



Bill Description: Clarifying the authority of the liquor and cannabis board to regulate marijuana vapor products.

Bill Number: HB 2826

Bill Sponsor: Representative Strom Peterson, by request of Liquor and Cannabis Board

Effective Date: March 25, 2020

Amends: RCW, 69.50.342; RCW 69.50.101; creates a new section in chapter 69.50 RCW

Background

This legislation was requested by the Liquor and Cannabis Board to address the emergence of vapor-associated lung injury (VALI) that occurred across the country in the summer and fall of 2019. As of February 18 of this year, over 2,800 hospitalized cases had been reported to the Centers for Disease Control and Prevention (CDC) from all 50 states and there had been 68 deaths. Washington had 27 cases and two deaths. Vapor products containing THC were identified by the CDC and Federal Drug Administration (FDA) investigations as playing a major role in the outbreak. In addition, the additive vitamin E acetate was strongly linked to injury cases. These factors made it clear that vapor products demand serious attention by the state in the interest of protecting public health and preventing youth access.

House Bill 2826 was intended to work in tandem with executive request legislation regulating non-THC vapor products, SB 6254, which was not approved by the Legislature.

Bill Summary

- Authorizes the LCB to adopt rules to prohibit any type of cannabis vapor device, or prohibit the use of any type of additive, solvent, ingredient, or compound in the production or processing of cannabis vapor products upon determining, in consultation with the Department of Health (DOH), or any other authority deemed by the Board to be appropriate, that the device, additive, solvent, ingredient, or compound may pose a risk to public health or youth access.
- Youth access is defined as: the level of interest, appeal or availability persons under 21 years of age may have in a vapor product and the likelihood of initiation, use or addiction of the products by adolescents or young adults.
- Authorizes the LCB to develop rules requiring cannabis processors to submit to DOH, under oath, a list of all constituent substances and the amount and sources of all constituent substances in all cannabis vapor products.
- Clarifies that cannabis vapor products may contain characterizing flavors that are naturally occurring in the cannabis plant, such as botanically derived terpenes, if the flavor is not synthetically derived and mimics the terpene profile of a cannabis plant.

Contact Information:

If you have questions, please contact [Chris Thompson, Director of Legislative Relations](#).