
SUBSTITUTE SENATE BILL 5887

State of Washington

63rd Legislature

2014 Regular Session

By Senate Health Care (originally sponsored by Senators Rivers, Tom, and Litzow)

READ FIRST TIME 01/24/14.

1 AN ACT Relating to merging the medical marijuana system with the
2 recreational marijuana system; amending RCW 66.08.012, 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, 70.47.030, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030,
5 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100,
6 69.51A.110, and 69.51A.120; reenacting and amending RCW 69.50.101;
7 adding new sections to chapter 69.50 RCW; adding a new section to
8 chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding
9 new sections to chapter 69.51A RCW; adding a new section to chapter
10 42.56 RCW; creating a new section; repealing RCW 69.51A.020,
11 69.51A.025, 69.51A.043, 69.51A.047, 69.51A.200, 69.51A.085, 69.51A.090,
12 and 69.51A.140; prescribing penalties; and providing an effective date.

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

14 **Sec. 1.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
15 read as follows:

16 There shall be a board, known as the "Washington state (~~liquor~~)
17 substance control board," consisting of three members, to be appointed
18 by the governor, with the consent of the senate, who shall each be paid
19 an annual salary to be fixed by the governor in accordance with the

1 provisions of RCW 43.03.040. The governor may, in his or her
2 discretion, appoint one of the members as chair of the board, and a
3 majority of the members shall constitute a quorum of the board.

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

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

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

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

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

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

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

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

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

27 (i) that has a stimulant, depressant, or hallucinogenic effect on
28 the central nervous system substantially similar to the stimulant,
29 depressant, or hallucinogenic effect on the central nervous system of
30 a controlled substance included in Schedule I or II; or

31 (ii) with respect to a particular individual, that the individual
32 represents or intends to have a stimulant, depressant, or
33 hallucinogenic effect on the central nervous system substantially
34 similar to the stimulant, depressant, or hallucinogenic effect on the
35 central nervous system of a controlled substance included in Schedule
36 I or II.

37 (2) The term does not include:

1 (i) a controlled substance;

2 (ii) a substance for which there is an approved new drug
3 application;

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

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

10 (f) "Deliver" or "delivery," means the actual or constructive
11 transfer from one person to another of a substance, whether or not
12 there is an agency relationship.

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

14 (h) "Dispense" means the interpretation of a prescription or order
15 for a controlled substance and, pursuant to that prescription or order,
16 the proper selection, measuring, compounding, labeling, or packaging
17 necessary to prepare that prescription or order for delivery.

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

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

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

22 (l) "Drug" means (1) a controlled substance recognized as a drug in
23 the official United States pharmacopoeia/national formulary or the
24 official homeopathic pharmacopoeia of the United States, or any
25 supplement to them; (2) controlled substances intended for use in the
26 diagnosis, cure, mitigation, treatment, or prevention of disease in
27 individuals or animals; (3) controlled substances (other than food)
28 intended to affect the structure or any function of the body of
29 individuals or animals; and (4) controlled substances intended for use
30 as a component of any article specified in (1), (2), or (3) of this
31 subsection. The term does not include devices or their components,
32 parts, or accessories.

33 (m) "Drug enforcement administration" means the drug enforcement
34 administration in the United States Department of Justice, or its
35 successor agency.

36 (n) "Electronic communication of prescription information" means
37 the transmission of a prescription or refill authorization for a drug

1 of a practitioner using computer systems. The term does not include a
2 prescription or refill authorization verbally transmitted by telephone
3 nor a facsimile manually signed by the practitioner.

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

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

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

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

13 (p) "Isomer" means an optical isomer, but in subsection (y)(5) of
14 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the
15 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),
16 and 69.50.210(c) the term includes any positional isomer; and in RCW
17 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
18 positional or geometric isomer.

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

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

27 (s) "Manufacture" means the production, preparation, propagation,
28 compounding, conversion, or processing of a controlled substance,
29 either directly or indirectly or by extraction from substances of
30 natural origin, or independently by means of chemical synthesis, or by
31 a combination of extraction and chemical synthesis, and includes any
32 packaging or repackaging of the substance or labeling or relabeling of
33 its container. The term does not include the preparation, compounding,
34 packaging, repackaging, labeling, or relabeling of a controlled
35 substance:

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

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

4 (t) "Marijuana" or "marihuana" means all parts of the plant
5 Cannabis, whether growing or not, with a THC concentration greater than
6 0.3 percent on a dry weight basis; the seeds thereof; the resin
7 extracted from any part of the plant; and every compound, manufacture,
8 salt, derivative, mixture, or preparation of the plant, its seeds or
9 resin. The term does not include the mature stalks of the plant, fiber
10 produced from the stalks, oil or cake made from the seeds of the plant,
11 any other compound, manufacture, salt, derivative, mixture, or
12 preparation of the mature stalks (except the resin extracted
13 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
14 which is incapable of germination.

15 (u) "Marijuana processor" means a person licensed by the state
16 (~~(liquor)~~) substance control board to process marijuana into useable
17 marijuana and marijuana-infused products, package and label useable
18 marijuana and marijuana-infused products for sale in retail outlets,
19 and sell useable marijuana and marijuana-infused products at wholesale
20 to marijuana retailers.

21 (v) "Marijuana producer" means a person licensed by the state
22 (~~(liquor)~~) substance control board to produce and sell marijuana at
23 wholesale to marijuana processors and other marijuana producers.

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

27 (x) "Marijuana retailer" means a person licensed by the state
28 (~~(liquor)~~) substance control board to sell useable marijuana and
29 marijuana-infused products in a retail outlet.

30 (y) "Narcotic drug" means any of the following, whether produced
31 directly or indirectly by extraction from substances of vegetable
32 origin, or independently by means of chemical synthesis, or by a
33 combination of extraction and chemical synthesis:

34 (1) Opium, opium derivative, and any derivative of opium or opium
35 derivative, including their salts, isomers, and salts of isomers,
36 whenever the existence of the salts, isomers, and salts of isomers is
37 possible within the specific chemical designation. The term does not
38 include the isoquinoline alkaloids of opium.

1 (2) Synthetic opiate and any derivative of synthetic opiate,
2 including their isomers, esters, ethers, salts, and salts of isomers,
3 esters, and ethers, whenever the existence of the isomers, esters,
4 ethers, and salts is possible within the specific chemical designation.

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

6 (4) Coca leaves, except coca leaves and extracts of coca leaves
7 from which cocaine, ecgonine, and derivatives or ecgonine or their
8 salts have been removed.

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

10 (6) Cocaine base.

11 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
12 thereof.

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

15 (z) "Opiate" means any substance having an addiction-forming or
16 addiction-sustaining liability similar to morphine or being capable of
17 conversion into a drug having addiction-forming or addiction-sustaining
18 liability. The term includes opium, substances derived from opium
19 (opium derivatives), and synthetic opiates. The term does not include,
20 unless specifically designated as controlled under RCW 69.50.201, the
21 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
22 (dextromethorphan). The term includes the racemic and levorotatory
23 forms of dextromethorphan.

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

26 (bb) "Person" means individual, corporation, business trust,
27 estate, trust, partnership, association, joint venture, government,
28 governmental subdivision or agency, or any other legal or commercial
29 entity.

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

32 (dd) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under
35 chapter 18.57 RCW; an osteopathic physician assistant under chapter
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010

1 subject to any limitations in RCW 18.53.010; a dentist under chapter
2 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
3 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
4 registered nurse practitioner, or licensed practical nurse under
5 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
6 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
7 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
8 investigator under this chapter, licensed, registered or otherwise
9 permitted insofar as is consistent with those licensing laws to
10 distribute, dispense, conduct research with respect to or administer a
11 controlled substance in the course of their professional practice or
12 research in this state.

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

17 (3) A physician licensed to practice medicine and surgery, a
18 physician licensed to practice osteopathic medicine and surgery, a
19 dentist licensed to practice dentistry, a podiatric physician and
20 surgeon licensed to practice podiatric medicine and surgery, a licensed
21 physician assistant or a licensed osteopathic physician assistant
22 specifically approved to prescribe controlled substances by his or her
23 state's medical quality assurance commission or equivalent and his or
24 her supervising physician, an advanced registered nurse practitioner
25 licensed to prescribe controlled substances, or a veterinarian licensed
26 to practice veterinary medicine in any state of the United States.

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

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

33 (gg) "Retail outlet" means a location licensed by the state
34 (~~(liquor)~~) substance control board for the retail sale of useable
35 marijuana and marijuana-infused products.

36 (hh) "Secretary" means the secretary of health or the secretary's
37 designee.

1 (ii) "State," unless the context otherwise requires, means a state
2 of the United States, the District of Columbia, the Commonwealth of
3 Puerto Rico, or a territory or insular possession subject to the
4 jurisdiction of the United States.

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

10 (kk) "Ultimate user" means an individual who lawfully possesses a
11 controlled substance for the individual's own use or for the use of a
12 member of the individual's household or for administering to an animal
13 owned by the individual or by a member of the individual's household.

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

16 (mm) "Authorization card" has the meaning provided in RCW
17 69.51A.010.

18 (nn) "Designated provider" has the meaning provided in RCW
19 69.51A.010.

20 (oo) "Health care professional" has the meaning provided in RCW
21 69.51A.010.

22 (pp) "Qualifying patient" has the meaning provided in RCW
23 69.51A.010.

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

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

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

36 (2) The books and records to be created and maintained by

1 licensees, the reports to be made thereon to the state ((~~liquor~~))
2 substance control board, and inspection of the books and records;

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

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

11 (5) Screening, hiring, training, and supervising employees of
12 licensees;

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

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

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

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

33 (10) The manner of giving and serving notices required by chapter
34 3, Laws of 2013 or rules adopted to implement or enforce it;

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

1 (12) Identification, seizure, confiscation, destruction, or
2 donation to law enforcement for training purposes of all marijuana,
3 useable marijuana, and marijuana-infused products produced, processed,
4 sold, or offered for sale within this state which do not conform in all
5 respects to the standards prescribed by chapter 3, Laws of 2013 or the
6 rules adopted to implement and enforce it(~~(:—PROVIDED, That nothing in~~
7 ~~chapter 3, Laws of 2013 shall be construed as authorizing the state~~
8 ~~liquor control board to seize, confiscate, destroy, or donate to law~~
9 ~~enforcement marijuana, useable marijuana, or marijuana-infused products~~
10 ~~produced, processed, sold, offered for sale, or possessed in compliance~~
11 ~~with the Washington state medical use of cannabis act,)) or chapter
12 69.51A RCW.~~

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

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

19 (1) Licensing of marijuana producers, marijuana processors, and
20 marijuana retailers, including prescribing forms and establishing
21 application, reinstatement, and renewal fees;

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

- 25 (a) Population distribution;
- 26 (b) Security and safety issues; (~~and~~)
- 27 (c) The provision of adequate access to licensed sources of useable
28 marijuana and marijuana-infused products to discourage purchases from
29 the illegal market; and

30 (d) The number of marijuana retail stores holding medical marijuana
31 endorsements necessary to meet the medical needs of qualifying patients
32 and allowing for a number of such stores to be solely medical;

33 (3) Determining how licenses will be allocated to applicants must
34 include a preference for those stores who are applying for a medical
35 marijuana endorsement and who intend to be solely medical;

36 (4) Determining the maximum quantity of marijuana a marijuana

1 producer may have on the premises of a licensed location at any time
2 without violating Washington state law;

3 ((+4)) (5) Determining the maximum quantities of marijuana,
4 useable marijuana, and marijuana-infused products a marijuana processor
5 may have on the premises of a licensed location at any time without
6 violating Washington state law;

7 ((+5)) (6) Determining the maximum quantities of useable marijuana
8 and marijuana-infused products a marijuana retailer may have on the
9 premises of a retail outlet at any time without violating Washington
10 state law;

11 ((+6)) (7) In making the determinations required by subsections
12 ((+3)) (4) through ((+5)) (6) of this section, the state (~~(liquor)~~)
13 substance control board shall take into consideration:

- 14 (a) Security and safety issues;
- 15 (b) The provision of adequate access to licensed sources of
16 marijuana, useable marijuana, and marijuana-infused products to
17 discourage purchases from the illegal market; and
- 18 (c) Economies of scale, and their impact on licensees' ability to
19 both comply with regulatory requirements and undercut illegal market
20 prices;

21 ((+7)) (8) Determining the nature, form, and capacity of all
22 containers to be used by licensees to contain marijuana, useable
23 marijuana, and marijuana-infused products, and their labeling
24 requirements, to include but not be limited to:

- 25 (a) The business or trade name and Washington state unified
26 business identifier number of the licensees that grew, processed, and
27 sold the marijuana, useable marijuana, or marijuana-infused product;
- 28 (b) Lot numbers of the marijuana, useable marijuana, or marijuana-
29 infused product;
- 30 (c) THC concentration of the marijuana, useable marijuana, or
31 marijuana-infused product;
- 32 (d) Medically and scientifically accurate information about the
33 health and safety risks posed by marijuana use; and
- 34 (e) Language required by RCW 69.04.480;

35 ((+8)) (9) In consultation with the department of agriculture,
36 establishing classes of marijuana, useable marijuana, and marijuana-
37 infused products according to grade, condition, cannabinoid profile,

1 THC concentration, or other qualitative measurements deemed appropriate
2 by the state (~~((liquor))~~) substance control board;

3 ~~((9))~~ (10) Establishing reasonable time, place, and manner
4 restrictions and requirements regarding advertising of marijuana,
5 useable marijuana, and marijuana-infused products that are not
6 inconsistent with the provisions of this chapter (~~(3, Laws of 2013)~~),
7 taking into consideration:

8 (a) Federal laws relating to marijuana that are applicable within
9 Washington state;

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

12 (c) The inclusion of medically and scientifically accurate
13 information about the health and safety risks posed by marijuana use in
14 the advertising;

15 ~~((10))~~ (11) Specifying and regulating the time and periods when,
16 and the manner, methods, and means by which, licensees shall transport
17 and deliver marijuana, useable marijuana, and marijuana-infused
18 products within the state;

19 ~~((11))~~ (12) In consultation with the department and the
20 department of agriculture, establishing accreditation requirements for
21 testing laboratories used by licensees to demonstrate compliance with
22 standards adopted by the state (~~((liquor))~~) substance control board, and
23 prescribing methods of producing, processing, and packaging marijuana,
24 useable marijuana, and marijuana-infused products; conditions of
25 sanitation; and standards of ingredients, quality, and identity of
26 marijuana, useable marijuana, and marijuana-infused products produced,
27 processed, packaged, or sold by licensees;

28 ~~((12))~~ (13) Specifying procedures for identifying, seizing,
29 confiscating, destroying, and donating to law enforcement for training
30 purposes all marijuana, useable marijuana, and marijuana-infused
31 products produced, processed, packaged, labeled, or offered for sale in
32 this state that do not conform in all respects to the standards
33 prescribed by this chapter (~~(3, Laws of 2013)~~) or the rules of the
34 state (~~((liquor))~~) substance control board.

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

37 There may be licensed, in no greater number in each of the counties

1 of the state than as the state (~~(liquor)~~) substance control board shall
2 deem advisable, retail outlets established for the purpose of making
3 useable marijuana and marijuana-infused products available for sale to
4 adults aged twenty-one and over and for qualifying patients aged
5 eighteen and older under RCW 69.50.357. Retail sale of useable
6 marijuana and marijuana-infused products in accordance with the
7 provisions of this chapter (~~(3, Laws of 2013)~~) and chapter 69.51A RCW
8 and the rules adopted to implement and enforce (~~(it)~~) this chapter, by
9 a validly licensed marijuana retailer or retail outlet employee, shall
10 not be a criminal or civil offense under Washington state law.

11 NEW SECTION. Sec. 6. A new section is added to chapter 69.50 RCW
12 to read as follows:

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

15 (a) Qualifying patients aged eighteen or older who hold a valid
16 authorization card; and

17 (b) Designated providers aged twenty-one or older who hold a valid
18 authorization card.

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

20 (a) Indicate on its application whether the retailer intends to
21 sell useable marijuana and marijuana-infused products to: (i) Both the
22 recreational markets in compliance with this chapter and the medical
23 market in compliance with chapter 69.51A RCW; or (ii) only the medical
24 market in compliance with chapter 69.51A RCW;

25 (b) Not authorize qualifying patients at the retail location or
26 permit health care professionals to provide authorizations to
27 qualifying patients at the retail location;

28 (c) Carry useable marijuana and marijuana-infused products with a
29 cannabidiol level identified by the department under subsection (3) of
30 this section;

31 (d) Not use labels or market useable marijuana or marijuana-infused
32 products in a way that make them intentionally attractive to minors or
33 recreational users; and

34 (e) Meet other requirements as adopted by rule of the department or
35 the state substance control board.

36 (3) The department must adopt rules on requirements for marijuana
37 and marijuana-infused products that may be sold to qualifying patients

1 under an endorsement. These rules must include THC concentration or
2 cannabidiol concentration appropriate for marijuana or marijuana-
3 infused products sold to qualifying patients and that the labels
4 attached to marijuana or marijuana-infused products contain THC
5 concentration and cannabidiol concentration amounts.

6 (4) A marijuana retailer holding an endorsement to sell marijuana
7 to qualifying patients may consult the medical marijuana registry
8 established in section 24 of this act for the sole purpose of
9 confirming the validity of qualifying patient or designated provider
10 authorization cards.

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

13 (1) Retail outlets shall sell no products or services other than
14 useable marijuana, marijuana-infused products, or paraphernalia
15 intended for the storage or use of useable marijuana or marijuana-
16 infused products.

17 (2) Except as provided in (a) and (b) of this subsection, licensed
18 marijuana retailers shall not employ persons under twenty-one years of
19 age or allow persons under twenty-one years of age to enter or remain
20 on the premises of a retail outlet.

21 (a) Marijuana retailers that hold a medical marijuana endorsement
22 and are licensed to only sell medical marijuana may allow qualifying
23 patients who hold valid authorization cards and are between the ages of
24 eighteen and twenty-one to enter or remain on the premises and may
25 allow qualifying patients with valid authorization cards under the age
26 of eighteen to enter or remain on the premises if those minor patients
27 are with their parent or guardian who also holds a valid authorization
28 card; and

29 (b) Marijuana retailers that hold a medical marijuana endorsement
30 and are licensed to sell marijuana for both medical and recreational
31 use, may allow qualifying patients aged eighteen years of age or older
32 to enter or remain on the premises of a retail outlet if they possess
33 a valid authorization card.

34 (3) Licensed marijuana retailers shall not display any signage in
35 a window, on a door, or on the outside of the premises of a retail
36 outlet that is visible to the general public from a public right-of-
37 way, other than a single sign no larger than one thousand six hundred

1 square inches identifying the retail outlet by the licensee's business
2 or trade name. Marijuana retailers who hold a medical marijuana
3 endorsement may so indicate on the sign by adding a green cross to the
4 sign.

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

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

11 (6) The state (~~(liquor)~~) substance control board shall fine a
12 licensee one thousand dollars for each violation of any subsection of
13 this section. Fines collected under this section must be deposited
14 into the dedicated marijuana fund created under RCW 69.50.530.

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

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

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

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

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

33 (a) One ounce of useable marijuana;

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

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

36 and

1 (4) Delivery, distribution, and sale, on the premises of the retail
2 outlet holding a medical marijuana endorsement, of any combination of
3 the following amounts of useable marijuana or marijuana-infused product
4 to a qualifying patient holding a valid authorization card who is
5 eighteen years of age or older or a designated provider holding a valid
6 authorization card:

7 (a) Three ounces of useable marijuana;

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

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

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

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

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

21 (3)(a) The possession, by a person twenty-one years of age or
22 older, of useable marijuana or marijuana-infused products in amounts
23 that do not exceed those set forth in RCW 69.50.360(3) is not a
24 violation of this section, this chapter, or any other provision of
25 Washington state law.

26 (b) The possession by a qualifying patient or designated provider
27 of useable marijuana, marijuana-infused products, or plants, as that
28 term is defined in RCW 69.51A.010, in accordance with section 21 of
29 this act is not a violation of this section, this chapter, or any other
30 provision of Washington state law.

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

33 (1) There is levied and collected a marijuana excise tax equal to
34 twenty-five percent of the selling price on each wholesale sale in this
35 state of marijuana by a licensed marijuana producer to a licensed

1 marijuana processor or another licensed marijuana producer. This tax
2 is the obligation of the licensed marijuana producer.

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

8 (3) Except as provided in subsection (4) of this section, there is
9 levied and collected a marijuana excise tax equal to twenty-five
10 percent of the selling price on each retail sale in this state of
11 useable marijuana and marijuana-infused products. This tax is the
12 obligation of the licensed marijuana retailer, is separate and in
13 addition to general state and local sales and use taxes that apply to
14 retail sales of tangible personal property, and is part of the total
15 retail price to which general state and local sales and use taxes
16 apply.

17 (4) Subsection (3) of this section does not apply to the retail
18 sale of useable marijuana or marijuana-infused products by marijuana
19 retailers who hold medical marijuana endorsements to qualified patients
20 or designated providers who hold authorization cards. The exemption in
21 this subsection applies only if the selling price of the useable
22 marijuana or marijuana-infused product charged to a person holding an
23 authorization card is reduced by at least twenty-five percent, as
24 compared with the selling price of the useable marijuana or marijuana-
25 infused product that is charged to any person not holding an
26 authorization card. If the same product is not sold to persons who do
27 not hold an authorization card, the seller must establish to the
28 satisfaction of the substance control board that the benefit of the
29 exemption provided in this subsection has been passed on to the buyer.

30 (5) All revenues collected from the marijuana excise taxes imposed
31 under subsections (1) through (3) of this section shall be deposited
32 each day in a depository approved by the state treasurer and
33 transferred to the state treasurer to be credited to the dedicated
34 marijuana fund.

35 ((+5)) (6) The state ((liquor)) substance control board shall
36 regularly review the tax levels established under this section and make
37 recommendations to the legislature as appropriate regarding adjustments

1 that would further the goal of discouraging use while undercutting
2 illegal market prices.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.08 RCW
4 to read as follows:

5 (1) The tax levied by RCW 82.08.020 shall not apply to:

6 (a) Sales of useable marijuana or marijuana-infused products by
7 marijuana retailers who hold medical marijuana endorsements under
8 section 6 of this act to qualifying patients or designated providers
9 who hold authorization cards; or

10 (b) The sale of marijuana by collective gardens under RCW
11 69.51A.085 until July 30, 2016.

12 (2) For the purposes of this section, the terms "useable
13 marijuana," "marijuana-infused products," and "marijuana retailers"
14 have the meaning provided in RCW 69.50.101 and the terms "qualifying
15 patients," "designated providers," and "authorization card" have the
16 meaning provided in RCW 69.51A.010.

17 NEW SECTION. **Sec. 12.** A new section is added to chapter 82.12 RCW
18 to read as follows:

19 (1) The provisions of this chapter shall not apply to use of
20 useable marijuana or marijuana-infused products by:

21 (a) Qualifying patients or designated providers who hold
22 authorization cards; or

23 (b) Marijuana retailers who hold a medical marijuana endorsement
24 under chapter 69.50 RCW with respect to useable marijuana or marijuana-
25 infused products if such marijuana or product is provided at no charge
26 to a qualifying patient or designated provider who holds an
27 authorization card.

28 (2) For the purposes of this section, the terms "useable
29 marijuana," "marijuana-infused products," and "marijuana retailers"
30 have the meaning provided in RCW 69.50.101 and the terms "qualifying
31 patients," "designated providers," and "authorization card" have the
32 meaning provided in RCW 69.51A.010.

33 **Sec. 13.** RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No.
34 502) are each amended to read as follows:

35 All marijuana excise taxes collected from sales of marijuana,

1 useable marijuana, and marijuana-infused products under RCW 69.50.535,
2 and the license fees, penalties, and forfeitures derived under chapter
3 3, Laws of 2013 from marijuana producer, marijuana processor, and
4 marijuana retailer licenses shall every three months be disbursed by
5 the state (~~(liquor)~~) substance control board as follows:

6 (1)(a) Fifteen percent of the excise tax collected from marijuana
7 retailers under RCW 69.50.535(3) to counties, distributed in the manner
8 described in section 15 of this act; and

9 (b) Fifteen percent of the excise tax collected from marijuana
10 retailers under RCW 69.50.535(3) to incorporated cities and towns,
11 distributed in the manner described in section 15 of this act;

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

29 ~~((+2))~~ (3) Fifty thousand dollars to the department of social and
30 health services for the purpose of contracting with the Washington
31 state institute for public policy to conduct the cost-benefit
32 evaluation and produce the reports described in RCW 69.50.550. This
33 appropriation shall end after production of the final report required
34 by RCW 69.50.550;

35 ~~((+3))~~ (4) Five thousand dollars to the University of Washington
36 alcohol and drug abuse institute for the creation, maintenance, and
37 timely updating of web-based public education materials providing

1 medically and scientifically accurate information about the health and
2 safety risks posed by marijuana use;

3 ((+4)) (5) An amount not exceeding one million two hundred fifty
4 thousand dollars to the state ((+1)) substance control board as is
5 necessary for administration of chapter 3, Laws of 2013;

6 ((+5)) (6) Of the funds remaining after the disbursements
7 identified in subsections ((+1)) (2) through ((+4)) (5) of this
8 section:

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

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

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

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

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

33 (i) A marijuana use public health hotline that provides referrals
34 to substance abuse treatment providers, utilizes evidence-based or
35 research-based public health approaches to minimizing the harms
36 associated with marijuana use, and does not solely advocate an
37 abstinence-only approach;

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

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

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

15 (d) Fifty percent to the ~~((state))~~ basic health ~~((plan-trust))~~
16 services account to be administered by the ~~((Washington basic health~~
17 ~~plan administrator))~~ health care authority and used ~~((as provided under~~
18 ~~chapter 70.47 RCW))~~ to fund low-income health care services and mental
19 health services;

20 (e) Five percent to the Washington state health care authority to
21 be expended exclusively through contracts with community health centers
22 to provide primary health and dental care services, migrant health
23 services, and maternity health care services as provided under RCW
24 41.05.220;

25 (f) Three-tenths of one percent to the office of the superintendent
26 of public instruction to fund grants to building bridges programs under
27 chapter 28A.175 RCW; and

28 (g) The remainder to the general fund.

29 **Sec. 14.** RCW 70.47.030 and 2004 c 192 s 2 are each amended to read
30 as follows:

31 ~~((+1))~~ The basic health ~~((plan-trust))~~ services account is hereby
32 established in the state treasury. Any nongeneral fund-state funds
33 collected for this program shall be deposited in the basic health plan
34 ~~((trust))~~ services account and may be expended without further
35 appropriation. Moneys in the account shall be used exclusively for
36 ~~((the purposes of this chapter, including payments to participating~~

1 ~~managed health care systems on behalf of enrollees in the plan and~~
2 ~~payment of costs of administering the plan.~~

3 ~~During the 1995-97 fiscal biennium, the legislature may transfer~~
4 ~~funds from the basic health plan trust account to the state general~~
5 ~~fund.~~

6 ~~(2) The basic health plan subscription account is created in the~~
7 ~~custody of the state treasurer. All receipts from amounts due from or~~
8 ~~on behalf of nonsubsidized enrollees and health coverage tax credit~~
9 ~~eligible enrollees shall be deposited into the account. Funds in the~~
10 ~~account shall be used exclusively for the purposes of this chapter,~~
11 ~~including payments to participating managed health care systems on~~
12 ~~behalf of nonsubsidized enrollees and health coverage tax credit~~
13 ~~eligible enrollees in the plan and payment of costs of administering~~
14 ~~the plan. The account is subject to allotment procedures under chapter~~
15 ~~43.88 RCW, but no appropriation is required for expenditures.~~

16 ~~(3) The administrator shall take every precaution to see that none~~
17 ~~of the funds in the separate accounts created in this section or that~~
18 ~~any premiums paid either by subsidized or nonsubsidized enrollees are~~
19 ~~commingled in any way, except that the administrator may combine funds~~
20 ~~designated for administration of the plan into a single administrative~~
21 ~~account)) the health care authority to provide funding for low-income~~
22 ~~health care services and mental health care services.~~

23 NEW SECTION. Sec. 15. A new section is added to chapter 69.50 RCW
24 to read as follows:

25 (1) With respect to the distribution of funds to the counties under
26 RCW 69.50.540, the computations for distribution must be made by the
27 state substance control board as follows:

28 (a) The share coming to each county must be based on the number of
29 marijuana producers, marijuana processors, and marijuana retailers in
30 the county, with counties with the highest number of such licensees
31 receiving a proportionally higher share than those counties with fewer
32 licensees;

33 (b) The state substance control board must annually review the
34 distribution of funds provided in (a) of this subsection.

35 (2) With respect to the distribution of funds to incorporated
36 cities or towns, the computations for distribution must be made by the
37 state substance control board as follows:

1 (a) The share coming to each city or town must be based on the
2 number of marijuana producers, marijuana processors, and marijuana
3 retailers in the city or town, with cities or towns with the highest
4 number of such licensees receiving a proportionally higher share than
5 those cities or towns with fewer licensees;

6 (b) The state substance control board must annually review the
7 distribution of funds provided in (a) of this subsection.

8 **Sec. 16.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to
9 read as follows:

10 The University of Washington and Washington State University may
11 conduct scientific research on the efficacy and safety of administering
12 ((cannabis)) marijuana as part of medical treatment. As part of this
13 research, the University of Washington and Washington State University
14 may develop and conduct studies to ascertain the general medical safety
15 and efficacy of ((cannabis)) marijuana and may develop medical
16 guidelines for the appropriate administration and use of ((cannabis))
17 marijuana.

18 **Sec. 17.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
19 read as follows:

20 (1) The legislature finds that:

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

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

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

30 (iii) Acute or chronic glaucoma;

31 (iv) Crohn's disease; and

32 (v) Some forms of intractable pain.

33 (b) Humanitarian compassion necessitates that the decision to use
34 ((cannabis)) marijuana by patients with terminal or debilitating
35 medical conditions is a personal, individual decision, based upon their

1 health care professional's professional medical judgment and
2 discretion.

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

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

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

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

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

25 (4) Nothing in this chapter diminishes the authority of
26 correctional agencies and departments, including local governments or
27 jails, to establish a procedure for determining when the use of
28 (~~cannabis~~) marijuana would impact community safety or the effective
29 supervision of those on active supervision for a criminal conviction,
30 nor does it create the right to any accommodation of any medical use of
31 (~~cannabis~~) marijuana in any correctional facility or jail.

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

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Designated provider" means a person who(~~+~~
37 ~~a~~)) is (~~eighteen~~) twenty-one years of age or older(~~+~~

1 ~~(b)~~) and:
2 (a)(i) Is the parent or guardian of a qualifying patient who is
3 under the age of eighteen; or
4 (ii) Has been designated in writing by a qualifying patient to
5 serve as a designated provider (~~(under this chapter)~~) for that patient;
6 ~~((c))~~ (b) Has been entered into the medical marijuana registry as
7 being the designated provider to a qualifying patient, who must also be
8 entered in the registry, and may only provide medical marijuana to that
9 qualifying patient;
10 (c) Is prohibited from consuming marijuana obtained for the
11 personal, medical use of the qualifying patient for whom the individual
12 is acting as designated provider; (~~and~~)
13 (d) Is in compliance with this chapter; and
14 (e) Is the designated provider to only one patient at any one time.
15 (2) "Health care professional," for purposes of this chapter only,
16 means a physician licensed under chapter 18.71 RCW, a physician
17 assistant licensed under chapter 18.71A RCW, an osteopathic physician
18 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
19 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
20 18.36A RCW, or an advanced registered nurse practitioner licensed under
21 chapter 18.79 RCW.
22 (3) "Medical use of marijuana" means the manufacture, production,
23 possession, transportation, delivery, ingestion, application, or
24 administration of marijuana(~~(, as defined in RCW 69.50.101(q),~~) for
25 the exclusive benefit of a qualifying patient in the treatment of his
26 or her terminal or debilitating (~~(illness)~~) medical condition.
27 (4) "Qualifying patient" means a person who:
28 (a)(i) Is a patient of a health care professional;
29 ~~((b))~~ (ii) Has been diagnosed by that health care professional as
30 having a terminal or debilitating medical condition;
31 ~~((c))~~ (iii) Is a resident of the state of Washington at the time
32 of such diagnosis;
33 ~~((d))~~ (iv) Has been advised by that health care professional
34 about the risks and benefits of the medical use of marijuana; (~~and~~
35 ~~(e))~~ (v) Has been advised by that health care professional that
36 (~~they~~) he or she may benefit from the medical use of marijuana; and
37 (vi) Is otherwise in compliance with the terms and conditions
38 established in this chapter.

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

6 ~~(5) ("Tamper-resistant paper" means paper that meets one or more~~
7 ~~of the following industry-recognized features:~~

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

9 ~~(b) One or more features designed to prevent the erasure or~~
10 ~~modification of information on the paper; or~~

11 ~~(c) One or more features designed to prevent the use of counterfeit~~
12 ~~valid documentation.~~

13 ~~(6))~~ "Terminal or debilitating medical condition" means:

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

16 (b) Intractable pain, limited for the purpose of this chapter to
17 mean pain unrelieved by standard medical treatments and medications;
18 ~~((or))~~

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

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

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

26 (f) Diseases, including anorexia, which result in nausea, vomiting,
27 wasting, appetite loss, cramping, seizures, muscle spasms, or
28 spasticity, when these symptoms are unrelieved by standard treatments
29 or medications; or

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

33 ~~((7) "Valid documentation" means:~~

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

1 ~~(b) Proof of identity such as a Washington state driver's license~~
2 ~~or identicard, as defined in RCW 46.20.035.)~~ (6) "Authorization card"
3 means a card issued by the department to qualifying patients whose
4 health care professionals have entered them into the department's
5 medical marijuana registry.

6 (7) "Department" means the department of health.

7 (8) "Marijuana" has the meaning provided in RCW 69.50.101.

8 (9) "Marijuana processor" has the meaning provided in RCW
9 69.50.101.

10 (10) "Marijuana producer" has the meaning provided in RCW
11 69.50.101.

12 (11) "Marijuana retailer" has the meaning provided in RCW
13 69.50.101.

14 (12) "Marijuana-infused products" has the meaning provided in RCW
15 69.50.101.

16 (13) "Medical marijuana registry" means the secure and confidential
17 registry of qualifying patients and designated providers established in
18 section 24 of this act.

19 (14) "Plant" means a marijuana plant having at least three
20 distinguishable and distinct leaves, each leaf being at least three
21 centimeters in diameter, and a readily observable root formation
22 consisting of at least two separate and distinct roots, each being at
23 least two centimeters in length. Multiple stalks emanating from the
24 same root ball or root system is considered part of the same single
25 plant.

26 (15) "Public place" includes streets and alleys of incorporated
27 cities and towns; state or county or township highways or roads;
28 buildings and grounds used for school purposes; public dance halls and
29 grounds adjacent thereto; premises where goods and services are offered
30 to the public for retail sale; public buildings, public meeting halls,
31 lobbies, halls and dining rooms of hotels, restaurants, theaters,
32 stores, garages, and filling stations that are open to and are
33 generally used by the public and to which the public is permitted to
34 have unrestricted access; railroad trains, stages, buses, ferries, and
35 other public conveyances of all kinds and character, and the depots,
36 stops, and waiting rooms used in conjunction therewith which are open
37 to unrestricted use and access by the public; publicly owned bathing

1 beaches, parks, or playgrounds; and all other places of like or similar
2 nature to which the general public has unrestricted right of access,
3 and that are generally used by the public.

4 (16) "THC concentration" has the meaning provided in RCW 69.50.101.

5 (17) "Useable marijuana" has the meaning provided in RCW 69.50.101.

6 NEW SECTION. Sec. 19. A new section is added to chapter 69.51A
7 RCW to read as follows:

8 The department, in consultation with health care professionals,
9 must adopt rules defining the terms "terminal or debilitating medical
10 condition" and "intractable pain" as used in RCW 69.51A.010. The rules
11 adopted must assist a health care professional in determining, through
12 an objective assessment and evaluation, that the terminal or
13 debilitating medical condition is severe enough to significantly
14 interfere with the qualifying patient's activities of daily living and
15 his or her ability to function.

16 **Sec. 20.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
17 read as follows:

18 (1) The following acts do not constitute crimes under state law or
19 unprofessional conduct under chapter 18.130 RCW, and a health care
20 professional may not be arrested, searched, prosecuted, disciplined, or
21 subject to other criminal sanctions or civil consequences or liability
22 under state law, or have real or personal property searched, seized, or
23 forfeited pursuant to state law, notwithstanding any other provision of
24 law as long as the health care professional complies with subsection
25 (2) of this section:

26 (a) Advising a patient about the risks and benefits of medical use
27 of ~~((cannabis))~~ marijuana or that the patient may benefit from the
28 medical use of ~~((cannabis))~~ marijuana; or

29 (b) ~~((Providing))~~ Registering a patient meeting the criteria
30 established under RCW 69.51A.010~~((26) with valid documentation))~~ (4)
31 with the medical marijuana registry, based upon the health care
32 professional's assessment of the patient's medical history and current
33 medical condition, ~~((where such use is))~~ if the health care
34 professional has complied with this chapter and he or she determines
35 within a professional standard of care or in the individual health care

1 professional's medical judgment the qualifying patient may benefit from
2 use of medical marijuana.

3 (2)(a) A health care professional may only (~~provide a patient with~~
4 ~~valid documentation authorizing the medical use of cannabis or~~)
5 register the patient with the medical marijuana registry established in
6 section ~~((901))~~ 24 of this act if he or she has a (~~newly initiated or~~
7 ~~existing~~) documented relationship with the patient, as a primary care
8 provider or a specialist, relating to the diagnosis and ongoing
9 treatment or monitoring of the patient's terminal or debilitating
10 medical condition, and only after:

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

13 (ii) Documenting the terminal or debilitating medical condition of
14 the patient in the patient's medical record and that the patient may
15 benefit from treatment of this condition or its symptoms with medical
16 use of (~~cannabis~~) marijuana;

17 (iii) Informing the patient of other options for treating the
18 terminal or debilitating medical condition and documenting in the
19 patient's medical record that the patient has received this
20 information; and

21 (iv) Documenting in the patient's medical record other measures
22 attempted to treat the terminal or debilitating medical condition that
23 do not involve the medical use of (~~cannabis~~) marijuana.

24 (b) A health care professional shall not:

25 (i) Accept, solicit, or offer any form of pecuniary remuneration
26 from or to a (~~licensed dispenser, licensed producer, or licensed~~
27 ~~processor of cannabis products~~) marijuana retailer, marijuana
28 processor, or marijuana producer;

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

33 (iii) Examine or offer to examine a patient for purposes of
34 diagnosing a terminal or debilitating medical condition at a location
35 where (~~cannabis~~) marijuana is produced, processed, or (~~dispensed~~)
36 sold;

37 (iv) Have a business or practice which consists (~~solely~~)

1 primarily of authorizing the medical use of (~~cannabis~~) marijuana.
2 However, the health care professional's business or practice must have
3 a permanent physical location;

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

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

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

12 NEW SECTION. Sec. 21. A new section is added to chapter 69.51A
13 RCW to read as follows:

14 (1) As part of registering a qualifying patient or designated
15 provider in the medical marijuana registry, the health care
16 professional may include recommendations on the amount of marijuana
17 that is likely needed by the qualifying patient for his or her medical
18 needs and in accordance with subsection (2) of this section. If no
19 recommendations are included at point of registration, the qualifying
20 patient or designated provider may purchase at a marijuana retailer
21 that holds a medical marijuana endorsement a combination of the
22 following: Three ounces of useable marijuana; forty-eight ounces of
23 marijuana-infused product in solid form; or two hundred sixteen ounces
24 of marijuana-infused product in liquid form. The qualifying patient or
25 designated provider may also grow, in his or her domicile, up to six
26 plants, three flowering and three nonflowering, for the personal
27 medical use of the qualifying patient. If plants are grown for the
28 qualifying patient, the patient may possess as much useable marijuana
29 as can be produced by three plants.

30 (2) If a health care professional determines that the medical needs
31 of a patient exceed the amounts provided for in subsection (1) of this
32 section, the health care professional may recommend a greater amount
33 for the personal medical use of the patient but not to exceed eight
34 ounces of useable marijuana or fifteen plants. This amount must be
35 entered into the registry at point of registration of the qualifying
36 patient or designated provider.

1 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.51A
2 RCW to read as follows:

3 (1) The department shall convene a work group of representatives of
4 the medical quality assurance commission, board of osteopathic medicine
5 and surgery, the nursing care quality assurance commission, the board
6 of naturopathy, and representatives of the medical marijuana community
7 including patients, attorneys, and health care professionals, to
8 develop practice guidelines for health care professionals to consider
9 when authorizing the medical use of marijuana for patients. The
10 representatives of the medical marijuana community must be appointed by
11 the governor. The practice guidelines shall address:

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

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

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

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

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

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

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

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

28 (2) The department shall make the practice guidelines broadly
29 available to health care professionals.

30 NEW SECTION. **Sec. 23.** A new section is added to chapter 69.51A
31 RCW to read as follows:

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

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

36 (b) The parent or guardian acts as the designated provider for the

1 minor and has sole control over the minor's medical marijuana.
2 However, the minor may possess up to the amount of medical marijuana
3 that is necessary for his or her next dose; and

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

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

11 (a) Consult with other health care providers involved in the
12 child's treatment, as medically indicated, before authorization or
13 reauthorization of the medical use of marijuana;

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

16 (i) Determine that the minor continues to have a terminal or
17 debilitating medical condition and that the condition benefits from the
18 medical use of marijuana; and

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

22 (c) Enter both the minor and the minor's parent or guardian who is
23 acting as the designated provider in the medical marijuana registry.

24 NEW SECTION. **Sec. 24.** A new section is added to chapter 69.51A
25 RCW to read as follows:

26 (1) By January 1, 2015, the department must adopt rules for the
27 creation, implementation, maintenance, and timely upgrading of a secure
28 and confidential medical marijuana registry that allows:

29 (a) A health care professional to register a qualifying patient or
30 designated provider and include the amount of useable marijuana,
31 marijuana-infused products, or plants for which the qualifying patient
32 is authorized under section 21 of this act;

33 (b) A law enforcement officer to confirm the authorization card of
34 a qualifying patient or designated provider;

35 (c) A marijuana retailer holding a medical marijuana endorsement to
36 confirm the authorization card of a qualifying patient;

1 (d) The substance control board to verify tax exemptions under RCW
2 69.50.535;

3 (e) The department of revenue to verify tax exemptions under
4 chapters 82.08 and 82.12 RCW;

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

8 (g) Registrations to expire one year after entry into the registry.

9 (2) A qualifying patient and his or her designated provider, if
10 any, must be placed in the medical marijuana registry by the qualifying
11 patient's health care professional. After a qualifying patient or
12 designated provider is placed in the medical marijuana registry, the
13 department must issue an authorization card. The authorization card
14 must be developed by the department and include:

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

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

18 (c) The amount of useable marijuana, marijuana-infused products, or
19 plant for which the qualifying patient is authorized under section 21
20 of this act;

21 (d) The effective date and expiration date of the authorization
22 card;

23 (e) The name of the health care professional who registered the
24 qualifying patient or designated provider; and

25 (f) Additional security features as necessary to ensure the
26 validity of the authorization card.

27 (3) Authorization cards are valid for one year from the date the
28 health care professional registers the qualifying patient or designated
29 provider in the medical marijuana registry. Qualifying patients may
30 not be reentered into the medical marijuana registry until they have
31 been reexamined by a health care professional and determined to meet
32 the definition of qualifying patient. After reexamination, the health
33 care professional must reenter the qualifying patient or designated
34 provider into the medical marijuana registry and a new authorization
35 card will then be issued by the department in accordance with
36 department rules. The department must adopt rules on replacing lost or
37 stolen authorization cards.

1 (4) The department must adopt rules for removing qualifying
2 patients and designated providers from the medical marijuana registry
3 upon expiration of the authorization card as well as a method for
4 permitting qualifying patients and designated providers to remove their
5 names from the medical marijuana registry before expiration. The
6 department must retain registry records for at least five calendar
7 years to permit the substance control board and the department of
8 revenue to verify eligibility for tax exemptions.

9 (5) During development of the medical marijuana registry, the
10 department of health shall consult with stakeholders and persons with
11 relevant expertise to include, but not be limited to, qualifying
12 patients, designated providers, health care professionals, state and
13 local law enforcement agencies, and the University of Washington
14 computer science and engineering security and privacy research lab.

15 (6) The medical marijuana registry must meet the following
16 requirements:

17 (a) Any personally identifiable information included in the
18 registry must be nonreversible, pursuant to definitions and standards
19 set forth by the national institute of standards and technology;

20 (b) Any personally identifiable information included in the
21 registry must not be susceptible to linkage by use of data external to
22 the registry;

23 (c) The registry must incorporate current best differential privacy
24 practices, allowing for maximum accuracy of registry queries while
25 minimizing the chances of identifying the personally identifiable
26 information included therein; and

27 (d) The registry must be upgradable and updated in a timely fashion
28 to keep current with state of the art privacy and security standards
29 and practices.

30 (7)(a) Personally identifiable information of qualifying patients
31 and designated providers included in the medical marijuana registry is
32 confidential and exempt from public disclosure, inspection, or copying
33 under chapter 42.56 RCW.

34 (b) Information contained in the medical marijuana registry may be
35 released in aggregate form, with all personally identifying information
36 redacted, for the purpose of statistical analysis and oversight of
37 agency performance and actions.

1 NEW SECTION. Sec. 25. A new section is added to chapter 42.56 RCW
2 to read as follows:

3 Records in the medical marijuana registry established in section 24
4 of this act containing names and other personally identifiable
5 information of qualifying patients and designated providers are exempt
6 from disclosure under this chapter.

7 **Sec. 26.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
8 read as follows:

9 The medical use of ~~((cannabis))~~ marijuana in accordance with the
10 terms and conditions of this chapter does not constitute a crime and a
11 qualifying patient or designated provider in compliance with the terms
12 and conditions of this chapter may not be arrested, prosecuted, or
13 subject to other criminal sanctions or civil consequences, for
14 possession, manufacture, or delivery of, or for possession with intent
15 to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, or
16 have real or personal property seized or forfeited for possession,
17 manufacture, or delivery of, or for possession with intent to
18 manufacture or deliver, ~~((cannabis))~~ marijuana under state law, and
19 investigating ~~((peace))~~ law enforcement officers and ~~((law~~
20 ~~enforcement))~~ agencies may not be held civilly liable for failure to
21 seize ~~((cannabis))~~ marijuana in this circumstance, if:

22 (1)~~((+))~~ The qualifying patient or designated provider holds a
23 valid authorization card and possesses no more than ~~((fifteen-cannabis~~
24 ~~plants and:~~

25 ~~(i) No more than twenty-four ounces of useable cannabis;~~

26 ~~(ii) No more cannabis product than what could reasonably be~~
27 ~~produced with no more than twenty-four ounces of useable cannabis; or~~

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

31 ~~(b) If a person is both a qualifying patient and a designated~~
32 ~~provider for another qualifying patient, the person may possess no more~~
33 ~~than twice the amounts described in (a) of this subsection, whether the~~
34 ~~plants, useable cannabis, and cannabis product are possessed~~
35 ~~individually or in combination between the qualifying patient and his~~
36 ~~or her designated provider))~~ the amount of useable marijuana or
37 marijuana-infused products authorized under section 21 of this act;

1 (2) The qualifying patient or designated provider presents his or
2 her (~~(proof of registration with the department of health,)~~)
3 authorization card to any (~~(peace)~~) law enforcement officer who
4 questions the patient or provider regarding his or her medical use of
5 (~~(cannabis)~~) marijuana;

6 (3) The qualifying patient or designated provider keeps a copy of
7 his or her (~~(proof of registration with the registry established in~~
8 ~~section 901 of this act)~~) authorization card and the qualifying patient
9 or designated provider's contact information posted prominently next to
10 any (~~(cannabis)~~) plants, (~~(cannabis)~~) marijuana-infused products, or
11 useable (~~(cannabis)~~) marijuana located at his or her residence;

12 (4) The investigating (~~(peace)~~) law enforcement officer does not
13 possess evidence that:

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

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

21 (5) The investigating (~~(peace)~~) law enforcement officer does not
22 possess evidence that the designated provider has served as a
23 designated provider to more than one qualifying patient within a
24 fifteen-day period(~~(; and~~

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

27 **Sec. 27.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
28 read as follows:

29 (1) A qualifying patient or designated provider in possession of
30 (~~(cannabis)~~) plants, useable (~~(cannabis)~~) marijuana, or (~~(cannabis)~~)
31 marijuana-infused products exceeding the limits set forth in (~~(RCW~~
32 ~~69.51A.040(1))~~) section 21 of this act but otherwise in compliance with
33 all other terms and conditions of this chapter may establish an
34 affirmative defense to charges of violations of state law relating to
35 (~~(cannabis)~~) marijuana through proof at trial, by a preponderance of
36 the evidence, that the qualifying patient's necessary medical use
37 exceeds the amounts set forth in RCW 69.51A.040(~~(+1)~~)).

1 (2) An investigating ((peace)) law enforcement officer may seize
2 ((cannabis)) plants, useable ((cannabis)) marijuana, or ((cannabis))
3 marijuana-infused products exceeding the amounts set forth in ((RCW
4 69.51A.040(1): ~~PROVIDED, That~~)) section 21 of this act. In the case
5 of ((cannabis)) plants, the qualifying patient or designated provider
6 shall be allowed to select the plants that will remain at the location.
7 The officer and his or her law enforcement agency may not be held
8 civilly liable for failure to seize ((cannabis)) marijuana in this
9 circumstance.

10 **Sec. 28.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
11 read as follows:

12 (1)(a) The arrest and prosecution protections established in RCW
13 69.51A.040 may not be asserted in a supervision revocation or violation
14 hearing by a person who is supervised by a corrections agency or
15 department, including local governments or jails, that has determined
16 that the terms of this section are inconsistent with and contrary to
17 his or her supervision.

18 (b) The affirmative defenses established in RCW ((69.51A.043,))
19 69.51A.045((, 69.51A.047, and section 407 of this act)) may not be
20 asserted in a supervision revocation or violation hearing by a person
21 who is supervised by a corrections agency or department, including
22 local governments or jails, that has determined that the terms of this
23 section are inconsistent with and contrary to his or her supervision.

24 (2) ((The provisions of)) RCW 69.51A.040((, 69.51A.085, and
25 69.51A.025 do)) does not apply to a person who is supervised for a
26 criminal conviction by a corrections agency or department, including
27 local governments or jails, that has determined that the terms of this
28 chapter are inconsistent with and contrary to his or her supervision.

29 ((3) A person may not be licensed as a licensed producer, licensed
30 processor of cannabis products, or a licensed dispenser under section
31 601, 602, or 701 of this act if he or she is supervised for a criminal
32 conviction by a corrections agency or department, including local
33 governments or jails, that has determined that licensure is
34 inconsistent with and contrary to his or her supervision.))

35 **Sec. 29.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
36 read as follows:

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

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

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

13 (4) Nothing in this chapter requires any accommodation of any on-
14 site medical use of ~~((cannabis))~~ marijuana in any place of employment,
15 in any school bus or on any school grounds, in any youth center, in any
16 correctional facility, or smoking ~~((cannabis))~~ marijuana in any public
17 place or hotel or motel. However, a school may permit a minor who
18 meets the requirements of section 23 of this act to consume medical
19 marijuana on school grounds. Such use must be in accordance with
20 school policy relating to medication use on school grounds.

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

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

26 ~~((+6))~~ (7) Employers may establish drug-free work policies.
27 Nothing in this chapter requires an accommodation for the medical use
28 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

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

34 (8) No person shall be entitled to claim the protection from arrest
35 and prosecution under RCW 69.51A.040 ~~((or the affirmative defense under~~
36 ~~RCW 69.51A.043))~~ for engaging in the medical use of ~~((cannabis))~~
37 marijuana in a way that endangers the health or well-being of any

1 person through the use of a motorized vehicle on a street, road, or
2 highway, including violations of RCW 46.61.502 or 46.61.504, or
3 equivalent local ordinances.

4 NEW SECTION. **Sec. 30.** A new section is added to chapter 69.51A
5 RCW to read as follows:

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

7 (a) To produce an authorization card or to tamper with an
8 authorization card for the purpose of having it accepted by a marijuana
9 retailer in order to purchase marijuana as a medical marijuana patient
10 or to grow marijuana plants in accordance with section 21 of this act;

11 (b) If a person is a designated provider to a qualifying patient,
12 to sell, donate, or otherwise use the marijuana produced or obtained
13 for the qualifying patient for the designated provider's own personal
14 use or benefit; or

15 (c) If the person is a qualifying patient, to sell, donate, or
16 otherwise supply marijuana produced or obtained by the qualifying
17 patient to another person.

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

21 **Sec. 31.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
22 read as follows:

23 The Washington state medical quality assurance commission in
24 consultation with the board of osteopathic medicine and surgery, or
25 other appropriate agency as designated by the governor, shall accept
26 for consideration petitions submitted to add terminal or debilitating
27 conditions to those included in this chapter. In considering such
28 petitions, the Washington state medical quality assurance commission in
29 consultation with the board of osteopathic medicine and surgery shall
30 include public notice of, and an opportunity to comment in a public
31 hearing upon, such petitions. The Washington state medical quality
32 assurance commission in consultation with the board of osteopathic
33 medicine and surgery may make a preliminary finding of good cause
34 before the public hearing and shall, after hearing, approve or deny
35 such petitions within ((one)) two hundred ((~~eighty~~)) ten days of

1 submission. The approval or denial of such a petition shall be
2 considered a final agency action, subject to judicial review.

3 **Sec. 32.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
4 read as follows:

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

12 (2) A person may stop serving as a designated provider to a given
13 qualifying patient at any time by revoking that designation in writing,
14 signed and dated, and provided to the department and the qualifying
15 patient. However, that person may not begin serving as a designated
16 provider to a different qualifying patient until fifteen days have
17 elapsed from the date the last qualifying patient designated him or her
18 to serve as a provider.

19 (3) The department may adopt rules to implement this section,
20 including a procedure to remove the name of the designated provider
21 from the medical marijuana registry upon receipt of a revocation under
22 this section.

23 **Sec. 33.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
24 read as follows:

25 A qualifying patient's medical use of (~~cannabis~~) marijuana as
26 authorized by a health care professional may not be a sole
27 disqualifying factor in determining the patient's suitability for an
28 organ transplant, unless it is shown that this use poses a significant
29 risk of rejection or organ failure. This section does not preclude a
30 health care professional from requiring that a patient abstain from the
31 medical use of (~~cannabis~~) marijuana, for a period of time determined
32 by the health care professional, while waiting for a transplant organ
33 or before the patient undergoes an organ transplant.

34 **Sec. 34.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
35 read as follows:

1 A qualifying patient or designated provider may not have his or her
2 parental rights or residential time with a child restricted solely due
3 to his or her medical use of (~~cannabis~~) marijuana in compliance with
4 the terms of this chapter absent written findings supported by evidence
5 that such use has resulted in a long-term impairment that interferes
6 with the performance of parenting functions as defined under RCW
7 26.09.004.

8 NEW SECTION. **Sec. 35.** All references to the Washington state
9 liquor control board must be construed as referring to the Washington
10 state substance control board. The code reviser must prepare
11 legislation for the 2015 legislative session changing all references
12 from the Washington state liquor control board to the Washington state
13 substance control board.

14 NEW SECTION. **Sec. 36.** The following acts or parts of acts are
15 each repealed:

- 16 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
17 & 1999 c 2 s 3;
- 18 (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW
19 69.51A.040) and 2011 c 181 s 413;
- 20 (3) RCW 69.51A.043 (Failure to register--Affirmative defense) and
21 2011 c 181 s 402;
- 22 (4) RCW 69.51A.047 (Failure to register or present valid
23 documentation--Affirmative defense) and 2011 c 181 s 406; and
- 24 (5) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

25 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
26 each repealed:

- 27 (1) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403;
- 28 (2) RCW 69.51A.090 (Applicability of valid documentation
29 definition) and 2010 c 284 s 5; and
- 30 (3) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and
31 enforce requirements) and 2011 c 181 s 1102.

32 NEW SECTION. **Sec. 38.** Sections 2, 6 through 12, 18, 20, 23, 26,

1 27, 29, 30, 32, and 37 of this act take effect July 30, 2016.

--- END ---