
SENATE BILL 6178

State of Washington 63rd Legislature 2014 Regular Session

By Senators Kohl-Welles, Litzow, Keiser, Pedersen, Cleveland, and Kline

Read first time 01/16/14. Referred to Committee on Health Care .

1 AN ACT Relating to aligning the medical marijuana system with the
2 recreational marijuana system; amending RCW 69.50.331, 69.50.342,
3 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.50.535,
4 69.50.540, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040,
5 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100, 69.51A.110,
6 69.51A.120, and 69.51A.200; reenacting and amending RCW 69.50.101;
7 adding new sections to chapter 69.50 RCW; adding new sections to
8 chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating
9 a new section; repealing RCW 69.51A.020, 69.51A.025, 69.51A.043,
10 69.51A.047, 69.51A.140, and 69.51A.085; prescribing penalties; and
11 providing effective dates.

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

13 **Sec. 1.** RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are
14 each reenacted and amended to read as follows:

15 Unless the context clearly requires otherwise, definitions of terms
16 shall be as indicated where used in this chapter:

17 (a) "Administer" means to apply a controlled substance, whether by
18 injection, inhalation, ingestion, or any other means, directly to the
19 body of a patient or research subject by:

1 (1) a practitioner authorized to prescribe (or, by the
2 practitioner's authorized agent); or

3 (2) the patient or research subject at the direction and in the
4 presence of the practitioner.

5 (b) "Agent" means an authorized person who acts on behalf of or at
6 the direction of a manufacturer, distributor, or dispenser. It does
7 not include a common or contract carrier, public warehouseperson, or
8 employee of the carrier or warehouseperson.

9 (c) (~~"Board"~~) "Commission" means the (~~(state board of)~~) pharmacy
10 quality assurance commission.

11 (d) "Controlled substance" means a drug, substance, or immediate
12 precursor included in Schedules I through V as set forth in federal or
13 state laws, or federal or (~~board~~) commission rules.

14 (e)(1) "Controlled substance analog" means a substance the chemical
15 structure of which is substantially similar to the chemical structure
16 of a controlled substance in Schedule I or II and:

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

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

27 (2) The term does not include:

28 (i) a controlled substance;

29 (ii) a substance for which there is an approved new drug
30 application;

31 (iii) a substance with respect to which an exemption is in effect
32 for investigational use by a particular person under Section 505 of the
33 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
34 conduct with respect to the substance is pursuant to the exemption; or

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

37 (f) "Deliver" or "delivery," means the actual or constructive

1 transfer from one person to another of a substance, whether or not
2 there is an agency relationship.

3 (g) "Department" means the department of health.

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

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

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

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

12 (l) "Drug" means (1) a controlled substance recognized as a drug in
13 the official United States pharmacopoeia/national formulary or the
14 official homeopathic pharmacopoeia of the United States, or any
15 supplement to them; (2) controlled substances intended for use in the
16 diagnosis, cure, mitigation, treatment, or prevention of disease in
17 individuals or animals; (3) controlled substances (other than food)
18 intended to affect the structure or any function of the body of
19 individuals or animals; and (4) controlled substances intended for use
20 as a component of any article specified in (1), (2), or (3) of this
21 subsection. The term does not include devices or their components,
22 parts, or accessories.

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

26 (n) "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 telephone
30 nor a facsimile manually signed by the practitioner.

31 (o) "Immediate precursor" means a substance:

32 (1) that the (~~state board of~~) pharmacy quality assurance
33 commission has found to be and by rule designates as being the
34 principal compound commonly used, or produced primarily for use, in the
35 manufacture of a controlled substance;

36 (2) that is an immediate chemical intermediary used or likely to be
37 used in the manufacture of a controlled substance; and

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

3 (p) "Isomer" means an optical isomer, but in subsection (y)(5) of
4 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the
5 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),
6 and 69.50.210(c) the term includes any positional isomer; and in RCW
7 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
8 positional or geometric isomer.

9 (q) "Lot" means a definite quantity of marijuana, useable
10 marijuana, or marijuana-infused product identified by a lot number,
11 every portion or package of which is uniform within recognized
12 tolerances for the factors that appear in the labeling.

13 (r) "Lot number" shall identify the licensee by business or trade
14 name and Washington state unified business identifier number, and the
15 date of harvest or processing for each lot of marijuana, useable
16 marijuana, or marijuana-infused product.

17 (s) "Manufacture" means the production, preparation, propagation,
18 compounding, conversion, or processing of a controlled substance,
19 either directly or indirectly or by extraction from substances of
20 natural origin, or independently by means of chemical synthesis, or by
21 a combination of extraction and chemical synthesis, and includes any
22 packaging or repackaging of the substance or labeling or relabeling of
23 its container. The term does not include the preparation, compounding,
24 packaging, repackaging, labeling, or relabeling of a controlled
25 substance:

26 (1) by a practitioner as an incident to the practitioner's
27 administering or dispensing of a controlled substance in the course of
28 the practitioner's professional practice; or

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

32 (t) "Marijuana" or "marihuana" means all parts of the plant
33 Cannabis, whether growing or not, with a THC concentration greater than
34 0.3 percent on a dry weight basis; the seeds thereof; the resin
35 extracted from any part of the plant; and every compound, manufacture,
36 salt, derivative, mixture, or preparation of the plant, its seeds or
37 resin. The term does not include the mature stalks of the plant, fiber
38 produced from the stalks, oil or cake made from the seeds of the plant,

1 any other compound, manufacture, salt, derivative, mixture, or
2 preparation of the mature stalks (except the resin extracted
3 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
4 which is incapable of germination.

5 (u) "Marijuana processor" means a person licensed by the state
6 liquor control board to process marijuana into useable marijuana and
7 marijuana-infused products, package and label useable marijuana and
8 marijuana-infused products for sale in retail outlets, and sell useable
9 marijuana and marijuana-infused products at wholesale to marijuana
10 retailers.

11 (v) "Marijuana producer" means a person licensed by the state
12 liquor control board to produce and sell marijuana at wholesale to
13 marijuana processors and other marijuana producers.

14 (w) "Marijuana-infused products" means products that contain
15 marijuana or marijuana extracts and are intended for human use. The
16 term "marijuana-infused products" does not include useable marijuana.

17 (x) "Marijuana retailer" means a person licensed by the state
18 liquor control board to sell useable marijuana and marijuana-infused
19 products in a retail outlet.

20 (y) "Narcotic drug" means any of the following, whether produced
21 directly or indirectly by extraction from substances of vegetable
22 origin, or independently by means of chemical synthesis, or by a
23 combination of extraction and chemical synthesis:

24 (1) Opium, opium derivative, and any derivative of opium or opium
25 derivative, including their salts, isomers, and salts of isomers,
26 whenever the existence of the salts, isomers, and salts of isomers is
27 possible within the specific chemical designation. The term does not
28 include the isoquinoline alkaloids of opium.

29 (2) Synthetic opiate and any derivative of synthetic opiate,
30 including their isomers, esters, ethers, salts, and salts of isomers,
31 esters, and ethers, whenever the existence of the isomers, esters,
32 ethers, and salts is possible within the specific chemical designation.

33 (3) Poppy straw and concentrate of poppy straw.

34 (4) Coca leaves, except coca leaves and extracts of coca leaves
35 from which cocaine, ecgonine, and derivatives or ecgonine or their
36 salts have been removed.

37 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

38 (6) Cocaine base.

1 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
2 thereof.

3 (8) Any compound, mixture, or preparation containing any quantity
4 of any substance referred to in subparagraphs (1) through (7).

5 (z) "Opiate" means any substance having an addiction-forming or
6 addiction-sustaining liability similar to morphine or being capable of
7 conversion into a drug having addiction-forming or addiction-sustaining
8 liability. The term includes opium, substances derived from opium
9 (opium derivatives), and synthetic opiates. The term does not include,
10 unless specifically designated as controlled under RCW 69.50.201, the
11 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
12 (dextromethorphan). The term includes the racemic and levorotatory
13 forms of dextromethorphan.

14 (aa) "Opium poppy" means the plant of the species *Papaver*
15 *somniferum* L., except its seeds.

16 (bb) "Person" means individual, corporation, business trust,
17 estate, trust, partnership, association, joint venture, government,
18 governmental subdivision or agency, or any other legal or commercial
19 entity.

20 (cc) "Poppy straw" means all parts, except the seeds, of the opium
21 poppy, after mowing.

22 (dd) "Practitioner" means:

23 (1) A physician under chapter 18.71 RCW; a physician assistant
24 under chapter 18.71A RCW; an osteopathic physician and surgeon under
25 chapter 18.57 RCW; an osteopathic physician assistant under chapter
26 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
27 limitations in RCW 18.57A.040; an optometrist licensed under chapter
28 18.53 RCW who is certified by the optometry board under RCW 18.53.010
29 subject to any limitations in RCW 18.53.010; a dentist under chapter
30 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
31 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
32 registered nurse practitioner, or licensed practical nurse under
33 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
34 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
35 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
36 investigator under this chapter, licensed, registered or otherwise
37 permitted insofar as is consistent with those licensing laws to

1 distribute, dispense, conduct research with respect to or administer a
2 controlled substance in the course of their professional practice or
3 research in this state.

4 (2) A pharmacy, hospital or other institution licensed, registered,
5 or otherwise permitted to distribute, dispense, conduct research with
6 respect to or to administer a controlled substance in the course of
7 professional practice or research in this state.

8 (3) A physician licensed to practice medicine and surgery, a
9 physician licensed to practice osteopathic medicine and surgery, a
10 dentist licensed to practice dentistry, a podiatric physician and
11 surgeon licensed to practice podiatric medicine and surgery, a licensed
12 physician assistant or a licensed osteopathic physician assistant
13 specifically approved to prescribe controlled substances by his or her
14 state's medical quality assurance commission or equivalent and his or
15 her supervising physician, an advanced registered nurse practitioner
16 licensed to prescribe controlled substances, or a veterinarian licensed
17 to practice veterinary medicine in any state of the United States.

18 (ee) "Prescription" means an order for controlled substances issued
19 by a practitioner duly authorized by law or rule in the state of
20 Washington to prescribe controlled substances within the scope of his
21 or her professional practice for a legitimate medical purpose.

22 (ff) "Production" includes the manufacturing, planting,
23 cultivating, growing, or harvesting of a controlled substance.

24 (gg) "Retail outlet" means a location licensed by the state liquor
25 control board for the retail sale of useable marijuana and marijuana-
26 infused products.

27 (hh) "Secretary" means the secretary of health or the secretary's
28 designee.

29 (ii) "State," unless the context otherwise requires, means a state
30 of the United States, the District of Columbia, the Commonwealth of
31 Puerto Rico, or a territory or insular possession subject to the
32 jurisdiction of the United States.

33 (jj) "THC concentration" means percent of delta-9
34 tetrahydrocannabinol content per dry weight of any part of the plant
35 *Cannabis*, or per volume or weight of marijuana product, or the combined
36 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid
37 in any part of the plant *Cannabis* regardless of moisture content.

1 (kk) "Ultimate user" means an individual who lawfully possesses a
2 controlled substance for the individual's own use or for the use of a
3 member of the individual's household or for administering to an animal
4 owned by the individual or by a member of the individual's household.

5 (ll) "Useable marijuana" means dried marijuana flowers. The term
6 "useable marijuana" does not include marijuana-infused products.

7 (mm) "Verification card" has the meaning provided in RCW
8 69.51A.010.

9 (nn) "Designated provider" has the meaning provided in RCW
10 69.51A.010.

11 (oo) "Health care professional" has the meaning provided in RCW
12 69.51A.010.

13 (pp) "Qualifying patient" has the meaning provided in RCW
14 69.51A.010.

15 **Sec. 2.** RCW 69.50.331 and 2013 c 3 s 6 (Initiative Measure No.
16 502) are each amended to read as follows:

17 (1) For the purpose of considering any application for a license to
18 produce, process, or sell marijuana, or for the renewal of a license to
19 produce, process, or sell marijuana, the state liquor control board may
20 cause an inspection of the premises to be made, and may inquire into
21 all matters in connection with the construction and operation of the
22 premises. For the purpose of reviewing any application for a license
23 and for considering the denial, suspension, revocation, or renewal or
24 denial thereof, of any license, the state liquor control board may
25 consider any prior criminal conduct of the applicant including an
26 administrative violation history record with the state liquor control
27 board and a criminal history record information check. The state
28 liquor control board may submit the criminal history record information
29 check to the Washington state patrol and to the identification division
30 of the federal bureau of investigation in order that these agencies may
31 search their records for prior arrests and convictions of the
32 individual or individuals who filled out the forms. The state liquor
33 control board shall require fingerprinting of any applicant whose
34 criminal history record information check is submitted to the federal
35 bureau of investigation. The provisions of RCW 9.95.240 and of chapter
36 9.96A RCW shall not apply to these cases. Subject to the provisions of
37 this section, the state liquor control board may, in its discretion,

1 grant or deny the renewal or license applied for. Denial may be based
2 on, without limitation, the existence of chronic illegal activity
3 documented in objections submitted pursuant to subsections (7)(c) and
4 (9) of this section. Authority to approve an uncontested or unopposed
5 license may be granted by the state liquor control board to any staff
6 member the board designates in writing. Conditions for granting this
7 authority shall be adopted by rule. No license of any kind may be
8 issued to:

9 (a) A person under the age of twenty-one years;

10 (b) A person doing business as a sole proprietor who has not
11 lawfully resided in the state for at least three months prior to
12 applying to receive a license;

13 (c) A partnership, employee cooperative, association, nonprofit
14 corporation, or corporation unless formed under the laws of this state,
15 and unless all of the members thereof are qualified to obtain a license
16 as provided in this section; or

17 (d) A person whose place of business is conducted by a manager or
18 agent, unless the manager or agent possesses the same qualifications
19 required of the licensee.

20 (2)(a) The state liquor control board may, in its discretion,
21 subject to the provisions of RCW 69.50.334, suspend or cancel any
22 license; and all protections of the licensee from criminal or civil
23 sanctions under state law for producing, processing, or selling
24 marijuana, useable marijuana, or marijuana-infused products thereunder
25 shall be suspended or terminated, as the case may be.

26 (b) The state liquor control board shall immediately suspend the
27 license of a person who has been certified pursuant to RCW 74.20A.320
28 by the department of social and health services as a person who is not
29 in compliance with a support order. If the person has continued to
30 meet all other requirements for reinstatement during the suspension,
31 reissuance of the license shall be automatic upon the state liquor
32 control board's receipt of a release issued by the department of social
33 and health services stating that the licensee is in compliance with the
34 order.

35 (c) The state liquor control board may request the appointment of
36 administrative law judges under chapter 34.12 RCW who shall have power
37 to administer oaths, issue subpoenas for the attendance of witnesses
38 and the production of papers, books, accounts, documents, and

1 testimony, examine witnesses, and to receive testimony in any inquiry,
2 investigation, hearing, or proceeding in any part of the state, under
3 rules and regulations the state liquor control board may adopt.

4 (d) Witnesses shall be allowed fees and mileage each way to and
5 from any inquiry, investigation, hearing, or proceeding at the rate
6 authorized by RCW 34.05.446. Fees need not be paid in advance of
7 appearance of witnesses to testify or to produce books, records, or
8 other legal evidence.

9 (e) In case of disobedience of any person to comply with the order
10 of the state liquor control board or a subpoena issued by the state
11 liquor control board, or any of its members, or administrative law
12 judges, or on the refusal of a witness to testify to any matter
13 regarding which he or she may be lawfully interrogated, the judge of
14 the superior court of the county in which the person resides, on
15 application of any member of the board or administrative law judge,
16 shall compel obedience by contempt proceedings, as in the case of
17 disobedience of the requirements of a subpoena issued from said court
18 or a refusal to testify therein.

19 (3) Upon receipt of notice of the suspension or cancellation of a
20 license, the licensee shall forthwith deliver up the license to the
21 state liquor control board. Where the license has been suspended only,
22 the state liquor control board shall return the license to the licensee
23 at the expiration or termination of the period of suspension. The
24 state liquor control board shall notify all other licensees in the
25 county where the subject licensee has its premises of the suspension or
26 cancellation of the license; and no other licensee or employee of
27 another licensee may allow or cause any marijuana, useable marijuana,
28 or marijuana-infused products to be delivered to or for any person at
29 the premises of the subject licensee.

30 (4) Every license issued under chapter 3, Laws of 2013 shall be
31 subject to all conditions and restrictions imposed by chapter 3, Laws
32 of 2013 or by rules adopted by the state liquor control board to
33 implement and enforce chapter 3, Laws of 2013. All conditions and
34 restrictions imposed by the state liquor control board in the issuance
35 of an individual license shall be listed on the face of the individual
36 license along with the trade name, address, and expiration date.

37 (5) Every licensee shall post and keep posted its license, or
38 licenses, in a conspicuous place on the premises.

1 (6) No licensee shall employ any person under the age of twenty-one
2 years.

3 (7)(a) Before the state liquor control board issues a new or
4 renewed license to an applicant it shall give notice of the application
5 to the chief executive officer of the incorporated city or town, if the
6 application is for a license within an incorporated city or town, or to
7 the county legislative authority, if the application is for a license
8 outside the boundaries of incorporated cities or towns.

9 (b) The incorporated city or town through the official or employee
10 selected by it, or the county legislative authority or the official or
11 employee selected by it, shall have the right to file with the state
12 liquor control board within twenty days after the date of transmittal
13 of the notice for applications, or at least thirty days prior to the
14 expiration date for renewals, written objections against the applicant
15 or against the premises for which the new or renewed license is asked.
16 The state liquor control board may extend the time period for
17 submitting written objections.

18 (c) The written objections shall include a statement of all facts
19 upon which the objections are based, and in case written objections are
20 filed, the city or town or county legislative authority may request,
21 and the state liquor control board may in its discretion hold, a
22 hearing subject to the applicable provisions of Title 34 RCW. If the
23 state liquor control board makes an initial decision to deny a license
24 or renewal based on the written objections of an incorporated city or
25 town or county legislative authority, the applicant may request a
26 hearing subject to the applicable provisions of Title 34 RCW. If a
27 hearing is held at the request of the applicant, state liquor control
28 board representatives shall present and defend the state liquor control
29 board's initial decision to deny a license or renewal.

30 (d) Upon the granting of a license under this title the state
31 liquor control board shall send written notification to the chief
32 executive officer of the incorporated city or town in which the license
33 is granted, or to the county legislative authority if the license is
34 granted outside the boundaries of incorporated cities or towns.

35 (8) The state liquor control board shall not issue a license for
36 any premises within one thousand feet of the perimeter of the grounds
37 of any elementary or secondary school, playground, recreation center or

1 facility, (~~child care center,~~) or public park, (~~public transit~~
2 ~~center, or library,~~) or any game arcade admission to which is not
3 restricted to persons aged twenty-one years or older.

4 (9) In determining whether to grant or deny a license or renewal of
5 any license, the state liquor control board shall give substantial
6 weight to objections from an incorporated city or town or county
7 legislative authority based upon chronic illegal activity associated
8 with the applicant's operations of the premises proposed to be licensed
9 or the applicant's operation of any other licensed premises, or the
10 conduct of the applicant's patrons inside or outside the licensed
11 premises. "Chronic illegal activity" means (a) a pervasive pattern of
12 activity that threatens the public health, safety, and welfare of the
13 city, town, or county including, but not limited to, open container
14 violations, assaults, disturbances, disorderly conduct, or other
15 criminal law violations, or as documented in crime statistics, police
16 reports, emergency medical response data, calls for service, field
17 data, or similar records of a law enforcement agency for the city,
18 town, county, or any other municipal corporation or any state agency;
19 or (b) an unreasonably high number of citations for violations of RCW
20 46.61.502 associated with the applicant's or licensee's operation of
21 any licensed premises as indicated by the reported statements given to
22 law enforcement upon arrest.

23 **Sec. 3.** RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No.
24 502) are each amended to read as follows:

25 For the purpose of carrying into effect the provisions of chapter
26 3, Laws of 2013 according to their true intent or of supplying any
27 deficiency therein, the state liquor control board may adopt rules not
28 inconsistent with the spirit of chapter 3, Laws of 2013 as are deemed
29 necessary or advisable. Without limiting the generality of the
30 preceding sentence, the state liquor control board is empowered to
31 adopt rules regarding the following:

32 (1) The equipment and management of retail outlets and premises
33 where marijuana is produced or processed, and inspection of the retail
34 outlets and premises;

35 (2) The books and records to be created and maintained by
36 licensees, the reports to be made thereon to the state liquor control
37 board, and inspection of the books and records;

1 (3) Methods of producing, processing, and packaging marijuana,
2 useable marijuana, and marijuana-infused products; conditions of
3 sanitation; and standards of ingredients, quality, and identity of
4 marijuana, useable marijuana, and marijuana-infused products produced,
5 processed, packaged, or sold by licensees;

6 (4) Security requirements for retail outlets and premises where
7 marijuana is produced or processed, and safety protocols for licensees
8 and their employees;

9 (5) Screening, hiring, training, and supervising employees of
10 licensees;

11 (6) Retail outlet locations and hours of operation;

12 (7) Labeling requirements and restrictions on advertisement of
13 marijuana, useable marijuana, and marijuana-infused products;

14 (8) Forms to be used for purposes of chapter 3, Laws of 2013 or the
15 rules adopted to implement and enforce it, the terms and conditions to
16 be contained in licenses issued under chapter 3, Laws of 2013, and the
17 qualifications for receiving a license issued under chapter 3, Laws of
18 2013, including a criminal history record information check. The state
19 liquor control board may submit any criminal history record information
20 check to the Washington state patrol and to the identification division
21 of the federal bureau of investigation in order that these agencies may
22 search their records for prior arrests and convictions of the
23 individual or individuals who filled out the forms. The state liquor
24 control board shall require fingerprinting of any applicant whose
25 criminal history record information check is submitted to the federal
26 bureau of investigation;

27 (9) Application, reinstatement, and renewal fees for licenses
28 issued under chapter 3, Laws of 2013, and fees for anything done or
29 permitted to be done under the rules adopted to implement and enforce
30 chapter 3, Laws of 2013;

31 (10) The manner of giving and serving notices required by chapter
32 3, Laws of 2013 or rules adopted to implement or enforce it;

33 (11) Times and periods when, and the manner, methods, and means by
34 which, licensees shall transport and deliver marijuana, useable
35 marijuana, and marijuana-infused products within the state;

36 (12) Identification, seizure, confiscation, destruction, or
37 donation to law enforcement for training purposes of all marijuana,
38 useable marijuana, and marijuana-infused products produced, processed,

1 sold, or offered for sale within this state which do not conform in all
2 respects to the standards prescribed by chapter 3, Laws of 2013 or the
3 rules adopted to implement and enforce it(~~(: PROVIDED, That nothing in~~
4 ~~chapter 3, Laws of 2013 shall be construed as authorizing the state~~
5 ~~liquor control board to seize, confiscate, destroy, or donate to law~~
6 ~~enforcement marijuana, useable marijuana, or marijuana-infused products~~
7 ~~produced, processed, sold, offered for sale, or possessed in compliance~~
8 ~~with the Washington state medical use of cannabis act,)) or chapter
9 69.51A RCW.~~

10 **Sec. 4.** RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No.
11 502) are each amended to read as follows:

12 The state liquor control board, subject to the provisions of this
13 chapter (~~(3, Laws of 2013)~~), must adopt rules (~~(by December 1, 2013,)~~)
14 that establish the procedures and criteria necessary to implement the
15 following:

16 (1) Licensing of marijuana producers, marijuana processors, and
17 marijuana retailers, including prescribing forms and establishing
18 application, reinstatement, and renewal fees;

19 (2) Determining, in consultation with the office of financial
20 management, the maximum number of retail outlets that may be licensed
21 in each county, taking into consideration:

22 (a) Population distribution;

23 (b) Security and safety issues; (~~and~~)

24 (c) The provision of adequate access to licensed sources of useable
25 marijuana and marijuana-infused products to discourage purchases from
26 the illegal market; and

27 (d) The needs of qualifying patients;

28 (3) Determining the maximum quantity of marijuana a marijuana
29 producer may have on the premises of a licensed location at any time
30 without violating Washington state law;

31 (4) Determining the maximum quantities of marijuana, useable
32 marijuana, and marijuana-infused products a marijuana processor may
33 have on the premises of a licensed location at any time without
34 violating Washington state law;

35 (5) Determining the maximum quantities of useable marijuana and
36 marijuana-infused products a marijuana retailer may have on the

1 premises of a retail outlet at any time without violating Washington
2 state law;

3 (6) In making the determinations required by subsections (3)
4 through (5) of this section, the state liquor control board shall take
5 into consideration:

6 (a) Security and safety issues;

7 (b) The provision of adequate access to licensed sources of
8 marijuana, useable marijuana, and marijuana-infused products to
9 discourage purchases from the illegal market; and

10 (c) Economies of scale, and their impact on licensees' ability to
11 both comply with regulatory requirements and undercut illegal market
12 prices;

13 (7) Determining the nature, form, and capacity of all containers to
14 be used by licensees to contain marijuana, useable marijuana, and
15 marijuana-infused products, and their labeling requirements, to include
16 but not be limited to:

17 (a) The business or trade name and Washington state unified
18 business identifier number of the licensees that grew, processed, and
19 sold the marijuana, useable marijuana, or marijuana-infused product;

20 (b) Lot numbers of the marijuana, useable marijuana, or marijuana-
21 infused product;

22 (c) THC concentration of the marijuana, useable marijuana, or
23 marijuana-infused product;

24 (d) Medically and scientifically accurate information about the
25 health and safety risks posed by marijuana use; and

26 (e) Language required by RCW 69.04.480;

27 (8) In consultation with the department of agriculture,
28 establishing classes of marijuana, useable marijuana, and marijuana-
29 infused products according to grade, condition, cannabinoid profile,
30 THC concentration, or other qualitative measurements deemed appropriate
31 by the state liquor control board;

32 (9) Establishing reasonable time, place, and manner restrictions
33 and requirements regarding advertising of marijuana, useable marijuana,
34 and marijuana-infused products that are not inconsistent with the
35 provisions of this chapter ((3, ~~Laws of 2013~~)), taking into
36 consideration:

37 (a) Federal laws relating to marijuana that are applicable within
38 Washington state;

1 (b) Minimizing exposure of people under twenty-one years of age to
2 the advertising; and

3 (c) The inclusion of medically and scientifically accurate
4 information about the health and safety risks posed by marijuana use in
5 the advertising;

6 (10) Specifying and regulating the time and periods when, and the
7 manner, methods, and means by which, licensees shall transport and
8 deliver marijuana, useable marijuana, and marijuana-infused products
9 within the state;

10 (11) In consultation with the department and the department of
11 agriculture, establishing accreditation requirements for testing
12 laboratories used by licensees to demonstrate compliance with standards
13 adopted by the state liquor control board, and prescribing methods of
14 producing, processing, and packaging marijuana, useable marijuana, and
15 marijuana-infused products; conditions of sanitation; and standards of
16 ingredients, quality, and identity of marijuana, useable marijuana, and
17 marijuana-infused products produced, processed, packaged, or sold by
18 licensees;

19 (12) Specifying procedures for identifying, seizing, confiscating,
20 destroying, and donating to law enforcement for training purposes all
21 marijuana, useable marijuana, and marijuana-infused products produced,
22 processed, packaged, labeled, or offered for sale in this state that do
23 not conform in all respects to the standards prescribed by this chapter
24 (~~(3, Laws of 2013)~~) or the rules of the state liquor control board.

25 **Sec. 5.** RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No.
26 502) are each amended to read as follows:

27 There may be licensed, in no greater number in each of the counties
28 of the state than as the state liquor control board shall deem
29 advisable, retail outlets established for the purpose of making useable
30 marijuana and marijuana-infused products available for sale to adults
31 aged twenty-one and over and for qualifying patients aged eighteen and
32 older under RCW 69.50.357. Retail sale of useable marijuana and
33 marijuana-infused products in accordance with the provisions of this
34 chapter (~~(3, Laws of 2013)~~) and chapter 69.51A RCW and the rules
35 adopted to implement and enforce (~~(it)~~) this chapter, by a validly
36 licensed marijuana retailer or retail outlet employee, shall not be a
37 criminal or civil offense under Washington state law.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50 RCW
2 to read as follows:

3 (1) A marijuana retailer may apply for an endorsement to sell
4 useable marijuana and marijuana-infused products to:

5 (a) Qualifying patients aged eighteen or older who hold a valid
6 verification card; and

7 (b) Designated providers aged twenty-one or older who hold a valid
8 verification card.

9 (2) To be issued an endorsement, a marijuana retailer must:

10 (a) Be in compliance with this chapter and chapter 69.51A RCW;

11 (b) Ensure that there is one employee or volunteer on the premises
12 during business hours who has demonstrated experience and education
13 relating to the medical use of marijuana and who is able to provide
14 assistance to qualifying patients in the medical use of marijuana;

15 (c) Not authorize qualifying patients at the retail location or
16 permit health care professionals to provide authorizations to
17 qualifying patients at the retail location;

18 (d) Carry useable marijuana and marijuana-infused products with a
19 cannabidiol level identified by the department under subsection (3) of
20 this section;

21 (e) Not use labels or market useable marijuana or marijuana-infused
22 products in a way that make them intentionally attractive to minors or
23 recreational users; and

24 (f) Meet other requirements as adopted by rule of the department or
25 the state liquor control board.

26 (3) The department must adopt rules on requirements for marijuana
27 and marijuana-infused products that may be sold to qualifying patients
28 under an endorsement. These rules must include THC concentration or
29 cannabidiol concentration appropriate for marijuana or marijuana-
30 infused products sold to qualifying patients and that the labels
31 attached to marijuana or marijuana-infused products contain THC
32 concentration and cannabidiol concentration amounts.

33 (4) A marijuana retailer holding an endorsement to sell marijuana
34 to qualifying patients may consult the medical marijuana verification
35 program established in section 19 of this act for the sole purpose of
36 confirming the validity of qualifying patient or designated provider
37 verification cards.

1 **Sec. 7.** RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No.
2 502) are each amended to read as follows:

3 (1) Retail outlets shall sell no products or services other than
4 useable marijuana, marijuana-infused products, or paraphernalia
5 intended for the storage or use of useable marijuana or marijuana-
6 infused products.

7 (2) Licensed marijuana retailers shall not employ persons under
8 twenty-one years of age or allow persons under twenty-one years of age
9 to enter or remain on the premises of a retail outlet. However,
10 marijuana retailers holding a medical marijuana endorsement may allow
11 qualifying patients aged eighteen years of age or older to enter or
12 remain on the premises of a retail outlet if they possess a valid
13 verification card.

14 (3) Licensed marijuana retailers shall not display any signage in
15 a window, on a door, or on the outside of the premises of a retail
16 outlet that is visible to the general public from a public right-of-
17 way, other than a single sign no larger than one thousand six hundred
18 square inches identifying the retail outlet by the licensee's business
19 or trade name.

20 (4) Licensed marijuana retailers shall not display useable
21 marijuana or marijuana-infused products in a manner that is visible to
22 the general public from a public right-of-way.

23 (5) No licensed marijuana retailer or employee of a retail outlet
24 shall open or consume, or allow to be opened or consumed, any useable
25 marijuana or marijuana-infused product on the outlet premises.

26 (6) The state liquor control board shall fine a licensee one
27 thousand dollars for each violation of any subsection of this section.
28 Fines collected under this section must be deposited into the dedicated
29 marijuana fund created under RCW 69.50.530.

30 **Sec. 8.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No.
31 502) are each amended to read as follows:

32 The following acts, when performed by a validly licensed marijuana
33 retailer or employee of a validly licensed retail outlet in compliance
34 with rules adopted by the state liquor control board to implement and
35 enforce this chapter (~~(3, Laws of 2013)~~), shall not constitute criminal
36 or civil offenses under Washington state law:

1 (1) Purchase and receipt of useable marijuana or marijuana-infused
2 products that have been properly packaged and labeled from a marijuana
3 processor validly licensed under this chapter (~~(3, Laws of 2013)~~);

4 (2) Possession of quantities of useable marijuana or marijuana-
5 infused products that do not exceed the maximum amounts established by
6 the state liquor control board under RCW 69.50.345(5); (~~and~~)

7 (3) Except as provided in subsection (4) of this section, delivery,
8 distribution, and sale, on the premises of the retail outlet, of any
9 combination of the following amounts of useable marijuana or marijuana-
10 infused product to any person twenty-one years of age or older:

11 (a) One ounce of useable marijuana;

12 (b) Sixteen ounces of marijuana-infused product in solid form; or

13 (c) Seventy-two ounces of marijuana-infused product in liquid form;

14 and

15 (4) Delivery, distribution, and sale, on the premises of the retail
16 outlet holding a medical marijuana endorsement, of any combination of
17 the following amounts of useable marijuana or marijuana-infused product
18 to a qualifying patient holding a valid verification card who is
19 eighteen years of age or older or a designated provider holding a valid
20 verification card:

21 (a) Three ounces of useable marijuana;

22 (b) Forty-eight ounces of marijuana-infused product in solid form;

23 (c) Two hundred sixteen ounces of marijuana-infused product in
24 liquid form.

25 **Sec. 9.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.
26 502) are each amended to read as follows:

27 (1) It is unlawful for any person to possess a controlled substance
28 unless the substance was obtained directly from, or pursuant to, a
29 valid prescription or order of a practitioner while acting in the
30 course of his or her professional practice, or except as otherwise
31 authorized by this chapter.

32 (2) Except as provided in RCW 69.50.4014, any person who violates
33 this section is guilty of a class C felony punishable under chapter
34 9A.20 RCW.

35 (3)(a) The possession, by a person twenty-one years of age or
36 older, of useable marijuana or marijuana-infused products in amounts

1 that do not exceed those set forth in RCW 69.50.360(3) is not a
2 violation of this section, this chapter, or any other provision of
3 Washington state law.

4 (b) The possession by a qualifying patient or designated provider
5 of useable marijuana, marijuana-infused products, or plants, as that
6 term is defined in RCW 69.51A.010, in accordance with RCW 69.51A.040 is
7 not a violation of this section, this chapter, or any other provision
8 of Washington state law.

9 **Sec. 10.** RCW 69.50.535 and 2013 c 3 s 27 (Initiative Measure No.
10 502) are each amended to read as follows:

11 (1) There is levied and collected a marijuana excise tax equal to
12 twenty-five percent of the selling price on each wholesale sale in this
13 state of marijuana by a licensed marijuana producer to a licensed
14 marijuana processor or another licensed marijuana producer. This tax
15 is the obligation of the licensed marijuana producer.

16 (2) There is levied and collected a marijuana excise tax equal to
17 twenty-five percent of the selling price on each wholesale sale in this
18 state of useable marijuana or marijuana-infused product by a licensed
19 marijuana processor to a licensed marijuana retailer. This tax is the
20 obligation of the licensed marijuana processor.

21 (3) Except as provided in subsection (4) of this section, there is
22 levied and collected a marijuana excise tax equal to twenty-five
23 percent of the selling price on each retail sale in this state of
24 useable marijuana and marijuana-infused products. This tax is the
25 obligation of the licensed marijuana retailer, is separate and in
26 addition to general state and local sales and use taxes that apply to
27 retail sales of tangible personal property, and is part of the total
28 retail price to which general state and local sales and use taxes
29 apply.

30 (4) Subsection (3) of this section does not apply to the retail
31 sale of useable marijuana or marijuana-infused products by marijuana
32 retailers who hold medical marijuana endorsements to qualified patients
33 or designated providers who hold verification cards.

34 (5) All revenues collected from the marijuana excise taxes imposed
35 under subsections (1) through (3) of this section shall be deposited
36 each day in a depository approved by the state treasurer and

1 transferred to the state treasurer to be credited to the dedicated
2 marijuana fund.

3 ~~((+5+))~~ (6) The state liquor control board shall regularly review
4 the tax levels established under this section and make recommendations
5 to the legislature as appropriate regarding adjustments that would
6 further the goal of discouraging use while undercutting illegal market
7 prices.

8 **Sec. 11.** RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No.
9 502) are each amended to read as follows:

10 All marijuana excise taxes collected from sales of marijuana,
11 useable marijuana, and marijuana-infused products under RCW 69.50.535,
12 and the license fees, penalties, and forfeitures derived under chapter
13 3, Laws of 2013 from marijuana producer, marijuana processor, and
14 marijuana retailer licenses shall every three months be disbursed by
15 the state liquor control board as follows:

16 (1) One hundred twenty-five thousand dollars to the department of
17 social and health services to design and administer the Washington
18 state healthy youth survey, analyze the collected data, and produce
19 reports, in collaboration with the office of the superintendent of
20 public instruction, department of health, department of commerce,
21 family policy council, and state liquor control board. The survey
22 shall be conducted at least every two years and include questions
23 regarding, but not necessarily limited to, academic achievement, age at
24 time of substance use initiation, antisocial behavior of friends,
25 attitudes toward antisocial behavior, attitudes toward substance use,
26 laws and community norms regarding antisocial behavior, family
27 conflict, family management, parental attitudes toward substance use,
28 peer rewarding of antisocial behavior, perceived risk of substance use,
29 and rebelliousness. Funds disbursed under this subsection may be used
30 to expand administration of the healthy youth survey to student
31 populations attending institutions of higher education in Washington;

32 (2) Fifty thousand dollars to the department of social and health
33 services for the purpose of contracting with the Washington state
34 institute for public policy to conduct the cost-benefit evaluation and
35 produce the reports described in RCW 69.50.550. This appropriation
36 shall end after production of the final report required by RCW
37 69.50.550;

1 (3) Five thousand dollars to the University of Washington alcohol
2 and drug abuse institute for the creation, maintenance, and timely
3 updating of web-based public education materials providing medically
4 and scientifically accurate information about the health and safety
5 risks posed by marijuana use;

6 (4) An amount not exceeding one million two hundred fifty thousand
7 dollars to the state liquor control board as is necessary for
8 administration of chapter 3, Laws of 2013;

9 (5) Of the funds remaining after the disbursements identified in
10 subsections (1) through (4) of this section:

11 (a) Fifteen percent to the department of social and health services
12 division of behavioral health and recovery for implementation and
13 maintenance of programs and practices aimed at the prevention or
14 reduction of maladaptive substance use, substance-use disorder,
15 substance abuse or substance dependence, as these terms are defined in
16 the Diagnostic and Statistical Manual of Mental Disorders, among middle
17 school and high school age students, whether as an explicit goal of a
18 given program or practice or as a consistently corresponding effect of
19 its implementation; PROVIDED, That:

20 (i) Of the funds disbursed under (a) of this subsection, at least
21 eighty-five percent must be directed to evidence-based and cost-
22 beneficial programs and practices that produce objectively measurable
23 results; and

24 (ii) Up to fifteen percent of the funds disbursed under (a) of this
25 subsection may be directed to research-based and emerging best
26 practices or promising practices.

27 In deciding which programs and practices to fund, the secretary of
28 the department of social and health services shall consult, at least
29 annually, with the University of Washington's social development
30 research group and the University of Washington's alcohol and drug
31 abuse institute;

32 (b) Ten percent to the department of health for the creation,
33 implementation, operation, and management of a marijuana education and
34 public health program that contains the following:

35 (i) A marijuana use public health hotline that provides referrals
36 to substance abuse treatment providers, utilizes evidence-based or
37 research-based public health approaches to minimizing the harms

1 associated with marijuana use, and does not solely advocate an
2 abstinence-only approach;

3 (ii) A grants program for local health departments or other local
4 community agencies that supports development and implementation of
5 coordinated intervention strategies for the prevention and reduction of
6 marijuana use by youth; and

7 (iii) Media-based education campaigns across television, internet,
8 radio, print, and out-of-home advertising, separately targeting youth
9 and adults, that provide medically and scientifically accurate
10 information about the health and safety risks posed by marijuana use;

11 (c) Six-tenths of one percent to the University of Washington and
12 four-tenths of one percent to Washington State University for research
13 on the short and long-term effects of marijuana use, to include but not
14 be limited to formal and informal methods for estimating and measuring
15 intoxication and impairment, and for the dissemination of such
16 research;

17 ~~(d) ((Fifty percent to the state basic health plan trust account to
18 be administered by the Washington basic health plan administrator and
19 used as provided under chapter 70.47 RCW;~~

20 ~~(e))~~ Eight percent to the University of Washington and eight
21 percent to the Washington State University to fund the research
22 permitted in RCW 28B.50.502;

23 (e)(i) Twelve percent to counties, distributed in the manner
24 described in section 12 of this act, for the purposes of law
25 enforcement and public safety activities;

26 (ii) Twelve percent to incorporated cities and towns, distributed
27 in the manner described in section 12 of this act, for the purposes of
28 law enforcement and public safety activities;

29 (f) Five percent to the department to fund the development and
30 implementation of the medical marijuana verification program
31 established in section 19 of this act;

32 (g) Five percent to the department of social and health services to
33 be expended through grants to the regional support networks under
34 chapter 71.24 RCW;

35 (h) Five percent to the Washington state health care authority to
36 be expended exclusively through contracts with community health centers
37 to provide primary health and dental care services, migrant health

1 services, and maternity health care services as provided under RCW
2 41.05.220;

3 ~~((f))~~ (i) Three-tenths of one percent to the office of the
4 superintendent of public instruction to fund grants to building bridges
5 programs under chapter 28A.175 RCW; and

6 ~~((g))~~ (j) The remainder to the general fund.

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

9 (1) With respect to the distribution of funds to the counties under
10 RCW 69.50.540, the computations for distribution must be made by the
11 state liquor control board as follows:

12 (a) The share coming to each county must be based on the number of
13 marijuana producers, marijuana processors, and marijuana retailers in
14 the county, with counties with the highest number of such licensees
15 receiving a proportionally higher share than those counties with fewer
16 licensees;

17 (b) The state liquor control board must annually review the
18 distribution of funds provided in (a) of this subsection.

19 (2) With respect to the distribution of funds to incorporated
20 cities or towns, the computations for distribution must be made by the
21 state liquor control board as follows:

22 (a) The share coming to each county must be based on the number of
23 marijuana producers, marijuana processors, and marijuana retailers in
24 the city or town, with cities or towns with the highest number of such
25 licensees receiving a proportionally higher share than those counties
26 with fewer licensees;

27 (b) The state liquor control board must annually review the
28 distribution of funds provided in (a) of this subsection.

29 **Sec. 13.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to
30 read as follows:

31 The University of Washington and Washington State University may
32 conduct scientific research on the efficacy and safety of administering
33 ~~((cannabis))~~ marijuana as part of medical treatment. As part of this
34 research, the University of Washington and Washington State University
35 may develop and conduct studies to ascertain the general medical safety

1 and efficacy of ((~~cannabis~~)) marijuana and may develop medical
2 guidelines for the appropriate administration and use of ((~~cannabis~~))
3 marijuana.

4 **Sec. 14.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
5 read as follows:

6 (1) The legislature finds that:

7 (a) There is medical evidence that some patients with terminal or
8 debilitating medical conditions may, under their health care
9 professional's care, benefit from the medical use of ((~~cannabis~~))
10 marijuana. Some of the conditions for which ((~~cannabis~~)) marijuana
11 appears to be beneficial include, but are not limited to:

12 (i) Nausea, vomiting, and cachexia associated with cancer, HIV-
13 positive status, AIDS, hepatitis C, anorexia, and their treatments;

14 (ii) Severe muscle spasms associated with multiple sclerosis,
15 epilepsy, and other seizure and spasticity disorders;

16 (iii) Acute or chronic glaucoma;

17 (iv) Crohn's disease; and

18 (v) Some forms of intractable pain.

19 (b) Humanitarian compassion necessitates that the decision to use
20 ((~~cannabis~~)) marijuana by patients with terminal or debilitating
21 medical conditions is a personal, individual decision, based upon their
22 health care professional's professional medical judgment and
23 discretion.

24 (2) Therefore, the legislature intends that, so long as such
25 activities are in compliance with this chapter:

26 (a) Qualifying patients with terminal or debilitating medical
27 conditions who, in the judgment of their health care professionals, may
28 benefit from the medical use of ((~~cannabis~~)) marijuana, shall not be
29 arrested, prosecuted, or subject to other criminal sanctions or civil
30 consequences under state law based solely on their medical use of
31 ((~~cannabis~~)) marijuana, notwithstanding any other provision of law;

32 (b) Persons who act as designated providers to such patients shall
33 also not be arrested, prosecuted, or subject to other criminal
34 sanctions or civil consequences under state law, notwithstanding any
35 other provision of law, based solely on their assisting with the
36 medical use of ((~~cannabis~~)) marijuana; and

1 (c) Health care professionals shall also not be arrested,
2 prosecuted, or subject to other criminal sanctions or civil
3 consequences under state law for the proper authorization of medical
4 use of ~~((cannabis))~~ marijuana by qualifying patients for whom, in the
5 health care professional's professional judgment, the medical use of
6 ~~((cannabis))~~ marijuana may prove beneficial.

7 (3) Nothing in this chapter establishes the medical necessity or
8 medical appropriateness of ~~((cannabis))~~ marijuana for treating terminal
9 or debilitating medical conditions as defined in RCW 69.51A.010.

10 (4) Nothing in this chapter diminishes the authority of
11 correctional agencies and departments, including local governments or
12 jails, to establish a procedure for determining when the use of
13 ~~((cannabis))~~ marijuana would impact community safety or the effective
14 supervision of those on active supervision for a criminal conviction,
15 nor does it create the right to any accommodation of any medical use of
16 ~~((cannabis))~~ marijuana in any correctional facility or jail.

17 **Sec. 15.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Designated provider" means a person who ~~((+~~
22 ~~(a+))~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((+~~
23 ~~(b+))~~ and:

24 (a)(i) Is the parent or guardian of a qualifying patient who is
25 under the age of eighteen; or

26 (ii) Has been designated in writing by a qualifying patient to
27 serve as a designated provider ~~((under this chapter))~~ for that patient;

28 ~~((+e))~~ (b) Has been entered into the medical marijuana
29 verification program as being the designated provider to a qualifying
30 patient, who must also be entered in the verification program, and may
31 only provide medical marijuana to that qualifying patient;

32 (c) Is prohibited from consuming marijuana obtained for the
33 personal, medical use of the qualifying patient for whom the individual
34 is acting as designated provider; ~~((and))~~

35 (d) Is in compliance with this chapter; and

36 (e) Is the designated provider to only one patient at any one time.

1 (2) "Health care professional," for purposes of this chapter only,
2 means a physician licensed under chapter 18.71 RCW, a physician
3 assistant licensed under chapter 18.71A RCW, an osteopathic physician
4 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
5 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
6 18.36A RCW, or an advanced registered nurse practitioner licensed under
7 chapter 18.79 RCW.

8 (3) "Medical use of marijuana" means the manufacture, production,
9 possession, transportation, delivery, ingestion, application, or
10 administration of marijuana(~~(, as defined in RCW 69.50.101(q),)~~) for
11 the exclusive benefit of a qualifying patient in the treatment of his
12 or her terminal or debilitating (~~(illness)~~) medical condition.

13 (4) "Qualifying patient" means a person who:

14 (a)(~~i~~) (i) Is a patient of a health care professional;

15 (~~(b)~~) (ii) Has been diagnosed by that health care professional as
16 having a terminal or debilitating medical condition;

17 (~~(c)~~) (iii) Is a resident of the state of Washington at the time
18 of such diagnosis;

19 (~~(d)~~) (iv) Has been advised by that health care professional
20 about the risks and benefits of the medical use of marijuana; (~~and~~

21 ~~(e)~~) (v) Has been advised by that health care professional that
22 (~~they~~) he or she may benefit from the medical use of marijuana; and

23 (vi) Is otherwise in compliance with the terms and conditions
24 established in this chapter.

25 (b) "Qualifying patient" does not include a person who is actively
26 being supervised for a criminal conviction by a corrections agency or
27 department that has determined that the terms of this chapter are
28 inconsistent with and contrary to his or her supervision and all
29 related processes and procedures related to that supervision.

30 (5) "Tamper-resistant (~~(paper)~~) document" means (~~(paper)~~) a
31 document that meets one or more of the following industry-recognized
32 features:

33 (a) One or more features designed to prevent copying of the
34 (~~(paper)~~) document;

35 (b) One or more features designed to prevent the erasure or
36 modification of information on the (~~(paper)~~) document; or

37 (c) One or more features designed to prevent the use of counterfeit
38 valid documentation.

1 (6) "Terminal or debilitating medical condition" means a condition
2 severe enough to significantly interfere with the patient's activities
3 of daily living and ability to function, which can be objectively
4 assessed and evaluated and limited to the following:

5 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,
6 epilepsy or other seizure disorder, or spasticity disorders; ((~~or~~))

7 (b) Intractable pain, limited for the purpose of this chapter to
8 mean pain unrelieved by standard medical treatments and medications and
9 which significantly interferes with the patient's activities of daily
10 living and the ability to function; ((~~or~~))

11 (c) Glaucoma, either acute or chronic, limited for the purpose of
12 this chapter to mean increased intraocular pressure unrelieved by
13 standard treatments and medications; ((~~or~~))

14 (d) Crohn's disease with debilitating symptoms unrelieved by
15 standard treatments or medications; ((~~or~~))

16 (e) Hepatitis C with debilitating nausea or intractable pain
17 unrelieved by standard treatments or medications; ((~~or~~))

18 (f) Diseases, including anorexia, which result in nausea, vomiting,
19 wasting, appetite loss, cramping, seizures, muscle spasms, or
20 spasticity, when these symptoms are unrelieved by standard treatments
21 or medications; or

22 (g) Any other medical condition duly approved by the Washington
23 state medical quality assurance commission in consultation with the
24 board of osteopathic medicine and surgery as directed in this chapter.

25 (7) "Valid documentation" means:

26 (a) A statement signed and dated by a qualifying patient's health
27 care professional written on a tamper-resistant ((~~paper~~)) document,
28 which states that, in the health care professional's professional
29 opinion, the patient may benefit from the medical use of marijuana; and

30 (b) Proof of identity such as a Washington state driver's license
31 or identicard, as defined in RCW 46.20.035.

32 (8) "Verification card" means a card issued by the department to
33 qualifying patients whose health care professionals have entered them
34 into the department's medical marijuana verification program.

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

36 (10) "Marijuana" has the meaning provided in RCW 69.50.101.

37 (11) "Marijuana processor" has the meaning provided in RCW
38 69.50.101.

1 (12) "Marijuana producer" has the meaning provided in RCW
2 69.50.101.

3 (13) "Marijuana retailer" has the meaning provided in RCW
4 69.50.101.

5 (14) "Marijuana-infused products" has the meaning provided in RCW
6 69.50.101.

7 (15) "Medical marijuana verification program" means a secure and
8 confidential program that issues verification cards to qualifying
9 patients and designated providers as provided in section 19 of this
10 act.

11 (16) "Plant" means a marijuana plant having at least three
12 distinguishable and distinct leaves, each leaf being at least three
13 centimeters in diameter, and a readily observable root formation
14 consisting of at least two separate and distinct roots, each being at
15 least two centimeters in length. Multiple stalks emanating from the
16 same root ball or root system is considered part of the same single
17 plant.

18 (17) "Public place" includes streets and alleys of incorporated
19 cities and towns; state or county or township highways or roads;
20 buildings and grounds used for school purposes; public dance halls and
21 grounds adjacent thereto; premises where goods and services are offered
22 to the public for retail sale; public buildings, public meeting halls,
23 lobbies, halls and dining rooms of hotels, restaurants, theaters,
24 stores, garages, and filling stations that are open to and are
25 generally used by the public and to which the public is permitted to
26 have unrestricted access; railroad trains, stages, buses, ferries, and
27 other public conveyances of all kinds and character, and the depots,
28 stops, and waiting rooms used in conjunction therewith which are open
29 to unrestricted use and access by the public; publicly owned bathing
30 beaches, parks, or playgrounds; and all other places of like or similar
31 nature to which the general public has unrestricted right of access,
32 and that are generally used by the public.

33 (18) "THC concentration" has the meaning provided in RCW 69.50.101.

34 **Sec. 16.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
35 read as follows:

36 (1) The following acts do not constitute crimes under state law or
37 unprofessional conduct under chapter 18.130 RCW, and a health care

1 professional may not be arrested, searched, prosecuted, disciplined, or
2 subject to other criminal sanctions or civil consequences or liability
3 under state law, or have real or personal property searched, seized, or
4 forfeited pursuant to state law, notwithstanding any other provision of
5 law as long as the health care professional complies with subsection
6 (2) of this section:

7 (a) Advising a patient about the risks and benefits of medical use
8 of ~~((cannabis))~~ marijuana or that the patient may benefit from the
9 medical use of ~~((cannabis))~~ marijuana; or

10 (b) Providing a patient meeting the criteria established under RCW
11 69.51A.010~~((+26+))~~ (4) with valid documentation or adding a patient to
12 the medical marijuana verification program, based upon the health care
13 professional's assessment of the patient's medical history and current
14 medical condition, ~~((where such use is))~~ if the health care
15 professional has complied with this chapter and he or she determines
16 within a professional standard of care or in the individual health care
17 professional's medical judgment the qualifying patient may benefit from
18 use of medical marijuana.

19 (2)(a) A health care professional may only provide a patient with
20 valid documentation authorizing the medical use of ~~((cannabis))~~
21 marijuana or ~~((register))~~ add the patient ~~((with))~~ in the ~~((registry))~~
22 medical marijuana verification program established in section ~~((901))~~
23 19 of this act if he or she has a ~~((newly initiated or existing))~~
24 documented relationship with the patient, as a primary care provider or
25 a specialist, relating to the diagnosis and ongoing treatment or
26 monitoring of the patient's terminal or debilitating medical condition,
27 and only after:

28 (i) Successfully completing a practice guidelines training approved
29 by the department as described in section 17 of this act;

30 (ii) Completing ~~((a))~~ an in-person physical examination of the
31 patient ~~((as appropriate, based on the patient's condition and age));~~

32 ~~((+ii))~~ (iii) Documenting the terminal or debilitating medical
33 condition of the patient in the patient's medical record and that the
34 patient may benefit from treatment of this condition or its symptoms
35 with medical use of ~~((cannabis))~~ marijuana;

36 ~~((+iii))~~ (iv) Informing the patient of other options for treating
37 the terminal or debilitating medical condition and documenting in the

1 patient's medical record that the patient has received this
2 information; and

3 ~~((iv))~~ (v) Documenting in the patient's medical record other
4 measures attempted to treat the terminal or debilitating medical
5 condition that do not involve the medical use of ~~((cannabis))~~
6 marijuana.

7 (b) A health care professional shall not:

8 (i) Accept, solicit, or offer any form of pecuniary remuneration
9 from or to a ~~((licensed dispenser, licensed producer, or licensed~~
10 ~~processor of cannabis products))~~ marijuana retailer, marijuana
11 processor, or marijuana producer;

12 (ii) Offer a discount or any other thing of value to a qualifying
13 patient who is a customer of, or agrees to be a customer of, a
14 particular ~~((licensed dispenser, licensed producer, or licensed~~
15 ~~processor of cannabis products))~~ marijuana retailer;

16 (iii) Examine or offer to examine a patient for purposes of
17 diagnosing a terminal or debilitating medical condition at a location
18 where ~~((cannabis))~~ marijuana is produced, processed, or ~~((dispensed))~~
19 sold;

20 (iv) Have a business or practice which consists ~~((solely))~~
21 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana.
22 However, the health care professional's business or practice must have
23 a permanent physical location;

24 (v) Include any statement or reference, visual or otherwise, on the
25 medical use of ~~((cannabis))~~ marijuana in any advertisement for his or
26 her business or practice; or

27 (vi) Hold an economic interest in an enterprise that produces,
28 processes, or ~~((dispenses cannabis))~~ sells marijuana if the health care
29 professional authorizes the medical use of ~~((cannabis))~~ marijuana.

30 (3) A violation of any provision of subsection (2) of this section
31 constitutes unprofessional conduct under chapter 18.130 RCW.

32 NEW SECTION. Sec. 17. A new section is added to chapter 69.51A
33 RCW to read as follows:

34 (1) The department must convene a work group of representatives of
35 the University of Washington, the Washington State University, medical
36 quality assurance commission, the board of osteopathic medicine and
37 surgery, the nursing care quality assurance commission, the board of

1 naturopathy, and persons able to demonstrate through experience or
2 education expertise in the medical use of marijuana to develop
3 evidence-based practice guidelines for health care professionals to
4 consider when authorizing the medical use of marijuana. The practice
5 guidelines must consider any medical guidelines developed by the
6 University of Washington and Washington State University under RCW
7 28B.20.502 and address:

8 (a) Conditions that may benefit from the medical use of marijuana;

9 (b) Assessing a patient to determine if he or she has a
10 debilitating condition or intractable pain;

11 (c) Conducting an adequate examination of a patient for the need
12 for marijuana for medical use;

13 (d) Dosing criteria related to the medical use of marijuana;

14 (e) Developing a treatment plan for patients who may benefit from
15 the medical use of marijuana;

16 (f) Communicating with a patient about the medical use of marijuana
17 and other options for treating his or her terminal or debilitating
18 medical condition;

19 (g) Maintaining records for patients who have been authorized to
20 use marijuana for medical purposes; and

21 (h) Other issues identified by the work group as necessary to
22 provide appropriate care to patients who have been authorized to use
23 marijuana for medical purposes.

24 (2) The department must create a training program or approve a
25 training program that incorporates the guidelines developed under
26 subsection (1) of this section. The training program must also include
27 information on the laws of the state relating to the medical use of
28 marijuana, and health care professional responsibilities under RCW
29 69.51A.030.

30 (3) Health care professionals may not add qualifying patients or
31 designated providers to the medical marijuana verification program
32 developed under section 19 of this act until they have successfully
33 completed a training program.

34 NEW SECTION. **Sec. 18.** A new section is added to chapter 69.51A
35 RCW to read as follows:

36 (1) Health care professionals may authorize the medical use of
37 marijuana for qualifying patients who are under the age of eighteen if:

1 (a) The minor's parent or guardian participates in the minor's
2 treatment and agrees to the use of medical marijuana by the minor;

3 (b) The parent or guardian acts as the designated provider for the
4 minor and has sole control over the minor's medical marijuana.
5 However, the minor may possess up to the amount of medical marijuana
6 that is necessary for his or her next dose; and

7 (c) The minor may not grow plants or purchase marijuana from a
8 marijuana retailer.

9 (2) A health care professional who authorizes the medical use of
10 marijuana by a minor must do so as part of the course of treatment of
11 the minor's terminal or debilitating medical condition. If authorizing
12 a minor for the medical use of marijuana, the health care professional
13 must:

14 (a) Consult with other health care providers involved in the
15 child's treatment before authorization or reauthorization of the
16 medical use of marijuana;

17 (b) Reexamine the minor at least once a year or more frequently as
18 medically indicated. The reexamination must:

19 (i) Determine that the minor continues to have a terminal or
20 debilitating medical condition and that the condition benefits from the
21 medical use of marijuana; and

22 (ii) Include a follow-up discussion with the minor's parent or
23 guardian to ensure the parent or guardian continues to participate in
24 the treatment of the minor;

25 (c) Enter both the minor and the minor's parent or guardian who is
26 acting as the designated provider in the medical marijuana verification
27 program.

28 NEW SECTION. **Sec. 19.** A new section is added to chapter 69.51A
29 RCW to read as follows:

30 (1) By January 1, 2015, the department must adopt rules for the
31 creation, implementation, maintenance, and timely upgrading of a secure
32 and confidential medical marijuana verification program for the limited
33 purpose of allowing:

34 (a) A health care professional to enter a qualifying patient or
35 designated provider;

36 (b) A law enforcement officer to confirm the verification card of
37 a qualifying patient or designated provider;

1 (c) A marijuana retailer holding a medical marijuana endorsement to
2 confirm the verification card of a qualifying patient;

3 (d) The department of revenue to verify tax exempt purchases under
4 RCW 69.50.535 and chapters 82.08 and 82.12 RCW;

5 (e) The department and the health care professional's disciplining
6 authorities to monitor entries and ensure compliance with this chapter
7 by their licensees; and

8 (f) Entries to expire one year after entered into the program.

9 (2) Rules adopted by the department under subsection (1) of this
10 section must ensure that the qualifying patient or designated provider
11 provide the minimum amount of personally identifying information
12 necessary to be able to carry out the purposes of subsection (1) of
13 this section.

14 (3) A qualifying patient and his or her designated provider, if
15 any, must be placed in the medical marijuana verification program by
16 the qualifying patient's health care professional. After a qualifying
17 patient or designated provider is placed in the medical marijuana
18 verification program, the department must issue a verification card.
19 The verification card must be developed by the department and include:

20 (a) The qualifying patient or designated provider's name;

21 (b) For designated providers, the name of the qualifying patient
22 for whom the provider is assisting;

23 (c) The effective date and expiration date of the verification
24 card;

25 (d) The name of the health care professional who authorized the
26 qualifying patient or designated provider for the medical use of
27 marijuana; and

28 (e) Additional security features as necessary to ensure the
29 validity of the verification card.

30 (4) Verification cards are valid for one year from the date the
31 health care professional enters the qualifying patient or designated
32 provider in the medical marijuana verification program. Qualifying
33 patients may not be reentered into the medical marijuana verification
34 program until they have been reexamined by a health care professional
35 and determined to meet the definition of qualifying patient. After
36 reexamination, the health care professional must reenter the qualifying
37 patient or designated provider into the medical marijuana verification

1 program and a new verification card will then be issued by the
2 department in accordance with department rules. The department must
3 adopt rules on replacing lost or stolen verification cards.

4 (5) The department must adopt rules for removing qualifying
5 patients and designated providers from the medical marijuana
6 verification program upon expiration of the verification card as well
7 as a method for permitting qualifying patients and designated providers
8 to remove their names from the medical marijuana verification program
9 before expiration.

10 (6) The department may charge a fee to health care professionals
11 for entering qualifying patients and designated providers in the
12 medical marijuana verification program. The fee may not exceed the
13 costs to the department in administering the medical marijuana
14 verification program and issuing verification cards. If the amount of
15 money provided to the department under RCW 69.50.540 meets or exceeds
16 the amount needed to administer the medical marijuana verification
17 program or issue verification cards, no fee may be charged to the
18 health care professional.

19 (7) During development of the medical marijuana verification
20 program, the department of health shall consult with stakeholders and
21 persons with relevant expertise to include, but not be limited to,
22 qualifying patients, designated providers, health care professionals,
23 state and local law enforcement agencies, and the University of
24 Washington computer science and engineering security and privacy
25 research lab.

26 (8) The medical marijuana verification program must meet the
27 following requirements:

28 (a) Any personally identifiable information included in the program
29 must be nonreversible, pursuant to definitions and standards set forth
30 by the national institute of standards and technology;

31 (b) Any personally identifiable information included in the program
32 must not be susceptible to linkage by use of data external to the
33 program;

34 (c) The program must incorporate current best differential privacy
35 practices, allowing for maximum accuracy of program queries while
36 minimizing the chances of identifying the personally identifiable
37 information included therein; and

1 (d) The program must be upgradable and updated in a timely fashion
2 to keep current with state of the art privacy and security standards
3 and practices.

4 (9)(a) Personally identifiable information of qualifying patients
5 and designated providers included in the medical marijuana verification
6 program is confidential and exempt from public disclosure, inspection,
7 or copying under chapter 42.56 RCW.

8 (b) Information contained in the medical marijuana verification
9 program may be released in aggregate form, with all personally
10 identifying information redacted, for the purpose of statistical
11 analysis and oversight of agency performance and actions.

12 NEW SECTION. Sec. 20. A new section is added to chapter 42.56 RCW
13 to read as follows:

14 Records in the medical marijuana verification program established
15 in section 19 of this act containing names and other personally
16 identifiable information of qualifying patients and designated
17 providers are exempt from disclosure under this chapter.

18 **Sec. 21.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
19 read as follows:

20 The medical use of ~~((cannabis))~~ marijuana in accordance with the
21 terms and conditions of this chapter does not constitute a crime and a
22 qualifying patient or designated provider in compliance with the terms
23 and conditions of this chapter may not be arrested, prosecuted, or
24 subject to other criminal sanctions or civil consequences, for
25 possession, manufacture, or delivery of, or for possession with intent
26 to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, or
27 have real or personal property seized or forfeited for possession,
28 manufacture, or delivery of, or for possession with intent to
29 manufacture or deliver, ~~((cannabis))~~ marijuana under state law, and
30 investigating ~~((peace))~~ law enforcement officers and ~~((law~~
31 ~~enforcement))~~ agencies may not be held civilly liable for failure to
32 seize ~~((cannabis))~~ marijuana in this circumstance, if:

33 (1)~~((a))~~ The qualifying patient or designated provider holds a
34 valid verification card and possesses no more than ~~((fifteen-cannabis~~
35 ~~plants-and-~~

1 ~~(i) No more than twenty-four))~~ any combination of the following
2 amounts of useable marijuana or marijuana-infused products:

3 (a) Eight ounces of useable ((cannabis)) marijuana;

4 ~~((ii) No more cannabis product than what could reasonably be~~
5 ~~produced with no more than twenty-four ounces of useable cannabis))~~ (b)
6 Forty-eight ounces of marijuana-infused product in solid form; ((or

7 ~~(iii) A combination of useable cannabis and cannabis product that~~
8 ~~does not exceed a combined total representing possession and processing~~
9 ~~of no more than twenty-four ounces of useable cannabis.~~

10 ~~(b) If a person is both a qualifying patient and a designated~~
11 ~~provider for another qualifying patient, the person may possess no more~~
12 ~~than twice the amounts described in (a) of this subsection, whether the~~
13 ~~plants, useable cannabis, and cannabis product are possessed~~
14 ~~individually or in combination between the qualifying patient and his~~
15 ~~or her designated provider))~~ (c) Two hundred sixteen ounces of
16 marijuana-infused product in liquid form;

17 (2) The qualifying patient or designated provider holds a valid
18 verification card and grows, in his or her domicile, up to ten plants
19 of which three may be flowering. The plants must be used for the
20 qualifying patient's personal medical use and only qualifying patients
21 who are eighteen years of age or older may grow plants for their
22 personal medical use;

23 (3) The qualifying patient or designated provider shares
24 responsibility for acquiring and supplying the resources required to
25 produce and process marijuana for medical use with up to four other
26 qualifying patients or designated providers. No more than five people
27 may grow under this section and all members so growing must hold valid
28 verification cards and the location where the growing takes place must
29 be entered in the medical marijuana verification program along with the
30 names of the participating patients or providers. Only qualifying
31 patients or designated providers entered in the verification program in
32 association with the location may participate in growing or receive
33 marijuana or marijuana-infused products grown at that location.

34 (a) If a patient or provider no longer participates in growing at
35 the location, he or she must notify the department and the department
36 must remove his or her name from the medical marijuana verification
37 program in relation to the grow site. Additional patients or providers

1 may not participate in growing at that location until ninety days have
2 passed since the date on which the last qualifying patient or
3 designated provider ceases to participate.

4 (b) Qualifying patients or designated providers who grow plants
5 under this subsection:

6 (i) May grow no more than ten plants per patient, but no more than
7 thirty plants total. At the location, the qualifying patients or
8 designated providers may possess no more than thirty ounces of useable
9 marijuana;

10 (ii) Must provide assistance in growing plants. A monetary
11 contribution or donation is not to be considered assistance under this
12 section; participants must provide labor in order to participate; and

13 (iii) May not sell, donate, or otherwise provide marijuana or
14 marijuana-infused products to a person who is not participating under
15 this subsection.

16 (c) The location where qualifying patients or designated providers
17 may grow under this subsection must be the domicile of one of the
18 participants. A copy of each participant's verification card must be
19 kept at the location at all times;

20 (4) The qualifying patient or designated provider holds a valid
21 verification card and has, through the process outlined in section 22
22 of this act, been authorized to possess greater amounts than what is
23 provided for in subsections (1) and (2) of this section and possesses
24 up to that greater amount;

25 (5) The qualifying patient or designated provider presents his or
26 her (~~(proof of registration with the department of health,)~~)
27 verification card to any (~~(peace))~~ law enforcement officer who
28 questions the patient or provider regarding his or her medical use of
29 (~~(cannabis))~~ marijuana;

30 (~~(+3))~~ (6) The qualifying patient or designated provider keeps a
31 copy of his or her (~~(proof of registration with the registry~~
32 established in section 901 of this act)) verification card and the
33 qualifying patient or designated provider's contact information posted
34 prominently next to any (~~(cannabis))~~ plants, (~~(cannabis))~~
35 marijuana-infused products, or useable (~~(cannabis))~~ marijuana located
36 at his or her residence;

37 (~~(+4))~~ (7) The investigating (~~(peace))~~ law enforcement officer
38 does not possess evidence that:

1 (a) The designated provider has converted (~~cannabis~~) marijuana
2 produced or obtained for the qualifying patient for his or her own
3 personal use or benefit; or

4 (b) The qualifying patient (~~has converted cannabis produced or~~
5 ~~obtained for his or her own medical use to the qualifying patient's~~
6 ~~personal, nonmedical use or benefit~~) sold, donated, or otherwise
7 supplied marijuana to another person; and

8 ((+5)) (8) The investigating (~~peace~~) law enforcement officer
9 does not possess evidence that the designated provider has served as a
10 designated provider to more than one qualifying patient within a
11 fifteen-day period(~~and~~

12 ~~(6) The investigating peace officer has not observed evidence of~~
13 ~~any of the circumstances identified in section 901(4) of this act~~)).

14 NEW SECTION. Sec. 22. A new section is added to chapter 69.51A
15 RCW to read as follows:

16 (1) A qualifying patient holding a valid verification card may
17 apply to the department of health for a waiver from the possession
18 limits provided for in RCW 69.51A.040 (1) and (2) if his or her health
19 care professional believes in his or her professional opinion that the
20 qualifying patient's medical needs exceed the amounts provided in
21 statute.

22 (2) The department of health must adopt rules:

23 (a) On terminal or debilitating medical conditions and treatment
24 plans that would require a greater amount of medical marijuana than
25 permitted in RCW 69.51A.040 (1) or (2);

26 (b) On waiver procedures to include the opportunity for a
27 qualifying patient to present evidence relating to his or her medical
28 needs;

29 (c) Necessary to implement this section.

30 (3) If a qualifying patient is denied a waiver under this section,
31 he or she may not reapply for a waiver until his or her current
32 verification card is expired and he or she has been reexamined by a
33 health care professional pursuant to section 19(4) of this act.

34 **Sec. 23.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
35 read as follows:

36 (1)(a) A qualifying patient holding valid documentation in

1 possession of plants, useable marijuana, or marijuana-infused products
2 exceeding the limits set forth in RCW 69.50.360(3) but otherwise in
3 compliance with the terms and conditions of this chapter may establish
4 an affirmative defense to charges of violations of state law relating
5 to marijuana through proof at trial, by a preponderance of the
6 evidence, that the qualifying patient has been authorized by a health
7 care professional for the medical use of marijuana and that the
8 qualifying patient meets the requirements of RCW 69.51A.010(4).

9 (b) An investigating law enforcement officer may seize plants,
10 useable marijuana, or marijuana-infused products exceeding the amounts
11 set forth in RCW 69.50.360(3). The officer and his or her law
12 enforcement agency may not be held civilly liable for failure to seize
13 marijuana in this circumstance.

14 (2)(a) A qualifying patient or designated provider in possession of
15 ((cannabis)) plants, useable ((cannabis)) marijuana, or ((cannabis))
16 marijuana-infused products exceeding the limits set forth in RCW
17 69.51A.040((~~1~~)) but otherwise in compliance with all other terms and
18 conditions of this chapter may establish an affirmative defense to
19 charges of violations of state law relating to ((cannabis)) marijuana
20 through proof at trial, by a preponderance of the evidence, that the
21 qualifying patient's necessary medical use exceeds the amounts set
22 forth in RCW 69.51A.040((~~1~~)).

23 (b) An investigating ((peace)) law enforcement officer may seize
24 ((cannabis)) plants, useable ((cannabis)) marijuana, or ((cannabis))
25 marijuana-infused products exceeding the amounts set forth in RCW
26 69.51A.040((~~1~~):~~— PROVIDED, That~~)). In the case of ((cannabis))
27 plants, the qualifying patient or designated provider shall be allowed
28 to select the plants that will remain at the location. The officer and
29 his or her law enforcement agency may not be held civilly liable for
30 failure to seize ((cannabis)) marijuana in this circumstance.

31 **Sec. 24.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
32 read as follows:

33 (1)(a) The arrest and prosecution protections established in RCW
34 69.51A.040 may not be asserted in a supervision revocation or violation
35 hearing by a person who is supervised by a corrections agency or
36 department, including local governments or jails, that has determined

1 that the terms of this section are inconsistent with and contrary to
2 his or her supervision.

3 (b) The affirmative defense(~~(s)~~) established in RCW (~~(69.51A.043,~~)
4 69.51A.045(~~(, 69.51A.047, and section 407 of this act)~~) may not be
5 asserted in a supervision revocation or violation hearing by a person
6 who is supervised by a corrections agency or department, including
7 local governments or jails, that has determined that the terms of this
8 section are inconsistent with and contrary to his or her supervision.

9 (2) (~~The provisions of~~) RCW 69.51A.040(~~(, 69.51A.085, and~~
10 ~~69.51A.025 do)~~) does not apply to a person who is supervised for a
11 criminal conviction by a corrections agency or department, including
12 local governments or jails, that has determined that the terms of this
13 chapter are inconsistent with and contrary to his or her supervision.

14 (~~(3) A person may not be licensed as a licensed producer, licensed~~
15 ~~processor of cannabis products, or a licensed dispenser under section~~
16 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~
17 ~~conviction by a corrections agency or department, including local~~
18 ~~governments or jails, that has determined that licensure is~~
19 ~~inconsistent with and contrary to his or her supervision.)~~)

20 **Sec. 25.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
21 read as follows:

22 (1) It shall be a class 3 civil infraction to use or display
23 medical (~~(cannabis)~~) marijuana in a manner or place which is open to
24 the view of the general public.

25 (2) Nothing in this chapter establishes a right of care as a
26 covered benefit or requires any state purchased health care as defined
27 in RCW 41.05.011 or other health carrier or health plan as defined in
28 Title 48 RCW to be liable for any claim for reimbursement for the
29 medical use of (~~(cannabis)~~) marijuana. Such entities may enact
30 coverage or noncoverage criteria or related policies for payment or
31 nonpayment of medical (~~(cannabis)~~) marijuana in their sole discretion.

32 (3) Nothing in this chapter requires any health care professional
33 to authorize the medical use of (~~(cannabis)~~) marijuana for a patient.

34 (4) Nothing in this chapter requires any accommodation of any on-
35 site medical use of (~~(cannabis)~~) marijuana in any place of employment,
36 in any school bus or on any school grounds, in any youth center, in any
37 correctional facility, or smoking (~~(cannabis)~~) marijuana in any public

1 place or hotel or motel. However, a school may permit a minor who
2 meets the requirements of section 18 of this act to consume medical
3 marijuana on school grounds. Such use must be in accordance with
4 school policy relating to medication use on school grounds.

5 (5) Nothing in this chapter authorizes the possession or use of
6 marijuana or marijuana-infused products on federal property.

7 (6) Nothing in this chapter authorizes the use of medical
8 ((cannabis)) marijuana by any person who is subject to the Washington
9 code of military justice in chapter 38.38 RCW.

10 ((+6)) (7) Employers may establish drug-free work policies.
11 Nothing in this chapter requires an accommodation for the medical use
12 of ((cannabis)) marijuana if an employer has a drug-free workplace.

13 ~~((7) It is a class C felony to fraudulently produce any record~~
14 ~~purporting to be, or tamper with the content of any record for the~~
15 ~~purpose of having it accepted as, valid documentation under RCW~~
16 ~~69.51A.010(32)(a), or to backdate such documentation to a time earlier~~
17 ~~than its actual date of execution.))~~

18 (8) No person shall be entitled to claim the protection from arrest
19 and prosecution under RCW 69.51A.040 ~~((or the affirmative defense under~~
20 ~~RCW 69.51A.043))~~ for engaging in the medical use of ((cannabis))
21 marijuana in a way that endangers the health or well-being of any
22 person through the use of a motorized vehicle on a street, road, or
23 highway, including violations of RCW 46.61.502 or 46.61.504, or
24 equivalent local ordinances.

25 NEW SECTION. Sec. 26. A new section is added to chapter 69.51A
26 RCW to read as follows:

27 (1) It is unlawful for a person knowingly or intentionally:

28 (a) To produce any record purporting to be, or tamper with the
29 content of any record for the purpose of having it accepted as, valid
30 documentation under RCW 69.51A.010(7) or to backdate such documentation
31 to a time earlier than its actual date of execution;

32 (b) To produce a verification card or to tamper with a verification
33 card for the purpose of having it accepted by a marijuana retailer in
34 order to purchase marijuana as a medical marijuana patient or to grow
35 marijuana plants in accordance with RCW 69.51A.040;

36 (c) If a person is a designated provider to a qualifying patient,

1 to sell, donate, or otherwise use the marijuana produced or obtained
2 for the qualifying patient for the designated provider's own personal
3 use or benefit; or

4 (d) If the person is a qualifying patient, to sell, donate, or
5 otherwise supply marijuana produced or obtained by the qualifying
6 patient to another person.

7 (2) A person who violates this section is guilty of a class C
8 felony and upon conviction may be imprisoned for not more than two
9 years, fined not more than two thousand dollars, or both.

10 **Sec. 27.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
11 read as follows:

12 The Washington state medical quality assurance commission in
13 consultation with the board of osteopathic medicine and surgery, or
14 other appropriate agency as designated by the governor, shall accept
15 for consideration petitions submitted to add terminal or debilitating
16 conditions to those included in this chapter. In considering such
17 petitions, the Washington state medical quality assurance commission in
18 consultation with the board of osteopathic medicine and surgery shall
19 include public notice of, and an opportunity to comment in a public
20 hearing upon, such petitions. The Washington state medical quality
21 assurance commission in consultation with the board of osteopathic
22 medicine and surgery may make a preliminary finding of good cause
23 before the public hearing and shall, after hearing, approve or deny
24 such petitions within ((one)) two hundred ((eighty)) ten days of
25 submission. The approval or denial of such a petition shall be
26 considered a final agency action, subject to judicial review.

27 **Sec. 28.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
28 read as follows:

29 (1) A qualifying patient may revoke his or her designation of a
30 specific designated provider and designate a different designated
31 provider at any time. A revocation of designation must be in writing,
32 signed and dated, and provided to the department. The protections of
33 this chapter cease to apply to a person who has served as a designated
34 provider to a qualifying patient seventy-two hours after receipt of
35 that patient's revocation of his or her designation.

1 (2) A person may stop serving as a designated provider to a given
2 qualifying patient at any time by revoking that designation in writing,
3 signed and dated, and provided to the department and the qualifying
4 patient. However, that person may not begin serving as a designated
5 provider to a different qualifying patient until fifteen days have
6 elapsed from the date the last qualifying patient designated him or her
7 to serve as a provider.

8 (3) The department may adopt rules to implement this section,
9 including a procedure to remove the name of the designated provider
10 from the medical marijuana verification program upon receipt of a
11 revocation under this section.

12 **Sec. 29.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
13 read as follows:

14 A qualifying patient's medical use of ((~~cannabis~~)) marijuana as
15 authorized by a health care professional may not be a sole
16 disqualifying factor in determining the patient's suitability for an
17 organ transplant, unless it is shown that this use poses a significant
18 risk of rejection or organ failure. This section does not preclude a
19 health care professional from requiring that a patient abstain from the
20 medical use of ((~~cannabis~~)) marijuana, for a period of time determined
21 by the health care professional, while waiting for a transplant organ
22 or before the patient undergoes an organ transplant.

23 **Sec. 30.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
24 read as follows:

25 A qualifying patient or designated provider may not have his or her
26 parental rights or residential time with a child restricted solely due
27 to his or her medical use of ((~~cannabis~~)) marijuana in compliance with
28 the terms of this chapter absent written findings supported by evidence
29 that such use has resulted in a long-term impairment that interferes
30 with the performance of parenting functions as defined under RCW
31 26.09.004.

32 **Sec. 31.** RCW 69.51A.200 and 2011 c 181 s 1001 are each amended to
33 read as follows:

34 (1) By July 1, ((2014)) 2016, the Washington state institute for

1 public policy shall, within available funds, conduct a cost-benefit
2 evaluation of the implementation of (~~chapter 181, Laws of 2011~~) this
3 act and the rules adopted to carry out its purposes.

4 (2) The evaluation of the implementation of (~~chapter 181, Laws of~~
5 ~~2011~~) this act and the rules adopted to carry out its purposes shall
6 include, but not necessarily be limited to, consideration of the
7 following factors:

8 (a) Qualifying patients' access to (~~an~~) a safe, adequate,
9 consistent, and secure source of (~~cannabis~~) marijuana for medical
10 use;

11 (~~(b) Qualifying patients' access to a safe source of cannabis for~~
12 ~~medical use;~~

13 (~~(c) Qualifying patients' access to a consistent source of cannabis~~
14 ~~for medical use;~~

15 (~~(d) Qualifying patients' access to a secure source of cannabis for~~
16 ~~medical use;~~

17 (~~(e)~~) Qualifying patients' and designated providers' contact with
18 law enforcement and involvement in the criminal justice system;

19 (~~(f)~~) (c) Diversion of (~~cannabis~~) marijuana intended for
20 medical use to nonmedical uses;

21 (~~(g)~~) (d) Incidents of home invasion burglaries, robberies, and
22 other violent and property crimes associated with qualifying patients
23 (~~accessing cannabis~~) growing plants for their medical use;

24 (~~(h)~~) (e) Whether there are health care professionals who
25 (~~make~~) enter a disproportionately high amount of (~~authorizations~~)
26 qualifying patients or designated providers in the medical marijuana
27 verification program in comparison to the health care professional
28 community at large;

29 (~~(i)~~) (f) Whether there are indications of health care
30 professionals in violation of RCW 69.51A.030; (~~and~~

31 (~~j~~) (g) Whether the health care professionals (~~making~~
32 authorizations) entering qualifying patients and designated providers
33 in the medical marijuana verification program reside in this state or
34 out of this state; and

35 (h) What are other states' experiences with permitting qualifying
36 patients or designated providers to grow in their own homes and what
37 are the plant limits in those states.

1 (3) For purposes of facilitating this evaluation, the
2 department(~~(s)~~) of health and (~~(agriculture)~~) the liquor control board
3 will make available to the Washington state institute for public policy
4 requested data, and any other data either department may consider
5 relevant, from which all personally identifiable information has been
6 redacted.

7 NEW SECTION. Sec. 32. A new section is added to chapter 69.51A
8 RCW to read as follows:

9 All valid documentation issued prior to the effective date of this
10 section expires January 1, 2015.

11 NEW SECTION. Sec. 33. A new section is added to chapter 69.51A
12 RCW to read as follows:

13 Neither this chapter nor chapter 69.50 RCW prohibits a health care
14 professional from selling or donating products that have a THC
15 concentration of less than .3%.

16 NEW SECTION. Sec. 34. By January 1, 2016, the liquor control
17 board, in conjunction with the department of health, must report to the
18 legislature on the following:

19 (1) The number of medical marijuana endorsements issued by the
20 liquor control board;

21 (2) The number of purchases made by qualifying patients or
22 designated providers at marijuana retailers holding medical marijuana
23 endorsements and the types of products purchased, including the THC
24 concentration of such products;

25 (3) The location of marijuana retailers holding medical marijuana
26 endorsements and their proximity to other marijuana retailers;

27 (4) Whether there is a need for retail locations that are licensed
28 to only sell medical marijuana to qualifying patients or designated
29 providers;

30 (5) The experience of qualifying patients and designated providers
31 in purchasing marijuana for their medical use from marijuana retailers
32 holding medical marijuana endorsements, including whether they are able
33 to purchase products that meet their medical needs;

34 (6) Any recommendations either agency has to improve qualifying

1 patient and designated provider access to medical marijuana, if
2 necessary.

3 NEW SECTION. **Sec. 35.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
6 & 1999 c 2 s 3;

7 (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW
8 69.51A.040) and 2011 c 181 s 413;

9 (3) RCW 69.51A.043 (Failure to register--Affirmative defense) and
10 2011 c 181 s 402;

11 (4) RCW 69.51A.047 (Failure to register or present valid
12 documentation--Affirmative defense) and 2011 c 181 s 406; and

13 (5) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and
14 enforce requirements) and 2011 c 181 s 1102.

15 NEW SECTION. **Sec. 36.** RCW 69.51A.085 (Collective gardens) and
16 2011 c 181 s 403 are each repealed.

17 NEW SECTION. **Sec. 37.** Sections 1, 6 through 10, 15, 16, 21
18 through 23, 25, 26, and 28 of this act take effect January 1, 2015.

19 NEW SECTION. **Sec. 38.** Section 36 of this act takes effect July 1,
20 2015.

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