
Commerce & Gaming Committee

HB 2546

Brief Description: Concerning the potency of marijuana products.

Sponsors: Representatives Davis, Corry, Klippert, Dufault, Kilduff, Harris, Callan, Leavitt, Thai, Senn, Appleton, Orwall, Wylie, Dolan, Van Werven, Walen, Chambers, Graham, Ramos, Kloba, Pollet and Lekanoff.

Brief Summary of Bill

- Prohibits marijuana retailers from selling marijuana concentrates with a delta-9 tetrahydrocannabinol (THC) concentration greater than 10 percent, except for retailers with a medical endorsement who may continue to sell these products to qualifying patients and designated providers who are entered into the Medical Marijuana Authorization Database and who hold a valid recognition card.
- Prohibits marijuana processors from processing and selling marijuana concentrates with a THC concentration greater than 10 percent, except when the marijuana concentrates are intended for sale to a marijuana retailer with a medical marijuana endorsement who will sell the concentrates pursuant to the exception.
- Amends the definition of "marijuana concentrates" to strike the requirement that marijuana concentrates have a THC concentration greater than 10 percent.

Hearing Date: 1/30/20

Staff: Peter Clodfelter (786-7127).

Background:

State laws regulating legal marijuana production, processing, and sales establish three primary categories of marijuana products sold at retail. The product categories are the following:

1. "Marijuana concentrates" are products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a delta-9 tetrahydrocannabinol (THC) concentration greater than 10 percent. The Liquor and Cannabis Board's (LCB) rules provide that a single serving of marijuana concentrate may not exceed one gram.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

2. "Useable marijuana" is dried marijuana flowers; the term "useable marijuana" does not include either marijuana concentrates or marijuana-infused products.
3. "Marijuana-infused products" are products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a THC concentration no greater than 10 percent. This product category does not include either useable marijuana or marijuana concentrates. The LCB's rules provide that, except for authorization limited to qualifying patients and designated providers in the Medical Marijuana Authorization Database (Database) who hold a valid recognition card, single servings of marijuana-infused edibles may not exceed 10 milligrams active THC, and the maximum number of servings in a single unit is 10 servings.

"THC concentration" is defined as the percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

In addition to selling limited amounts of marijuana products to adults age 21 and over, marijuana retailers who hold a medical marijuana endorsement may also sell marijuana for medical use to qualifying patients and designated providers. To qualify for the medical use of marijuana a person must be a patient of a health care professional who is diagnosed as having a qualifying terminal or debilitating medical condition, is advised about the risks and benefits of the medical use of marijuana and that they may benefit from the medical use of marijuana, and is issued an authorization form signed by the person's health care professional.

Once a person has a completed authorization form, the person may choose to participate in the Database and be issued a recognition card by visiting a marijuana retailer with a medical endorsement, presenting their completed authorization form to a certified medical marijuana consultant, and opting in to the Database. Holding a recognition card authorizes the purchase and possession of three times more more marijuana products than otherwise allowed. It also allows production of a greater number of marijuana plants than otherwise allowed for qualifying patients and designated providers. Patients and providers who are in the Database and who hold a valid recognition card may also purchase high-THC products meeting standards established by the Department of Health that are otherwise unavailable to adults age 21 and over. Additionally, there is a sales tax exemption on purchases of marijuana products for qualifying patients and designated providers entered in the Database with a valid recognition card.

Summary of Bill:

Generally, marijuana retail outlets are prohibited from selling marijuana concentrates with a delta-9 tetrahydrocannabinol (THC) concentration greater than 10 percent. However, marijuana retailers with a medical marijuana endorsement may sell marijuana concentrates with a THC concentration greater than 10 percent to qualifying patients and designated providers who are entered into the Medical Marijuana Authorization Database and who hold a valid recognition card.

Marijuana processors are prohibited from processing, packaging, possessing, delivering, distributing, and selling marijuana concentrates with a THC concentration greater than 10 percent, except when the marijuana concentrates are intended for sale to a marijuana retailer with

a medical marijuana endorsement who will sell the products at retail to a qualifying patient or designated provider who is entered into the Medical Marijuana Authorization Database and who hold a valid recognition card.

The definition of "marijuana concentrate" is amended to remove the requirement that a product have a THC concentration greater than 10 percent to qualify as a marijuana concentrate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.