
HOUSE BILL 2300

State of Washington

66th Legislature

2020 Regular Session

By Representative MacEwen

Prefiled 01/07/20.

1 AN ACT Relating to authorizing marijuana retailers to sell
2 cannabidiol products; amending RCW 69.50.348 and 69.50.348;
3 reenacting and amending RCW 69.50.357; providing an effective date;
4 and providing an expiration date.

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

6 **Sec. 1.** RCW 69.50.357 and 2017 c 317 s 13 and 2017 c 131 s 1 are
7 each reenacted and amended to read as follows:

8 (1)(a) Retail outlets may not sell products or services other
9 than ~~((marijuana))~~:

10 (i) Marijuana concentrates(~~(, useable))~~;

11 (ii) Useable marijuana(~~(, marijuana-infused))~~;

12 (iii) Marijuana-infused products(~~(, or paraphernalia))~~;

13 (iv) CBD products lawfully obtained from a marijuana processor or
14 a person or entity who is not required to be licensed as a marijuana
15 producer or processor under this chapter, provided that the CBD
16 products:

17 (A) Have a THC level of 0.3 percent or less on a dry weight
18 basis; and

19 (B) Have been tested for potency, pesticides, and heavy metals by
20 a testing laboratory accredited under this chapter and in accordance

1 with testing standards established under this chapter and applicable
2 administrative rules; or

3 (v) Paraphernalia intended for the storage or use of marijuana
4 concentrates, useable marijuana, or marijuana-infused products.

5 (b) (i) Retail outlets may receive lockable boxes, intended for
6 the secure storage of marijuana products and paraphernalia, and
7 related literature as a donation from another person or entity, that
8 is not a marijuana producer, processor, or retailer, for donation to
9 their customers.

10 (ii) Retail outlets may donate the lockable boxes and provide the
11 related literature to any person eligible to purchase marijuana
12 products under subsection (2) of this section. Retail outlets may not
13 use the donation of lockable boxes or literature as an incentive or
14 as a condition of a recipient's purchase of a marijuana product or
15 paraphernalia.

16 (iii) Retail outlets may also purchase and sell lockable boxes,
17 provided that the sales price is not less than the cost of
18 acquisition.

19 (2) Licensed marijuana retailers may not employ persons under
20 twenty-one years of age or allow persons under twenty-one years of
21 age to enter or remain on the premises of a retail outlet. However,
22 qualifying patients between eighteen and twenty-one years of age with
23 a recognition card may enter and remain on the premises of a retail
24 outlet holding a medical marijuana endorsement and may purchase
25 products for their personal medical use. Qualifying patients who are
26 under the age of eighteen with a recognition card and who accompany
27 their designated providers may enter and remain on the premises of a
28 retail outlet holding a medical marijuana endorsement, but may not
29 purchase products for their personal medical use.

30 (3) (a) Licensed marijuana retailers must ensure that all
31 employees are trained on the rules adopted to implement this chapter,
32 identification of persons under the age of twenty-one, and other
33 requirements adopted by the (~~state liquor and cannabis~~) board to
34 ensure that persons under the age of twenty-one are not permitted to
35 enter or remain on the premises of a retail outlet.

36 (b) Licensed marijuana retailers with a medical marijuana
37 endorsement must ensure that all employees are trained on the
38 subjects required by (a) of this subsection as well as identification
39 of authorizations and recognition cards. Employees must also be
40 trained to permit qualifying patients who hold recognition cards and

1 are between the ages of eighteen and twenty-one to enter the premises
2 and purchase marijuana for their personal medical use and to permit
3 qualifying patients who are under the age of eighteen with a
4 recognition card to enter the premises if accompanied by their
5 designated providers.

6 (4) Except for the purposes of disposal as authorized by the
7 (~~state liquor and cannabis~~) board, no licensed marijuana retailer
8 or employee of a retail outlet may open or consume, or allow to be
9 opened or consumed, any marijuana concentrates, useable marijuana, or
10 marijuana-infused product on the outlet premises.

11 (5) The (~~state liquor and cannabis~~) board must fine a licensee
12 one thousand dollars for each violation of any subsection of this
13 section. Fines collected under this section must be deposited into
14 the dedicated marijuana account created under RCW 69.50.530.

15 **Sec. 2.** RCW 69.50.348 and 2019 c 277 s 1 are each amended to
16 read as follows:

17 (1) On a schedule determined by the (~~state liquor and cannabis~~)
18 board, every licensed marijuana producer and processor must submit
19 representative samples of CBD products, marijuana, useable marijuana,
20 or marijuana-infused products produced or processed by the licensee
21 to an independent, third-party testing laboratory meeting the
22 accreditation requirements established by the (~~state liquor and~~
23 ~~cannabis~~) board, for inspection and testing to certify compliance
24 with quality assurance and product standards adopted by the (~~state~~
25 ~~liquor and cannabis~~) board under RCW 69.50.342. Any sample remaining
26 after testing shall be destroyed by the laboratory or returned to the
27 licensee submitting the sample.

28 (2) Licensees must submit the results of inspection and testing
29 for quality assurance and product standards required under subsection
30 (1) of this section to the (~~state liquor and cannabis~~) board on a
31 form developed by the (~~state liquor and cannabis~~) board.

32 (3) If a representative sample inspected and tested under this
33 section does not meet the applicable quality assurance and product
34 standards established by the (~~state liquor and cannabis~~) board, the
35 entire lot from which the sample was taken must be destroyed.

36 (4) The (~~state liquor and cannabis~~) board may adopt rules
37 necessary to implement this section.

1 **Sec. 3.** RCW 69.50.348 and 2019 c 277 s 2 are each amended to
2 read as follows:

3 (1) On a schedule determined by the (~~state liquor and cannabis~~)
4 board, every licensed marijuana producer and processor must submit
5 representative samples of CBD products, marijuana, useable marijuana,
6 or marijuana-infused products produced or processed by the licensee
7 to an independent, third-party testing laboratory meeting the
8 accreditation requirements established by the state department of
9 ecology, for inspection and testing to certify compliance with
10 quality assurance and product standards adopted by the (~~state liquor
11 and cannabis~~) board under RCW 69.50.342. Any sample remaining after
12 testing shall be destroyed by the laboratory or returned to the
13 licensee submitting the sample.

14 (2) Licensees must submit the results of inspection and testing
15 for quality assurance and product standards required under RCW
16 69.50.342 to the (~~state liquor and cannabis~~) board on a form
17 developed by the (~~state liquor and cannabis~~) board.

18 (3) If a representative sample inspected and tested under this
19 section does not meet the applicable quality assurance and product
20 standards established by the (~~state liquor and cannabis~~) board, the
21 entire lot from which the sample was taken must be destroyed.

22 (4)(a) The department of ecology may determine, assess, and
23 collect annual fees sufficient to cover the direct and indirect costs
24 of implementing a state marijuana product testing laboratory
25 accreditation program, except for the initial program development
26 costs. The department of ecology must develop a fee schedule
27 allocating the costs of the accreditation program among its
28 accredited marijuana product testing laboratories. The department of
29 ecology may establish a payment schedule requiring periodic
30 installments of the annual fee. The fee schedule must be established
31 in amounts to fully cover, but not exceed, the administrative and
32 oversight costs. The department of ecology must review and update its
33 fee schedule biennially. The costs of marijuana product testing
34 laboratory accreditation are those incurred by the department of
35 ecology in administering and enforcing the accreditation program. The
36 costs may include, but are not limited to, the costs incurred in
37 undertaking the following accreditation functions:

- 38 (i) Evaluating the protocols and procedures used by a laboratory;
39 (ii) Performing on-site audits;

1 (iii) Evaluating participation and successful completion of
2 proficiency testing;

3 (iv) Determining the capability of a laboratory to produce
4 accurate and reliable test results; and

5 (v) Such other accreditation activities as the department of
6 ecology deems appropriate.

7 (b) The state marijuana product testing laboratory accreditation
8 program initial development costs must be fully paid from the
9 dedicated marijuana account created in RCW 69.50.530.

10 (5) The department of ecology and the (~~liquor and cannabis~~)
11 board must act cooperatively to ensure effective implementation and
12 administration of this section.

13 (6) All fees collected under this section must be deposited in
14 the dedicated marijuana account created in RCW 69.50.530.

15 NEW SECTION. **Sec. 4.** Section 2 of this act expires July 1,
16 2024.

17 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect July 1,
18 2024.

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