



Marijuana – Follow-up Legislation in States that Legalized Personal Use: 2016 Legislative Session Bill Status Update

Research current through February 1, 2016.

This project was supported by Grant No. G15599ONDCP03A, awarded by the Office of National Drug Control Policy. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Office of National Drug Control Policy or the United States Government.

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State and Bill Number	Description¹	Status and Date of Last Action
U.S. 2015 HR 1855	“Small Business Tax Equity Act of 2015.” Amends the Internal Revenue Code to exempt a trade or business that conducts marijuana sales in compliance with state law from the prohibition against allowing business-related tax credits or deductions for expenditures in connection with trafficking in controlled substances.	4/16/2015 – introduced and referred to Committee on Ways and Means.
U.S. 2015 S 987	Identical to 2015 HR 1855.	4/16/2015 – read twice and referred to Committee on Finance.
U.S. 2015 S 2132	“An Act Making Appropriations to Stop Regulatory Excess and for Other Purposes, 2016.” Section 639 of the act provides that “none of the funds made available in this Act may be used, with respect to a State where marijuana is legal for recreational or medicinal purposes, to prohibit or penalize a financial institution solely because the institution provides financial services to an entity that is a manufacturer, producer, or a person that participates in any business or organized activity that: (1) involves handling marijuana or marijuana products; and (2) engages in such activity pursuant to a law established by a State or a unit of local government.”	10/6/2015 – read second time and placed on Senate Legislative Calendar under General Orders.
Colorado 2016 HB 1041	Declares that, because bonds for medical marijuana businesses and retail marijuana establishments are unavailable in the current marketplace, the requirement to post a bond for the issuance or renewal of a state-issued license makes the operation of those establishments unreasonably impracticable. Repeals the requirement that medical marijuana businesses (sections 2 and 3) and retail marijuana establishments (sections 4 and 5) post a bond to be eligible for the issuance or renewal of a license. Repeals the requirement that retail marijuana cultivation facilities file a state tax surety bond (section 6).	2/1/2016 – second reading passed; no amendments.

¹ The word “marijuana” (or “marihuana”) is spelled as it is in the respective bill.

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State and Bill Number	Description¹	Status and Date of Last Action
Colorado 2016 HB 1079	Section 3 of the bill directs the Colorado Commissioner of Agriculture to promulgate rules governing a program to enable consumers to easily identify medical and retail marijuana and industrial hemp that has been cultivated and processed without the use of pesticides. The Department of Agriculture will certify third parties who can certify whether the marijuana or hemp cultivated or processed at a particular cannabis facility is free of pesticides. Sections 1 and 2 of the bill allow marijuana product labels to include a standardized notification that the marijuana has been certified as being pesticide-free.	1/19/2016 – introduced and referred to Committee on Public Health Care & Human Services.
Colorado 2016 HB 1092	The bill authorizes a retail marijuana store to submit an application to the state retail marijuana licensing authority for a special event permit if the store is located within the jurisdictional boundaries of a local government that has approved the sale of retail marijuana. An application must list the particular retail marijuana stores that may participate at the special event along with other information specified by the state licensing authority by rule. If the state licensing authority approves the application, it notifies the applicable local licensing authority, which can approve or deny the permit. The state or local licensing authority may deny an application if granting it would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws.	1/19/2016 – introduced and referred to Committee on Public Health Care & Human Services.
Colorado 2016 HB 1108	The bill requires the Colorado real estate commission to adopt rules for the disclosure in a listing contract, contract of sale, or seller’s disclosure of whether the property was used for the cultivation of seven or more plants of specified size using any amount of pesticides or fertilizers. An exemption from the disclosure requirement is provided if the seller has the property inspected and certified safe by a qualified inspector.	1/20/2016 – introduced and referred to Committee on Business Affairs & Labor.

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State and Bill Number	Description¹	Status and Date of Last Action
Colorado 2016 SB 15	Current law requires the governor to designate one or more state agencies to compile a list of pesticides that cannot be used in the cultivation or processing of marijuana. The bill replaces these provisions with a directive that the governor designate a state agency to promulgate rules to designate criteria that identify pesticides that may be used in the cultivation of marijuana. The agency will list the pesticides that meet the criteria on its website.	1/28/2016 – Committee on Agriculture, Natural Resources & Energy referred bill to Committee on the Whole.
Colorado 2016 SB 40	Under current law, an owner of a medical or retail marijuana business must have been a Colorado resident for at least 2 years prior to applying for licensure. The bill allows an owner to be either a 2-year resident of Colorado or a U.S. citizen on the date of the application for applications submitted on or after January 1, 2017, but prohibits an owner from being a publicly traded company. The bill requires a controlling interest of the licensees, as determined by the operating agreement, to be Colorado residents and maintain that residency while licensed.	1/19/2016 – introduced and referred to Committee on Business, Labor & Technology.
Colorado 2016 SB 41	Current law requires the Division of Criminal Justice in the Colorado Department of Public Safety (“Division”) to gather data and undertake or contract for a study of law enforcement activity and costs related to the legalization of retail marijuana for the two-year periods commencing January 1, 2006, and January 1, 2014. The bill eliminates the requirement that the Division collect data and report on costs related to legalized retail marijuana and that the study include marijuana-initiated contacts with law enforcement.	1/19/2016 – introduced and assigned to Committee on Judiciary.

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State and Bill Number	Description¹	Status and Date of Last Action
District of Columbia 2015 LB 23	“Marijuana Legalization and Regulation Act of 2015.” Legalizes the possession, consumption, display, purchasing, or transporting of 2 ounces or less of marijuana and marijuana-infused products for personal use, not in public, for persons over the age of 21. Violation by persons under age 21 is a civil infraction. The bill designates that the Alcoholic Beverage Regulation Administration shall receive all income from taxes, licensing fees, penalties, and forfeitures related to the District of Columbia marijuana industry.	2/9/2015 – public hearing held.
Washington 2015 HB 1165	Establishes a dedicated local jurisdiction marijuana fund and details the distribution of a specified percentage of marijuana excise tax revenues to local jurisdictions.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1334	Clarifies the responsibility for payment of the taxes on sales by licensed recreational marijuana producers, processors, and retailers.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1335	Permits cities, towns, and counties to reduce the buffer between recreational marijuana businesses and various entities from 1,000 feet to 500 feet.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1359	Provides for penalties if a person under the age of 21 purchases or attempts to purchase marijuana.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1360	Makes it unlawful to open a package containing marijuana concentrate in public.	1/11/2016 – reintroduced and retained in present status.

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State and Bill Number	Description¹	Status and Date of Last Action
Washington 2015 HB 1412	Provides that any county, city, or town may enact an ordinance prohibiting the siting or operation within its jurisdictional boundaries of any business or facility for the production, processing, and/or retail sale of recreational marijuana products, including marijuana, marijuana concentrates, and marijuana-infused products. In order to be enacted, a proposed ordinance must first be passed by the legislative authority of the county, city, or town and then approved by the majority of voters voting on it at a general or special election.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1413	Reduces the buffer distance to 100 feet between recreational marijuana businesses and the following locations: any recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged 21 years or older.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1414	Exempts marijuana producers from taxation for sales to other producers of marijuana seeds and cloned marijuana plants.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1438	Provides a process to permit cities, towns, and counties to prohibit the production, processing, and sale of marijuana under Initiative Measure No. 502 only by public vote.	1/28/2016 – committee recommendation for substituted bill to pass.
Washington 2015 HB 1765	Changes present marijuana provisions so that marijuana is only authorized if it is in pill form prescribed by a physician.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1776	Addresses the transportation and delivery services for licensed marijuana producers, marijuana processors, and marijuana retailers.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 1907	Restricts the operation of state licensed marijuana producers, marijuana processors, or marijuana retailers within 1,000 feet of a religious facility.	1/11/2016 – reintroduced and retained in present status.

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Washington 2015 HB 2008	Intent of legislation is to reform the current tax structure for the regulated legal marijuana system to create price parity with the large medical and illicit markets with the specific objective of increasing the market share of the legal marijuana market. The legislature further intends to share marijuana tax revenues with local jurisdictions for public safety and chemical dependency and mental health treatment expenditures, requiring a rigorous evaluation of the incremental cost and use of proceeds the legalization of marijuana has on local communities. Finally, the legislation provides qualifying patients a retail sale and use tax exemption on purchases of marijuana for medical use when authorized by a health care professional.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 2162	Increases marijuana excise tax to 30%. Provides that buyer shall pay tax to seller, who will hold funds in trust until paid to the state liquor control board. Provides that a city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of certain locations except for elementary schools, secondary schools, and playgrounds.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 2196	Authorizes the home production of marijuana for personal use by adults 21 and older (up to six plants) in order to eliminate the need for multiple regulatory schemes and to remove the incentives driving the illicit marijuana market.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 HB 2347	Reduces the excise tax on the selling price on each retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products to 25 percent.	1/29/2016 – referred to Committee on Finance.
Washington 2015 HB 2364	Changes the prohibition on out-of-state entities having marijuana licenses to “a partnership, employee cooperative, association, nonprofit corporation, corporation, or limited liability company unless formed under the laws of this state or holding a certificate of authority to transact business in this state. For the purposes of licensing under this chapter, the partners, members, or shareholders of the entities identified in this subsection (1)(c)(iii) are not subject to any state residency requirements.”	1/19/2016 – public hearing in Committee on Commerce & Gaming.

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Washington 2015 HB 2365	Allows marijuana retailers to sell marijuana merchandise. “Marijuana merchandise” means wearable apparel that serves to promote or advertise the retail outlet, or a product line sold by the retail outlet, and that has labeling affixed to the wearable apparel that includes: (1) the retail outlet’s name, logo, or other symbol associated with the retail outlet; or (2) a name, logo, or other symbol associated with a product line sold by the retail outlet.	1/19/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 HB 2368	Creates a temporary pilot program requiring the Washington Liquor and Cannabis Board (“LCB”) to issue an endorsement to not more than five licensed marijuana retailers authorizing them to operate a commercial service offering residential sales and delivery of marijuana products to citizens over age 21. Requires the LCB to adopt administrative rules necessary to implement the program. Requires the LCB to submit a report and recommendations to the Legislature.	1/19/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 HB 2494	Authorizes the noncommercial delivery of marijuana and marijuana products in amounts equal to half of the current possession limits by a person 21 years of age or older to another person(s) 21 years of age or older. Reduces the penalties for possession and delivery of marijuana and marijuana products in certain circumstances. Requires the marijuana concentrates that a person may lawfully possess or deliver for noncommercial purposes to have been purchased from a marijuana retailer and be accompanied by packaging showing that the marijuana concentrates were purchased from a marijuana retailer.	1/19/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 HB 2520	Provides that all plants grown in a marijuana cooperative must be purchased or cloned from a plant purchased from a licensed marijuana producer as defined in RCW 69.50.101.	1/25/2016 – public hearing in Committee on Commerce & Gaming.

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Washington 2015 HB 2522	Provides that the following violations are gross misdemeanors: (1) serving or admitting a person under age 21 to a retail outlet unless an exception applies or (2) a person under age 21 entering a retail outlet. Anyone who misrepresents their age as 21 or older in order to purchase marijuana or enter a licensed retail outlet is guilty of a misdemeanor. These criminal penalties do not apply to persons between the ages of 18 and 21 who are participating in a Board-authorized controlled purchase program.	1/25/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 HB 2584	Provides that specified categories of information obtained by the LCB in regulating marijuana commerce are exempted from disclosure under the PRA. This information is: (1) commercial, financial, and security-related information supplied to the LCB regarding a licensee or license applicant; and (2) information related to marijuana product traceability, including information regarding marijuana product ownership, locations, contact information, movements of product, and account numbers or unique identifiers issued by government entities to private entities.	1/25/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 HB 2629	The bill: (1) legalizes transfers of small quantities of marijuana products between adults provided the transfer does not involve the exchange of money or other valuable consideration; (2) legalizes the home cultivation of up to six recreational marijuana plants, subject to specified conditions; (3) legalizes the residential possession of up to 24 ounces of useable marijuana harvested from plants lawfully grown in the residence, subject to specified conditions; and (4) revises and restructures the penalties for criminal offenses related to the possession of marijuana products and marijuana plants.	1/18/2016 – first reading; referred to Committee on Commerce & Gaming.

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Washington 2015 HB 2693	Allows a marijuana lounge endorsement to a marijuana retailer's license that allows an endorsement holder to operate a marijuana lounge in which adults age 21 and older may lawfully consume useable marijuana, marijuana-infused products, and marijuana concentrates purchased from the retailer holding the endorsement. The endorsement is subject to annual renewal. The endorsement holder is responsible for ensuring that all marijuana product sales and use are fully compliant with the requirements of this chapter and applicable administrative rules.	1/18/2016 – introduced; referred to Committee on Commerce & Gaming.
Washington 2015 HB 2802	Authorizes marijuana producers and processors to provide branded promotional items of nominal value and certain personal services to marijuana retailers, similar to the existing authorization for liquor industry members. Authorizes marijuana producers, processors, and retailers to link to one another's Internet websites and produce joint brochures related to Washington State tourism, similar to the existing authorization for liquor industry members.	2/1/2016 – public hearing in the Committee on Commerce & Gaming.
Washington 2015 SB 5002	Open marijuana container law. Makes it a violation to keep marijuana in a vehicle unless it is: (1) in the trunk of the vehicle; (2) in some other area of the vehicle not normally occupied or directly accessible by the driver or passengers if the vehicle does not have a trunk; or (3) in a package, container, or receptacle that has not been opened or the seal broken or contents partially removed.	1/19/2016 – on motion, referred to Rules Green Sheet for second reading.
Washington 2015 SB 5003	Relates to the taxes payable on sales by licensed recreational marijuana producers, processors and retailers. Increases the tax rate to 26 percent.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5130	Provides that the state liquor control board shall not issue a marijuana producer or marijuana processor license for any premises located within an area zoned for residential use or an area zoned for rural use with a minimum lot size of five acres.	1/11/2016 – reintroduced and retained in present status.

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Washington 2015 SB 5398	Substituted bill makes it unlawful to open a package containing marijuana concentrate in view of the general public or a public place.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5400	Places a temporary additional fee on licenses and permits issued by the Washington state liquor control board (including all applications and renewals of licenses relating to marijuana required under Chapter 69.50 of the Washington Code).	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5402	Provides for penalties if a person under the age of 21 purchases or attempts to purchase marijuana.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5417	Amends the allocation of the distribution of marijuana tax funds to counties, cities and towns.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5450	Expands the restrictions on issuing a marijuana license within 1,000 feet of a licensed chemical dependency program, church, or other location where children regularly congregate.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5461	Allows person convicted of certain misdemeanor marijuana offenses to apply to the court for a vacation of conviction.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5467	Provides a single point of excise taxation on sales of recreational marijuana.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5493	Clarifies that cannabis health and beauty aids are not subject to the regulations of 69.50 RCW that apply to marijuana, marijuana concentrates, or marijuana-infused products.	1/11/2016 – reintroduced and retained in present status.

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Washington 2015 SB 5519	“Comprehensive Marijuana Reform Act.” The intention of the legislation is to draw bright line rules to aid enforcement of both medical and recreational marijuana systems, to merge medical system into the recreational regulatory scheme so all products sold in the state meet at least the same testing and product safety requirements, and to ensure that people who require marijuana for their medical care are still provided adequate access to this product.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5572	Provides that a city, town, or county may adopt an ordinance to decrease to no less than 500 feet the distance that marijuana producers, marijuana processors, marijuana retailers, or marijuana researchers must be located from recreation centers or facilities, child care centers, public parks, public transit centers, or libraries, or any game arcades admission to which is not restricted to persons aged 21 or older. Also, a city, town, or county may adopt an ordinance to prohibit a marijuana producer, marijuana processor, marijuana retailer, or marijuana researcher from locating its premises up to 1,000 feet from a church.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5848	Authorizes the governor to enter into agreements with federally recognized Indian tribes in the state of Washington concerning marijuana.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5858	Establishes a state cannabis industry and economic development committee to promote and further develop the industry while remaining in compliance with federal guidelines. Directs the committee to address evolving marijuana issues and submit its policy recommendations for consideration by the 2016 legislature.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 5903	Makes it unlawful to sell marijuana, marijuana concentrates, marijuana-infused products, or usable marijuana via vending machine or a drive-thru facility. Also prohibits the Liquor Control Board from issuing a retail marijuana license to any such business.	1/11/2016 – reintroduced and retained in present status.

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Washington 2015 SB 6062	Revises the law regarding marijuana excise taxes. Changes the excise tax to 37% of selling price on each retail sale of marijuana. The tax must be separately itemized for the buyer from the selling price and state/local sales tax. The excise tax shall be distributed with \$11,700,000 per year to the general fund and remainder to the education legacy trust account.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 6083	Authorizes the home production of marijuana for personal use by adults ages 21 and older (up to six plants) in order to eliminate the need for multiple regulatory schemes and to remove the incentives driving the illicit marijuana market.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 6136	An act to reform the current tax structure for the regulated legal marijuana system to create price parity with the large medical and illicit markets with the specific objective of increasing the market share of the legal and highly regulated marijuana market. The legislature further intends to share marijuana tax revenues with local jurisdictions for public safety purposes and to facilitate the ongoing process of ensuring a safe regulated marijuana market in all communities across the state.	1/11/2016 – reintroduced and retained in present status.
Washington 2015 SB 6177	The LCB, instead of the Life Sciences Discovery Fund, is assigned the lead role of reviewing projects submitted by marijuana research license applicants. The LCB must select a scientific reviewer to review the projects. The research project applicant must pay the reviewer directly for the entire cost of the scientific review. A new exemption is added to the Public Records Act (“PRA”) that protects proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the LCB in applications for marijuana research licenses, or in reports submitted by the licensees.	1/21/2016 – committee report; do pass as amended.

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Washington 2015 SB 6207	Two exemptions are added to the PRA concerning the disclosure of certain marijuana business records: (1) financial, commercial operations, and security-related information supplied to the LCB for the purpose of obtaining, maintaining, or renewing a license; and (2) information submitted to the LCB for marijuana product traceability purposes. This information includes: marijuana product ownership; locations; contact information; movements of product; financial information; purchase and sale of marijuana; account numbers; unique identifiers; and related information that would identify a person or location. Disclosure of these records is allowed for local, state, and federal purposes.	1/21/2016 – passed to Rules Committee for second reading.
Washington 2015 SB 6302	Provides that the following violations are gross misdemeanors: (1) serving or admitting a person under age 21 to a retail outlet unless an exception applies or (2) a person under age 21 entering a retail outlet. Anyone who misrepresents their age as 21 or older in order to purchase marijuana or enter a licensed retail outlet is guilty of a misdemeanor. These criminal penalties do not apply to persons between the ages of 18 and 21 who are participating in a Board-authorized controlled purchase program.	1/25/2016 – public hearing in the Committee on Law & Justice.
Washington 2015 SB 6304	Provides that all plants grown in a marijuana cooperative must be purchased or cloned from a plant purchased from a licensed marijuana producer as defined in RCW 69.50.101.	1/22/2016 – public hearing in Committee on Commerce & Gaming.

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State and Bill Number	Description¹	Status and Date of Last Action
Washington 2015 SB 6341	A cannabis producer or processor may provide cannabis retailers with branded promotional items which are of nominal value. The items must be used by the retailer in a manner consistent with its license and may only contain imprinted advertising matter of the producer or processor. Producers and processors may not provide the item directly to retail customers and the items must not be targeted to or appeal principally to youth. A producer or processor is not obligated to provide promotional items, and a retailer may not require the items to be provided as a condition for selling cannabis. Producers or processors may list on their Internet web sites information related to retailers who sell or promote their products. Retailers may list reciprocal information on their Internet websites.	1/22/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 SB 6375	Local governments may license and regulate marijuana use locations within their jurisdictions where consumption of marijuana is permitted. These licensees must prohibit the entry of persons under the age of 21 to marijuana use locations. Marijuana use locations must comply with all other applicable provisions of state law.	1/22/2016 – public hearing in Committee on Commerce & Gaming.
Washington 2015 SB 6486	Authorizes the noncommercial delivery of marijuana and marijuana products in amounts equal to half of the current possession limits by a person 21 years of age or older to another person(s) 21 years of age or older. Reduces the penalties for possession and delivery of marijuana and marijuana products in certain circumstances. Requires the marijuana concentrates that a person may lawfully possess or deliver for noncommercial purposes to have been purchased from a marijuana retailer and be accompanied by packaging showing that the marijuana concentrates were purchased from a marijuana retailer.	1/22/2016 – first reading; referred to Committee on Law & Justice.

Yellow highlighted text indicates legislation that has been enacted into law.

Red text indicates that the legislature presently is not in session.

Blue text represents updates from the previous NAMS DL Bill Status Update.

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