

## **Proposed Substitute House Bill 2320 (H-2972.1)**

House Regulated Substances & Gaming Committee

By Representative Wylie

### **Original Bill:**

- Includes legislative intent related to high-THC cannabis policy and funding. Requires the Department of Health to consult with specified persons and develop optional training for retail cannabis staff about health and safety impacts of high-THC cannabis products.
- Increases the minimum legal age of sale of cannabis products with a THC concentration greater than 35 percent, to be age 25, with an exception for qualifying patients and designated providers. Establishes penalties. Authorizes the Governor to seek government-to-government consultations with federally recognized Indian tribes regarding raising the minimum legal age of sale of these cannabis products, in tribal-state cannabis agreements, and requires a status report to the Legislature by December 1, 2025.
- Subject to appropriation, requires the University of Washington to develop, implement, test, and evaluate guidance and health interventions for health care providers and patients at risk for developing serious complications due to cannabis consumption who are seeking care in emergency departments, primary care settings, behavioral health settings, or other health care facilities, and for use by state poison control and recovery hotlines to promote cannabis use reduction and cessation. Requires reports to the Legislature.

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### **Proposed Substitute House Bill (H-2972.1) compared to the Original Bill:**

- Changes and removes intent language. Adds representatives of licensed cannabis businesses to the people who the Department of Health (DOH) must consult with when developing the optional training for cannabis retail staff.
- Adds a requirement for cannabis retailers to post a conspicuous notice at the point of sale with information about: (1) the potential health risks and adverse health impacts that may be associated with the consumption of high-THC cannabis; (2) the potentially much higher risks that may be present for younger persons under age 25 as well as for persons who have or are at risk for developing certain mental health conditions or psychotic disorders; and (3) where to find help in case of negative effects and resources for quitting or reducing cannabis consumption. Requires the DOH to develop the content for the notice to be provided to cannabis retailers and specifies minimum content requirements.
- Removes the increase of the minimum legal age of sale of cannabis products with a THC concentration greater than 35 percent, and removes references to penalties for violating that proposed requirement. Removes the the Governor's proposed authorization to consult with federally recognized Indian tribes regarding raising the minimum legal age of sale of cannabis products with a THC concentration greater than 35 percent.
- Removes the University of Washington from leading the development, implementation, testing, and evaluation of guidance and health interventions for health care providers and patients and for use by state poison control and recovery hotlines. Directs the Health Care Authority to issue a request for proposal to contract with an entity for this work (subject to appropriation). Adds data gathering on adverse health impacts to the scope.

Staff: Peter Clodfelter, Office of Program Research

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1 AN ACT Relating to reducing the public health harms associated  
2 with high THC cannabis products by raising awareness, implementing  
3 and studying health interventions, and increasing the minimum legal  
4 age of sale of high THC cannabis products to prevent psychosis;  
5 amending RCW 69.50.357; adding a new section to chapter 28B.20 RCW;  
6 creating new sections; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that there is a  
9 growing body of research evidencing that consuming cannabis with high  
10 concentrations of THC may be harmful to some people, including  
11 younger persons and persons who have or are at risk for developing  
12 certain mental health conditions or psychotic disorders. Products  
13 like THC-infused vape oils, shatter, and dabs can contain close to  
14 100 percent THC, and may carry risks not commonly associated with  
15 consumption of useable cannabis flower or other cannabis products  
16 with relatively lower THC concentrations. In the interest of public  
17 health, the legislature intends to review studies and consider  
18 increasing the minimum legal age of sale of high THC cannabis  
19 products to age 25, and the legislature intends to require caution  
20 notices, developed by the department of health, to be posted at the  
21 point of sale in cannabis retail outlets to raise awareness about

1 possible health impacts and risks associated with high THC cannabis.  
2 The legislature further intends to implement and study health  
3 interventions, gather data, and ensure that new research, data, and  
4 information concerning the impacts of high THC cannabis continues to  
5 be incorporated into state policy.

6 NEW SECTION. **Sec. 2.** By July 1, 2025, the department of health  
7 must develop an optional training that cannabis retail staff may  
8 complete to better understand the health and safety impacts of high  
9 THC cannabis products. In developing the optional training, the  
10 department of health must consult with cannabis retail staff,  
11 cannabis consumers, persons who have been harmed by high THC  
12 products, health care providers, prevention professionals,  
13 researchers with relevant expertise, behavioral health providers, and  
14 representatives of licensed cannabis businesses.

15 **Sec. 3.** RCW 69.50.357 and 2022 c 16 s 71 are each amended to  
16 read as follows:

17 (1)(a) Retail outlets may not sell products or services other  
18 than cannabis concentrates, useable cannabis, cannabis-infused  
19 products, or paraphernalia intended for the storage or use of  
20 cannabis concentrates, useable cannabis, or cannabis-infused  
21 products.

22 (b)(i) Retail outlets may receive lockable boxes, intended for  
23 the secure storage of cannabis products and paraphernalia, and  
24 related literature as a donation from another person or entity, that  
25 is not a cannabis producer, processor, or retailer, for donation to  
26 their customers.

27 (ii) Retail outlets may donate the lockable boxes and provide the  
28 related literature to any person eligible to purchase cannabis  
29 products under subsection (2) of this section. Retail outlets may not  
30 use the donation of lockable boxes or literature as an incentive or  
31 as a condition of a recipient's purchase of a cannabis product or  
32 paraphernalia.

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

36 (2) Licensed cannabis retailers may not employ persons under  
37 twenty-one years of age or allow persons under twenty-one years of  
38 age to enter or remain on the premises of a retail outlet. However,

1 qualifying patients between eighteen and twenty-one years of age with  
2 a recognition card may enter and remain on the premises of a retail  
3 outlet holding a medical cannabis endorsement and may purchase  
4 products for their personal medical use. Qualifying patients who are  
5 under the age of eighteen with a recognition card and who accompany  
6 their designated providers may enter and remain on the premises of a  
7 retail outlet holding a medical cannabis endorsement, but may not  
8 purchase products for their personal medical use.

9 (3) (a) Licensed cannabis retailers must ensure that all employees  
10 are trained on the rules adopted to implement this chapter,  
11 identification of persons under the age of twenty-one, and other  
12 requirements adopted by the board to ensure that persons under the  
13 age of twenty-one are not permitted to enter or remain on the  
14 premises of a retail outlet.

15 (b) Licensed cannabis retailers with a medical cannabis  
16 endorsement must ensure that all employees are trained on the  
17 subjects required by (a) of this subsection as well as identification  
18 of authorizations and recognition cards. Employees must also be  
19 trained to permit qualifying patients who hold recognition cards and  
20 are between the ages of eighteen and twenty-one to enter the premises  
21 and purchase cannabis for their personal medical use and to permit  
22 qualifying patients who are under the age of eighteen with a  
23 recognition card to enter the premises if accompanied by their  
24 designated providers.

25 (4) Except for the purposes of disposal as authorized by the  
26 board, no licensed cannabis retailer or employee of a retail outlet  
27 may open or consume, or allow to be opened or consumed, any cannabis  
28 concentrates, useable cannabis, or cannabis-infused product on the  
29 outlet premises.

30 (5) (a) By December 31, 2024, licensed cannabis retailers shall  
31 post a conspicuous notice at the point of sale in retail outlets with  
32 information about: (i) The potential health risks and adverse health  
33 impacts that may be associated with the consumption of high THC  
34 cannabis; (ii) the potentially much higher risks that may be present  
35 for younger persons under age 25 as well as for persons who have or  
36 are at risk for developing certain mental health conditions or  
37 psychotic disorders; and (iii) where to find help in case of negative  
38 effects and resources for quitting or reducing cannabis consumption.  
39 The notice must be the same or substantially the same as the notice  
40 developed by the department of health under this subsection (5).

1 (b) The department of health shall develop the notice required  
2 under this section and make it available to licensed cannabis  
3 retailers. The notice must, at a minimum, identify the information  
4 specified in (a)(i) through (iii) of this subsection, and may include  
5 additional information.

6 (6) The board must fine a licensee one thousand dollars for each  
7 violation of any subsection of this section. Fines collected under  
8 this section must be deposited into the dedicated cannabis account  
9 created under RCW 69.50.530.

10 NEW SECTION. Sec. 4. A new section is added to chapter 28B.20  
11 RCW to read as follows:

12 (1) Subject to amounts appropriated for this specific purpose,  
13 the health care authority must issue a request for proposal and  
14 contract with an entity to develop, implement, test, and evaluate  
15 guidance and health interventions for health care providers and  
16 patients at risk for developing serious complications due to cannabis  
17 consumption who are seeking care in emergency departments, primary  
18 care settings, behavioral health settings, other health care  
19 facilities, and for use by state poison control and recovery hotlines  
20 to promote cannabis use reduction and cessation for the following  
21 populations:

22 (a) Youth and adults at high risk of adverse mental health  
23 impacts from use of high THC cannabis;

24 (b) Youth and adults who have experienced a cannabis-induced  
25 first episode psychosis but do not have a diagnosis of a psychotic  
26 disorder; and

27 (c) Youth and adults who have a diagnosed psychotic disorder and  
28 use cannabis.

29 (2) The health care authority must submit a preliminary report to  
30 the appropriate committees of the legislature summarizing the  
31 progress toward developing and testing health interventions and  
32 recruiting patients and health care facilities to participate by  
33 December 1, 2025. The health care authority must provide a progress  
34 report on initial outcomes of the health interventions for  
35 participating patients and health care facilities by July 1, 2027.  
36 The health care authority must submit a final report to the  
37 appropriate committees of the legislature summarizing the results of  
38 the interventions and any recommendations for implementation of  
39 health interventions by December 1, 2028.

1           (3) A contract entered under the authorization in this section  
2 must include, in the scope of work, data gathering on adverse health  
3 impacts occurring in Washington associated with consumption of high  
4 THC cannabis, and data gathered must be included in the reports  
5 submitted to the legislature under this section.

6           (4) This section expires December 31, 2028.

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