



**THC Bill (E2SSB 5367) Stakeholder Engagement:  
Collaborative Rulemaking Discussion  
December 15, 2023, from 10:00 A.M. until 12:00 P.M.**

**Scope of the Rulemaking**

Amend the rules (WAC 314-55) as necessary to implement the provisions of engrossed second substitute bill 5367, concerning the regulation of products containing THC.

**Stakeholder Engagement Meeting Goal**

Discuss and get input on the topics below keeping in mind factors such as benefits, costs, direct and indirect impacts, laboratory and/or testing considerations, and possible unintended consequences.

**Discussion Topics**

1. **Amended definition of “THC concentration”**
  - **Statutory change:** E2SSB 5367 expands the definition of “THC concentration” to include forms of THC, not only delta-9 THC. RCW 69.50.101
  - **Topics for consideration:**
    1. What cannabinoids should be included in potency testing?
      - How to define and calculate “active THC;” and
      - How to define and calculate “total THC.”
    2. How should potency be reported by labs?
    3. How should potency be labeled on a cannabis product package?
2. **Amended definition of “cannabis products”**
  - **Statutory change:** E2SSB 5367 amended definition of “cannabis product” to include products that contain, “any detectable amount of THC.” RCW 69.50.101
  - **Topics for consideration:**
    1. How to define “detectable amount of THC” or “detectable level.”
3. **Prohibition on the use of synthetic cannabinoids**
  - **Statutory changes:**
    1. E2SSB 5367 amended RCW 69.50.326 to explicitly prohibit CBD products containing a “synthetic cannabinoid” to be used as an additive to cannabis products for the purpose of enhancing its cannabidiol concentration.

2. E2SSB 5367 created a new section RCW 69.50.3251 that explicitly prohibits the producing, processing, manufacturing, or sale of any synthetically derived, or completely synthetic, cannabinoid is prohibited.
- **Topics for discussion**
    1. How to define “synthetically derived cannabinoid,” or “completely synthetic cannabinoid.”
4. **New definitions for “package” and “unit”**
- **Statutory change:** E2SSB 5367 created definitions for “package” and “unit.” (*RCW.69.50.101*)
  - **Topics for consideration:**
    1. What implications does replacing “container” with “package” throughout the rule have?
      - Would licensees be required to change the way they are currently packaging and labeling cannabis products.
      - Would the cost of the changes be higher or lower than current packaging costs?
    2. How to define “serving” or “serving size.”