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**SENATE BILL 6287**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senator Salomon

1 AN ACT Relating to the preparation, distribution, and sale of  
2 kratom products; amending RCW 69.50.101 and 69.50.101; adding a new  
3 section to chapter 69.50 RCW; prescribing penalties; providing an  
4 effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 69.50.101 and 2024 c 62 s 17 are each amended to  
7 read as follows:

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

10 (1) "Administer" means to apply a controlled substance, whether  
11 by injection, inhalation, ingestion, or any other means, directly to  
12 the body of a patient or research subject by:

13 (a) a practitioner authorized to prescribe (or, by the  
14 practitioner's authorized agent); or

15 (b) the patient or research subject at the direction and in the  
16 presence of the practitioner.

17 (2) "Agent" means an authorized person who acts on behalf of or  
18 at the direction of a manufacturer, distributor, or dispenser. It  
19 does not include a common or contract carrier, public  
20 warehouseperson, or employee of the carrier or warehouseperson.

21 (3) "Board" means the Washington state liquor and cannabis board.

1 (4) "Cannabis" means all parts of the plant *Cannabis*, whether  
2 growing or not, with a THC concentration greater than 0.3 percent on  
3 a dry weight basis during the growing cycle through harvest and  
4 usable cannabis. "Cannabis" does not include hemp or industrial hemp  
5 as defined in RCW 15.140.020, or seeds used for licensed hemp  
6 production under chapter 15.140 RCW.

7 (5) "Cannabis concentrates" means products consisting wholly or  
8 in part of the resin extracted from any part of the plant *Cannabis*  
9 and having a THC concentration greater than ~~((ten))~~ 10 percent.

10 (6) "Cannabis processor" means a person licensed by the board to  
11 process cannabis into cannabis concentrates, useable cannabis, and  
12 cannabis-infused products, package and label cannabis concentrates,  
13 useable cannabis, and cannabis-infused products for sale in retail  
14 outlets, and sell cannabis concentrates, useable cannabis, and  
15 cannabis-infused products at wholesale to cannabis retailers.

16 (7) "Cannabis producer" means a person licensed by the board to  
17 produce and sell cannabis at wholesale to cannabis processors and  
18 other cannabis producers.

19 (8)(a) "Cannabis products" means useable cannabis, cannabis  
20 concentrates, and cannabis-infused products as defined in this  
21 section, including any product intended to be consumed or absorbed  
22 inside the body by any means including inhalation, ingestion, or  
23 insertion, with any detectable amount of THC.

24 (b) "Cannabis products" also means any product containing only  
25 THC content.

26 (c) "Cannabis products" does not include cannabis health and  
27 beauty aids as defined in RCW 69.50.575 or products approved by the  
28 United States food and drug administration.

29 (9) "Cannabis researcher" means a person licensed by the board to  
30 produce, process, and possess cannabis for the purposes of conducting  
31 research on cannabis and cannabis-derived drug products.

32 (10) "Cannabis retailer" means a person licensed by the board to  
33 sell cannabis concentrates, useable cannabis, and cannabis-infused  
34 products in a retail outlet.

35 (11) "Cannabis-infused products" means products that contain  
36 cannabis or cannabis extracts, are intended for human use, are  
37 derived from cannabis ~~((as defined in subsection (4) of this  
38 section))~~, and have a THC concentration no greater than ~~((ten))~~ 10  
39 percent. The term "cannabis-infused products" does not include either  
40 useable cannabis or cannabis concentrates.

1 (12) "CBD concentration" has the meaning provided in RCW  
2 69.51A.010.

3 (13) "CBD product" means any product containing or consisting of  
4 cannabidiol.

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

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

11 (16)(a) "Controlled substance analog" means a substance the  
12 chemical structure of which is substantially similar to the chemical  
13 structure of a controlled substance in Schedule I or II and:

14 (i) that has a stimulant, depressant, or hallucinogenic effect on  
15 the central nervous system substantially similar to the stimulant,  
16 depressant, or hallucinogenic effect on the central nervous system of  
17 a controlled substance included in Schedule I or II; or

18 (ii) with respect to a particular individual, that the individual  
19 represents or intends to have a stimulant, depressant, or  
20 hallucinogenic effect on the central nervous system substantially  
21 similar to the stimulant, depressant, or hallucinogenic effect on the  
22 central nervous system of a controlled substance included in Schedule  
23 I or II.

24 (b) The term does not include:

25 (i) a controlled substance;

26 (ii) a substance for which there is an approved new drug  
27 application;

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

33 (iv) any substance to the extent not intended for human  
34 consumption before an exemption takes effect with respect to the  
35 substance.

36 (17) "Deliver" or "delivery" means the actual or constructive  
37 transfer from one person to another of a substance, whether or not  
38 there is an agency relationship.

39 (18) "Department" means the department of health.

1 (19) "Designated provider" has the meaning provided in RCW  
2 69.51A.010.

3 (20) "Dispense" means the interpretation of a prescription or  
4 order for a controlled substance and, pursuant to that prescription  
5 or order, the proper selection, measuring, compounding, labeling, or  
6 packaging necessary to prepare that prescription or order for  
7 delivery.

8 (21) "Dispenser" means a practitioner who dispenses.

9 (22) "Distribute" means to deliver other than by administering or  
10 dispensing a controlled substance.

11 (23) "Distributor" means a person who distributes.

12 (24) "Drug" means (a) a controlled substance recognized as a drug  
13 in the official United States pharmacopoeia/national formulary or the  
14 official homeopathic pharmacopoeia of the United States, or any  
15 supplement to them; (b) controlled substances intended for use in the  
16 diagnosis, cure, mitigation, treatment, or prevention of disease in  
17 individuals or animals; (c) controlled substances (other than food)  
18 intended to affect the structure or any function of the body of  
19 individuals or animals; and (d) controlled substances intended for  
20 use as a component of any article specified in (a), (b), or (c) of  
21 this subsection. The term does not include devices or their  
22 components, parts, or accessories.

23 (25) "Drug enforcement administration" means the drug enforcement  
24 administration in the United States Department of Justice, or its  
25 successor agency.

26 (26) "Electronic communication of prescription information" means  
27 the transmission of a prescription or refill authorization for a drug  
28 of a practitioner using computer systems. The term does not include a  
29 prescription or refill authorization verbally transmitted by  
30 telephone nor a facsimile manually signed by the practitioner.

31 (27) "Immature plant or clone" means a plant or clone that has no  
32 flowers, is less than (~~twelve~~) 12 inches in height, and is less  
33 than (~~twelve~~) 12 inches in diameter.

34 (28) "Immediate precursor" means a substance:

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

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

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

3 (29) "Isomer" means an optical isomer, but in subsection (~~(33)~~)  
4 (36)(e) of this section, RCW 69.50.204(1) (l) and (hh), and  
5 69.50.206(2)(d), the term includes any geometrical isomer; in RCW  
6 69.50.204(1) (h) and (pp)(~~(7)~~) and 69.50.210(3)(~~(7)~~), the term  
7 includes any positional isomer; and in RCW 69.50.204(1)(ii),  
8 69.50.204(3), and 69.50.208(1)(~~(7)~~), the term includes any  
9 positional or geometric isomer.

10 (30) "Kratom processor" means a person that sells, prepares,  
11 manufactures, distributes, wholesales, or maintains kratom products  
12 or that advertises, represents, or holds itself out as selling,  
13 preparing, or maintaining kratom products.

14 (31) "Kratom product" means a food product or dietary ingredient  
15 containing any part of the leaf of the plant *mitragyna speciosa*.

16 (32) "Kratom retailer" means a person that sells or distributes  
17 kratom products or that advertises, represents, or holds itself out  
18 as selling or maintaining kratom products.

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

24 (~~(31)~~) (34) "Lot number" must identify the licensee by business  
25 or trade name and Washington state unified business identifier  
26 number, and the date of harvest or processing for each lot of  
27 cannabis, cannabis concentrates, useable cannabis, or cannabis-  
28 infused product.

29 (~~(32)~~) (35) "Manufacture" means the production, preparation,  
30 propagation, compounding, conversion, or processing of a controlled  
31 substance, either directly or indirectly or by extraction from  
32 substances of natural origin, or independently by means of chemical  
33 synthesis, or by a combination of extraction and chemical synthesis,  
34 and includes any packaging or repackaging of the substance or  
35 labeling or relabeling of its container. The term does not include  
36 the preparation, compounding, packaging, repackaging, labeling, or  
37 relabeling of a controlled substance:

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

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

5 (~~(+33+)~~) (36) "Narcotic drug" means any of the following, whether  
6 produced directly or indirectly by extraction from substances of  
7 vegetable origin, or independently by means of chemical synthesis, or  
8 by a combination of extraction and chemical synthesis:

9 (a) Opium, opium derivative, and any derivative of opium or opium  
10 derivative, including their salts, isomers, and salts of isomers,  
11 whenever the existence of the salts, isomers, and salts of isomers is  
12 possible within the specific chemical designation. The term does not  
13 include the isoquinoline alkaloids of opium.

14 (b) Synthetic opiate and any derivative of synthetic opiate,  
15 including their isomers, esters, ethers, salts, and salts of isomers,  
16 esters, and ethers, whenever the existence of the isomers, esters,  
17 ethers, and salts is possible within the specific chemical  
18 designation.

19 (c) Poppy straw and concentrate of poppy straw.

20 (d) Coca leaves, except coca leaves and extracts of coca leaves  
21 from which cocaine, ecgonine, and derivatives or ecgonine or their  
22 salts have been removed.

23 (e) Cocaine, or any salt, isomer, or salt of isomer thereof.

24 (f) Cocaine base.

25 (g) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
26 thereof.

27 (h) Any compound, mixture, or preparation containing any quantity  
28 of any substance referred to in (a) through (g) of this subsection.

29 (~~(+34+)~~) (37) "Opiate" means any substance having an addiction-  
30 forming or addiction-sustaining liability similar to morphine or  
31 being capable of conversion into a drug having addiction-forming or  
32 addiction-sustaining liability. The term includes opium, substances  
33 derived from opium (opium derivatives), and synthetic opiates. The  
34 term does not include, unless specifically designated as controlled  
35 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-  
36 methylmorphinan and its salts (dextromethorphan). The term includes  
37 the racemic and levorotatory forms of dextromethorphan.

38 (~~(+35+)~~) (38) "Opium poppy" means the plant of the species  
39 *Papaver somniferum* L., except its seeds.

1       (~~(36)~~) (39) "Package" means a container that has a single unit  
2 or group of units.

3       (~~(37)~~) (40) "Person" means individual, corporation, business  
4 trust, estate, trust, partnership, association, joint venture,  
5 government, governmental subdivision or agency, or any other legal or  
6 commercial entity.

7       (~~(38)~~) (41) "Plant" has the meaning provided in RCW 69.51A.010.

8       (~~(39)~~) (42) "Poppy straw" means all parts, except the seeds, of  
9 the opium poppy, after mowing.

10       (~~(40)~~) (43) "Practitioner" means:

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

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

31       (c) A physician licensed to practice medicine and surgery, a  
32 physician licensed to practice osteopathic medicine and surgery, a  
33 dentist licensed to practice dentistry, a podiatric physician and  
34 surgeon licensed to practice podiatric medicine and surgery, a  
35 licensed physician assistant or a licensed osteopathic physician  
36 assistant specifically approved to prescribe controlled substances by  
37 his or her state's medical commission or equivalent and his or her  
38 participating physician as defined in RCW 18.71A.010, an advanced  
39 registered nurse practitioner licensed to prescribe controlled

1 substances, or a veterinarian licensed to practice veterinary  
2 medicine in any state of the United States.

3 ~~((41))~~ (44) "Prescription" means an order for controlled  
4 substances issued by a practitioner duly authorized by law or rule in  
5 the state of Washington to prescribe controlled substances within the  
6 scope of his or her professional practice for a legitimate medical  
7 purpose.

8 ~~((42))~~ (45) "Production" includes the manufacturing, planting,  
9 cultivating, growing, or harvesting of a controlled substance.

10 ~~((43))~~ (46) "Qualifying patient" has the meaning provided in  
11 RCW 69.51A.010.

12 ~~((44))~~ (47) "Recognition card" has the meaning provided in RCW  
13 69.51A.010.

14 ~~((45))~~ (48) "Retail outlet" means a location licensed by the  
15 board for the retail sale of cannabis concentrates, useable cannabis,  
16 and cannabis-infused products.

17 ~~((46))~~ (49) "Secretary" means the secretary of health or the  
18 secretary's designee.

19 ~~((47))~~ (50) "Social equity plan" means a plan that addresses at  
20 least some of the elements outlined in this subsection ~~((47))~~,  
21 along with any additional plan components or requirements approved by  
22 the board following consultation with the task force created in RCW  
23 69.50.336. The plan may include:

24 (a) A statement that indicates how the cannabis licensee will  
25 work to promote social equity goals in their community;

26 (b) A description of how the cannabis licensee will meet social  
27 equity goals as defined in RCW 69.50.335;

28 (c) The composition of the workforce the licensee has employed or  
29 intends to hire; and

30 (d) Business plans involving partnerships or assistance to  
31 organizations or residents with connections to populations with a  
32 history of high rates of enforcement of cannabis prohibition.

33 ~~((48))~~ (51) "State," unless the context otherwise requires,  
34 means a state of the United States, the District of Columbia, the  
35 Commonwealth of Puerto Rico, or a territory or insular possession  
36 subject to the jurisdiction of the United States.

37 ~~((49))~~ (52) "THC concentration" means percent of  
38 tetrahydrocannabinol content of any part of the plant *Cannabis*, or  
39 per volume or weight of cannabis product, or the combined percent of

1 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of  
2 the plant *Cannabis* regardless of moisture content.

3 ~~((+50+))~~ (53) "Ultimate user" means an individual who lawfully  
4 possesses a controlled substance for the individual's own use or for  
5 the use of a member of the individual's household or for  
6 administering to an animal owned by the individual or by a member of  
7 the individual's household.

8 ~~((+51+))~~ (54) "Unit" means an individual consumable item within a  
9 package of one or more consumable items in solid, liquid, gas, or any  
10 form intended for human consumption.

11 ~~((+52+))~~ (55) "Useable cannabis" means dried cannabis flowers.  
12 The term "useable cannabis" does not include either cannabis-infused  
13 products or cannabis concentrates.

14 ~~((+53+))~~ (56) "Youth access" means the level of interest persons  
15 under the age of ~~((twenty-one))~~ 21 may have in a vapor product, as  
16 well as the degree to which the product is available or appealing to  
17 such persons, and the likelihood of initiation, use, or addiction by  
18 adolescents and young adults.

19 **Sec. 2.** RCW 69.50.101 and 2025 c 58 s 5126 are each amended to  
20 read as follows:

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

23 (1) "Administer" means to apply a controlled substance, whether  
24 by injection, inhalation, ingestion, or any other means, directly to  
25 the body of a patient or research subject by:

26 (a) a practitioner authorized to prescribe (or, by the  
27 practitioner's authorized agent); or

28 (b) the patient or research subject at the direction and in the  
29 presence of the practitioner.

30 (2) "Agent" means an authorized person who acts on behalf of or  
31 at the direction of a manufacturer, distributor, or dispenser. It  
32 does not include a common or contract carrier, public  
33 warehouseperson, or employee of the carrier or warehouseperson.

34 (3) "Board" means the Washington state liquor and cannabis board.

35 (4) "Cannabis" means all parts of the plant *Cannabis*, whether  
36 growing or not, with a THC concentration greater than 0.3 percent on  
37 a dry weight basis during the growing cycle through harvest and  
38 usable cannabis. "Cannabis" does not include hemp or industrial hemp

1 as defined in RCW 15.140.020, or seeds used for licensed hemp  
2 production under chapter 15.140 RCW.

3 (5) "Cannabis concentrates" means products consisting wholly or  
4 in part of the resin extracted from any part of the plant *Cannabis*  
5 and having a THC concentration greater than ~~((ten))~~ 10 percent.

6 (6) "Cannabis processor" means a person licensed by the board to  
7 process cannabis into cannabis concentrates, useable cannabis, and  
8 cannabis-infused products, package and label cannabis concentrates,  
9 useable cannabis, and cannabis-infused products for sale in retail  
10 outlets, and sell cannabis concentrates, useable cannabis, and  
11 cannabis-infused products at wholesale to cannabis retailers.

12 (7) "Cannabis producer" means a person licensed by the board to  
13 produce and sell cannabis at wholesale to cannabis processors and  
14 other cannabis producers.

15 (8)(a) "Cannabis products" means useable cannabis, cannabis  
16 concentrates, and cannabis-infused products as defined in this  
17 section, including any product intended to be consumed or absorbed  
18 inside the body by any means including inhalation, ingestion, or  
19 insertion, with any detectable amount of THC.

20 (b) "Cannabis products" also means any product containing only  
21 THC content.

22 (c) "Cannabis products" does not include cannabis health and  
23 beauty aids as defined in RCW 69.50.575 or products approved by the  
24 United States food and drug administration.

25 (9) "Cannabis researcher" means a person licensed by the board to  
26 produce, process, and possess cannabis for the purposes of conducting  
27 research on cannabis and cannabis-derived drug products.

28 (10) "Cannabis retailer" means a person licensed by the board to  
29 sell cannabis concentrates, useable cannabis, and cannabis-infused  
30 products in a retail outlet.

31 (11) "Cannabis-infused products" means products that contain  
32 cannabis or cannabis extracts, are intended for human use, are  
33 derived from cannabis ~~((as defined in subsection (4) of this~~  
34 ~~section))~~, and have a THC concentration no greater than ~~((ten))~~ 10  
35 percent. The term "cannabis-infused products" does not include either  
36 useable cannabis or cannabis concentrates.

37 (12) "CBD concentration" has the meaning provided in RCW  
38 69.51A.010.

39 (13) "CBD product" means any product containing or consisting of  
40 cannabidiol.

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

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

7 (16)(a) "Controlled substance analog" means a substance the  
8 chemical structure of which is substantially similar to the chemical  
9 structure of a controlled substance in Schedule I or II and:

10 (i) that has a stimulant, depressant, or hallucinogenic effect on  
11 the central nervous system substantially similar to the stimulant,  
12 depressant, or hallucinogenic effect on the central nervous system of  
13 a controlled substance included in Schedule I or II; or

14 (ii) with respect to a particular individual, that the individual  
15 represents or intends to have a stimulant, depressant, or  
16 hallucinogenic effect on the central nervous system substantially  
17 similar to the stimulant, depressant, or hallucinogenic effect on the  
18 central nervous system of a controlled substance included in Schedule  
19 I or II.

20 (b) The term does not include:

21 (i) a controlled substance;

22 (ii) a substance for which there is an approved new drug  
23 application;

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

29 (iv) any substance to the extent not intended for human  
30 consumption before an exemption takes effect with respect to the  
31 substance.

32 (17) "Deliver" or "delivery" means the actual or constructive  
33 transfer from one person to another of a substance, whether or not  
34 there is an agency relationship.

35 (18) "Department" means the department of health.

36 (19) "Designated provider" has the meaning provided in RCW  
37 69.51A.010.

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39 order for a controlled substance and, pursuant to that prescription  
40 or order, the proper selection, measuring, compounding, labeling, or

1 packaging necessary to prepare that prescription or order for  
2 delivery.

3 (21) "Dispenser" means a practitioner who dispenses.

4 (22) "Distribute" means to deliver other than by administering or  
5 dispensing a controlled substance.

6 (23) "Distributor" means a person who distributes.

7 (24) "Drug" means (a) a controlled substance recognized as a drug  
8 in the official United States pharmacopoeia/national formulary or the  
9 official homeopathic pharmacopoeia of the United States, or any  
10 supplement to them; (b) controlled substances intended for use in the  
11 diagnosis, cure, mitigation, treatment, or prevention of disease in  
12 individuals or animals; (c) controlled substances (other than food)  
13 intended to affect the structure or any function of the body of  
14 individuals or animals; and (d) controlled substances intended for  
15 use as a component of any article specified in (a), (b), or (c) of  
16 this subsection. The term does not include devices or their  
17 components, parts, or accessories.

18 (25) "Drug enforcement administration" means the drug enforcement  
19 administration in the United States Department of Justice, or its  
20 successor agency.

21 (26) "Electronic communication of prescription information" means  
22 the transmission of a prescription or refill authorization for a drug  
23 of a practitioner using computer systems. The term does not include a  
24 prescription or refill authorization verbally transmitted by  
25 telephone nor a facsimile manually signed by the practitioner.

26 (27) "Immature plant or clone" means a plant or clone that has no  
27 flowers, is less than (~~twelve~~) 12 inches in height, and is less  
28 than (~~twelve~~) 12 inches in diameter.

29 (28) "Immediate precursor" means a substance:

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

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

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

37 (29) "Isomer" means an optical isomer, but in subsection (~~(33)~~)  
38 (36)(e) of this section, RCW 69.50.204(1) (l) and (hh), and  
39 69.50.206(2)(d), the term includes any geometrical isomer; in RCW  
40 69.50.204(1) (h) and (pp) and 69.50.210(3), the term includes any

1 positional isomer; and in RCW 69.50.204(1)(ii), 69.50.204(3), and  
2 69.50.208(1), the term includes any positional or geometric isomer.

3 (30) "Kratom processor" means a person that sells, prepares,  
4 manufactures, distributes, wholesales, or maintains kratom products  
5 or that advertises, represents, or holds itself out as selling,  
6 preparing, or maintaining kratom products.

7 (31) "Kratom product" means a food product or dietary ingredient  
8 containing any part of the leaf of the plant *mitragyna speciosa*.

9 (32) "Kratom retailer" means a person that sells or distributes  
10 kratom products or that advertises, represents, or holds itself out  
11 as selling or maintaining kratom products.

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

17 ~~((31))~~ (34) "Lot number" must identify the licensee by business  
18 or trade name and Washington state unified business identifier  
19 number, and the date of harvest or processing for each lot of  
20 cannabis, cannabis concentrates, useable cannabis, or cannabis-  
21 infused product.

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24 substance, either directly or indirectly or by extraction from  
25 substances of natural origin, or independently by means of chemical  
26 synthesis, or by a combination of extraction and chemical synthesis,  
27 and includes any packaging or repackaging of the substance or  
28 labeling or relabeling of its container. The term does not include  
29 the preparation, compounding, packaging, repackaging, labeling, or  
30 relabeling of a controlled substance:

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

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

38 ~~((33))~~ (36) "Narcotic drug" means any of the following, whether  
39 produced directly or indirectly by extraction from substances of

1 vegetable origin, or independently by means of chemical synthesis, or  
2 by a combination of extraction and chemical synthesis:

3 (a) Opium, opium derivative, and any derivative of opium or opium  
4 derivative, including their salts, isomers, and salts of isomers,  
5 whenever the existence of the salts, isomers, and salts of isomers is  
6 possible within the specific chemical designation. The term does not  
7 include the isoquinoline alkaloids of opium.

8 (b) Synthetic opiate and any derivative of synthetic opiate,  
9 including their isomers, esters, ethers, salts, and salts of isomers,  
10 esters, and ethers, whenever the existence of the isomers, esters,  
11 ethers, and salts is possible within the specific chemical  
12 designation.

13 (c) Poppy straw and concentrate of poppy straw.

14 (d) Coca leaves, except coca leaves and extracts of coca leaves  
15 from which cocaine, ecgonine, and derivatives or ecgonine or their  
16 salts have been removed.

17 (e) Cocaine, or any salt, isomer, or salt of isomer thereof.

18 (f) Cocaine base.

19 (g) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
20 thereof.

21 (h) Any compound, mixture, or preparation containing any quantity  
22 of any substance referred to in (a) through (g) of this subsection.

23 (~~(34)~~) (37) "Opiate" means any substance having an addiction-  
24 forming or addiction-sustaining liability similar to morphine or  
25 being capable of conversion into a drug having addiction-forming or  
26 addiction-sustaining liability. The term includes opium, substances  
27 derived from opium (opium derivatives), and synthetic opiates. The  
28 term does not include, unless specifically designated as controlled  
29 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-  
30 methylmorphinan and its salts (dextromethorphan). The term includes  
31 the racemic and levorotatory forms of dextromethorphan.

32 (~~(35)~~) (38) "Opium poppy" means the plant of the species  
33 *Papaver somniferum* L., except its seeds.

34 (~~(36)~~) (39) "Package" means a container that has a single unit  
35 or group of units.

36 (~~(37)~~) (40) "Person" means individual, corporation, business  
37 trust, estate, trust, partnership, association, joint venture,  
38 government, governmental subdivision or agency, or any other legal or  
39 commercial entity.

40 (~~(38)~~) (41) "Plant" has the meaning provided in RCW 69.51A.010.

1       (~~(39)~~) (42) "Poppy straw" means all parts, except the seeds, of  
2 the opium poppy, after mowing.

3       (~~(40)~~) (43) "Practitioner" means:

4       (a) A physician under chapter 18.71 RCW; a physician assistant  
5 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
6 chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW  
7 who is certified by the optometry board under RCW 18.53.010 subject  
8 to any limitations in RCW 18.53.010; a dentist under chapter 18.32  
9 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a  
10 veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
11 practice registered nurse, or licensed practical nurse under chapter  
12 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is  
13 licensed under RCW 18.36A.030 subject to any limitations in RCW  
14 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
15 investigator under this chapter, licensed, registered or otherwise  
16 permitted insofar as is consistent with those licensing laws to  
17 distribute, dispense, conduct research with respect to or administer  
18 a controlled substance in the course of their professional practice  
19 or research in this state.

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

24       (c) A physician licensed to practice medicine and surgery, a  
25 physician licensed to practice osteopathic medicine and surgery, a  
26 dentist licensed to practice dentistry, a podiatric physician and  
27 surgeon licensed to practice podiatric medicine and surgery, a  
28 licensed physician assistant or a licensed osteopathic physician  
29 assistant specifically approved to prescribe controlled substances by  
30 his or her state's medical commission or equivalent and his or her  
31 participating physician as defined in RCW 18.71A.010, an advanced  
32 practice registered nurse licensed to prescribe controlled  
33 substances, or a veterinarian licensed to practice veterinary  
34 medicine in any state of the United States.

35       (~~(41)~~) (44) "Prescription" means an order for controlled  
36 substances issued by a practitioner duly authorized by law or rule in  
37 the state of Washington to prescribe controlled substances within the  
38 scope of his or her professional practice for a legitimate medical  
39 purpose.

1       (~~(42)~~) (45) "Production" includes the manufacturing, planting,  
2 cultivating, growing, or harvesting of a controlled substance.

3       (~~(43)~~) (46) "Qualifying patient" has the meaning provided in  
4 RCW 69.51A.010.

5       (~~(44)~~) (47) "Recognition card" has the meaning provided in RCW  
6 69.51A.010.

7       (~~(45)~~) (48) "Retail outlet" means a location licensed by the  
8 board for the retail sale of cannabis concentrates, useable cannabis,  
9 and cannabis-infused products.

10       (~~(46)~~) (49) "Secretary" means the secretary of health or the  
11 secretary's designee.

12       (~~(47)~~) (50) "Social equity plan" means a plan that addresses at  
13 least some of the elements outlined in this subsection (~~(47)~~),  
14 along with any additional plan components or requirements approved by  
15 the board following consultation with the task force created in RCW  
16 69.50.336. The plan may include:

17       (a) A statement that indicates how the cannabis licensee will  
18 work to promote social equity goals in their community;

19       (b) A description of how the cannabis licensee will meet social  
20 equity goals as defined in RCW 69.50.335;

21       (c) The composition of the workforce the licensee has employed or  
22 intends to hire; and

23       (d) Business plans involving partnerships or assistance to  
24 organizations or residents with connections to populations with a  
25 history of high rates of enforcement of cannabis prohibition.

26       (~~(48)~~) (51) "State," unless the context otherwise requires,  
27 means a state of the United States, the District of Columbia, the  
28 Commonwealth of Puerto Rico, or a territory or insular possession  
29 subject to the jurisdiction of the United States.

30       (~~(49)~~) (52) "THC concentration" means percent of  
31 tetrahydrocannabinol content of any part of the plant *Cannabis*, or  
32 per volume or weight of cannabis product, or the combined percent of  
33 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of  
34 the plant *Cannabis* regardless of moisture content.

35       (~~(50)~~) (53) "Ultimate user" means an individual who lawfully  
36 possesses a controlled substance for the individual's own use or for  
37 the use of a member of the individual's household or for  
38 administering to an animal owned by the individual or by a member of  
39 the individual's household.

1       (~~(51)~~) (54) "Unit" means an individual consumable item within a  
2 package of one or more consumable items in solid, liquid, gas, or any  
3 form intended for human consumption.

4       (~~(52)~~) (55) "Useable cannabis" means dried cannabis flowers.  
5 The term "useable cannabis" does not include either cannabis-infused  
6 products or cannabis concentrates.

7       (~~(53)~~) (56) "Youth access" means the level of interest persons  
8 under the age of (~~(twenty-one)~~) 21 may have in a vapor product, as  
9 well as the degree to which the product is available or appealing to  
10 such persons, and the likelihood of initiation, use, or addiction by  
11 adolescents and young adults.

12       NEW SECTION.   **Sec. 3.** A new section is added to chapter 69.50  
13 RCW to read as follows:

14       (1) A kratom processor or kratom retailer may not prepare,  
15 distribute, sell, or expose for sale any of the following:

16       (a) A kratom product mixed or packed with a nonkratom substance  
17 that affects the quality or strength of the kratom product to such a  
18 degree as to render the kratom product likely to injure a consumer;

19       (b) A kratom product that contains a poisonous or otherwise  
20 harmful nonkratom substance, including any controlled substance  
21 identified in this chapter;

22       (c) A kratom product containing a level of 7-hydroxymitragynine  
23 in the alkaloid fraction that is greater than two percent of the  
24 alkaloid composition of the product;

25       (d) A kratom product containing any synthetic alkaloid, including  
26 synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other  
27 synthetically derived compounds of the kratom plant; or

28       (e) Any kratom product that does not include on its package or  
29 label the full list of ingredients in the product, the percentages of  
30 mitragynine and 7-hydroxymitragynine in the product, and the identity  
31 and address of the kratom processor.

32       (2) A kratom processor or kratom retailer may not distribute,  
33 sell, or expose for sale a kratom product to an individual who is  
34 under 21 years old.

35       (3) Any violation of this section is a gross misdemeanor.

36       (4) A person aggrieved by a kratom processor or kratom retailer's  
37 violation of this section may bring a civil action for damages  
38 against the processor, retailer, or both. A kratom processor or  
39 kratom retailer is not liable for a violation of subsection (1)(e) of

1 this section if the processor or retailer relied in good faith on the  
2 representation of a manufacturer, packer, or distributor regarding  
3 the ingredients in the kratom product or the percentages of  
4 mitragynine and 7-hydroxymitragynine in the product.

5 (5) A city or county may adopt ordinances governing kratom  
6 products that are more restrictive than those provided in this  
7 chapter.

8 NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30,  
9 2027.

10 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June  
11 30, 2027.

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