c) The qualifying patient or designated provider is in  
7 compliance with all other terms and conditions of this chapter;

8 (d) The investigating law enforcement officer does not have  
9 probable cause to believe that the qualifying patient or designated  
10 provider has committed a felony, or is committing a misdemeanor in  
11 the officer's presence, that does not relate to the medical use of  
12 ((~~marijuana~~)) cannabis; and

13 (e) No outstanding warrant for arrest exists for the qualifying  
14 patient or designated provider.

15 (2) A qualifying patient or designated provider who is not  
16 entered in the medical ((~~marijuana~~)) cannabis authorization database  
17 and does not have a recognition card, but who presents his or her  
18 authorization to any law enforcement officer who questions the  
19 patient or provider regarding his or her medical use of ((~~marijuana~~))  
20 cannabis, may assert an affirmative defense to charges of violations  
21 of state law relating to ((~~marijuana~~)) cannabis through proof at  
22 trial, by a preponderance of the evidence, that he or she otherwise  
23 meets the requirements of RCW 69.51A.040. A qualifying patient or  
24 designated provider meeting the conditions of this subsection but  
25 possessing more ((~~marijuana~~)) cannabis than the limits set forth in  
26 RCW 69.51A.210(3) may, in the investigating law enforcement officer's  
27 discretion, be taken into custody and booked into jail in connection  
28 with the investigation of the incident.

29 **Sec. 120.** RCW 69.51A.045 and 2015 c 70 s 29 are each amended to  
30 read as follows:

31 (1) A qualifying patient or designated provider in possession of  
32 plants, ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana, or~~  
33 ~~marijuana-infused~~)) cannabis, or cannabis infused products exceeding  
34 the limits set forth in this chapter but otherwise in compliance with  
35 all other terms and conditions of this chapter may establish an  
36 affirmative defense to charges of violations of state law relating to  
37 ((~~marijuana~~)) cannabis through proof at trial, by a preponderance of  
38 the evidence, that the qualifying patient's necessary medical use  
39 exceeds the amounts set forth in RCW 69.51A.040.

1 (2) An investigating law enforcement officer may seize plants,  
2 ((~~marijuana~~)) cannabis concentrates, useable ((~~marijuana~~, or  
3 ~~marijuana-infused~~)) cannabis, or cannabis-infused products exceeding  
4 the amounts set forth in this chapter. In the case of plants, the  
5 qualifying patient or designated provider shall be allowed to select  
6 the plants that will remain at the location. The officer and his or  
7 her law enforcement agency may not be held civilly liable for failure  
8 to seize ((~~marijuana~~)) cannabis in this circumstance.

9 **Sec. 121.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to  
10 read as follows:

11 (1) The lawful possession or manufacture of medical ((~~marijuana~~))  
12 cannabis as authorized by this chapter shall not result in the  
13 forfeiture or seizure of any property.

14 (2) No person shall be prosecuted for constructive possession,  
15 conspiracy, or any other criminal offense solely for being in the  
16 presence or vicinity of medical ((~~marijuana~~)) cannabis or its use as  
17 authorized by this chapter.

18 (3) The state shall not be held liable for any deleterious  
19 outcomes from the medical use of ((~~marijuana~~)) cannabis by any  
20 qualifying patient.

21 **Sec. 122.** RCW 69.51A.060 and 2019 c 204 s 3 are each amended to  
22 read as follows:

23 (1) It shall be a class 3 civil infraction to use or display  
24 medical ((~~marijuana~~)) cannabis in a manner or place which is open to  
25 the view of the general public.

26 (2) Nothing in this chapter establishes a right of care as a  
27 covered benefit or requires any state purchased health care as  
28 defined in RCW 41.05.011 or other health carrier or health plan as  
29 defined in Title 48 RCW to be liable for any claim for reimbursement  
30 for the medical use of ((~~marijuana~~)) cannabis. Such entities may  
31 enact coverage or noncoverage criteria or related policies for  
32 payment or nonpayment of medical ((~~marijuana~~)) cannabis in their sole  
33 discretion.

34 (3) Nothing in this chapter requires any health care professional  
35 to authorize the medical use of ((~~marijuana~~)) cannabis for a patient.

36 (4) Nothing in this chapter requires any accommodation of any on-  
37 site medical use of ((~~marijuana~~)) cannabis in any place of

1 employment, in any youth center, in any correctional facility, or  
2 smoking ((~~marijuana~~)) cannabis in any public place or hotel or motel.

3 (5) Nothing in this chapter authorizes the possession or use of  
4 ((~~marijuana, marijuana~~)) cannabis, cannabis concentrates, useable  
5 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
6 products on federal property.

7 (6) Nothing in this chapter authorizes the use of medical  
8 ((~~marijuana~~)) cannabis by any person who is subject to the Washington  
9 code of military justice in chapter 38.38 RCW.

10 (7) Employers may establish drug-free work policies. Nothing in  
11 this chapter requires an accommodation for the medical use of  
12 ((~~marijuana~~)) cannabis if an employer has a drug-free workplace.

13 (8) No person shall be entitled to claim the protection from  
14 arrest and prosecution under RCW 69.51A.040 or the affirmative  
15 defense under RCW 69.51A.043 for engaging in the medical use of  
16 ((~~marijuana~~)) cannabis in a way that endangers the health or well-  
17 being of any person through the use of a motorized vehicle on a  
18 street, road, or highway, including violations of RCW 46.61.502 or  
19 46.61.504, or equivalent local ordinances.

20 **Sec. 123.** RCW 69.51A.100 and 2015 c 70 s 34 are each amended to  
21 read as follows:

22 (1) A qualifying patient may revoke his or her designation of a  
23 specific designated provider and designate a different designated  
24 provider at any time. A revocation of designation must be in writing,  
25 signed and dated, and provided to the designated provider and, if  
26 applicable, the medical ((~~marijuana~~)) cannabis authorization database  
27 administrator. The protections of this chapter cease to apply to a  
28 person who has served as a designated provider to a qualifying  
29 patient seventy-two hours after receipt of that patient's revocation  
30 of his or her designation.

31 (2) A person may stop serving as a designated provider to a given  
32 qualifying patient at any time by revoking that designation in  
33 writing, signed and dated, and provided to the qualifying patient  
34 and, if applicable, the medical ((~~marijuana~~)) cannabis authorization  
35 database administrator. However, that person may not begin serving as  
36 a designated provider to a different qualifying patient until fifteen  
37 days have elapsed from the date the last qualifying patient  
38 designated him or her to serve as a ((~~designated~~)) designated  
39 provider.

1 (3) The department may adopt rules to implement this section,  
2 including a procedure to remove the name of the designated provider  
3 from the medical ((~~marijuana~~)) cannabis authorization database upon  
4 receipt of a revocation under this section.

5 **Sec. 124.** RCW 69.51A.210 and 2015 c 70 s 19 are each amended to  
6 read as follows:

7 As part of authorizing a qualifying patient or designated  
8 provider, the health care professional may include recommendations on  
9 the amount of ((~~marijuana~~)) cannabis that is likely needed by the  
10 qualifying patient for his or her medical needs and in accordance  
11 with this section.

12 (1) If the health care professional does not include  
13 recommendations on the qualifying patient's or designated provider's  
14 authorization, the ((~~marijuana~~)) cannabis retailer with a medical  
15 ((~~marijuana~~)) cannabis endorsement, when adding the qualifying  
16 patient or designated provider to the medical ((~~marijuana~~)) cannabis  
17 authorization database, shall enter into the database that the  
18 qualifying patient or designated provider may purchase or obtain at a  
19 retail outlet holding a medical ((~~marijuana~~)) cannabis endorsement a  
20 combination of the following: Forty-eight ounces of ((~~marijuana-~~  
21 ~~infused~~)) cannabis-infused product in solid form; three ounces of  
22 useable ((~~marijuana~~)) cannabis; two hundred sixteen ounces of  
23 ((~~marijuana-infused~~)) cannabis-infused product in liquid form; or  
24 twenty-one grams of ((~~marijuana~~)) cannabis concentrates. The  
25 qualifying patient or designated provider may also grow, in his or  
26 her domicile, up to six plants for the personal medical use of the  
27 qualifying patient and possess up to eight ounces of useable  
28 ((~~marijuana~~)) cannabis produced from his or her plants. These amounts  
29 shall be specified on the recognition card that is issued to the  
30 qualifying patient or designated provider.

31 (2) If the health care professional determines that the medical  
32 needs of a qualifying patient exceed the amounts provided for in  
33 subsection (1) of this section, the health care professional must  
34 specify on the authorization that it is recommended that the patient  
35 be allowed to grow, in his or her domicile, up to fifteen plants for  
36 the personal medical use of the patient. A patient so authorized may  
37 possess up to sixteen ounces of useable ((~~marijuana~~)) cannabis in his  
38 or her domicile. The number of plants must be entered into the  
39 medical ((~~marijuana~~)) cannabis authorization database by the

1 ((~~marijuana~~)) cannabis retailer with a medical ((~~marijuana~~)) cannabis  
2 endorsement and specified on the recognition card that is issued to  
3 the qualifying patient or designated provider.

4 (3) If a qualifying patient or designated provider with an  
5 authorization from a health care professional has not been entered  
6 into the medical ((~~marijuana~~)) cannabis authorization database, he or  
7 she may not receive a recognition card and may only purchase at a  
8 retail outlet, whether it holds a medical ((~~marijuana~~)) cannabis  
9 endorsement or not, the amounts established in RCW 69.50.360. In  
10 addition the qualifying patient or the designated provider may grow,  
11 in his or her domicile, up to four plants for the personal medical  
12 use of the qualifying patient and possess up to six ounces of useable  
13 ((~~marijuana~~)) cannabis in his or her domicile.

14 **Sec. 125.** RCW 69.51A.220 and 2015 c 70 s 20 are each amended to  
15 read as follows:

16 (1) Health care professionals may authorize the medical use of  
17 ((~~marijuana~~)) cannabis for qualifying patients who are under the age  
18 of eighteen if:

19 (a) The minor's parent or guardian participates in the minor's  
20 treatment and agrees to the medical use of ((~~marijuana~~)) cannabis by  
21 the minor; and

22 (b) The parent or guardian acts as the designated provider for  
23 the minor and has sole control over the minor's ((~~marijuana~~))  
24 cannabis.

25 (2) The minor may not grow plants or purchase ((~~marijuana-~~  
26 ~~infused~~)) cannabis-infused products, useable ((~~marijuana,~~—  
27 ~~or marijuana~~)) cannabis, or cannabis concentrates from a ((~~marijuana~~))  
28 cannabis retailer with a medical ((~~marijuana~~)) cannabis endorsement.

29 (3) Both the minor and the minor's parent or guardian who is  
30 acting as the designated provider must be entered in the medical  
31 ((~~marijuana~~)) cannabis authorization database and hold a recognition  
32 card.

33 (4) A health care professional who authorizes the medical use of  
34 ((~~marijuana~~)) cannabis by a minor must do so as part of the course of  
35 treatment of the minor's terminal or debilitating medical condition.  
36 If authorizing a minor for the medical use of ((~~marijuana~~)) cannabis,  
37 the health care professional must:

1 (a) Consult with other health care providers involved in the  
2 minor's treatment, as medically indicated, before authorization or  
3 reauthorization of the medical use of ((~~marijuana~~)) cannabis; and

4 (b) Reexamine the minor at least once every six months or more  
5 frequently as medically indicated. The reexamination must:

6 (i) Determine that the minor continues to have a terminal or  
7 debilitating medical condition and that the condition benefits from  
8 the medical use of ((~~marijuana~~)) cannabis; and

9 (ii) Include a follow-up discussion with the minor's parent or  
10 guardian to ensure the parent or guardian continues to participate in  
11 the treatment of the minor.

12 **Sec. 126.** RCW 69.51A.225 and 2019 c 204 s 2 are each amended to  
13 read as follows:

14 A school district must permit a student who meets the  
15 requirements of RCW 69.51A.220 to consume ((~~marijuana-infused~~))  
16 cannabis-infused products on school grounds, aboard a school bus, or  
17 while attending a school-sponsored event. The use must be in  
18 accordance with school policy relating to medical ((~~marijuana~~))  
19 cannabis use on school grounds, aboard a school bus, or while  
20 attending a school-sponsored event, as adopted under RCW 28A.210.325.

21 **Sec. 127.** RCW 69.51A.230 and 2019 c 220 s 2 and 2019 c 203 s 2  
22 are each reenacted and amended to read as follows:

23 (1) The department must contract with an entity to create,  
24 administer, and maintain a secure and confidential medical  
25 ((~~marijuana~~)) cannabis authorization database that((~~, beginning July~~  
26 ~~1, 2016,~~)) allows:

27 (a) A ((~~marijuana~~)) cannabis retailer with a medical  
28 ((~~marijuana~~)) cannabis endorsement to add a qualifying patient or  
29 designated provider and include the amount of ((~~marijuana~~)) cannabis  
30 concentrates, useable ((~~marijuana, marijuana-infused~~)) cannabis,  
31 cannabis-infused products, or plants for which the qualifying patient  
32 is authorized under RCW 69.51A.210;

33 (b) Persons authorized to prescribe or dispense controlled  
34 substances to access health care information on their patients for  
35 the purpose of providing medical or pharmaceutical care for their  
36 patients;

1 (c) A qualifying patient or designated provider to request and  
2 receive his or her own health care information or information on any  
3 person or entity that has queried their name or information;

4 (d) Appropriate local, state, tribal, and federal law enforcement  
5 or prosecutorial officials who are engaged in a bona fide specific  
6 investigation of suspected ((~~marijuana-related~~)) cannabis-related  
7 activity that may be illegal under Washington state law to confirm  
8 the validity of the recognition card of a qualifying patient or  
9 designated provider;

10 (e) A ((~~marijuana~~)) cannabis retailer holding a medical  
11 ((~~marijuana~~)) cannabis endorsement to confirm the validity of the  
12 recognition card of a qualifying patient or designated provider;

13 (f) The department of revenue to verify tax exemptions under  
14 chapters 82.08 and 82.12 RCW;

15 (g) The department and the health care professional's  
16 disciplining authorities to monitor authorizations and ensure  
17 compliance with this chapter and chapter 18.130 RCW by their  
18 licensees; and

19 (h) Authorizations to expire six months or one year after entry  
20 into the medical ((~~marijuana~~)) cannabis authorization database,  
21 depending on whether the authorization is for a minor or an adult.

22 (2) A qualifying patient and his or her designated provider, if  
23 any, may be placed in the medical ((~~marijuana~~)) cannabis  
24 authorization database at a ((~~marijuana~~)) cannabis retailer with a  
25 medical ((~~marijuana~~)) cannabis endorsement. After all qualifying  
26 patient or designated provider is placed in the medical ((~~marijuana~~))  
27 cannabis authorization database, he or she must be provided with a  
28 recognition card that contains identifiers required in subsection (3)  
29 of this section.

30 (3) The recognition card requirements must be developed by the  
31 department in rule and include:

32 (a) A randomly generated and unique identifying number;

33 (b) For designated providers, the unique identifying number of  
34 the qualifying patient whom the provider is assisting;

35 (c) A photograph of the qualifying patient's or designated  
36 provider's face taken by an employee of the ((~~marijuana~~)) cannabis  
37 retailer with a medical ((~~marijuana~~)) cannabis endorsement at the  
38 same time that the qualifying patient or designated provider is being  
39 placed in the medical ((~~marijuana~~)) cannabis authorization database  
40 in accordance with rules adopted by the department;



1 (d) The amount of (~~marijuana~~) cannabis concentrates, useable  
2 (~~marijuana, marijuana-infused~~) cannabis, cannabis-infused products,  
3 or plants for which the qualifying patient is authorized under RCW  
4 69.51A.210;

5 (e) The effective date and expiration date of the recognition  
6 card;

7 (f) The name of the health care professional who authorized the  
8 qualifying patient or designated provider; and

9 (g) For the recognition card, additional security features as  
10 necessary to ensure its validity.

11 (4)(a) For qualifying patients who are eighteen years of age or  
12 older and their designated providers, recognition cards are valid for  
13 one year from the date the health care professional issued the  
14 authorization. For qualifying patients who are under the age of  
15 eighteen and their designated providers, recognition cards are valid  
16 for six months from the date the health care professional issued the  
17 authorization. Qualifying patients may not be reentered into the  
18 medical (~~marijuana~~) cannabis authorization database until they have  
19 been reexamined by a health care professional and determined to meet  
20 the definition of qualifying patient. After reexamination, a  
21 (~~marijuana~~) cannabis retailer with a medical (~~marijuana~~) cannabis  
22 endorsement must reenter the qualifying patient or designated  
23 provider into the medical (~~marijuana~~) cannabis authorization  
24 database and a new recognition card will then be issued in accordance  
25 with department rules.

26 (b) (~~Beginning on July 28, 2019, a~~) A qualifying patient's  
27 registration in the medical (~~marijuana~~) cannabis authorization  
28 database and his or her recognition card may be renewed by a  
29 qualifying patient's designated provider without the physical  
30 presence of the qualifying patient at the retailer if the  
31 authorization from the health care professional indicates that the  
32 qualifying patient qualifies for a compassionate care renewal, as  
33 provided in RCW 69.51A.030. A qualifying patient receiving renewals  
34 under the compassionate care renewal provisions is exempt from the  
35 photograph requirements under subsection (3)(c) of this section.

36 (5) If a recognition card is lost or stolen, a (~~marijuana~~)  
37 cannabis retailer with a medical (~~marijuana~~) cannabis endorsement,  
38 in conjunction with the database administrator, may issue a new card  
39 that will be valid for six months to one year if the patient is  
40 reexamined by a health care professional and determined to meet the

1 definition of qualifying patient and depending on whether the patient  
2 is under the age of eighteen or eighteen years of age or older as  
3 provided in subsection (4) of this section. If a reexamination is not  
4 performed, the expiration date of the replacement recognition card  
5 must be the same as the lost or stolen recognition card.

6 (6) The database administrator must remove qualifying patients  
7 and designated providers from the medical ((~~marijuana~~)) cannabis  
8 authorization database upon expiration of the recognition card.  
9 Qualifying patients and designated providers may request to remove  
10 themselves from the medical ((~~marijuana~~)) cannabis authorization  
11 database before expiration of a recognition card and health care  
12 professionals may request to remove qualifying patients and  
13 designated providers from the medical ((~~marijuana~~)) cannabis  
14 authorization database if the patient or provider no longer qualifies  
15 for the medical use of ((~~marijuana~~)) cannabis. The database  
16 administrator must retain database records for at least five calendar  
17 years to permit the state liquor and cannabis board and the  
18 department of revenue to verify eligibility for tax exemptions.

19 (7) During development of the medical ((~~marijuana~~)) cannabis  
20 authorization database, the database administrator must consult with  
21 the department, stakeholders, and persons with relevant expertise to  
22 include, but not be limited to, qualifying patients, designated  
23 providers, health care professionals, state and local law enforcement  
24 agencies, and the University of Washington computer science and  
25 engineering security and privacy research lab or a certified  
26 cybersecurity firm, vendor, or service.

27 (8) The medical ((~~marijuana~~)) cannabis authorization database  
28 must meet the following requirements:

29 (a) Any personally identifiable information included in the  
30 database must be nonreversible, pursuant to definitions and standards  
31 set forth by the national institute of standards and technology;

32 (b) Any personally identifiable information included in the  
33 database must not be susceptible to linkage by use of data external  
34 to the database;

35 (c) The database must incorporate current best differential  
36 privacy practices, allowing for maximum accuracy of database queries  
37 while minimizing the chances of identifying the personally  
38 identifiable information included therein; and

1 (d) The database must be upgradable and updated in a timely  
2 fashion to keep current with state of the art privacy and security  
3 standards and practices.

4 (9)(a) Personally identifiable information of qualifying patients  
5 and designated providers included in the medical ((~~marijuana~~))  
6 cannabis authorization database is confidential and exempt from  
7 public disclosure, inspection, or copying under chapter 42.56 RCW.

8 (b) Information contained in the medical ((~~marijuana~~)) cannabis  
9 authorization database may be released in aggregate form, with all  
10 personally identifiable information redacted, for the purpose of  
11 statistical analysis and oversight of agency performance and actions.

12 (c) Information contained in the medical ((~~marijuana~~)) cannabis  
13 authorization database shall not be shared with the federal  
14 government or its agents unless the particular qualifying patient or  
15 designated provider is convicted in state court for violating this  
16 chapter or chapter 69.50 RCW.

17 (10) The department must charge a one dollar fee for each initial  
18 and renewal recognition card issued by a ((~~marijuana~~)) cannabis  
19 retailer with a medical ((~~marijuana~~)) cannabis endorsement. The  
20 ((~~marijuana~~)) cannabis retailer with a medical ((~~marijuana~~)) cannabis  
21 endorsement shall collect the fee from the qualifying patient or  
22 designated provider at the time that he or she is entered into the  
23 database and issued a recognition card. The department shall  
24 establish a schedule for ((~~marijuana~~)) cannabis retailers with a  
25 medical ((~~marijuana~~)) cannabis endorsement to remit the fees  
26 collected. Fees collected under this subsection shall be deposited  
27 into the dedicated ((~~marijuana~~)) cannabis account created under RCW  
28 69.50.530.

29 (11) If the database administrator fails to comply with this  
30 section, the department may cancel any contracts with the database  
31 administrator and contract with another database administrator to  
32 continue administration of the database. A database administrator who  
33 fails to comply with this section is subject to a fine of up to five  
34 thousand dollars in addition to any penalties established in the  
35 contract. Fines collected under this section must be deposited into  
36 the health professions account created under RCW 43.70.320.

37 (12) The department may adopt rules to implement this section.

38 **Sec. 128.** RCW 69.51A.240 and 2015 c 70 s 23 are each amended to  
39 read as follows:

(1) It is unlawful for a person to knowingly or intentionally:

(a) Access the medical ((~~marijuana~~)) cannabis authorization database for any reason not authorized under RCW 69.51A.230;

(b) Disclose any information received from the medical ((~~marijuana~~)) cannabis authorization database in violation of RCW 69.51A.230 including, but not limited to, qualifying patient or designated provider names, addresses, or amount of ((~~marijuana~~)) cannabis for which they are authorized;

(c) Produce a recognition card or to tamper with a recognition card for the purpose of having it accepted by a ((~~marijuana~~)) cannabis retailer holding a medical ((~~marijuana~~)) cannabis endorsement in order to purchase ((~~marijuana~~)) cannabis as a qualifying patient or designated provider or to grow ((~~marijuana~~)) cannabis plants in accordance with this chapter;

(d) If a person is a designated provider to a qualifying patient, sell, donate, or supply ((~~marijuana~~)) cannabis produced or obtained for the qualifying patient to another person, or use the ((~~marijuana~~)) cannabis produced or obtained for the qualifying patient for the designated provider's own personal use or benefit; or

(e) If the person is a qualifying patient, sell, donate, or otherwise supply ((~~marijuana~~)) cannabis produced or obtained by the qualifying patient to another person.

(2) A person who violates this section is guilty of a class C felony.

**Sec. 129.** RCW 69.51A.250 and 2017 c 317 s 8 are each amended to read as follows:

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process ((~~marijuana~~)) cannabis only for the medical use of members of the cooperative. No more than four qualifying patients or designated providers may become members of a cooperative under this section and all members must hold valid recognition cards. All members of the cooperative must be at least twenty-one years old. The designated provider of a qualifying patient who is under twenty-one years old may be a member of a cooperative on the qualifying patient's behalf. All plants grown in the cooperative must be from an immature plant or clone purchased from a licensed ((~~marijuana~~)) cannabis producer as defined in RCW 69.50.101.

1 Cooperatives may also purchase ((~~marijuana~~)) cannabis seeds from a  
2 licensed ((~~marijuana~~)) cannabis producer.

3 (2) Qualifying patients and designated providers who wish to form  
4 a cooperative must register the location with the state liquor and  
5 cannabis board and this is the only location where cooperative  
6 members may grow or process ((~~marijuana~~)) cannabis. This registration  
7 must include the names of all participating members and copies of  
8 each participant's recognition card. Only qualifying patients or  
9 designated providers registered with the state liquor and cannabis  
10 board in association with the location may participate in growing or  
11 receive useable ((~~marijuana~~—or—~~marijuana-infused~~)) cannabis or  
12 cannabis-infused products grown at that location.

13 (3) No cooperative may be located in any of the following areas:

14 (a) Within one mile of a ((~~marijuana~~)) cannabis retailer;

15 (b) Within the smaller of either:

16 (i) One thousand feet of the perimeter of the grounds of any  
17 elementary or secondary school, playground, recreation center or  
18 facility, child care center, public park, public transit center,  
19 library, or any game arcade that admission to which is not restricted  
20 to persons aged twenty-one years or older; or

21 (ii) The area restricted by ordinance, if the cooperative is  
22 located in a city, county, or town that has passed an ordinance  
23 pursuant to RCW 69.50.331(8); or

24 (c) Where prohibited by a city, town, or county zoning provision.

25 (4) The state liquor and cannabis board must deny the  
26 registration of any cooperative if the location does not comply with  
27 the requirements set forth in subsection (3) of this section.

28 (5) If a qualifying patient or designated provider no longer  
29 participates in growing at the location, he or she must notify the  
30 state liquor and cannabis board within fifteen days of the date the  
31 qualifying patient or designated provider ceases participation. The  
32 state liquor and cannabis board must remove his or her name from  
33 connection to the cooperative. Additional qualifying patients or  
34 designated providers may not join the cooperative until sixty days  
35 have passed since the date on which the last qualifying patient or  
36 designated provider notifies the state liquor and cannabis board that  
37 he or she no longer participates in that cooperative.

38 (6) Qualifying patients or designated providers who participate  
39 in a cooperative under this section:

1 (a) May grow up to the total amount of plants for which each  
2 participating member is authorized on their recognition cards, up to  
3 a maximum of sixty plants. At the location, the qualifying patients  
4 or designated providers may possess the amount of useable  
5 (~~marijuana~~) cannabis that can be produced with the number of plants  
6 permitted under this subsection, but no more than seventy-two ounces;

7 (b) May only participate in one cooperative;

8 (c) May only grow plants in the cooperative and if he or she  
9 grows plants in the cooperative may not grow plants elsewhere;

10 (d) Must provide assistance in growing plants. A monetary  
11 contribution or donation is not to be considered assistance under  
12 this section. Participants must provide nonmonetary resources and  
13 labor in order to participate; and

14 (e) May not sell, donate, or otherwise provide (~~marijuana,~~  
15 ~~marijuana~~) cannabis, cannabis concentrates, useable (~~marijuana, or~~  
16 ~~marijuana-infused~~) cannabis, or cannabis-infused products to a  
17 person who is not participating under this section.

18 (7) The location of the cooperative must be the domicile of one  
19 of the participants. Only one cooperative may be located per property  
20 tax parcel. A copy of each participant's recognition card must be  
21 kept at the location at all times.

22 (8) The state liquor and cannabis board may adopt rules to  
23 implement this section including:

24 (a) Any security requirements necessary to ensure the safety of  
25 the cooperative and to reduce the risk of diversion from the  
26 cooperative;

27 (b) A seed to sale traceability model that is similar to the seed  
28 to sale traceability model used by licensees that will allow the  
29 state liquor and cannabis board to track all (~~marijuana~~) cannabis  
30 grown in a cooperative.

31 (9) The state liquor and cannabis board or law enforcement may  
32 inspect a cooperative registered under this section to ensure members  
33 are in compliance with this section. The state liquor and cannabis  
34 board must adopt rules on reasonable inspection hours and reasons for  
35 inspections.

36 **Sec. 130.** RCW 69.51A.260 and 2015 c 70 s 27 are each amended to  
37 read as follows:

38 (1) Notwithstanding any other provision of this chapter and even  
39 if multiple qualifying patients or designated providers reside in the

1 same housing unit, no more than fifteen plants may be grown or  
2 located in any one housing unit other than a cooperative established  
3 pursuant to RCW 69.51A.250.

4 (2) Neither the production nor processing of (~~marijuana~~ or  
5 ~~marijuana-infused~~) cannabis or cannabis-infused products pursuant to  
6 this section nor the storage or growing of plants may occur if any  
7 portion of such activity can be readily seen by normal unaided vision  
8 or readily smelled from a public place or the private property of  
9 another housing unit.

10 (3) Cities, towns, counties, and other municipalities may create  
11 and enforce civil penalties, including abatement procedures, for the  
12 growing or processing of (~~marijuana~~) cannabis and for keeping  
13 (~~marijuana~~) cannabis plants beyond or otherwise not in compliance  
14 with this section.

15 **Sec. 131.** RCW 69.51A.270 and 2015 c 70 s 28 are each amended to  
16 read as follows:

17 (1) Once the state liquor and cannabis board adopts rules under  
18 subsection (2) of this section, qualifying patients or designated  
19 providers may only extract or separate the resin from (~~marijuana~~)  
20 cannabis or produce or process any form of (~~marijuana~~) cannabis  
21 concentrates or (~~marijuana-infused~~) cannabis-infused products in  
22 accordance with those standards.

23 (2) The state liquor and cannabis board must adopt rules  
24 permitting qualifying patients and designated providers to extract or  
25 separate the resin from (~~marijuana~~) cannabis using noncombustible  
26 methods. The rules must provide the noncombustible methods permitted  
27 and any restrictions on this practice.

28 **Sec. 132.** RCW 69.51A.290 and 2015 c 70 s 37 are each amended to  
29 read as follows:

30 A medical (~~marijuana~~) cannabis consultant certificate is hereby  
31 established.

32 (1) In addition to any other authority provided by law, the  
33 secretary of the department may:

34 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary  
35 to implement this chapter;

36 (b) Establish forms and procedures necessary to administer this  
37 chapter;

1 (c) Approve training or education programs that meet the  
2 requirements of this section and any rules adopted to implement it;

3 (d) Receive criminal history record information that includes  
4 nonconviction information data for any purpose associated with  
5 initial certification or renewal of certification. The secretary  
6 shall require each applicant for initial certification to obtain a  
7 state or federal criminal history record information background check  
8 through the state patrol or the state patrol and the identification  
9 division of the federal bureau of investigation prior to the issuance  
10 of any certificate. The secretary shall specify those situations  
11 where a state background check is inadequate and an applicant must  
12 obtain an electronic fingerprint-based national background check  
13 through the state patrol and federal bureau of investigation.  
14 Situations where a background check is inadequate may include  
15 instances where an applicant has recently lived out-of-state or where  
16 the applicant has a criminal record in Washington;

17 (e) Establish administrative procedures, administrative  
18 requirements, and fees in accordance with RCW 43.70.110 and  
19 43.70.250; and

20 (f) Maintain the official department record of all applicants and  
21 certificate holders.

22 (2) A training or education program approved by the secretary  
23 must include the following topics:

24 (a) The medical conditions that constitute terminal or  
25 debilitating conditions, and the symptoms of those conditions;

26 (b) Short and long-term effects of cannabinoids;

27 (c) Products that may benefit qualifying patients based on the  
28 patient's terminal or debilitating medical condition;

29 (d) Risks and benefits of various routes of administration;

30 (e) Safe handling and storage of useable (~~((marijuana, marijuana-~~  
31 ~~infused))~~) cannabis, cannabis-infused products, and (~~((marijuana))~~)  
32 cannabis concentrates, including strategies to reduce access by  
33 minors;

34 (f) Demonstrated knowledge of this chapter and the rules adopted  
35 to implement it; and

36 (g) Other subjects deemed necessary and appropriate by the  
37 secretary to ensure medical (~~((marijuana))~~) cannabis consultant  
38 certificate holders are able to provide evidence-based and medically  
39 accurate advice on the medical use of (~~((marijuana))~~) cannabis.



1 (3) Medical ((~~marijuana~~)) cannabis consultant certificates are  
2 subject to annual renewals and continuing education requirements  
3 established by the secretary.

4 (4) The secretary shall have the power to refuse, suspend, or  
5 revoke the certificate of any medical ((~~marijuana~~)) cannabis  
6 consultant upon proof that:

7 (a) The certificate was procured through fraud,  
8 misrepresentation, or deceit;

9 (b) The certificate holder has committed acts in violation of  
10 subsection (6) of this section; or

11 (c) The certificate holder has violated or has permitted any  
12 employee or volunteer to violate any of the laws of this state  
13 relating to drugs or controlled substances or has been convicted of a  
14 felony.

15 In any case of the refusal, suspension, or revocation of a  
16 certificate by the secretary under the provisions of this chapter,  
17 appeal may be taken in accordance with chapter 34.05 RCW, the  
18 administrative procedure act.

19 (5) A medical ((~~marijuana~~)) cannabis consultant may provide the  
20 following services when acting as an owner, employee, or volunteer of  
21 a retail outlet licensed under RCW 69.50.354 and holding a medical  
22 ((~~marijuana~~)) cannabis endorsement under RCW 69.50.375:

23 (a) Assisting a customer with the selection of products sold at  
24 the retail outlet that may benefit the qualifying patient's terminal  
25 or debilitating medical condition;

26 (b) Describing the risks and benefits of products sold at the  
27 retail outlet;

28 (c) Describing the risks and benefits of methods of  
29 administration of products sold at the retail outlet;

30 (d) Advising a customer about the safe handling and storage of  
31 useable ((~~marijuana, marijuana-infused~~)) cannabis, cannabis-infused  
32 products, and ((~~marijuana~~)) cannabis concentrates, including  
33 strategies to reduce access by minors; and

34 (e) Providing instruction and demonstrations to customers about  
35 proper use and application of useable ((~~marijuana, marijuana-~~  
36 ~~infused~~)) cannabis, cannabis-infused products, and ((~~marijuana~~))  
37 cannabis concentrates.

38 (6) Nothing in this section authorizes a medical ((~~marijuana~~))  
39 cannabis consultant to:

1 (a) Offer or undertake to diagnose or cure any human disease,  
2 ailment, injury, infirmity, deformity, pain, or other condition,  
3 physical or mental, real or imaginary, by use of ((~~marijuana~~))  
4 cannabis or any other means or instrumentality; or

5 (b) Recommend or suggest modification or elimination of any  
6 course of treatment that does not involve the medical use of  
7 ((~~marijuana~~)) cannabis.

8 (7) Nothing in this section requires an owner, employee, or  
9 volunteer of a retail outlet licensed under RCW 69.50.354 and holding  
10 a medical ((~~marijuana~~)) cannabis endorsement under RCW 69.50.375 to  
11 obtain a medical ((~~marijuana~~)) cannabis consultant certification.

12 (8) Nothing in this section applies to the practice of a health  
13 care profession by individuals who are licensed, certified, or  
14 registered in a profession listed in RCW 18.130.040(2) and who are  
15 performing services within their authorized scope of practice.

16 **Sec. 133.** RCW 69.51A.300 and 2019 c 55 s 13 are each amended to  
17 read as follows:

18 The board of naturopathy, the board of osteopathic medicine and  
19 surgery, the Washington medical commission, and the nursing care  
20 quality assurance commission shall develop and approve continuing  
21 education programs related to the use of ((~~marijuana~~)) cannabis for  
22 medical purposes for the health care providers that they each  
23 regulate that are based upon practice guidelines that have been  
24 adopted by each entity.

25 **Sec. 134.** RCW 69.51A.310 and 2017 c 317 s 11 are each amended to  
26 read as follows:

27 Qualifying patients and designated providers, who hold a  
28 recognition card and have been entered into the medical ((~~marijuana~~))  
29 cannabis authorization database, may purchase immature plants or  
30 clones from a licensed ((~~marijuana~~)) cannabis producer as defined in  
31 RCW 69.50.101. Qualifying patients and designated providers may also  
32 purchase ((~~marijuana~~)) cannabis seeds from a licensed ((~~marijuana~~))  
33 cannabis producer.

34 **Sec. 135.** RCW 70.345.010 and 2021 c 65 s 69 are each amended to  
35 read as follows:

36 The definitions in this section apply throughout this chapter  
37 unless the context clearly requires otherwise.

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70A.320.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" has the same meaning as in RCW 82.25.005.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

1 (11) "Place of business" means any place where vapor products are  
2 sold or where vapor products are manufactured, stored, or kept for  
3 the purpose of sale.

4 (12) "Playground" means any public improved area designed,  
5 equipped, and set aside for play of six or more children which is not  
6 intended for use as an athletic playing field or athletic court,  
7 including but not limited to any play equipment, surfacing, fencing,  
8 signs, internal pathways, internal land forms, vegetation, and  
9 related structures.

10 (13) "Retail outlet" means each place of business from which  
11 vapor products are sold to consumers.

12 (14) "Retailer" means any person engaged in the business of  
13 selling vapor products to ultimate consumers.

14 (15)(a) "Sale" means any transfer, exchange, or barter, in any  
15 manner or by any means whatsoever, for a consideration, and includes  
16 and means all sales made by any person.

17 (b) The term "sale" includes a gift by a person engaged in the  
18 business of selling vapor products, for advertising, promoting, or as  
19 a means of evading the provisions of this chapter.

20 (16) "School" has the same meaning as provided in RCW  
21 70A.320.020.

22 (17) "Self-service display" means a display that contains vapor  
23 products and is located in an area that is openly accessible to  
24 customers and from which customers can readily access such products  
25 without the assistance of a salesperson. A display case that holds  
26 vapor products behind locked doors does not constitute a self-service  
27 display.

28 (18) "Vapor product" means any noncombustible product that may  
29 contain nicotine and that employs a heating element, power source,  
30 electronic circuit, or other electronic, chemical, or mechanical  
31 means, regardless of shape or size, that can be used to produce vapor  
32 or aerosol from a solution or other substance.

33 (a) "Vapor product" includes any electronic cigarette, electronic  
34 cigar, electronic cigarillo, electronic pipe, or similar product or  
35 device and any vapor cartridge or other container that may contain  
36 nicotine in a solution or other form that is intended to be used with  
37 or in an electronic cigarette, electronic cigar, electronic  
38 cigarillo, electronic pipe, or similar product or device.

39 (b) "Vapor product" does not include any product that meets the  
40 definition of ~~((marijuana))~~ cannabis, useable ~~((marijuana,~~

~~marijuana~~) cannabis, cannabis concentrates, (~~(marijuana-infused)~~)  
cannabis-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (18), (~~("marijuana,")~~)  
"cannabis," "useable (~~(marijuana," "marijuana)~~) "cannabis," "cannabis  
concentrates," and (~~("marijuana-infused)~~) "cannabis-infused products"  
have the same meaning as provided in RCW 69.50.101.

**Sec. 136.** RCW 79A.60.040 and 2014 c 132 s 1 are each amended to  
read as follows:

(1) It is unlawful for any person to operate a vessel in a  
reckless manner.

(2) It is unlawful for a person to operate a vessel while under  
the influence of intoxicating liquor, (~~(marijuana)~~) cannabis, or any  
drug. A person is considered to be under the influence of  
intoxicating liquor, (~~(marijuana)~~) cannabis, or any drug if, within  
two hours of operating a vessel:

(a) The person has an alcohol concentration of 0.08 or higher as  
shown by analysis of the person's breath or blood made under RCW  
46.61.506; or

(b) The person has a THC concentration of 5.00 or higher as shown  
by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by  
intoxicating liquor, (~~(marijuana)~~) cannabis, or any drug; or

(d) The person is under the combined influence of or affected by  
intoxicating liquor, (~~(marijuana)~~) cannabis, and any drug.

(3) The fact that any person charged with a violation of this  
section is or has been entitled to use such drug under the laws of  
this state shall not constitute a defense against any charge of  
violating this section.

(4)(a) Any person who operates a vessel within this state is  
deemed to have given consent, subject to the provisions of RCW  
46.61.506, to a test or tests of the person's breath for the purpose  
of determining the alcohol concentration in the person's breath if  
arrested for any offense where, at the time of the arrest, the  
arresting officer has reasonable grounds to believe the person was  
operating a vessel while under the influence of intoxicating liquor  
or a combination of intoxicating liquor and any other drug.

(b) When an arrest results from an accident in which there has  
been serious bodily injury to another person or death or the  
arresting officer has reasonable grounds to believe the person was

1 operating a vessel while under the influence of THC or any other  
2 drug, a blood test may be administered with the consent of the  
3 arrested person and a valid waiver of the warrant requirement or  
4 without the consent of the person so arrested pursuant to a search  
5 warrant or when exigent circumstances exist.

6 (c) Neither consent nor this section precludes a police officer  
7 from obtaining a search warrant for a person's breath or blood.

8 (d) An arresting officer may administer field sobriety tests when  
9 circumstances permit.

10 (5) The test or tests of breath must be administered pursuant to  
11 RCW 46.20.308. The officer shall warn the person that if the person  
12 refuses to take the test, the person will be issued a class 1 civil  
13 infraction under RCW 7.80.120.

14 (6) A violation of subsection (1) of this section is a  
15 misdemeanor. A violation of subsection (2) of this section is a gross  
16 misdemeanor. In addition to the statutory penalties imposed, the  
17 court may order the defendant to pay restitution for any damages or  
18 injuries resulting from the offense.

19 (7) For the purposes of this subsection, "cannabis" has the  
20 meaning provided in RCW 69.50.101.

21 **Sec. 137.** RCW 82.02.010 and 2014 c 140 s 30 are each amended to  
22 read as follows:

23 For the purpose of this title, unless the context clearly  
24 requires otherwise:

25 (1) "Cannabis," "cannabis-infused products," and "useable  
26 cannabis" have the meanings provided in RCW 69.50.101;

27 (2) "Department" means the department of revenue of the state of  
28 Washington;

29 ~~((+2))~~ (3) "Director" means the director of the department of  
30 revenue of the state of Washington;

31 ~~((+3) "Marijuana," "marijuana-infused products," and "useable~~  
32 ~~marijuana" have the same meanings as provided in RCW 69.50.101;))~~

33 (4) "Taxpayer" includes any individual, group of individuals,  
34 corporation, or association liable for any tax or the collection of  
35 any tax hereunder, or who engages in any business or performs any act  
36 for which a tax is imposed by this title. "Taxpayer" also includes  
37 any person liable for any fee or other charge collected by the  
38 department under any provision of law, including registration  
39 assessments and delinquency fees imposed under RCW 59.30.050; and

1 (5) Words in the singular number include the plural and the  
2 plural include the singular. Words in one gender include all other  
3 genders.

4 **Sec. 138.** RCW 82.04.100 and 2014 c 140 s 1 are each amended to  
5 read as follows:

6 "Extractor" means every person who from the person's own land or  
7 from the land of another under a right or license granted by lease or  
8 contract, either directly or by contracting with others for the  
9 necessary labor or mechanical services, for sale or for commercial or  
10 industrial use mines, quarries, takes or produces coal, oil, natural  
11 gas, ore, stone, sand, gravel, clay, mineral or other natural  
12 resource product, or fells, cuts or takes timber, Christmas trees  
13 other than plantation Christmas trees, or other natural products, or  
14 takes fish, shellfish, or other sea or inland water foods or  
15 products. "Extractor" does not include persons performing under  
16 contract the necessary labor or mechanical services for others;  
17 persons meeting the definition of farmer under RCW 82.04.213; or  
18 persons producing (~~marijuana~~) cannabis.

19 **Sec. 139.** RCW 82.04.213 and 2015 3rd sp.s. c 6 s 1102 are each  
20 amended to read as follows:

21 (1) "Agricultural product" means any product of plant cultivation  
22 or animal husbandry including, but not limited to: A product of  
23 horticulture, grain cultivation, vermiculture, viticulture, or  
24 aquaculture as defined in RCW 15.85.020; plantation Christmas trees;  
25 short-rotation hardwoods as defined in RCW 84.33.035; turf; or any  
26 animal including but not limited to an animal that is a private  
27 sector cultured aquatic product as defined in RCW 15.85.020, or a  
28 bird, or insect, or the substances obtained from such an animal  
29 including honey bee products. "Agricultural product" does not include  
30 (~~marijuana~~) cannabis, useable (~~marijuana, or marijuana-infused~~)  
31 cannabis, or cannabis-infused products, or animals defined as pet  
32 animals under RCW 16.70.020.

33 (2)(a) "Farmer" means any person engaged in the business of  
34 growing, raising, or producing, upon the person's own lands or upon  
35 the lands in which the person has a present right of possession, any  
36 agricultural product to be sold, and the growing, raising, or  
37 producing honey bee products for sale, or providing bee pollination  
38 services, by an eligible apiarist. "Farmer" does not include a person

1 growing, raising, or producing such products for the person's own  
2 consumption; a person selling any animal or substance obtained  
3 therefrom in connection with the person's business of operating a  
4 stockyard or a slaughter or packing house; or a person in respect to  
5 the business of taking, cultivating, or raising timber.

6 (b) "Eligible apiarist" means a person who owns or keeps one or  
7 more bee colonies and who grows, raises, or produces honey bee  
8 products for sale at wholesale and is registered under RCW 15.60.021.

9 (c) "Honey bee products" means queen honey bees, packaged honey  
10 bees, honey, pollen, bees wax, propolis, or other substances obtained  
11 from honey bees. "Honey bee products" does not include manufactured  
12 substances or articles.

13 (3) The terms "agriculture," "farming," "horticulture,"  
14 "horticultural," and "horticultural product" may not be construed to  
15 include or relate to ((~~marijuana~~)) cannabis, useable ((~~marijuana, or~~  
16 ~~marijuana-infused~~)) cannabis, or cannabis-infused products unless the  
17 applicable term is explicitly defined to include ((~~marijuana~~))  
18 cannabis, useable ((~~marijuana, or marijuana-infused~~)) cannabis, or  
19 cannabis-infused products.

20 (4) ((~~"Marijuana,"~~)) "Cannabis," "useable ((~~marijuana," and~~  
21 ~~"marijuana-infused~~)) cannabis," and "cannabis-infused products" have  
22 the same meaning as in RCW 69.50.101.

23 **Sec. 140.** RCW 82.04.260 and 2021 c 145 s 7 are each amended to  
24 read as follows:

25 (1) Upon every person engaging within this state in the business  
26 of manufacturing:

27 (a) Wheat into flour, barley into pearl barley, soybeans into  
28 soybean oil, canola into canola oil, canola meal, or canola by-  
29 products, or sunflower seeds into sunflower oil; as to such persons  
30 the amount of tax with respect to such business is equal to the value  
31 of the flour, pearl barley, oil, canola meal, or canola by-product  
32 manufactured, multiplied by the rate of 0.138 percent;

33 (b) Beginning July 1, 2025, seafood products that remain in a  
34 raw, raw frozen, or raw salted state at the completion of the  
35 manufacturing by that person; or selling manufactured seafood  
36 products that remain in a raw, raw frozen, or raw salted state at the  
37 completion of the manufacturing, to purchasers who transport in the  
38 ordinary course of business the goods out of this state; as to such  
39 persons the amount of tax with respect to such business is equal to



1 the value of the products manufactured or the gross proceeds derived  
2 from such sales, multiplied by the rate of 0.138 percent. Sellers  
3 must keep and preserve records for the period required by RCW  
4 82.32.070 establishing that the goods were transported by the  
5 purchaser in the ordinary course of business out of this state;

6 (c)(i) Except as provided otherwise in (c)(iii) of this  
7 subsection, from July 1, 2025, until January 1, 2036, dairy products;  
8 or selling dairy products that the person has manufactured to  
9 purchasers who either transport in the ordinary course of business  
10 the goods out of state or purchasers who use such dairy products as  
11 an ingredient or component in the manufacturing of a dairy product;  
12 as to such persons the tax imposed is equal to the value of the  
13 products manufactured or the gross proceeds derived from such sales  
14 multiplied by the rate of 0.138 percent. Sellers must keep and  
15 preserve records for the period required by RCW 82.32.070  
16 establishing that the goods were transported by the purchaser in the  
17 ordinary course of business out of this state or sold to a  
18 manufacturer for use as an ingredient or component in the  
19 manufacturing of a dairy product.

20 (ii) For the purposes of this subsection (1)(c), "dairy products"  
21 means:

22 (A) Products, not including any (~~marijuana-infused~~) cannabis-  
23 infused product, that as of September 20, 2001, are identified in 21  
24 C.F.R., chapter 1, parts 131, 133, and 135, including by-products  
25 from the manufacturing of the dairy products, such as whey and  
26 casein; and

27 (B) Products comprised of not less than seventy percent dairy  
28 products that qualify under (c)(ii)(A) of this subsection, measured  
29 by weight or volume.

30 (iii) The preferential tax rate provided to taxpayers under this  
31 subsection (1)(c) does not apply to sales of dairy products on or  
32 after July 1, 2023, where a dairy product is used by the purchaser as  
33 an ingredient or component in the manufacturing in Washington of a  
34 dairy product;

35 (d)(i) Beginning July 1, 2025, fruits or vegetables by canning,  
36 preserving, freezing, processing, or dehydrating fresh fruits or  
37 vegetables, or selling at wholesale fruits or vegetables manufactured  
38 by the seller by canning, preserving, freezing, processing, or  
39 dehydrating fresh fruits or vegetables and sold to purchasers who  
40 transport in the ordinary course of business the goods out of this

1 state; as to such persons the amount of tax with respect to such  
2 business is equal to the value of the products manufactured or the  
3 gross proceeds derived from such sales multiplied by the rate of  
4 0.138 percent. Sellers must keep and preserve records for the period  
5 required by RCW 82.32.070 establishing that the goods were  
6 transported by the purchaser in the ordinary course of business out  
7 of this state.

8 (ii) For purposes of this subsection (1)(d), "fruits" and  
9 "vegetables" do not include (~~marijuana~~) cannabis, useable  
10 (~~marijuana, or marijuana-infused~~) cannabis, or cannabis-infused  
11 products; and

12 (e) Wood biomass fuel; as to such persons the amount of tax with  
13 respect to the business is equal to the value of wood biomass fuel  
14 manufactured, multiplied by the rate of 0.138 percent. For the  
15 purposes of this section, "wood biomass fuel" means a liquid or  
16 gaseous fuel that is produced from lignocellulosic feedstocks,  
17 including wood, forest, or field residue and dedicated energy crops,  
18 and that does not include wood treated with chemical preservations  
19 such as creosote, pentachlorophenol, or copper-chrome-arsenic.

20 (2) Upon every person engaging within this state in the business  
21 of splitting or processing dried peas; as to such persons the amount  
22 of tax with respect to such business is equal to the value of the  
23 peas split or processed, multiplied by the rate of 0.138 percent.

24 (3) Upon every nonprofit corporation and nonprofit association  
25 engaging within this state in research and development, as to such  
26 corporations and associations, the amount of tax with respect to such  
27 activities is equal to the gross income derived from such activities  
28 multiplied by the rate of 0.484 percent.

29 (4) Upon every person engaging within this state in the business  
30 of slaughtering, breaking and/or processing perishable meat products  
31 and/or selling the same at wholesale only and not at retail; as to  
32 such persons the tax imposed is equal to the gross proceeds derived  
33 from such sales multiplied by the rate of 0.138 percent.

34 (5)(a) Upon every person engaging within this state in the  
35 business of acting as a travel agent or tour operator and whose  
36 annual taxable amount for the prior calendar year from such business  
37 was two hundred fifty thousand dollars or less; as to such persons  
38 the amount of the tax with respect to such activities is equal to the  
39 gross income derived from such activities multiplied by the rate of  
40 0.275 percent.

1 (b) Upon every person engaging within this state in the business  
2 of acting as a travel agent or tour operator and whose annual taxable  
3 amount for the prior calendar year from such business was more than  
4 two hundred fifty thousand dollars; as to such persons the amount of  
5 the tax with respect to such activities is equal to the gross income  
6 derived from such activities multiplied by the rate of 0.275 percent  
7 through June 30, 2019, and 0.9 percent beginning July 1, 2019.

8 (6) Upon every person engaging within this state in business as  
9 an international steamship agent, international customs house broker,  
10 international freight forwarder, vessel and/or cargo charter broker  
11 in foreign commerce, and/or international air cargo agent; as to such  
12 persons the amount of the tax with respect to only international  
13 activities is equal to the gross income derived from such activities  
14 multiplied by the rate of 0.275 percent.

15 (7) Upon every person engaging within this state in the business  
16 of stevedoring and associated activities pertinent to the movement of  
17 goods and commodities in waterborne interstate or foreign commerce;  
18 as to such persons the amount of tax with respect to such business is  
19 equal to the gross proceeds derived from such activities multiplied  
20 by the rate of 0.275 percent. Persons subject to taxation under this  
21 subsection are exempt from payment of taxes imposed by chapter 82.16  
22 RCW for that portion of their business subject to taxation under this  
23 subsection. Stevedoring and associated activities pertinent to the  
24 conduct of goods and commodities in waterborne interstate or foreign  
25 commerce are defined as all activities of a labor, service or  
26 transportation nature whereby cargo may be loaded or unloaded to or  
27 from vessels or barges, passing over, onto or under a wharf, pier, or  
28 similar structure; cargo may be moved to a warehouse or similar  
29 holding or storage yard or area to await further movement in import  
30 or export or may move to a consolidation freight station and be  
31 stuffed, unstuffed, containerized, separated or otherwise segregated  
32 or aggregated for delivery or loaded on any mode of transportation  
33 for delivery to its consignee. Specific activities included in this  
34 definition are: Wharfage, handling, loading, unloading, moving of  
35 cargo to a convenient place of delivery to the consignee or a  
36 convenient place for further movement to export mode; documentation  
37 services in connection with the receipt, delivery, checking, care,  
38 custody and control of cargo required in the transfer of cargo;  
39 imported automobile handling prior to delivery to consignee; terminal  
40 stevedoring and incidental vessel services, including but not limited

1 to plugging and unplugging refrigerator service to containers,  
2 trailers, and other refrigerated cargo receptacles, and securing ship  
3 hatch covers.

4 (8)(a) Upon every person engaging within this state in the  
5 business of disposing of low-level waste, as defined in RCW  
6 70A.380.010; as to such persons the amount of the tax with respect to  
7 such business is equal to the gross income of the business, excluding  
8 any fees imposed under chapter 70A.384 RCW, multiplied by the rate of  
9 3.3 percent.

10 (b) If the gross income of the taxpayer is attributable to  
11 activities both within and without this state, the gross income  
12 attributable to this state must be determined in accordance with the  
13 methods of apportionment required under RCW 82.04.460.

14 (9) Upon every person engaging within this state as an insurance  
15 producer or title insurance agent licensed under chapter 48.17 RCW or  
16 a surplus line broker licensed under chapter 48.15 RCW; as to such  
17 persons, the amount of the tax with respect to such licensed  
18 activities is equal to the gross income of such business multiplied  
19 by the rate of 0.484 percent.

20 (10) Upon every person engaging within this state in business as  
21 a hospital, as defined in chapter 70.41 RCW, that is operated as a  
22 nonprofit corporation or by the state or any of its political  
23 subdivisions, as to such persons, the amount of tax with respect to  
24 such activities is equal to the gross income of the business  
25 multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5  
26 percent thereafter.

27 (11)(a) Beginning October 1, 2005, upon every person engaging  
28 within this state in the business of manufacturing commercial  
29 airplanes, or components of such airplanes, or making sales, at  
30 retail or wholesale, of commercial airplanes or components of such  
31 airplanes, manufactured by the seller, as to such persons the amount  
32 of tax with respect to such business is, in the case of  
33 manufacturers, equal to the value of the product manufactured and the  
34 gross proceeds of sales of the product manufactured, or in the case  
35 of processors for hire, equal to the gross income of the business,  
36 multiplied by the rate of:

37 (i) 0.4235 percent from October 1, 2005, through June 30, 2007;

38 (ii) 0.2904 percent beginning July 1, 2007, through March 31,  
39 2020; and

1 (iii) Beginning April 1, 2020, 0.484 percent, subject to any  
2 reduction required under (e) of this subsection (11). The tax rate in  
3 this subsection (11)(a)(iii) applies to all business activities  
4 described in this subsection (11)(a).

5 (b) Beginning July 1, 2008, upon every person who is not eligible  
6 to report under the provisions of (a) of this subsection (11) and is  
7 engaging within this state in the business of manufacturing tooling  
8 specifically designed for use in manufacturing commercial airplanes  
9 or components of such airplanes, or making sales, at retail or  
10 wholesale, of such tooling manufactured by the seller, as to such  
11 persons the amount of tax with respect to such business is, in the  
12 case of manufacturers, equal to the value of the product manufactured  
13 and the gross proceeds of sales of the product manufactured, or in  
14 the case of processors for hire, be equal to the gross income of the  
15 business, multiplied by the rate of:

16 (i) 0.2904 percent through March 31, 2020; and

17 (ii) Beginning April 1, 2020, the following rates, which are  
18 subject to any reduction required under (e) of this subsection (11):

19 (A) The rate under RCW 82.04.250(1) on the business of making  
20 retail sales of tooling specifically designed for use in  
21 manufacturing commercial airplanes or components of such airplanes;  
22 and

23 (B) 0.484 percent on all other business activities described in  
24 this subsection (11)(b).

25 (c) For the purposes of this subsection (11), "commercial  
26 airplane" and "component" have the same meanings as provided in RCW  
27 82.32.550.

28 (d)(i) In addition to all other requirements under this title, a  
29 person reporting under the tax rate provided in this subsection (11)  
30 must file a complete annual tax performance report with the  
31 department under RCW 82.32.534. However, this requirement does not  
32 apply to persons reporting under the tax rate in (a)(iii) of this  
33 subsection (11), so long as that rate remains 0.484 percent, or under  
34 any of the tax rates in (b)(ii)(A) and (B) of this subsection (11),  
35 so long as those tax rates remain the rate imposed pursuant to RCW  
36 82.04.250(1) and 0.484 percent, respectively.

37 (ii) Nothing in (d)(i) of this subsection (11) may be construed  
38 as affecting the obligation of a person reporting under a tax rate  
39 provided in this subsection (11) to file a complete annual tax  
40 performance report with the department under RCW 82.32.534: (A)

Pursuant to another provision of this title as a result of claiming a tax credit or exemption; or (B) pursuant to (d)(i) of this subsection (11) as a result of claiming the tax rates in (a)(ii) or (b)(i) of this subsection (11) for periods ending before April 1, 2020.

(e)(i) After March 31, 2021, the tax rates under (a)(iii) and (b)(ii) of this subsection (11) must be reduced to 0.357 percent provided the conditions in RCW 82.04.2602 are met. The effective date of the rates authorized under this subsection (11)(e) must occur on the first day of the next calendar quarter that is at least sixty days after the department receives the last of the two written notices pursuant to RCW 82.04.2602 (3) and (4).

(ii) Both a significant commercial airplane manufacturer separately and the rest of the aerospace industry as a whole, receiving the rate of 0.357 percent under this subsection (11)(e) are subject to the aerospace apprenticeship utilization rates required under RCW 49.04.220 by April 1, 2026, or five years after the effective date of the 0.357 percent rate authorized under this subsection (11)(e), whichever is later, as determined by the department of labor and industries.

(iii) The provisions of RCW 82.32.805 and 82.32.808 do not apply to this subsection (11)(e).

(f)(i) Except as provided in (f)(ii) of this subsection (11), this subsection (11) does not apply on and after July 1, 2040.

(ii) With respect to the manufacturing of commercial airplanes or making sales, at retail or wholesale, of commercial airplanes, this subsection (11) does not apply on and after July 1st of the year in which the department makes a determination that any final assembly or wing assembly of any version or variant of a commercial airplane that is the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850 has been sited outside the state of Washington. This subsection (11)(f)(ii) only applies to the manufacturing or sale of commercial airplanes that are the basis of a siting of a significant commercial airplane manufacturing program in the state under RCW 82.32.850. This subsection (11)(f)(ii) continues to apply during the time that a person is subject to the tax rate in (a)(iii) of this subsection (11).

(g) For the purposes of this subsection, "a significant commercial airplane manufacturer" means a manufacturer of commercial

1 airplanes with at least fifty thousand full-time employees in  
2 Washington as of January 1, 2021.

3 (12)(a) Until July 1, 2045, upon every person engaging within  
4 this state in the business of extracting timber or extracting for  
5 hire timber; as to such persons the amount of tax with respect to the  
6 business is, in the case of extractors, equal to the value of  
7 products, including by-products, extracted, or in the case of  
8 extractors for hire, equal to the gross income of the business,  
9 multiplied by the rate of 0.4235 percent from July 1, 2006, through  
10 June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30,  
11 2045.

12 (b) Until July 1, 2045, upon every person engaging within this  
13 state in the business of manufacturing or processing for hire: (i)  
14 Timber into timber products or wood products; (ii) timber products  
15 into other timber products or wood products; or (iii) products  
16 defined in RCW 19.27.570(1); as to such persons the amount of the tax  
17 with respect to the business is, in the case of manufacturers, equal  
18 to the value of products, including by-products, manufactured, or in  
19 the case of processors for hire, equal to the gross income of the  
20 business, multiplied by the rate of 0.4235 percent from July 1, 2006,  
21 through June 30, 2007, and 0.2904 percent from July 1, 2007, through  
22 June 30, 2045.

23 (c) Until July 1, 2045, upon every person engaging within this  
24 state in the business of selling at wholesale: (i) Timber extracted  
25 by that person; (ii) timber products manufactured by that person from  
26 timber or other timber products; (iii) wood products manufactured by  
27 that person from timber or timber products; or (iv) products defined  
28 in RCW 19.27.570(1) manufactured by that person; as to such persons  
29 the amount of the tax with respect to the business is equal to the  
30 gross proceeds of sales of the timber, timber products, wood  
31 products, or products defined in RCW 19.27.570(1) multiplied by the  
32 rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and  
33 0.2904 percent from July 1, 2007, through June 30, 2045.

34 (d) Until July 1, 2045, upon every person engaging within this  
35 state in the business of selling standing timber; as to such persons  
36 the amount of the tax with respect to the business is equal to the  
37 gross income of the business multiplied by the rate of 0.2904  
38 percent. For purposes of this subsection (12)(d), "selling standing  
39 timber" means the sale of timber apart from the land, where the buyer  
40 is required to sever the timber within thirty months from the date of

1 the original contract, regardless of the method of payment for the  
2 timber and whether title to the timber transfers before, upon, or  
3 after severance.

4 (e) For purposes of this subsection, the following definitions  
5 apply:

6 (i) "Biocomposite surface products" means surface material  
7 products containing, by weight or volume, more than fifty percent  
8 recycled paper and that also use nonpetroleum-based phenolic resin as  
9 a bonding agent.

10 (ii) "Paper and paper products" means products made of interwoven  
11 cellulosic fibers held together largely by hydrogen bonding. "Paper  
12 and paper products" includes newsprint; office, printing, fine, and  
13 pressure-sensitive papers; paper napkins, towels, and toilet tissue;  
14 kraft bag, construction, and other kraft industrial papers;  
15 paperboard, liquid packaging containers, containerboard, corrugated,  
16 and solid-fiber containers including linerboard and corrugated  
17 medium; and related types of cellulosic products containing  
18 primarily, by weight or volume, cellulosic materials. "Paper and  
19 paper products" does not include books, newspapers, magazines,  
20 periodicals, and other printed publications, advertising materials,  
21 calendars, and similar types of printed materials.

22 (iii) "Recycled paper" means paper and paper products having  
23 fifty percent or more of their fiber content that comes from  
24 postconsumer waste. For purposes of this subsection (12)(e)(iii),  
25 "postconsumer waste" means a finished material that would normally be  
26 disposed of as solid waste, having completed its life cycle as a  
27 consumer item.

28 (iv) "Timber" means forest trees, standing or down, on privately  
29 or publicly owned land. "Timber" does not include Christmas trees  
30 that are cultivated by agricultural methods or short-rotation  
31 hardwoods as defined in RCW 84.33.035.

32 (v) "Timber products" means:

33 (A) Logs, wood chips, sawdust, wood waste, and similar products  
34 obtained wholly from the processing of timber, short-rotation  
35 hardwoods as defined in RCW 84.33.035, or both;

36 (B) Pulp, including market pulp and pulp derived from recovered  
37 paper or paper products; and

38 (C) Recycled paper, but only when used in the manufacture of  
39 biocomposite surface products.



(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (12) must file a complete annual tax performance report with the department under RCW 82.32.534.

(g) Nothing in this subsection (12) may be construed to affect the taxation of any activity defined as a retail sale in RCW 82.04.050(2) (b) or (c), defined as a wholesale sale in RCW 82.04.060(2), or taxed under RCW 82.04.280(1)(g).

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.35 percent until July 1, 2024, and 0.484 percent thereafter.

(b) A person reporting under the tax rate provided in this subsection (14) must file a complete annual tax performance report with the department under RCW 82.32.534.

**Sec. 141.** RCW 82.04.331 and 2014 c 140 s 8 are each amended to read as follows:

(1) This chapter does not apply to amounts received by a person engaging within this state in the business of: (a) Making wholesale sales to farmers of seed conditioned for use in planting and not packaged for retail sale; or (b) conditioning seed for planting owned by others.

(2) For the purposes of this section, "seed" means seed potatoes and all other "agricultural seed" as defined in RCW 15.49.011. "Seed" does not include "flower seeds" or "vegetable seeds" as defined in RCW 15.49.011, or any other seeds or propagative portions of plants used to grow (~~marijuana~~) cannabis, ornamental flowers, or any type of bush, moss, fern, shrub, or tree.

1       **Sec. 142.** RCW 82.04.4266 and 2020 c 139 s 5 are each amended to  
2 read as follows:

3       (1) This chapter does not apply to the value of products or the  
4 gross proceeds of sales derived from:

5       (a) Manufacturing fruits or vegetables by canning, preserving,  
6 freezing, processing, or dehydrating fresh fruits or vegetables; or

7       (b) Selling at wholesale fruits or vegetables manufactured by the  
8 seller by canning, preserving, freezing, processing, or dehydrating  
9 fresh fruits or vegetables and sold to purchasers who transport in  
10 the ordinary course of business the goods out of this state. A person  
11 taking an exemption under this subsection (1)(b) must keep and  
12 preserve records for the period required by RCW 82.32.070  
13 establishing that the goods were transported by the purchaser in the  
14 ordinary course of business out of this state.

15       (2) For purposes of this section, "fruits" and "vegetables" do  
16 not include ((marijuana)) cannabis, useable ((marijuana, or  
17 marijuana-infused)) cannabis, or cannabis-infused products.

18       (3) A person claiming the exemption provided in this section must  
19 file a complete annual tax performance report with the department  
20 under RCW 82.32.534.

21       (4) This section expires July 1, 2025.

22       **Sec. 143.** RCW 82.04.756 and 2015 c 70 s 40 are each amended to  
23 read as follows:

24       (1) This chapter does not apply to any cooperative in respect to  
25 growing ((marijuana)) cannabis, or manufacturing ((marijuana))  
26 cannabis concentrates, useable ((marijuana, or marijuana-infused))  
27 cannabis, or cannabis-infused products, as those terms are defined in  
28 RCW 69.50.101.

29       (2) The tax preference authorized in this section is not subject  
30 to the provisions of RCW 82.32.805 and 82.32.808.

31       **Sec. 144.** RCW 82.08.010 and 2021 c 225 s 3 are each amended to  
32 read as follows:

33       For the purposes of this chapter:

34       (1)(a)(i) "Selling price" includes "sales price." "Sales price"  
35 means the total amount of consideration, except separately stated  
36 trade-in property of like kind, including cash, credit, property, and  
37 services, for which tangible personal property, extended warranties,  
38 digital goods, digital codes, digital automated services, or other

1 services or anything else defined as a "retail sale" under RCW  
2 82.04.050 are sold, leased, or rented, valued in money, whether  
3 received in money or otherwise. Except as otherwise provided in this  
4 subsection (1), no deduction from the total amount of consideration  
5 is allowed for the following: (A) The seller's cost of the property  
6 sold; (B) the cost of materials used, labor or service cost,  
7 interest, losses, all costs of transportation to the seller, all  
8 taxes imposed on the seller, and any other expense of the seller; (C)  
9 charges by the seller for any services necessary to complete the  
10 sale, other than delivery and installation charges; (D) delivery  
11 charges; and (E) installation charges.

12 (ii) When tangible personal property is rented or leased under  
13 circumstances that the consideration paid does not represent a  
14 reasonable rental for the use of the articles so rented or leased,  
15 the "selling price" must be determined as nearly as possible  
16 according to the value of such use at the places of use of similar  
17 products of like quality and character under such rules as the  
18 department may prescribe;

19 (b) "Selling price" or "sales price" does not include: Discounts,  
20 including cash, term, or coupons that are not reimbursed by a third  
21 party that are allowed by a seller and taken by a purchaser on a  
22 sale; interest, financing, and carrying charges from credit extended  
23 on the sale of tangible personal property, extended warranties,  
24 digital goods, digital codes, digital automated services, or other  
25 services or anything else defined as a retail sale in RCW 82.04.050,  
26 if the amount is separately stated on the invoice, bill of sale, or  
27 similar document given to the purchaser; and any taxes legally  
28 imposed directly on the consumer, or collected from the consumer  
29 pursuant to RCW 35.87A.010(2)(b), that are separately stated on the  
30 invoice, bill of sale, or similar document given to the purchaser;

31 (c) "Selling price" or "sales price" includes consideration  
32 received by the seller from a third party if:

33 (i) The seller actually receives consideration from a party other  
34 than the purchaser, and the consideration is directly related to a  
35 price reduction or discount on the sale;

36 (ii) The seller has an obligation to pass the price reduction or  
37 discount through to the purchaser;

38 (iii) The amount of the consideration attributable to the sale is  
39 fixed and determinable by the seller at the time of the sale of the  
40 item to the purchaser; and

(iv) One of the criteria in this subsection (1)(c)(iv) is met:

(A) The purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

(B) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount, however a "preferred customer" card that is available to any patron does not constitute membership in such a group; or

(C) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser;

(2)(a)(i) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer, purchaser, or consumer, whether as agent, broker, or principal, except as otherwise provided in this subsection (2).

(ii) "Seller" includes marketplace facilitators, whether making sales in their own right or facilitating sales on behalf of marketplace sellers.

(b)(i) "Seller" does not include:

(A) The state and its departments and institutions when making sales to the state and its departments and institutions; or

(B) A professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale at retail that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the seller and is responsible for collecting and remitting the tax imposed by this chapter.

(ii) For the purposes of this subsection (2)(b), the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(3) "Buyer," "purchaser," and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust,

1 corporation, association, society, or any group of individuals acting  
2 as a unit, whether mutual, cooperative, fraternal, nonprofit, or  
3 otherwise, municipal corporation, quasi municipal corporation, and  
4 also the state, its departments and institutions and all political  
5 subdivisions thereof, irrespective of the nature of the activities  
6 engaged in or functions performed, and also the United States or any  
7 instrumentality thereof;

8 (4) "Delivery charges" means charges by the seller of personal  
9 property or services for preparation and delivery to a location  
10 designated by the purchaser of personal property or services  
11 including, but not limited to, transportation, shipping, postage,  
12 handling, crating, and packing;

13 (5) "Direct mail" means printed material delivered or distributed  
14 by United States mail or other delivery service to a mass audience or  
15 to addressees on a mailing list provided by the purchaser or at the  
16 direction of the purchaser when the cost of the items are not billed  
17 directly to the recipients. "Direct mail" includes tangible personal  
18 property supplied directly or indirectly by the purchaser to the  
19 direct mail seller for inclusion in the package containing the  
20 printed material. "Direct mail" does not include multiple items of  
21 printed material delivered to a single address;

22 (6) The meaning attributed in chapter 82.04 RCW to the terms "tax  
23 year," "taxable year," "person," "company," "sale," "sale at  
24 wholesale," "wholesale," "business," "engaging in business," "cash  
25 discount," "successor," "consumer," "in this state," "within this  
26 state," (~~("marijuana,"))~~ "cannabis," "useable (~~("marijuana," and~~  
27 ~~"marijuana-infused"))~~ cannabis," and "cannabis-infused products"  
28 applies equally to the provisions of this chapter;

29 (7) For the purposes of the taxes imposed under this chapter and  
30 under chapter 82.12 RCW, "tangible personal property" means personal  
31 property that can be seen, weighed, measured, felt, or touched, or  
32 that is in any other manner perceptible to the senses. Tangible  
33 personal property includes electricity, water, gas, steam, and  
34 prewritten computer software;

35 (8) "Extended warranty" has the same meaning as in RCW  
36 82.04.050(7);

37 (9) The definitions in RCW 82.04.192 apply to this chapter;

38 (10) For the purposes of the taxes imposed under this chapter and  
39 chapter 82.12 RCW, whenever the terms "property" or "personal

property" are used, those terms must be construed to include digital goods and digital codes unless:

(a) It is clear from the context that the term "personal property" is intended only to refer to tangible personal property;

(b) It is clear from the context that the term "property" is intended only to refer to tangible personal property, real property, or both; or

(c) To construe the term "property" or "personal property" as including digital goods and digital codes would yield unlikely, absurd, or strained consequences; and

(11) "Retail sale" or "sale at retail" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent.

(12) The terms "agriculture," "farming," "horticulture," "horticultural," and "horticultural product" may not be construed to include or relate to ((~~marijuana~~)) cannabis, useable ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused products unless the applicable term is explicitly defined to include ((~~marijuana~~)) cannabis, useable ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused products.

(13)(a) "Affiliated person" means a person that, with respect to another person:

(i) Has an ownership interest of more than five percent, whether direct or indirect, in the other person; or

(ii) Is related to the other person because a third person, or group of third persons who are affiliated persons with respect to each other, holds an ownership interest of more than five percent, whether direct or indirect, in the related persons.

(b) For purposes of this subsection (13):

(i) "Ownership interest" means the possession of equity in the capital, the stock, or the profits of the other person; and

(ii) An indirect ownership interest in a person is an ownership interest in an entity that has an ownership interest in the person or in an entity that has an indirect ownership interest in the person.

(14) "Marketplace" means a physical or electronic place, including, but not limited to, a store, a booth, an internet website, a catalog or a dedicated sales software application, where tangible personal property, digital codes and digital products, or services are offered for sale.

(15)(a) "Marketplace facilitator" means a person that:

1 (i) Contracts with sellers to facilitate for consideration,  
2 regardless of whether deducted as fees from the transaction, the sale  
3 of the seller's products through a marketplace owned or operated by  
4 the person;

5 (ii) Engages directly or indirectly, through one or more  
6 affiliated persons, in transmitting or otherwise communicating the  
7 offer or acceptance between the buyer and seller. For purposes of  
8 this subsection, mere advertising does not constitute transmitting or  
9 otherwise communicating the offer or acceptance between the buyer and  
10 seller; and

11 (iii) Engages directly or indirectly, through one or more  
12 affiliated persons, in any of the following activities with respect  
13 to the seller's products:

14 (A) Payment processing services;

15 (B) Fulfillment or storage services;

16 (C) Listing products for sale;

17 (D) Setting prices;

18 (E) Branding sales as those of the marketplace facilitator;

19 (F) Taking orders; or

20 (G) Providing customer service or accepting or assisting with  
21 returns or exchanges.

22 (b) (i) "Marketplace facilitator" does not include:

23 (A) A person who provides internet advertising services,  
24 including listing products for sale, so long as the person does not  
25 also engage in the activity described in (a)(ii) of this subsection  
26 (15) in addition to any of the activities described in (a)(iii) of  
27 this subsection (15); or

28 (B) A person with respect to the provision of travel agency  
29 services or the operation of a marketplace or that portion of a  
30 marketplace that enables consumers to purchase transient lodging  
31 accommodations in a hotel or other commercial transient lodging  
32 facility.

33 (ii) The exclusion in this subsection (15)(b) does not apply to a  
34 marketplace or that portion of a marketplace that facilitates the  
35 retail sale of transient lodging accommodations in homes, apartments,  
36 cabins, or other residential dwelling units.

37 (iii) For purposes of this subsection (15)(b), the following  
38 definitions apply:

39 (A) "Hotel" has the same meaning as in RCW 19.48.010.

1 (B) "Travel agency services" means arranging or booking, for a  
2 commission, fee or other consideration, vacation or travel packages,  
3 rental car or other travel reservations or accommodations, tickets  
4 for domestic or foreign travel by air, rail, ship, bus, or other  
5 medium of transportation, or hotel or other lodging accommodations.

6 (16) "Marketplace seller" means a seller that makes retail sales  
7 through any marketplace operated by a marketplace facilitator,  
8 regardless of whether the seller is required to be registered with  
9 the department under RCW 82.32.030.

10 (17) "Remote seller" means any seller, including a marketplace  
11 facilitator, who does not have a physical presence in this state and  
12 makes retail sales to purchasers or facilitates retail sales on  
13 behalf of marketplace sellers.

14 **Sec. 145.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to  
15 read as follows:

16 (1) There is levied and collected a tax equal to six and five-  
17 tenths percent of the selling price on each retail sale in this state  
18 of:

19 (a) Tangible personal property, unless the sale is specifically  
20 excluded from the RCW 82.04.050 definition of retail sale;

21 (b) Digital goods, digital codes, and digital automated services,  
22 if the sale is included within the RCW 82.04.050 definition of retail  
23 sale;

24 (c) Services, other than digital automated services, included  
25 within the RCW 82.04.050 definition of retail sale;

26 (d) Extended warranties to consumers; and

27 (e) Anything else, the sale of which is included within the RCW  
28 82.04.050 definition of retail sale.

29 (2) There is levied and collected an additional tax on each  
30 retail car rental, regardless of whether the vehicle is licensed in  
31 this state, equal to five and nine-tenths percent of the selling  
32 price. The revenue collected under this subsection must be deposited  
33 in the multimodal transportation account created in RCW 47.66.070.

34 (3) Beginning July 1, 2003, there is levied and collected an  
35 additional tax of three-tenths of one percent of the selling price on  
36 each retail sale of a motor vehicle in this state, other than retail  
37 car rentals taxed under subsection (2) of this section. The revenue  
38 collected under this subsection must be deposited in the multimodal  
39 transportation account created in RCW 47.66.070.



(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of (~~marijuana~~) cannabis;

(b) Off-road vehicles as defined in RCW 46.04.365;

(c) Nonhighway vehicles as defined in RCW 46.09.310; and

(d) Snowmobiles as defined in RCW 46.04.546.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 146.** RCW 82.08.02565 and 2015 3rd sp.s. c 5 s 301 are each amended to read as follows:

(1)(a) The tax levied by RCW 82.08.020 does not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment.

(b) Except as provided in (c) of this subsection, sellers making tax-exempt sales under this section must obtain from the purchaser an exemption certificate in a form and manner prescribed by the department by rule. The seller must retain a copy of the certificate for the seller's files.

(c)(i) The exemption under this section is in the form of a remittance for a gas distribution business, as defined in RCW 82.16.010, claiming the exemption for machinery and equipment used for the production of compressed natural gas or liquefied natural gas for use as a transportation fuel.

1 (ii) A gas distribution business claiming an exemption from state  
2 and local tax in the form of a remittance under this section must pay  
3 the tax under RCW 82.08.020 and all applicable local sales taxes.  
4 Beginning July 1, 2017, the gas distribution business may then apply  
5 to the department for remittance of state and local sales and use  
6 taxes. A gas distribution business may not apply for a remittance  
7 more frequently than once a quarter. The gas distribution business  
8 must specify the amount of exempted tax claimed and the qualifying  
9 purchases for which the exemption is claimed. The gas distribution  
10 business must retain, in adequate detail, records to enable the  
11 department to determine whether the business is entitled to an  
12 exemption under this section, including: Invoices; proof of tax paid;  
13 and documents describing the machinery and equipment.

14 (iii) The department must determine eligibility under this  
15 section based on the information provided by the gas distribution  
16 business, which is subject to audit verification by the department.  
17 The department must on a quarterly basis remit exempted amounts to  
18 qualifying businesses who submitted applications during the previous  
19 quarter.

20 (iv) Beginning July 1, 2028, a gas distribution business may not  
21 apply for a refund under this section or RCW 82.12.02565.

22 (2) For purposes of this section and RCW 82.12.02565:

23 (a) "Machinery and equipment" means industrial fixtures, devices,  
24 and support facilities, and tangible personal property that becomes  
25 an ingredient or component thereof, including repair parts and  
26 replacement parts. "Machinery and equipment" includes pollution  
27 control equipment installed and used in a manufacturing operation,  
28 testing operation, or research and development operation to prevent  
29 air pollution, water pollution, or contamination that might otherwise  
30 result from the manufacturing operation, testing operation, or  
31 research and development operation. "Machinery and equipment" also  
32 includes digital goods.

33 (b) "Machinery and equipment" does not include:

34 (i) Hand-powered tools;

35 (ii) Property with a useful life of less than one year;

36 (iii) Buildings, other than machinery and equipment that is  
37 permanently affixed to or becomes a physical part of a building; and

38 (iv) Building fixtures that are not integral to the manufacturing  
39 operation, testing operation, or research and development operation  
40 that are permanently affixed to and become a physical part of a

1 building, such as utility systems for heating, ventilation, air  
2 conditioning, communications, plumbing, or electrical.

3 (c) Machinery and equipment is "used directly" in a manufacturing  
4 operation, testing operation, or research and development operation  
5 if the machinery and equipment:

6 (i) Acts upon or interacts with an item of tangible personal  
7 property;

8 (ii) Conveys, transports, handles, or temporarily stores an item  
9 of tangible personal property at the manufacturing site or testing  
10 site;

11 (iii) Controls, guides, measures, verifies, aligns, regulates, or  
12 tests tangible personal property at the site or away from the site;

13 (iv) Provides physical support for or access to tangible personal  
14 property;

15 (v) Produces power for, or lubricates machinery and equipment;

16 (vi) Produces another item of tangible personal property for use  
17 in the manufacturing operation, testing operation, or research and  
18 development operation;

19 (vii) Places tangible personal property in the container,  
20 package, or wrapping in which the tangible personal property is  
21 normally sold or transported; or

22 (viii) Is integral to research and development as defined in RCW  
23 82.63.010.

24 (d) "Manufacturer" means a person that qualifies as a  
25 manufacturer under RCW 82.04.110. "Manufacturer" also includes a  
26 person that:

27 (i) Prints newspapers or other materials; or

28 (ii) Is engaged in the development of prewritten computer  
29 software that is not transferred to purchasers by means of tangible  
30 storage media.

31 (e) "Manufacturing" means only those activities that come within  
32 the definition of "to manufacture" in RCW 82.04.120 and are taxed as  
33 manufacturing or processing for hire under chapter 82.04 RCW, or  
34 would be taxed as such if such activity were conducted in this state  
35 or if not for an exemption or deduction. "Manufacturing" also  
36 includes printing newspapers or other materials. An activity is not  
37 taxed as manufacturing or processing for hire under chapter 82.04 RCW  
38 if the activity is within the purview of chapter 82.16 RCW.

39 (f) "Manufacturing operation" means the manufacturing of  
40 articles, substances, or commodities for sale as tangible personal

1 property. A manufacturing operation begins at the point where the raw  
2 materials enter the manufacturing site and ends at the point where  
3 the processed material leaves the manufacturing site. With respect to  
4 the production of class A or exceptional quality biosolids by a  
5 wastewater treatment facility, the manufacturing operation begins at  
6 the point where class B biosolids undergo additional processing to  
7 achieve class A or exceptional quality standards. Notwithstanding  
8 anything to the contrary in this section, the term also includes that  
9 portion of a cogeneration project that is used to generate power for  
10 consumption within the manufacturing site of which the cogeneration  
11 project is an integral part. The term does not include the  
12 preparation of food products on the premises of a person selling food  
13 products at retail.

14 (g) "Cogeneration" means the simultaneous generation of  
15 electrical energy and low-grade heat from the same fuel.

16 (h) "Research and development operation" means engaging in  
17 research and development as defined in RCW 82.63.010 by a  
18 manufacturer or processor for hire.

19 (i) "Testing" means activities performed to establish or  
20 determine the properties, qualities, and limitations of tangible  
21 personal property.

22 (j) "Testing operation" means the testing of tangible personal  
23 property for a manufacturer or processor for hire. A testing  
24 operation begins at the point where the tangible personal property  
25 enters the testing site and ends at the point where the tangible  
26 personal property leaves the testing site. The term also includes the  
27 testing of tangible personal property for use in that portion of a  
28 cogeneration project that is used to generate power for consumption  
29 within the manufacturing site of which the cogeneration project is an  
30 integral part. The term does not include the testing of tangible  
31 personal property for use in the production of electricity by a light  
32 and power business as defined in RCW 82.16.010 or the preparation of  
33 food products on the premises of a person selling food products at  
34 retail.

35 (3) This section does not apply (a) to sales of machinery and  
36 equipment used directly in the manufacturing, research and  
37 development, or testing of (~~marijuana~~) cannabis, useable  
38 (~~(marijuana, or marijuana-infused)~~) cannabis, or cannabis-infused  
39 products, or (b) to sales of or charges made for labor and services

1 rendered in respect to installing, repairing, cleaning, altering, or  
2 improving such machinery and equipment.

3 (4) The exemptions in this section do not apply to an ineligible  
4 person. For purposes of this subsection, the following definitions  
5 apply:

6 (a) "Affiliated group" means a group of two or more entities that  
7 are either:

8 (i) Affiliated as defined in RCW 82.32.655; or

9 (ii) Permitted to file a consolidated return for federal income  
10 tax purposes.

11 (b) "Ineligible person" means all members of an affiliated group  
12 if all of the following apply:

13 (i) At least one member of the affiliated group was registered  
14 with the department to do business in Washington state on or before  
15 July 1, 1981;

16 (ii) As of August 1, 2015, the combined employment in this state  
17 of the affiliated group exceeds forty thousand full-time and part-  
18 time employees, based on data reported to the employment security  
19 department by the affiliated group; and

20 (iii) The business activities of the affiliated group primarily  
21 include development, sales, and licensing of computer software and  
22 services.

23 **Sec. 147.** RCW 82.08.0257 and 2014 c 140 s 15 are each amended to  
24 read as follows:

25 The tax levied by RCW 82.08.020 does not apply to auction sales  
26 made by or through auctioneers of personal property (including  
27 household goods) that has been used in conducting a farm activity,  
28 when the seller thereof is a farmer as defined in RCW 82.04.213 and  
29 the sale is held or conducted upon a farm and not otherwise. The  
30 exemption in this section does not apply to personal property used by  
31 the seller in the production of ((marijuana)) cannabis, useable  
32 ((marijuana, or marijuana-infused)) cannabis, or cannabis-infused  
33 products.

34 **Sec. 148.** RCW 82.08.0273 and 2019 c 423 s 101 are each amended  
35 to read as follows:

36 (1) Subject to the conditions and limitations in this section, an  
37 exemption from the tax levied by RCW 82.08.020 in the form of a  
38 remittance from the department is provided for sales to nonresidents

1 of this state of tangible personal property, digital goods, and  
2 digital codes. The exemption only applies if:

3 (a) The property is for use outside this state;

4 (b) The purchaser is a bona fide resident of a province or  
5 territory of Canada or a state, territory, or possession of the  
6 United States, other than the state of Washington; and

7 (i) Such state, possession, territory, or province does not  
8 impose, or have imposed on its behalf, a generally applicable retail  
9 sales tax, use tax, value added tax, gross receipts tax on retailing  
10 activities, or similar generally applicable tax, of three percent or  
11 more; or

12 (ii) If imposing a tax described in (b)(i) of this subsection,  
13 provides an exemption for sales to Washington residents by reason of  
14 their residence; and

15 (c) The purchaser agrees, when requested, to grant the department  
16 of revenue access to such records and other forms of verification at  
17 the purchaser's place of residence to assure that such purchases are  
18 not first used substantially in the state of Washington.

19 (2) Notwithstanding anything to the contrary in this chapter, if  
20 parts or other tangible personal property are installed by the seller  
21 during the course of repairing, cleaning, altering, or improving  
22 motor vehicles, trailers, or campers and the seller makes a separate  
23 charge for the tangible personal property, the tax levied by RCW  
24 82.08.020 does not apply to the separately stated charge to a  
25 nonresident purchaser for the tangible personal property but only if  
26 the seller certifies in writing to the purchaser that the separately  
27 stated charge does not exceed either the seller's current publicly  
28 stated retail price for the tangible personal property or, if no  
29 publicly stated retail price is available, the seller's cost for the  
30 tangible personal property. However, the exemption provided by this  
31 section does not apply if tangible personal property is installed by  
32 the seller during the course of repairing, cleaning, altering, or  
33 improving motor vehicles, trailers, or campers and the seller makes a  
34 single nonitemized charge for providing the tangible personal  
35 property and service. All of the provisions in subsections (1) and  
36 (3) through (7) of this section apply to this subsection.

37 (3)(a) Any person claiming exemption from retail sales tax under  
38 the provisions of this section must pay the state and local sales tax  
39 to the seller at the time of purchase and then request a remittance  
40 from the department in accordance with this subsection and subsection

1 (4) of this section. A request for remittance must include proof of  
2 the person's status as a nonresident at the time of the purchase for  
3 which a remittance is requested. The request for a remittance must  
4 also include any additional information and documentation as required  
5 by the department, which may include a description of the item  
6 purchased for which a remittance is requested, the sales price of the  
7 item, the amount of sales tax paid on the item, the date of the  
8 purchase, the name of the seller and the physical address where the  
9 sale took place, and copies of sales receipts showing the qualified  
10 purchases.

11 (b) Acceptable proof of a nonresident person's status includes  
12 one piece of identification such as a valid driver's license from the  
13 jurisdiction in which the out-of-state residency is claimed or a  
14 valid identification card which has a photograph of the holder and is  
15 issued by the out-of-state jurisdiction. Identification under this  
16 subsection (3)(b) must show the holder's residential address and have  
17 as one of its legal purposes the establishment of residency in that  
18 out-of-state jurisdiction.

19 (4)(a)(i) Beginning January 1, 2020, through December 31, 2020, a  
20 person may request a remittance from the department for state sales  
21 taxes paid by the person on qualified retail purchases made in  
22 Washington between July 1, 2019, and December 31, 2019.

23 (ii) Beginning January 1, 2021, a person may request a remittance  
24 from the department during any calendar year for state sales taxes  
25 paid by the person on qualified retail purchases made in Washington  
26 during the immediately preceding calendar year only. No application  
27 may be made with respect to purchases made before the immediately  
28 preceding calendar year.

29 (b) The remittance request, including proof of nonresident status  
30 and any other documentation and information required by the  
31 department, must be provided in a form and manner as prescribed by  
32 the department. Only one remittance request may be made by a person  
33 per calendar year.

34 (c) The total amount of a remittance request must be at least  
35 twenty-five dollars. The department must deny any request for a  
36 remittance that is less than twenty-five dollars.

37 (d) The department will examine the applicant's proof of  
38 nonresident status and any other documentation and information as  
39 required in the application to determine whether the applicant is  
40 entitled to a remittance under this section.

1       (5) (a) Any person making fraudulent statements to the department,  
2       which includes the offer of fraudulent or fraudulently procured  
3       identification or fraudulent sales receipts, in order to receive a  
4       remittance of retail sales tax is guilty of perjury under chapter  
5       9A.72 RCW and is ineligible to receive any further remittances from  
6       the department under this section.

7       (b) Any person obtaining a remittance of retail sales tax from  
8       the department by providing proof of identification or sales receipts  
9       not the person's own, or counterfeit identification or sales receipts  
10      is (i) liable for repayment of the remittance, including interest as  
11      provided in chapter 82.32 RCW from the date the remittance was  
12      transmitted to the person until repaid in full, (ii) liable for a  
13      civil penalty equal to the greater of one hundred dollars or the  
14      amount of the remittance obtained in violation of this subsection  
15      (5)(b), and (iii) ineligible to receive any further remittances from  
16      the department under this section.

17      (c) Any person assisting another person in obtaining a remittance  
18      of retail sales tax in violation of (b) of this subsection is jointly  
19      and severally liable for amounts due under (b) of this subsection and  
20      is also ineligible to receive any further remittances from the  
21      department under this section.

22      (6) A person who receives a refund of sales tax from the seller  
23      for any reason with respect to a purchase made in this state is not  
24      entitled to a remittance for the tax paid on the purchase. A person  
25      who receives both a remittance under this section and a refund of  
26      sales tax from the seller with respect to the same purchase must  
27      immediately repay the remittance to the department. Interest as  
28      provided in chapter 82.32 RCW applies to amounts due under this  
29      section from the date that the department made the remittance until  
30      the amount due under this subsection is paid to the department. A  
31      person who receives a remittance with respect to a purchase for which  
32      the person had, at the time the person submitted the application for  
33      a remittance, already received a refund of sales tax from the seller  
34      is also liable for a civil penalty equal to the greater of one  
35      hundred dollars or the amount of the remittance obtained in violation  
36      of this subsection and is ineligible to receive any further  
37      remittances from the department under this section.

38      (7) The exemption provided by this section is only for the state  
39      portion of the sales tax. For purposes of this section, the state  
40      portion of the sales tax is not reduced by any local sales tax that



1 is deducted or credited against the state sales tax as provided by  
2 law.

3 (8) The exemption in this section does not apply to sales of  
4 ((marijuana)) cannabis, useable ((marijuana, or marijuana-infused))  
5 cannabis, or cannabis-infused products.

6 **Sec. 149.** RCW 82.08.02745 and 2021 c 250 s 1 are each amended to  
7 read as follows:

8 (1) The tax levied by RCW 82.08.020 does not apply to charges  
9 made for labor and services rendered by any person in respect to the  
10 constructing, repairing, decorating, or improving of new or existing  
11 buildings or other structures, in which at least 50 percent of  
12 housing units in the development are used as farmworker housing, or  
13 to sales of tangible personal property that becomes an ingredient or  
14 component of the buildings or other structures during the course of  
15 the constructing, repairing, decorating, or improving the buildings  
16 or other structures. The exemption is provided for all housing units  
17 in the development and is available only if the buyer provides the  
18 seller with an exemption certificate in a form and manner prescribed  
19 by the department by rule.

20 (2) The exemption provided in this section for farmworker housing  
21 provided on a year-round basis only applies if that housing is built  
22 to the current building code for single-family or multifamily  
23 dwellings according to the state building code, chapter 19.27 RCW.

24 (3) Any farmworker housing built under this section must be used  
25 according to this section for at least five consecutive years from  
26 the date the housing is approved for occupancy, or the full amount of  
27 tax otherwise due is immediately due and payable together with  
28 interest, but not penalties, from the date the housing is approved  
29 for occupancy until the date of payment. If at any time farmworker  
30 housing ceases to be used in the manner specified in subsection (2)  
31 of this section, the full amount of tax otherwise due is immediately  
32 due and payable with interest, but not penalties, from the date the  
33 housing ceases to be used as farmworker housing until the date of  
34 payment.

35 (4) The exemption provided in this section does not apply to  
36 housing built for the occupancy of an employer, family members of an  
37 employer, or persons owning stock or shares in a farm partnership or  
38 corporation business. The exemption provided in this section does not  
39 apply to housing built exclusively for workers in the United States

1 on an H-2A visa under the United States citizenship and immigration  
2 services.

3 (5) If during any agricultural season in the qualifying five  
4 years under subsection (3) of this section the housing is occupied by  
5 a farmworker who does not have an H-2A visa, then the housing will be  
6 considered not to be exclusively built for workers on an H-2A visa.

7 (6) For purposes of this section and RCW 82.12.02685, the  
8 following definitions apply unless the context clearly requires  
9 otherwise.

10 (a) "Agricultural employer" or "employer" has the same meaning as  
11 given in RCW 19.30.010, and includes any employer engaged in  
12 aquaculture as defined in RCW 15.85.020.

13 (b) "Farm work" means services relating to:

14 (i) Cultivating the soil, raising or harvesting, or catching,  
15 netting, handling, planting, drying, packing, grading, storing, or  
16 preserving in its unmanufactured state any agricultural or  
17 aquacultural commodity;

18 (ii) Delivering to storage, market, or a carrier for  
19 transportation to market or to processing any agricultural or  
20 aquacultural commodity; or

21 (iii) Working in a processing plant and directly handling  
22 agricultural or aquacultural product.

23 (c) "Farmworker" means a single person, or all members of a  
24 household, whether such persons are related or not, if the combined  
25 household income earned from farm work is at least \$3,000 per  
26 calendar year.

27 (d) "Farmworker housing" means all facilities provided by an  
28 agricultural employer, housing authority, local government, state or  
29 federal agency, nonprofit community or neighborhood-based  
30 organization that is exempt from income tax under section 501(c) of  
31 the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)), or for-  
32 profit provider of housing for housing farmworkers on a year-round or  
33 seasonal basis, including bathing, food handling, hand washing,  
34 laundry, and toilet facilities, single-family and multifamily  
35 dwelling units and dormitories, and includes labor camps under RCW  
36 70.114A.110.

37 (i) "Farmworker housing" includes:

38 (A) Housing occupied by a household with at least one member who  
39 is a farmworker; and

(B) Housing occupied by a farmworker on a seasonal basis, where the housing is not used as farmworker housing for a portion of the year, such as when it is rented to the general public when not being used for farmworker housing.

(ii) "Farmworker housing" does not include:

(A) Housing regularly provided on a commercial basis to the general public;

(B) Housing provided by a housing authority unless at least eighty percent of the occupants are farmworkers whose adjusted income is less than fifty percent of median family income, adjusted for household size, for the county where the housing is provided; and

(C) Housing provided to farmworkers providing services related to the growing, raising, or producing of (~~marijuana~~) cannabis.

(7) This section expires January 1, 2032.

**Sec. 150.** RCW 82.08.0281 and 2014 c 140 s 19 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of drugs for human use dispensed or to be dispensed to patients, pursuant to a prescription.

(2) The tax levied by RCW 82.08.020 does not apply to sales of drugs or devices used for family planning purposes, including the prevention of conception, for human use dispensed or to be dispensed to patients, pursuant to a prescription.

(3) The tax levied by RCW 82.08.020 does not apply to sales of drugs and devices used for family planning purposes, including the prevention of conception, for human use supplied by a family planning clinic that is under contract with the department of health to provide family planning services.

(4) The following definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to prescribe.

(b) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, (~~or~~) alcoholic beverages, (~~marijuana~~) cannabis, useable (~~marijuana, or marijuana-infused~~) cannabis, or cannabis-infused products:

(i) Recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or

(ii) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(iii) Intended to affect the structure or any function of the body.

(c) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug required by 21 C.F.R. Sec. 201.66, as amended or renumbered on January 1, 2003. The label includes:

(i) A "drug facts" panel; or

(ii) A statement of the "active ingredient(s)" with a list of those ingredients contained in the compound, substance, or preparation.

**Sec. 151.** RCW 82.08.0288 and 2014 c 140 s 20 are each amended to read as follows:

The tax levied by RCW 82.08.020 does not apply to the lease of irrigation equipment if:

(1) The irrigation equipment was purchased by the lessor for the purpose of irrigating land controlled by the lessor;

(2) The lessor has paid tax under RCW 82.08.020 or 82.12.020 in respect to the irrigation equipment;

(3) The irrigation equipment is attached to the land in whole or in part;

(4) The irrigation equipment is not used in the production of (~~marijuana~~) cannabis; and

(5) The irrigation equipment is leased to the lessee as an incidental part of the lease of the underlying land to the lessee and is used solely on such land.

**Sec. 152.** RCW 82.08.0293 and 2021 c 176 s 5249 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

1 (a) "Alcoholic beverages," which means beverages that are  
2 suitable for human consumption and contain one-half of one percent or  
3 more of alcohol by volume;

4 (b) "Tobacco," which means cigarettes, cigars, chewing or pipe  
5 tobacco, or any other item that contains tobacco; and

6 (c) (~~((Marijuana))~~) Cannabis, useable (~~((marijuana, or marijuana-~~  
7 ~~infused))~~) cannabis, or cannabis-infused products.

8 (2) The exemption of "food and food ingredients" provided for in  
9 subsection (1) of this section does not apply to prepared food, soft  
10 drinks, bottled water, or dietary supplements. The definitions in  
11 this subsection apply throughout this section unless the context  
12 clearly requires otherwise.

13 (a) "Bottled water" means water that is placed in a safety sealed  
14 container or package for human consumption. Bottled water is calorie  
15 free and does not contain sweeteners or other additives except that  
16 it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii)  
17 carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen;  
18 (vi) preservatives; and (vii) only those flavors, extracts, or  
19 essences derived from a spice or fruit. "Bottled water" includes  
20 water that is delivered to the buyer in a reusable container that is  
21 not sold with the water.

22 (b) "Dietary supplement" means any product, other than tobacco,  
23 intended to supplement the diet that:

24 (i) Contains one or more of the following dietary ingredients:

25 (A) A vitamin;

26 (B) A mineral;

27 (C) An herb or other botanical;

28 (D) An amino acid;

29 (E) A dietary substance for use by humans to supplement the diet  
30 by increasing the total dietary intake; or

31 (F) A concentrate, metabolite, constituent, extract, or  
32 combination of any ingredient described in this subsection;

33 (ii) Is intended for ingestion in tablet, capsule, powder,  
34 softgel, gelcap, or liquid form, or if not intended for ingestion in  
35 such form, is not represented as conventional food and is not  
36 represented for use as a sole item of a meal or of the diet; and

37 (iii) Is required to be labeled as a dietary supplement,  
38 identifiable by the "supplement facts" box found on the label as  
39 required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered  
40 as of January 1, 2003.

(c) (i) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(I) Food that is only cut, repackaged, or pasteurized by the seller; or

(II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(ii) Food is "sold with eating utensils provided by the seller" if:

(A) The seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the North American industry classification system (NAICS);

(B) A plate, glass, cup, or bowl is necessary to receive the food or food ingredient, and the seller makes those utensils available to its customers; or

(C) (I) The seller makes utensils available to its customers, and the seller has more than seventy-five percent prepared food sales. For purposes of this subsection (2)(c)(ii)(C), a seller has more than seventy-five percent prepared food sales if the seller's gross retail sales of prepared food under (c)(i)(A), (c)(i)(C), and (c)(ii)(B) of this subsection equal more than seventy-five percent of the seller's gross retail sales of all food and food ingredients, including prepared food, soft drinks, and dietary supplements.

(II) However, even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or food ingredients packaged for sale as a single item and sold for a single

1 price are not "sold with utensils provided by the seller" unless the  
2 seller's customary practice for the package is to physically hand or  
3 otherwise deliver a utensil to the customer as part of the sales  
4 transaction. Whenever available, the number of servings included in a  
5 package of food or food ingredients must be determined based on the  
6 manufacturer's product label. If no label is available, the seller  
7 must reasonably determine the number of servings.

8 (III) The seller must determine a single prepared food sales  
9 percentage annually for all the seller's establishments in the state  
10 based on the prior year of sales. The seller may elect to determine  
11 its prepared food sales percentage based either on the prior calendar  
12 year or on the prior fiscal year. A seller may not change its elected  
13 method for determining its prepared food percentage without the  
14 written consent of the department. The seller must determine its  
15 annual prepared food sales percentage as soon as possible after  
16 accounting records are available, but in no event later than ninety  
17 days after the beginning of the seller's calendar or fiscal year. A  
18 seller may make a good faith estimate of its first annual prepared  
19 food sales percentage if the seller's records for the prior year are  
20 not sufficient to allow the seller to calculate the prepared food  
21 sales percentage. The seller must adjust its good faith estimate  
22 prospectively if its relative sales of prepared foods in the first  
23 ninety days of operation materially depart from the seller's  
24 estimate.

25 (iii) "Prepared food" does not include the following items, if  
26 sold without eating utensils provided by the seller:

27 (A) Food sold by a seller whose proper primary NAICS  
28 classification is manufacturing in sector 311, except subsector 3118  
29 (bakeries), as provided in the "North American industry  
30 classification system—United States, 2002";

31 (B) Food sold in an unheated state by weight or volume as a  
32 single item; or

33 (C) Bakery items. The term "bakery items" includes bread, rolls,  
34 buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes,  
35 tortes, pies, tarts, muffins, bars, cookies, or tortillas.

36 (d) "Soft drinks" means nonalcoholic beverages that contain  
37 natural or artificial sweeteners. Soft drinks do not include  
38 beverages that contain: Milk or milk products; soy, rice, or similar  
39 milk substitutes; or greater than fifty percent of vegetable or fruit  
40 juice by volume.

1 (3) Notwithstanding anything in this section to the contrary, the  
2 exemption of "food and food ingredients" provided in this section  
3 applies to food and food ingredients that are furnished, prepared, or  
4 served as meals:

5 (a) Under a state administered nutrition program for the aged as  
6 provided for in the older Americans act (P.L. 95-478 Title III) and  
7 RCW 74.38.040(6);

8 (b) That are provided to senior citizens, individuals with  
9 disabilities, or low-income persons by a nonprofit organization  
10 organized under chapter 24.03A or 24.12 RCW; or

11 (c) That are provided to residents, sixty-two years of age or  
12 older, of a qualified low-income senior housing facility by the  
13 lessor or operator of the facility. The sale of a meal that is billed  
14 to both spouses of a marital community or both domestic partners of a  
15 domestic partnership meets the age requirement in this subsection  
16 (3)(c) if at least one of the spouses or domestic partners is at  
17 least sixty-two years of age. For purposes of this subsection,  
18 "qualified low-income senior housing facility" means a facility:

19 (i) That meets the definition of a qualified low-income housing  
20 project under 26 U.S.C. Sec. 42 of the federal internal revenue code,  
21 as existing on August 1, 2009;

22 (ii) That has been partially funded under 42 U.S.C. Sec. 1485;  
23 and

24 (iii) For which the lessor or operator has at any time been  
25 entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42  
26 of the federal internal revenue code.

27 (4)(a) Subsection (1) of this section notwithstanding, the retail  
28 sale of food and food ingredients is subject to sales tax under RCW  
29 82.08.020 if the food and food ingredients are sold through a vending  
30 machine. Except as provided in (b) of this subsection, the selling  
31 price of food and food ingredients sold through a vending machine for  
32 purposes of RCW 82.08.020 is fifty-seven percent of the gross  
33 receipts.

34 (b) For soft drinks, bottled water, and hot prepared food and  
35 food ingredients, other than food and food ingredients which are  
36 heated after they have been dispensed from the vending machine, the  
37 selling price is the total gross receipts of such sales divided by  
38 the sum of one plus the sales tax rate expressed as a decimal.



1 (c) For tax collected under this subsection (4), the requirements  
2 that the tax be collected from the buyer and that the amount of tax  
3 be stated as a separate item are waived.

4 **Sec. 153.** RCW 82.08.820 and 2014 c 140 s 23 are each amended to  
5 read as follows:

6 (1) Wholesalers or third-party warehouse owners who own or operate  
7 warehouses or grain elevators and retailers who own or operate  
8 distribution centers, and who have paid the tax levied by RCW  
9 82.08.020 on:

10 (a) Material-handling and racking equipment, and labor and  
11 services rendered in respect to installing, repairing, cleaning,  
12 altering, or improving the equipment; or

13 (b) Construction of a warehouse or grain elevator, including  
14 materials, and including service and labor costs,  
15 are eligible for an exemption in the form of a remittance. The amount  
16 of the remittance is computed under subsection (3) of this section  
17 and is based on the state share of sales tax.

18 (2) For purposes of this section and RCW 82.12.820:

19 (a) "Agricultural products" has the meaning given in RCW  
20 82.04.213;

21 (b) "Construction" means the actual construction of a warehouse  
22 or grain elevator that did not exist before the construction began.  
23 "Construction" includes expansion if the expansion adds at least two  
24 hundred thousand square feet of additional space to an existing  
25 warehouse or additional storage capacity of at least one million  
26 bushels to an existing grain elevator. "Construction" does not  
27 include renovation, remodeling, or repair;

28 (c) "Department" means the department of revenue;

29 (d) "Distribution center" means a warehouse that is used  
30 exclusively by a retailer solely for the storage and distribution of  
31 finished goods to retail outlets of the retailer. "Distribution  
32 center" does not include a warehouse at which retail sales occur;

33 (e) "Finished goods" means tangible personal property intended  
34 for sale by a retailer or wholesaler. "Finished goods" does not  
35 include:

36 (i) Agricultural products stored by wholesalers, third-party  
37 warehouses, or retailers if the storage takes place on the land of  
38 the person who produced the agricultural product;

(ii) Logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk; or

(iii) (~~((Marijuana))~~) Cannabis, useable (~~((marijuana, or marijuana-infused))~~) cannabis, or cannabis-infused products;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse must be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouser" means a person taxable under RCW 82.04.280(1)(d);

1       (1) "Warehouse" means an enclosed building or structure in which  
2 finished goods are stored. A warehouse building or structure may have  
3 more than one storage room and more than one floor. Office space,  
4 lunchrooms, restrooms, and other space within the warehouse and  
5 necessary for the operation of the warehouse are considered part of  
6 the warehouse as are loading docks and other such space attached to  
7 the building and used for handling of finished goods. Landscaping and  
8 parking lots are not considered part of the warehouse. A storage yard  
9 is not a warehouse, nor is a building in which manufacturing takes  
10 place; and

11       (m) "Wholesaler" means a person who makes "sales at wholesale" as  
12 defined in chapter 82.04 RCW of tangible personal property, but  
13 "wholesaler" does not include a person who makes sales exempt under  
14 RCW 82.04.330.

15       (3)(a) A person claiming an exemption from state tax in the form  
16 of a remittance under this section must pay the tax imposed by RCW  
17 82.08.020. The buyer may then apply to the department for remittance  
18 of all or part of the tax paid under RCW 82.08.020. For grain  
19 elevators with bushel capacity of one million but less than two  
20 million, the remittance is equal to fifty percent of the amount of  
21 tax paid. For warehouses with square footage of two hundred thousand  
22 or more and for grain elevators with bushel capacity of two million  
23 or more, the remittance is equal to one hundred percent of the amount  
24 of tax paid for qualifying construction, materials, service, and  
25 labor, and fifty percent of the amount of tax paid for qualifying  
26 material-handling equipment and racking equipment, and labor and  
27 services rendered in respect to installing, repairing, cleaning,  
28 altering, or improving the equipment.

29       (b) The department must determine eligibility under this section  
30 based on information provided by the buyer and through audit and  
31 other administrative records. The buyer must on a quarterly basis  
32 submit an information sheet, in a form and manner as required by the  
33 department by rule, specifying the amount of exempted tax claimed and  
34 the qualifying purchases or acquisitions for which the exemption is  
35 claimed. The buyer must retain, in adequate detail to enable the  
36 department to determine whether the equipment or construction meets  
37 the criteria under this section: Invoices; proof of tax paid;  
38 documents describing the material-handling equipment and racking  
39 equipment; location and size of warehouses and grain elevators; and  
40 construction invoices and documents.

(c) The department must on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

**Sec. 154.** RCW 82.08.9997 and 2015 c 207 s 4 are each amended to read as follows:

The taxes imposed by this chapter do not apply to the retail sale of ~~((marijuana))~~ cannabis, useable ~~((marijuana, marijuana))~~ cannabis, cannabis concentrates, and ((marijuana-infused)) cannabis-infused products covered by an agreement entered into under RCW 43.06.490. ~~((("Marijuana,") "Cannabis," "useable ((marijuana," "marijuana)) cannabis," "cannabis concentrates," and ((("marijuana-infused)) "cannabis-infused~~ products" have the same meaning as defined in RCW 69.50.101.

**Sec. 155.** RCW 82.08.9998 and 2019 c 393 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to:

(a) Sales of ~~((marijuana))~~ cannabis concentrates, useable ~~((marijuana, or marijuana-infused))~~ cannabis, or cannabis-infused products, identified by the department of health in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being a compliant ~~((marijuana))~~ cannabis product, by ~~((marijuana))~~ cannabis retailers with medical ~~((marijuana))~~ cannabis endorsements to qualifying patients or designated providers who have been issued recognition cards;

1 (b) Sales of products containing THC with a THC concentration of  
2 0.3 percent or less to qualifying patients or designated providers  
3 who have been issued recognition cards by ((~~marijuana~~)) cannabis  
4 retailers with medical ((~~marijuana~~)) cannabis endorsements;

5 (c) Sales of ((~~marijuana~~)) cannabis concentrates, useable  
6 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
7 products, identified by the department of health under RCW 69.50.375  
8 to have a low THC, high CBD ratio, and to be beneficial for medical  
9 use, by ((~~marijuana~~)) cannabis retailers with medical ((~~marijuana~~))  
10 cannabis endorsements, to any person;

11 (d) Sales of topical, noningestible products containing THC with  
12 a THC concentration of 0.3 percent or less by health care  
13 professionals under RCW 69.51A.280;

14 (e) (i) ((~~Marijuana, marijuana~~)) Cannabis, cannabis concentrates,  
15 useable ((~~marijuana, marijuana-infused~~)) cannabis, cannabis-infused  
16 products, or products containing THC with a THC concentration of 0.3  
17 percent or less produced by a cooperative and provided to its  
18 members; and

19 (ii) Any nonmonetary resources and labor contributed by an  
20 individual member of the cooperative in which the individual is a  
21 member. However, nothing in this subsection (1)(e) may be construed  
22 to exempt the individual members of a cooperative from the tax  
23 imposed in RCW 82.08.020 on any purchase of property or services  
24 contributed to the cooperative.

25 (2) Each seller making exempt sales under subsection (1) of this  
26 section must maintain information establishing eligibility for the  
27 exemption in the form and manner required by the department.

28 (3) The department must provide a separate tax reporting line for  
29 exemption amounts claimed under this section.

30 (4) The definitions in this subsection apply throughout this  
31 section unless the context clearly requires otherwise.

32 (a) "Cooperative" means a cooperative authorized by and operating  
33 in compliance with RCW 69.51A.250.

34 (b) ((~~"Marijuana"~~)) "Cannabis retailer with a medical  
35 ((~~marijuana~~)) cannabis endorsement" means a ((~~marijuana~~)) cannabis  
36 retailer permitted under RCW 69.50.375 to sell ((~~marijuana~~)) cannabis  
37 for medical use to qualifying patients and designated providers.

38 (c) "Products containing THC with a THC concentration of 0.3  
39 percent or less" means all products containing THC with a THC

1 concentration not exceeding 0.3 percent and that, when used as  
2 intended, are inhalable, ingestible, or absorbable.

3 (d) "THC concentration," (~~("marijuana," "marijuana")~~) "cannabis,"  
4 "cannabis concentrates," "useable (~~("marijuana," "marijuana")~~)  
5 cannabis," "cannabis retailer," and (~~("marijuana-infused")~~) "cannabis-  
6 infused products" have the same meanings as provided in RCW 69.50.101  
7 and the terms "qualifying patients," "designated providers," and  
8 "recognition card" have the same meaning as provided in RCW  
9 69.51A.010.

10 **Sec. 156.** RCW 82.12.02565 and 2015 3rd sp.s. c 5 s 302 are each  
11 amended to read as follows:

12 (1) The provisions of this chapter do not apply in respect to the  
13 use by a manufacturer or processor for hire of machinery and  
14 equipment used directly in a manufacturing operation or research and  
15 development operation, to the use by a person engaged in testing for  
16 a manufacturer or processor for hire of machinery and equipment used  
17 directly in a testing operation, or to the use of labor and services  
18 rendered in respect to installing, repairing, cleaning, altering, or  
19 improving the machinery and equipment.

20 (2) The definitions, conditions, and requirements in RCW  
21 82.08.02565 apply to this section.

22 (3) This section does not apply to the use of (a) machinery and  
23 equipment used directly in the manufacturing, research and  
24 development, or testing of (~~("marijuana")~~) cannabis, useable  
25 (~~("marijuana, or marijuana-infused")~~) cannabis, or cannabis-infused  
26 products, or (b) labor and services rendered in respect to  
27 installing, repairing, cleaning, altering, or improving such  
28 machinery and equipment.

29 (4) The exemptions in this section do not apply to an ineligible  
30 person as defined in RCW 82.08.02565.

31 **Sec. 157.** RCW 82.12.0258 and 2014 c 140 s 16 are each amended to  
32 read as follows:

33 The provisions of this chapter do not apply in respect to the use  
34 of personal property (including household goods) that has been used  
35 in conducting a farm activity, if such property was purchased from a  
36 farmer as defined in RCW 82.04.213 at an auction sale held or  
37 conducted by an auctioneer upon a farm and not otherwise. The  
38 exemption in this section does not apply to personal property used by

1 the seller in the production of ((~~marijuana~~)) cannabis, useable  
2 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
3 products.

4 **Sec. 158.** RCW 82.12.0283 and 2014 c 140 s 21 are each amended to  
5 read as follows:

6 The provisions of this chapter do not apply to the use of  
7 irrigation equipment if:

8 (1) The irrigation equipment was purchased by the lessor for the  
9 purpose of irrigating land controlled by the lessor;

10 (2) The lessor has paid tax under RCW 82.08.020 or 82.12.020 in  
11 respect to the irrigation equipment;

12 (3) The irrigation equipment is attached to the land in whole or  
13 in part;

14 (4) The irrigation equipment is not used in the production of  
15 ((~~marijuana~~)) cannabis; and

16 (5) The irrigation equipment is leased to the lessee as an  
17 incidental part of the lease of the underlying land to the lessee and  
18 is used solely on such land.

19 **Sec. 159.** RCW 82.12.9997 and 2015 c 207 s 5 are each amended to  
20 read as follows:

21 The taxes imposed by this chapter do not apply to the use of  
22 ((~~marijuana~~)) cannabis, useable ((~~marijuana, marijuana~~)) cannabis,  
23 cannabis concentrates, and ((~~marijuana-infused~~)) cannabis-infused  
24 products covered by an agreement entered into under RCW 43.06.490.  
25 ((~~"Marijuana,"~~)) "Cannabis," "useable ((~~marijuana,"~~ ~~"marijuana~~))  
26 cannabis," "cannabis concentrates," and ((~~"marijuana-infused~~))  
27 "cannabis-infused products" have the same meaning as defined in RCW  
28 69.50.101.

29 **Sec. 160.** RCW 82.12.9998 and 2019 c 393 s 5 are each amended to  
30 read as follows:

31 (1) The provisions of this chapter do not apply to:

32 (a) The use of ((~~marijuana~~)) cannabis concentrates, useable  
33 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
34 products, identified by the department of health in rules adopted  
35 under RCW 69.50.375(4) in chapter 246-70 WAC as being a compliant  
36 ((~~marijuana~~)) cannabis product, by qualifying patients or designated  
37 providers who have been issued recognition cards and have obtained

1 such products from a ((~~marijuana~~)) cannabis retailer with a medical  
2 ((~~marijuana~~)) cannabis endorsement.

3 (b) The use of products containing THC with a THC concentration  
4 of 0.3 percent or less by qualifying patients or designated providers  
5 who have been issued recognition cards and have obtained such  
6 products from a ((~~marijuana~~)) cannabis retailer with a medical  
7 ((~~marijuana~~)) cannabis endorsement.

8 (c) (i) ((~~Marijuana~~)) Cannabis retailers with a medical  
9 ((~~marijuana~~)) cannabis endorsement with respect to:

10 (A) ((~~Marijuana~~)) Cannabis concentrates, useable ((~~marijuana, or~~  
11 ~~marijuana-infused~~)) cannabis, or cannabis-infused products; or

12 (B) Products containing THC with a THC concentration of 0.3  
13 percent or less;

14 (ii) The exemption in this subsection (1)(c) applies only if such  
15 products are provided at no charge to a qualifying patient or  
16 designated provider who has been issued a recognition card. Each such  
17 retailer providing such products at no charge must maintain  
18 information establishing eligibility for this exemption in the form  
19 and manner required by the department.

20 (d) The use of ((~~marijuana~~)) cannabis concentrates, useable  
21 ((~~marijuana, or marijuana-infused~~)) cannabis, or cannabis-infused  
22 products, identified by the department of health under RCW 69.50.375  
23 to have a low THC, high CBD ratio, and to be beneficial for medical  
24 use, purchased from ((~~marijuana~~)) cannabis retailers with a medical  
25 ((~~marijuana~~)) cannabis endorsement.

26 (e) Health care professionals with respect to the use of products  
27 containing THC with a THC concentration of 0.3 percent or less  
28 provided at no charge by the health care professionals under RCW  
29 69.51A.280. Each health care professional providing such products at  
30 no charge must maintain information establishing eligibility for this  
31 exemption in the form and manner required by the department.

32 (f) The use of topical, noningestible products containing THC  
33 with a THC concentration of 0.3 percent or less by qualifying  
34 patients when purchased from or provided at no charge by a health  
35 care professional under RCW 69.51A.280.

36 (g) The use of:

37 (i) ((~~Marijuana, marijuana~~)) Cannabis, cannabis concentrates,  
38 useable ((~~marijuana, marijuana-infused~~)) cannabis, cannabis-infused  
39 products, or products containing THC with a THC concentration of 0.3



1 percent or less, by a cooperative and its members, when produced by  
2 the cooperative; and

3 (ii) Any nonmonetary resources and labor by a cooperative when  
4 contributed by its members. However, nothing in this subsection  
5 (1)(g) may be construed to exempt the individual members of a  
6 cooperative from the tax imposed in RCW 82.12.020 on the use of any  
7 property or services purchased by the member and contributed to the  
8 cooperative.

9 (2) The definitions in RCW 82.08.9998 apply to this section.

10 **Sec. 161.** RCW 82.14.430 and 2014 c 140 s 24 are each amended to  
11 read as follows:

12 (1) If approved by the majority of the voters within its  
13 boundaries voting on the ballot proposition, a regional  
14 transportation investment district may impose a sales and use tax of  
15 up to 0.1 percent of the selling price or value of the article used  
16 in the case of a use tax. The tax authorized by this section is in  
17 addition to the tax authorized by RCW 82.14.030 and must be collected  
18 from those persons who are taxable by the state under chapters 82.08  
19 and 82.12 RCW upon the occurrence of any taxable event within the  
20 taxing district. Motor vehicles are exempt from the sales and use tax  
21 imposed under this subsection.

22 (2) If approved by the majority of the voters within its  
23 boundaries voting on the ballot proposition, a regional  
24 transportation investment district may impose a tax on the use of a  
25 motor vehicle within a regional transportation investment district.  
26 The tax applies to those persons who reside within the regional  
27 transportation investment district. The rate of the tax may not  
28 exceed 0.1 percent of the value of the motor vehicle. The tax  
29 authorized by this subsection is in addition to the tax authorized  
30 under RCW 82.14.030 and must be imposed and collected at the time a  
31 taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All  
32 revenue received under this subsection must be deposited in the local  
33 sales and use tax account and distributed to the regional  
34 transportation investment district according to RCW 82.14.050. The  
35 following provisions apply to the use tax in this subsection:

36 (a) Where persons are taxable under chapter 82.08 RCW, the seller  
37 must collect the use tax from the buyer using the collection  
38 provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

(i) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of (~~marijuana~~) cannabis;

(ii) Off-road vehicles as defined in RCW 46.04.365;

(iii) Nonhighway vehicles as defined in RCW 46.09.310; and

(iv) Snowmobiles as defined in RCW 46.04.546.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of this chapter (~~(82.14 RCW)~~), and this chapter (~~(82.14 RCW)~~) applies fully to the use tax.

(3) In addition to fulfilling the notice requirements under RCW 82.14.055(1), and unless waived by the department, a regional transportation investment district must provide the department of revenue with digital mapping and legal descriptions of areas in which the tax will be collected.

**Sec. 162.** RCW 82.16.050 and 2014 c 140 s 25 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof. This subsection may not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, gas distribution or other public service businesses which furnish water, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due

1 for services furnished jointly by both, if the total amount has been  
2 credited to and appears in the gross income reported for tax by the  
3 former;

4 (4) The amount of cash discount actually taken by the purchaser  
5 or customer;

6 (5) The amount of bad debts, as that term is used in 26 U.S.C.  
7 Sec. 166, as amended or renumbered as of January 1, 2003, on which  
8 tax was previously paid under this chapter;

9 (6) Amounts derived from business which the state is prohibited  
10 from taxing under the Constitution of this state or the Constitution  
11 or laws of the United States;

12 (7) Amounts derived from the distribution of water through an  
13 irrigation system, for irrigation purposes other than the irrigation  
14 of ((marijuana)) cannabis as defined under RCW 69.50.101;

15 (8) Amounts derived from the transportation of commodities from  
16 points of origin in this state to final destination outside this  
17 state, or from points of origin outside this state to final  
18 destination in this state, with respect to which the carrier grants  
19 to the shipper the privilege of stopping the shipment in transit at  
20 some point in this state for the purpose of storing, manufacturing,  
21 milling, or other processing, and thereafter forwards the same  
22 commodity, or its equivalent, in the same or converted form, under a  
23 through freight rate from point of origin to final destination;

24 (9) Amounts derived from the transportation of commodities from  
25 points of origin in the state to an export elevator, wharf, dock or  
26 ship side on tidewater or its navigable tributaries to be forwarded,  
27 without intervening transportation, by vessel, in their original  
28 form, to interstate or foreign destinations. No deduction is allowed  
29 under this subsection when the point of origin and the point of  
30 delivery to the export elevator, wharf, dock, or ship side are  
31 located within the corporate limits of the same city or town;

32 (10) Amounts derived from the transportation of agricultural  
33 commodities, not including manufactured substances or articles, from  
34 points of origin in the state to interim storage facilities in this  
35 state for transshipment, without intervening transportation, to an  
36 export elevator, wharf, dock, or ship side on tidewater or its  
37 navigable tributaries to be forwarded, without intervening  
38 transportation, by vessel, in their original form, to interstate or  
39 foreign destinations. If agricultural commodities are transshipped  
40 from interim storage facilities in this state to storage facilities

1 at a port on tidewater or its navigable tributaries, the same  
2 agricultural commodity dealer must operate both the interim storage  
3 facilities and the storage facilities at the port.

4 (a) The deduction under this subsection is available only when  
5 the person claiming the deduction obtains a certificate from the  
6 agricultural commodity dealer operating the interim storage  
7 facilities, in a form and manner prescribed by the department,  
8 certifying that:

9 (i) More than ninety-six percent of all of the type of  
10 agricultural commodity delivered by the person claiming the deduction  
11 under this subsection and delivered by all other persons to the  
12 dealer's interim storage facilities during the preceding calendar  
13 year was shipped by vessel in original form to interstate or foreign  
14 destinations; and

15 (ii) Any of the agricultural commodity that is transshipped to  
16 ports on tidewater or its navigable tributaries will be received at  
17 storage facilities operated by the same agricultural commodity dealer  
18 and will be shipped from such facilities, without intervening  
19 transportation, by vessel, in their original form, to interstate or  
20 foreign destinations.

21 (b) As used in this subsection, "agricultural commodity" has the  
22 same meaning as agricultural product in RCW 82.04.213;

23 (11) Amounts derived from the production, sale, or transfer of  
24 electrical energy for resale within or outside the state or for  
25 consumption outside the state;

26 (12) Amounts derived from the distribution of water by a  
27 nonprofit water association and used for capital improvements by that  
28 nonprofit water association;

29 (13) Amounts paid by a sewerage collection business taxable under  
30 RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for  
31 the treatment or disposal of sewage;

32 (14) Amounts derived from fees or charges imposed on persons for  
33 transit services provided by a public transportation agency. For the  
34 purposes of this subsection, "public transportation agency" means a  
35 municipality, as defined in RCW 35.58.272, and urban public  
36 transportation systems, as defined in RCW 47.04.082. Public  
37 transportation agencies must spend an amount equal to the reduction  
38 in tax provided by this tax deduction solely to adjust routes to  
39 improve access for citizens using food banks and senior citizen

1 services or to extend or add new routes to assist low-income citizens  
2 and seniors.

3       **Sec. 163.** RCW 82.25.005 and 2019 c 445 s 101 are each amended to  
4 read as follows:

5       The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7       (1) "Accessible container" means a container that is intended to  
8 be opened. The term does not mean a closed cartridge or closed  
9 container that is not intended to be opened such as a disposable e-  
10 cigarette.

11       (2) "Affiliated" means related in any way by virtue of any form  
12 or amount of common ownership, control, operation, or management.

13       (3) "Board" means the Washington state liquor and cannabis board.

14       (4) "Business" means any trade, occupation, activity, or  
15 enterprise engaged in selling or distributing vapor products in this  
16 state.

17       (5) "Distributor" (~~mean[s]~~) means any person:

18       (a) Engaged in the business of selling vapor products in this  
19 state who brings, or causes to be brought, into this state from  
20 outside the state any vapor products for sale;

21       (b) Who makes, manufactures, fabricates, or stores vapor products  
22 in this state for sale in this state;

23       (c) Engaged in the business of selling vapor products outside  
24 this state who ships or transports vapor products to retailers or  
25 consumers in this state; or

26       (d) Engaged in the business of selling vapor products in this  
27 state who handles for sale any vapor products that are within this  
28 state but upon which tax has not been imposed.

29       (6) "Indian country" has the same meaning as provided in RCW  
30 82.24.010.

31       (7) "Manufacturer" has the same meaning as provided in RCW  
32 70.345.010.

33       (8) "Manufacturer's representative" means a person hired by a  
34 manufacturer to sell or distribute the manufacturer's vapor products  
35 and includes employees and independent contractors.

36       (9) "Person" means: Any individual, receiver, administrator,  
37 executor, assignee, trustee in bankruptcy, trust, estate, firm,  
38 copartnership, joint venture, club, company, joint stock company,  
39 business trust, municipal corporation, corporation, limited liability

1 company, association, or society; the state and its departments and  
2 institutions; any political subdivision of the state of Washington;  
3 and any group of individuals acting as a unit, whether mutual,  
4 cooperative, fraternal, nonprofit, or otherwise. Except as provided  
5 otherwise in this chapter, "person" does not include any person  
6 immune from state taxation, including the United States or its  
7 instrumentalities, and federally recognized Indian tribes and  
8 enrolled tribal members, conducting business within Indian country.

9 (10) "Place of business" means any place where vapor products are  
10 sold or where vapor products are manufactured, stored, or kept for  
11 the purpose of sale, including any vessel, vehicle, airplane, or  
12 train.

13 (11) "Retail outlet" has the same meaning as provided in RCW  
14 70.345.010.

15 (12) "Retailer" has the same meaning as provided in RCW  
16 70.345.010.

17 (13) "Sale" has the same meaning as provided in RCW 70.345.010.

18 (14) "Taxpayer" means a person liable for the tax imposed by this  
19 chapter.

20 (15) "Vapor product" means any noncombustible product containing  
21 a solution or other consumable substance, regardless of whether it  
22 contains nicotine, which employs a mechanical heating element,  
23 battery, or electronic circuit regardless of shape or size that can  
24 be used to produce vapor from the solution or other substance,  
25 including an electronic cigarette, electronic cigar, electronic  
26 cigarillo, electronic pipe, or similar product or device. The term  
27 also includes any cartridge or other container of liquid nicotine,  
28 solution, or other consumable substance, regardless of whether it  
29 contains nicotine, that is intended to be used with or in a device  
30 that can be used to deliver aerosolized or vaporized nicotine to a  
31 person inhaling from the device and is sold for such purpose.

32 (a) The term does not include:

33 (i) Any product approved by the United States food and drug  
34 administration for sale as a tobacco cessation product, medical  
35 device, or for other therapeutic purposes when such product is  
36 marketed and sold solely for such an approved purpose;

37 (ii) Any product that will become an ingredient or component in a  
38 vapor product manufactured by a distributor; or

39 (iii) Any product that meets the definition of ((marijuana))  
40 cannabis, useable ((marijuana,—marijuana)) cannabis, cannabis

concentrates, (~~marijuana-infused~~) cannabis-infused products,  
cigarette, or tobacco products.

(b) For purposes of this subsection (15):

(i) "Cigarette" has the same meaning as provided in RCW  
82.24.010; and

(ii) (~~"Marijuana,"~~) "Cannabis," "useable (~~marijuana,"~~  
~~"marijuana~~)" cannabis," "cannabis concentrates," and (~~"marijuana-~~  
~~infused~~)" "cannabis-infused products" have the same meaning as  
provided in RCW 69.50.101.

**Sec. 164.** RCW 82.29A.020 and 2015 3rd sp.s. c 6 s 2004 are each  
amended to read as follows:

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

(1)(a) "Leasehold interest" means an interest in publicly owned,  
or specified privately owned, real or personal property which exists  
by virtue of any lease, permit, license, or any other agreement,  
written or verbal, between the owner of the property and a person who  
would not be exempt from property taxes if that person owned the  
property in fee, granting possession and use, to a degree less than  
fee simple ownership. However, no interest in personal property  
(excluding land or buildings) which is owned by the United States,  
whether or not as trustee, or by any foreign government may  
constitute a leasehold interest hereunder when the right to use such  
property is granted pursuant to a contract solely for the manufacture  
or production of articles for sale to the United States or any  
foreign government. The term "leasehold interest" includes the rights  
of use or occupancy by others of property which is owned in fee or  
held in trust by a public corporation, commission, or authority  
created under RCW 35.21.730 or 35.21.660 if the property is listed on  
or is within a district listed on any federal or state register of  
historical sites.

(b) The term "leasehold interest" does not include:

(i) Road or utility easements, rights of access, occupancy, or  
use granted solely for the purpose of removing materials or products  
purchased from an owner or the lessee of an owner, or rights of  
access, occupancy, or use granted solely for the purpose of natural  
energy resource exploration; or

(ii) The preferential use of publicly owned cargo cranes and  
docks and associated areas used in the loading and discharging of

1 cargo located at a port district marine facility. "Preferential use"  
2 means that publicly owned real or personal property is used by a  
3 private party under a written agreement with the public owner, but  
4 the public owner or any third party maintains a right to use the  
5 property when not being used by the private party.

6 (2) (a) "Taxable rent" means contract rent as defined in (c) of  
7 this subsection in all cases where the lease or agreement has been  
8 established or renegotiated through competitive bidding, or  
9 negotiated or renegotiated in accordance with statutory requirements  
10 regarding the rent payable, or negotiated or renegotiated under  
11 circumstances, established by public record, clearly showing that the  
12 contract rent was the maximum attainable by the lessor. With respect  
13 to a leasehold interest in privately owned property, "taxable rent"  
14 means contract rent. However, after January 1, 1986, with respect to  
15 any lease which has been in effect for ten years or more without  
16 renegotiation, taxable rent may be established by procedures set  
17 forth in (g) of this subsection. All other leasehold interests are  
18 subject to the determination of taxable rent under the terms of (g)  
19 of this subsection.

20 (b) For purposes of determining leasehold excise tax on any lands  
21 on the Hanford reservation subleased to a private or public entity by  
22 the department of ecology, taxable rent includes only the annual cash  
23 rental payment made by such entity to the department of ecology as  
24 specifically referred to as rent in the sublease agreement between  
25 the parties and does not include any other fees, assessments, or  
26 charges imposed on or collected by such entity irrespective of  
27 whether the private or public entity pays or collects such other  
28 fees, assessments, or charges as specified in the sublease agreement.

29 (c) "Contract rent" means the amount of consideration due as  
30 payment for a leasehold interest, including: The total of cash  
31 payments made to the lessor or to another party for the benefit of  
32 the lessor according to the requirements of the lease or agreement,  
33 including any rents paid by a sublessee; expenditures for the  
34 protection of the lessor's interest when required by the terms of the  
35 lease or agreement; and expenditures for improvements to the property  
36 to the extent that such improvements become the property of the  
37 lessor. Where the consideration conveyed for the leasehold interest  
38 is made in combination with payment for concession or other rights  
39 granted by the lessor, only that portion of such payment which



1 represents consideration for the leasehold interest is part of  
2 contract rent.

3 (d) "Contract rent" does not include: (i) Expenditures made by  
4 the lessee, which under the terms of the lease or agreement, are to  
5 be reimbursed by the lessor to the lessee or expenditures for  
6 improvements and protection made pursuant to a lease or an agreement  
7 which requires that the use of the improved property be open to the  
8 general public and that no profit will inure to the lessee from the  
9 lease; (ii) expenditures made by the lessee for the replacement or  
10 repair of facilities due to fire or other casualty including payments  
11 for insurance to provide reimbursement for losses or payments to a  
12 public or private entity for protection of such property from damage  
13 or loss or for alterations or additions made necessary by an action  
14 of government taken after the date of the execution of the lease or  
15 agreement; (iii) improvements added to publicly owned property by a  
16 sublessee under an agreement executed prior to January 1, 1976, which  
17 have been taxed as personal property of the sublessee prior to  
18 January 1, 1976, or improvements made by a sublessee of the same  
19 lessee under a similar agreement executed prior to January 1, 1976,  
20 and such improvements are taxable to the sublessee as personal  
21 property; (iv) improvements added to publicly owned property if such  
22 improvements are being taxed as personal property to any person.

23 (e) Any prepaid contract rent is considered to have been paid in  
24 the year due and not in the year actually paid with respect to  
25 prepayment for a period of more than one year. Expenditures for  
26 improvements with a useful life of more than one year which are  
27 included as part of contract rent must be treated as prepaid contract  
28 rent and prorated over the useful life of the improvement or the  
29 remaining term of the lease or agreement if the useful life is in  
30 excess of the remaining term of the lease or agreement. Rent prepaid  
31 prior to January 1, 1976, must be prorated from the date of  
32 prepayment.

33 (f) With respect to a "product lease," the value is that value  
34 determined at the time of sale under terms of the lease.

35 (g) If it is determined by the department of revenue, upon  
36 examination of a lessee's accounts or those of a lessor of publicly  
37 owned property, that a lessee is occupying or using publicly owned  
38 property in such a manner as to create a leasehold interest and that  
39 such leasehold interest has not been established through competitive  
40 bidding, or negotiated in accordance with statutory requirements

1 regarding the rent payable, or negotiated under circumstances,  
2 established by public record, clearly showing that the contract rent  
3 was the maximum attainable by the lessor, the department may  
4 establish a taxable rent computation for use in determining the tax  
5 payable under authority granted in this chapter based upon the  
6 following criteria: (i) Consideration must be given to rental being  
7 paid to other lessors by lessees of similar property for similar  
8 purposes over similar periods of time; (ii) consideration must be  
9 given to what would be considered a fair rate of return on the market  
10 value of the property leased less reasonable deductions for any  
11 restrictions on use, special operating requirements or provisions for  
12 concurrent use by the lessor, another person or the general public.

13 (3) "Product lease" as used in this chapter means a lease of  
14 property for use in the production of agricultural or marine  
15 products, not including the production of (~~marijuana~~) cannabis as  
16 defined in RCW 69.50.101, to the extent that such lease provides for  
17 the contract rent to be paid by the delivery of a stated percentage  
18 of the production of such agricultural or marine products to the  
19 credit of the lessor or the payment to the lessor of a stated  
20 percentage of the proceeds from the sale of such products.

21 (4) "Renegotiated" means a change in the lease agreement which  
22 changes the agreed time of possession, restrictions on use, the rate  
23 of the cash rental or of any other consideration payable by the  
24 lessee to or for the benefit of the lessor, other than any such  
25 change required by the terms of the lease or agreement. In addition  
26 "renegotiated" means a continuation of possession by the lessee  
27 beyond the date when, under the terms of the lease agreement, the  
28 lessee had the right to vacate the premises without any further  
29 liability to the lessor.

30 (5) "City" means any city or town.

31 (6) "Products" includes natural resource products such as cut or  
32 picked evergreen foliage, Cascara bark, wild edible mushrooms, native  
33 ornamental trees and shrubs, ore and minerals, natural gas,  
34 geothermal water and steam, and forage removed through the grazing of  
35 livestock.

36 (7) "Publicly owned, or specified privately owned, real or  
37 personal property" includes real or personal property:

38 (a) Owned in fee or held in trust by a public entity and exempt  
39 from property tax under the laws or Constitution of this state or the  
40 Constitution of the United States;

(b) Owned by a federally recognized Indian tribe in the state and exempt from property tax under RCW 84.36.010;

(c) Owned by a nonprofit fair association exempt from property tax under RCW 84.36.480(2), but only with respect to that portion of the fair's property subject to the tax imposed in this chapter pursuant to RCW 84.36.480(2)(b); or

(d) Owned by a community center exempt from property tax under RCW 84.36.010.

**Sec. 165.** RCW 82.84.030 and 2019 c 2 s 3 are each amended to read as follows:

For purposes of this chapter:

(1) "Alcoholic beverages" has the same meaning as provided in RCW 82.08.0293.

(2) "Groceries" means any raw or processed food or beverage, or any ingredient thereof, intended for human consumption except alcoholic beverages, (~~marijuana~~) cannabis products, and tobacco. "Groceries" includes, but is not limited to, meat, poultry, fish, fruits, vegetables, grains, bread, milk, cheese and other dairy products, nonalcoholic beverages, kombucha with less than 0.5% alcohol by volume, condiments, spices, cereals, seasonings, leavening agents, eggs, cocoa, teas, and coffees whether raw or processed.

(3) "Local governmental entity" has the same meaning as provided in RCW 4.96.010.

(4) (~~"Marijuana"~~) "Cannabis products" has the same meaning as provided in RCW 69.50.101.

(5) "Tax, fee, or other assessment on groceries" includes, but is not limited to, a sales tax, gross receipts tax, business and occupation tax, business license tax, excise tax, privilege tax, or any other similar levy, charge, or exaction of any kind on groceries or the manufacture, distribution, sale, possession, ownership, transfer, transportation, container, use, or consumption thereof.

(6) "Tobacco" has the same meaning as provided in RCW 82.08.0293.

**Sec. 166.** RCW 84.34.410 and 2014 c 140 s 27 are each amended to read as follows:

The provisions of this chapter do not apply with respect to land used in the growing, raising, or producing of (~~marijuana~~) cannabis, useable (~~marijuana, or marijuana-infused~~) cannabis, or cannabis-infused products as those terms are defined under RCW 69.50.101.

1       **Sec. 167.** RCW 84.40.030 and 2014 c 140 s 29 are each amended to  
2 read as follows:

3       (1) All property must be valued at one hundred percent of its  
4 true and fair value in money and assessed on the same basis unless  
5 specifically provided otherwise by law.

6       (2) Taxable leasehold estates must be valued at such price as  
7 they would bring at a fair, voluntary sale for cash without any  
8 deductions for any indebtedness owed including rentals to be paid.

9       (3) The true and fair value of real property for taxation  
10 purposes (including property upon which there is a coal or other  
11 mine, or stone or other quarry) must be based upon the following  
12 criteria:

13       (a) Any sales of the property being appraised or similar  
14 properties with respect to sales made within the past five years. The  
15 appraisal must be consistent with the comprehensive land use plan,  
16 development regulations under chapter 36.70A RCW, zoning, and any  
17 other governmental policies or practices in effect at the time of  
18 appraisal that affect the use of property, as well as physical and  
19 environmental influences. An assessment may not be determined by a  
20 method that assumes a land usage or highest and best use not  
21 permitted, for that property being appraised, under existing zoning  
22 or land use planning ordinances or statutes or other government  
23 restrictions. The appraisal must also take into account: (i) In the  
24 use of sales by real estate contract as similar sales, the extent, if  
25 any, to which the stated selling price has been increased by reason  
26 of the down payment, interest rate, or other financing terms; and  
27 (ii) the extent to which the sale of a similar property actually  
28 represents the general effective market demand for property of such  
29 type, in the geographical area in which such property is located.  
30 Sales involving deed releases or similar seller-developer financing  
31 arrangements may not be used as sales of similar property.

32       (b) In addition to sales as defined in subsection (3)(a) of this  
33 section, consideration may be given to cost, cost less depreciation,  
34 reconstruction cost less depreciation, or capitalization of income  
35 that would be derived from prudent use of the property, as limited by  
36 law or ordinance. Consideration should be given to any agreement,  
37 between an owner of rental housing and any government agency, that  
38 restricts rental income, appreciation, and liquidity; and to the  
39 impact of government restrictions on operating expenses and on  
40 ownership rights in general of such housing. In the case of property

1 of a complex nature, or being used under terms of a franchise from a  
2 public agency, or operating as a public utility, or property not  
3 having a record of sale within five years and not having a  
4 significant number of sales of similar property in the general area,  
5 the provisions of this subsection must be the dominant factors in  
6 valuation. When provisions of this subsection are relied upon for  
7 establishing values the property owner must be advised upon request  
8 of the factors used in arriving at such value.

9 (c) In valuing any tract or parcel of real property, the true and  
10 fair value of the land, exclusive of structures thereon must be  
11 determined; also the true and fair value of structures thereon, but  
12 the valuation may not exceed the true and fair value of the total  
13 property as it exists. In valuing agricultural land, growing crops  
14 must be excluded. For purposes of this subsection (3)(c), "growing  
15 crops" does not include (~~marijuana~~) cannabis as defined under RCW  
16 69.50.101.

17 NEW SECTION. Sec. 168. A new section is added to chapter 69.50  
18 RCW to read as follows:

19 The board must use expedited rule making under RCW 34.05.353 to  
20 replace the term "marijuana" with the term "cannabis" throughout  
21 Title 314 WAC.

22 NEW SECTION. Sec. 169. A new section is added to chapter 69.50  
23 RCW to read as follows:

24 The term "marijuana" as used under federal law generally refers  
25 to the term "cannabis" used throughout the Revised Code of  
26 Washington.

27 NEW SECTION. Sec. 170. Sections 7, 51, and 116 of this act take  
28 effect July 1, 2022.

29 NEW SECTION. Sec. 171. Sections 4, 8, 85, and 87 of this act  
30 expire July 1, 2023.

31 NEW SECTION. Sec. 172. Sections 5, 9, 86, and 88 of this act  
32 take effect July 1, 2023.

33 NEW SECTION. Sec. 173. Sections 64 and 67 of this act expire  
34 July 1, 2024.

1        NEW SECTION.    **Sec. 174.**    Sections 65 and 68 of this act take  
2 effect July 1, 2024.

3        NEW SECTION.    **Sec. 175.**    Section 10 of this act expires July 1,  
4 2030.

5        NEW SECTION.    **Sec. 176.**    Section 11 of this act takes effect July  
6 1, 2030.

Passed by the House February 2, 2022.  
Passed by the Senate March 1, 2022.  
Approved by the Governor March 11, 2022.  
Filed in Office of Secretary of State March 11, 2022.

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