

1 AN ACT Relating to hemp consumable products; amending RCW  
2 15.140.040 and 69.07.020; adding a new section to chapter 69.07 RCW;  
3 and repealing RCW 69.07.220.

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

5 **Sec. 1.** RCW 15.140.040 and 2019 c 158 s 4 are each amended to  
6 read as follows:

7 (1) The department must develop the state's hemp plan to conform  
8 to the agriculture improvement act of 2018, to include consultation  
9 with the governor and the attorney general and the plan elements  
10 required in the agriculture improvement act of 2018.

11 (2) Consistent with subsection (1) of this section, the state's  
12 hemp plan must include the following elements:

13 (a) A practice for hemp producers to maintain relevant  
14 information regarding land on which hemp is produced, including a  
15 legal description of the land, for a period of not less than three  
16 calendar years;

17 (b) A procedure for testing, using postdecarboxylation or other  
18 similarly reliable methods, delta-9 tetrahydrocannabinol  
19 concentration levels of hemp, without the application of heat;

1 (c) A procedure for the effective disposal of plants, whether  
2 growing or not, that are produced in violation of this chapter, and  
3 products derived from such plants;

4 (d) A procedure for enforcement of violations of the plan and for  
5 corrective action plans for licensees as required under the  
6 agriculture improvement act of 2018;

7 (e) A procedure for conducting annual inspections of, at a  
8 minimum, a random sample of hemp producers to verify hemp is not  
9 produced in violation of this chapter; and

10 (f) A certification that the state has the resources and  
11 personnel to carry out the practices and procedures described in this  
12 section.

13 (3) The proposal for the state's plan may include any other  
14 practice or procedure established to the extent the practice or  
15 procedure is consistent with the agriculture improvement act of 2018.

16 (4) Hemp and processed hemp produced in accordance with this  
17 chapter or produced lawfully under the laws of another state, tribe,  
18 or country may be transferred and sold within this state, outside of  
19 this state, and internationally.

20 (5) The ((whole)) hemp plant may be used as food. The department  
21 shall regulate the processing of hemp for food products(~~(, that are~~  
22 ~~allowable under federal law,)~~) in a hemp consumable in the same  
23 manner as other food processing under chapter((s)) 15.130 RCW and  
24 ((69.07 RCW)) section 3 of this act and may adopt rules as necessary  
25 to properly regulate the processing of hemp for food products in a  
26 hemp consumable including, but not limited to, establishing standards  
27 for creating hemp extracts used for food in a hemp consumable.

28 **Sec. 2.** RCW 69.07.020 and 2022 c 16 s 49 are each amended to  
29 read as follows:

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

33 (2) Such rules may include:

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

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

1 (c) Standards and types of recording devices that must be used in  
2 providing records of the processing of low acid foods, and how they  
3 shall be made available to the department of agriculture for  
4 inspection.

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

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

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

14 (4) The department may adopt rules specific to hemp (~~extract~~  
15 ~~certification~~) consumable licenses to implement ((RCW 69.07.220))  
16 section 3 of this act.

17 NEW SECTION. Sec. 3. A new section is added to chapter 69.07  
18 RCW to read as follows:

19 (1) A hemp processor who wishes to engage in the production of  
20 hemp extract or other parts of the hemp plant not already approved  
21 for use as a food ingredient must apply for a hemp consumable  
22 license. The department shall regulate hemp extract processing and  
23 hemp consumable foods the same as other food processing under this  
24 chapter and chapters 15.130 and 69.22 RCW with the exceptions  
25 contained in subsections (2) through (6) of this section.

26 (2) The department's oversight is limited to certifying a hemp  
27 processor's compliance with applicable inspection and good  
28 manufacturing practices requirements as adopted by the department  
29 under chapter 15.130 RCW.

30 (3) The department must issue a hemp consumable license in lieu  
31 of a food processing license under RCW 69.07.040 to a hemp processor  
32 who meets the application requirements described in subsection (4) of  
33 this section. A hemp processor holding a hemp consumable license must  
34 apply for renewal of the license annually.

35 (4) The application, initial license, and renewal fees must be in  
36 an amount established by the department. Applicants for a hemp  
37 consumable license must meet the same requirements as applicants for  
38 a food processing license under this chapter including, but not  
39 limited to, successful completion of an inspection by the department.

1           (5) The department may deny, suspend, or revoke a hemp consumable  
2 license on the same grounds as the department may deny, suspend, or  
3 revoke a food processor's license under this chapter.

4           (6) At such time as federal authorization of hemp extracts as a  
5 food ingredient occurs, the department must cease issuance of hemp  
6 consumable licenses under this chapter. At renewal, hemp processors  
7 licensed under this section must apply for a food processor license  
8 in accordance with RCW 69.07.040.

9           NEW SECTION.   **Sec. 4.**   RCW 69.07.220 (Hemp extract certification)  
10 and 2021 c 104 s 6 are each repealed.

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