

# Authorizing the Sale of Cannabis Waste: State of Washington Legislation



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The Washington State Legislature has passed legislation which would allow in certain circumstances the sale of cannabis waste.

The legislation is denominated Senate Bill 5376.

The cultivation and production of cannabis generates a variety of waste. SB 5376 would allow a licensed cannabis producer and a licensed cannabis processor to sell cannabis waste to a person not licensed under certain circumstances.

Like many states, the relevant Washington state agency outlines the methods by which solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of. The methods differ based on the type of waste and whether the waste is designated as dangerous (i.e., a hazardous waste).

The waste generator is responsible for evaluating the waste to determine if it is designated a dangerous (i.e., hazardous) waste. Some of the wastes that are evaluated against the dangerous (i.e., hazardous) waste regulation include waste from cannabis flowers, trim, and solid plant material used to create an extract, waste solvents used in the cannabis process, discarded plant waste, and cannabis extract that fails to meet quality testing.

Cannabis waste that is not designated as dangerous (i.e., hazardous) waste (like in most states) must be rendered unusable by grinding and incorporating the waste with other specified ground material so the resulting mixture is at least 50% non-cannabis waste by volume. After the waste is rendered unusable, it must be properly disposed of at a permitted facility.

SB 5376 provides that a licensed cannabis producer and a licensed cannabis processor may sell cannabis waste to a person not licensed by the Washington state agency if:

- The cannabis waste would not be designated as dangerous or hazardous waste under any rules adopted by the Washington Department of Ecology and Cannabis Waste Disposal Rules adopted by the Washington state agency; and
- The licensee notifies the Washington state agency and the Washington State Department of Agriculture before the sale.

Cannabis is defined to mean solid waste generated during cannabis production or processing that has a THC concentration of 0.3% or less and does not include hemp or industrial hemp.

Cannabis not sold in accordance with the relevant laws must be rendered unusable before leaving a licensed producer, processor, or laboratory.

The stated intent of the legislation is the recognition the cannabis industry has significant waste streams. This is an attempt to address the organic portion of the waste stream. The objective is to provide for more composting and use of fiber content. The apparent hope is to create efficiencies in economic opportunities to producers. The majority of cannabis waste in the State of Washington is currently disposed of in landfills. Therefore, this is an attempt to redirect it to composting and other relevant activities.

A copy of SB 5376 can be downloaded [here](#).