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HOUSE BILL 2149

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Cody, Carlyle, Johnson, Jinkins, Morrell, and Santos

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1            AN ACT Relating to medical marijuana; amending RCW 69.51A.005,  
2 69.51A.010, 69.51A.020, 69.51A.025, 69.51A.030, 69.51A.040, 69.51A.040,  
3 69.51A.055, 69.51A.060, 69.51A.100, 69.51A.110, 69.51A.120, and  
4 69.51A.900; adding new sections to chapter 69.51A RCW; adding new  
5 sections to chapter 69.50 RCW; repealing RCW 69.51A.070, 69.51A.140,  
6 69.51A.200, 69.51A.043, 69.51A.045, 69.51A.047, 69.51A.090, and  
7 69.51A.085; providing effective dates; and providing an expiration  
8 date.

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

10            **Sec. 1.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to  
11 read as follows:

12            (1) The legislature finds that:

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

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

- 1 (ii) Severe muscle spasms associated with multiple sclerosis,  
2 epilepsy, and other seizure and spasticity disorders;  
3 (iii) Acute or chronic glaucoma;  
4 (iv) Crohn's disease; and  
5 (v) Some forms of intractable pain.

6 (b) Humanitarian compassion necessitates that the decision to use  
7 ((cannabis)) marijuana by patients with terminal or debilitating  
8 medical conditions is a personal, individual decision, based upon their  
9 health care professional's professional medical judgment and  
10 discretion.

11 (2) Therefore, the legislature intends that:

12 (a) Qualifying patients with terminal or debilitating medical  
13 conditions who, in the judgment of their health care professionals, may  
14 benefit from the medical use of ((cannabis)) marijuana, shall not be  
15 arrested, prosecuted, or subject to other criminal sanctions or civil  
16 consequences under state law based solely on their medical use of  
17 ((cannabis)) marijuana, notwithstanding any other provision of law;

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

23 (c) Health care professionals shall also not be arrested,  
24 prosecuted, or subject to other criminal sanctions or civil  
25 consequences under state law for the proper authorization of medical  
26 use of ((cannabis)) marijuana by qualifying patients for whom, in the  
27 health care professional's professional judgment, the medical use of  
28 ((cannabis)) marijuana may prove beneficial.

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

32 (4) Nothing in this chapter diminishes the authority of  
33 correctional agencies and departments, including local governments or  
34 jails, to establish a procedure for determining when the use of  
35 ((cannabis)) marijuana would impact community safety or the effective  
36 supervision of those on active supervision for a criminal conviction,  
37 nor does it create the right to any accommodation of any medical use of  
38 ((cannabis)) marijuana in any correctional facility or jail.

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

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Department" means the department of health.

6       (2) "Designated provider" means a person who:

7       (a) Is eighteen years of age or older;

8       (b) Has been designated in writing by a patient to serve as a  
9 designated provider under this chapter;

10       (c) Is prohibited from consuming marijuana obtained for the  
11 personal, medical use of the patient for whom the individual is acting  
12 as designated provider; and

13       (d) Is the designated provider to only one patient at any one time.

14       (~~(+2)~~) (3) "Health care professional," for purposes of this  
15 chapter only, means a physician licensed under chapter 18.71 RCW, a  
16 physician assistant licensed under chapter 18.71A RCW, an osteopathic  
17 physician licensed under chapter 18.57 RCW, an osteopathic physicians'  
18 assistant licensed under chapter 18.57A RCW, a naturopath licensed  
19 under chapter 18.36A RCW, or an advanced registered nurse practitioner  
20 licensed under chapter 18.79 RCW.

21       (~~(+3)~~) (4) "Marijuana" has the same meaning as in RCW 69.50.101.

22       (5) "Marijuana processor" has the same meaning as in RCW 69.50.101.

23       (6) "Marijuana producer" has the same meaning as in RCW 69.50.101.

24       (7) "Marijuana-infused products" has the same meaning as in RCW  
25 69.50.101.

26       (8) "Marijuana retailer" has the same meaning as in RCW 69.50.101.

27       (9) "Medical use of marijuana" means the production, possession, or  
28 administration of marijuana, as defined in RCW 69.50.101(~~(+g)~~), for  
29 the exclusive benefit of a qualifying patient in the treatment of his  
30 or her terminal or (~~debilitating illness~~) medical condition.

31       (~~(+4)~~) (10) "Qualifying patient" means a person who:

32       (a) Is a patient of a health care professional;

33       (b) Has been diagnosed by that health care professional as having  
34 a terminal or debilitating medical condition;

35       (c) Is a resident of the state of Washington at the time of such  
36 diagnosis;

37       (d) Has been advised by that health care professional about the  
38 risks and benefits of the medical use of marijuana; and

1 (e) Has been advised by that health care professional that they may  
2 benefit from the medical use of marijuana.

3 ~~((+5))~~ (11) "Tamper-resistant paper" means paper that meets one or  
4 more of the following industry-recognized features:

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

6 (b) One or more features designed to prevent the erasure or  
7 modification of information on the paper; or

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

10 ~~((+6))~~ (12) "Terminal or debilitating medical condition" means:

11 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,  
12 epilepsy or other seizure disorder, or spasticity disorders; or

13 (b) Intractable pain, limited for the purpose of this chapter to  
14 mean pain that can be objectively assessed and evaluated, that is  
15 unrelieved by standard medical treatments and medications and of such  
16 severity as to significantly interfere with the patient's activities of  
17 daily living and ability to function; or

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

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

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

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

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

33 ~~((+7))~~ (13) "Useable marijuana" has the same meaning as in RCW  
34 69.50.101.

35 (14) "Valid documentation" means ~~((+or~~

36 ~~(a))~~ A statement signed and dated by a qualifying patient's health  
37 care professional written on tamper-resistant paper, which states that,

1 in the health care professional's professional opinion, the patient may  
2 benefit from the medical use of marijuana(~~(; and~~

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

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.51A RCW  
6 to read as follows:

7 By May 1, 2015, the department shall:

8 (1) Within thirty days of receiving an application, issue a  
9 qualifying patient recognition card to any qualifying patient who meets  
10 the criteria established under section 4 of this act;

11 (2) Within thirty days of an application, issue a designated  
12 provider recognition card to any designated provider who meets the  
13 criteria established under section 4 of this act;

14 (3)(a) Adopt application forms for a:

15 (i) Qualifying patient to apply for a qualifying patient  
16 recognition card under section 4 of this act; or

17 (ii) Designated provider to apply for a designated provider  
18 recognition card under the qualifying patient's authority.

19 (b) The application forms shall, at a minimum, include:

20 (i) The name, address, and date of birth of the qualifying patient  
21 and, if appropriate, the qualifying patient's designated provider;

22 (ii) The name, address, and telephone number of the qualifying  
23 patient's health care professional who signed the patient's valid  
24 documentation;

25 (iii) Any other information that the department determines is  
26 necessary to verify the identity of the qualifying patient or  
27 designated provider, including unique identifiers such as driver's  
28 license information or social security numbers;

29 (4) Adopt procedures for the issuance, annual renewal, and  
30 cancellation of a qualifying patient recognition card;

31 (5) Adopt procedures for the issuance and cancellation of a  
32 designated provider recognition card to a designated provider.  
33 Cancellation may be initiated by the department or at the request of  
34 the qualifying patient;

35 (6) Adopt attestation forms and procedures for health care  
36 professionals to use in section 5 of this act;

1 (7) Establish and maintain a system for safeguarding the records of  
2 individuals applying for or holding qualifying patient recognition  
3 cards or designated provider recognition cards;

4 (8) Adopt rules and guidelines as necessary to implement this  
5 chapter.

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

8 (1) After May 1, 2015, a qualifying patient may receive a  
9 qualifying patient recognition card from the department if the  
10 qualifying patient:

11 (a) Submits to the department an application signed by:

12 (i)(A) The qualifying patient; or

13 (B) If the qualifying patient is less than eighteen years of age,  
14 a parent or guardian of the qualifying patient; and

15 (ii) The qualifying patient's health care professional who has  
16 signed the patient's valid documentation; and

17 (b) Submits a copy of his or her valid documentation to the  
18 department.

19 (2) After May 1, 2015, a designated provider may receive a  
20 designated provider recognition card from the department if the  
21 designated provider:

22 (a) Submits to the department an application signed by the  
23 designated provider and the qualifying patient that has made the  
24 designation; and

25 (b) Submits a copy of the qualifying patient recognition card for  
26 the qualifying patient that has made the designation or, if the  
27 qualifying patient recognition card has not been processed by the  
28 department a copy of the qualifying patient's application for a  
29 qualifying patient recognition card.

30 (3) At a minimum, a qualifying patient recognition card and a  
31 designated provider recognition card must contain the following  
32 information on its face:

33 (a) The individual's name;

34 (b) The individual's birth date;

35 (c) The expiration date; and

36 (d) In the case of a designated provider registration card, the  
37 name of the qualifying patient who the designated provider represents.

1 (4) Qualifying patient recognition cards and designated provider  
2 recognition cards expire on the date identified by the health care  
3 professional on the valid documentation which may not exceed one year  
4 from the date that the valid documentation was authorized.

5 (5) Qualifying patient recognition cards and designated provider  
6 recognition cards are not transferrable.

7 (6)(a) If a qualifying patient's health care professional has  
8 determined that a patient's terminal or debilitating medical condition  
9 justifies an extraordinary demand for the possession and purchase of up  
10 to eight ounces of useable marijuana, the health care professional may  
11 provide the patient with an attestation that meets the requirement of  
12 section 5 of this act.

13 (b) The attestation may be submitted with the application for a  
14 qualifying patient recognition card or designated provider recognition  
15 card or submitted separately during the period that a qualifying  
16 patient recognition card or designated provider recognition card is  
17 valid. If submitted separately, the department shall invalidate the  
18 previous card and issue a new qualifying patient recognition card or  
19 designated provider recognition card with the previous expiration date.

20 (c) If the department determines that the conditions of section 5  
21 of this act have been met, the qualifying patient recognition card or  
22 designated provider recognition card shall note the amount of useable  
23 cannabis authorized for possession or purchase.

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

26 (1) An individual who holds a valid qualifying patient recognition  
27 card or a designated provider recognition card pursuant to section 4 of  
28 this act may assert the protections available under RCW 69.51A.040 and  
29 purchase the amounts approved under that section from a licensed  
30 marijuana retailer that holds a medical marijuana endorsement, except  
31 that the individual may possess or purchase an amount in excess of  
32 three ounces of useable marijuana, but not to exceed eight ounces of  
33 useable marijuana if an extraordinary demand has been approved by the  
34 qualifying patient's health care professional in accordance with  
35 subsection (2) of this section.

36 (2) A health care professional may authorize the possession or

1 purchase of more than three ounces of useable marijuana for a  
2 qualifying patient if the health care professional attests to the  
3 department:

4 (a) That he or she is the primary health care professional treating  
5 the patient's terminal or debilitating medical condition that is the  
6 basis for the issuance of the valid documentation;

7 (b) That he or she maintains an ongoing medical relationship with  
8 the patient that includes regular visits with the patient at least  
9 every three months;

10 (c) That alternatives to marijuana for medical use have been  
11 attempted with the qualifying patient and have been unsuccessful and  
12 that the use of marijuana in amounts that would allow for possession of  
13 less than three ounces of useable marijuana has been attempted and has  
14 been unsuccessful; and

15 (d) That he or she maintains documentation of efforts to use  
16 alternatives to marijuana for medical use and marijuana in amounts that  
17 would allow for possession of less than three ounces of useable  
18 marijuana.

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

21 (1) The department shall establish and maintain a system for  
22 safeguarding the records of qualifying patients that have applied for  
23 a qualifying patient recognition card under section 4 of this act and  
24 designated providers that have applied for a designated provider  
25 recognition card under section 4 of this act as secure and  
26 confidential.

27 (2) Information maintained by the department under this section  
28 shall be confidential and not subject to disclosure, except:

29 (a) To a peace officer at any time for purposes of verifying that  
30 a person is lawfully in possession of a qualifying patient recognition  
31 card or a designated provider recognition card;

32 (b) To appropriate local, state, and federal law enforcement or  
33 prosecutorial officials who are engaged in a bona fide specific  
34 investigation involving a designated person;

35 (c) To members of a disciplining authority or a state employee in  
36 connection with an investigation conducted by a disciplining authority  
37 for unprofessional conduct under RCW 69.51A.030 or chapter 18.130 RCW;

1 (d) In an aggregated form that does not allow for the  
2 identification of any individual holder of a qualifying patient  
3 recognition card or designated provider recognition card;

4 (e) To persons authorized to prescribe or dispense controlled  
5 substances, for the purpose of providing medical or pharmaceutical care  
6 for their patients;

7 (f) To employees of the department of revenue to the extent  
8 necessary to determine applicable exemptions from state and local  
9 taxes; or

10 (g) To employees of the liquor control board to the extent  
11 necessary to determine compliance with the requirements of sections 22  
12 and 23 of this act.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 69.51A RCW  
14 to read as follows:

15 If a qualifying patient is less than eighteen years of age, a  
16 parent or guardian of the qualifying patient must:

17 (1) Be named as his or her designated provider and hold a  
18 designated provider recognition card to that effect; and

19 (2) Have sole control over the qualifying patient's marijuana,  
20 except that the qualifying patient may possess an amount of marijuana  
21 that is necessary to fulfill his or her next dose.

22 **Sec. 8.** RCW 69.51A.020 and 2011 c 181 s 103 are each amended to  
23 read as follows:

24 Nothing in this chapter shall be construed to supersede Washington  
25 state law prohibiting the acquisition, possession, manufacture, sale,  
26 or use of ((cannabis)) marijuana for nonmedical purposes. Criminal  
27 penalties created under chapter 181, Laws of 2011 do not preclude the  
28 prosecution or punishment for other crimes, including other crimes  
29 involving the manufacture or delivery of ((cannabis)) marijuana for  
30 nonmedical purposes.

31 **Sec. 9.** RCW 69.51A.025 and 2011 c 181 s 413 are each amended to  
32 read as follows:

33 Nothing in this chapter or in the rules adopted to implement it  
34 precludes a qualifying patient or designated provider from engaging in

1 the private, unlicensed, noncommercial production, possession,  
2 transportation, delivery, or administration of (~~cannabis~~) marijuana  
3 for medical use as authorized under RCW 69.51A.040.

4 **Sec. 10.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to  
5 read as follows:

6 (1) The following acts do not constitute crimes under state law or  
7 unprofessional conduct under chapter 18.130 RCW, and a health care  
8 professional may not be arrested, searched, prosecuted, disciplined, or  
9 subject to other criminal sanctions or civil consequences or liability  
10 under state law, or have real or personal property searched, seized, or  
11 forfeited pursuant to state law, notwithstanding any other provision of  
12 law as long as the health care professional complies with subsection  
13 (2) of this section:

14 (a) Advising a patient about the risks and benefits of medical use  
15 of (~~cannabis~~) marijuana or that the patient may benefit from the  
16 medical use of (~~cannabis~~) marijuana; or

17 (b) Providing a patient meeting the (~~criteria established under~~  
18 ~~RCW 69.51A.010(26)~~) definition of a qualifying patient with valid  
19 documentation, based upon the health care professional's assessment of  
20 the patient's medical history and current medical condition, where such  
21 use is within a professional standard of care or in the individual  
22 health care professional's medical judgment.

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

31 (~~i~~) (~~A~~) Completing a physical examination of the patient as  
32 appropriate, based on the patient's condition and age;

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

1        ~~((iii))~~ (C) Informing the patient of other options for treating  
2 the terminal or debilitating medical condition; and  
3        ~~((iv))~~ (D) Documenting other measures attempted to treat the  
4 terminal or debilitating medical condition that do not involve the  
5 medical use of ~~((cannabis))~~ marijuana.  
6        (ii) If a patient is less than eighteen years of age, in addition  
7 to the requirement of (a) of this subsection, the health care  
8 professional must:  
9        (A) Frequently reexamine the patient and consult with his or her  
10 parent or guardian; and  
11        (B) Consult with other health care providers who are providing  
12 treatment to the patient prior to providing the patient with valid  
13 documentation authorizing the medical use of marijuana or a renewal of  
14 valid documentation authorizing the medical use of marijuana.  
15        (b) A health care professional shall not:  
16        (i) Accept, solicit, or offer any form of pecuniary remuneration  
17 from or to a licensed dispenser, licensed producer, or licensed  
18 processor of ~~((cannabis))~~ marijuana products;  
19        (ii) Offer a discount or any other thing of value to a qualifying  
20 patient who is a customer of, or agrees to be a customer of, a  
21 particular licensed dispenser, licensed producer, or licensed processor  
22 of ~~((cannabis))~~ marijuana products;  
23        (iii) Examine or offer to examine a patient for purposes of  
24 diagnosing a terminal or debilitating medical condition at a location  
25 where ~~((cannabis))~~ marijuana is produced, processed, or dispensed;  
26        (iv) Have a business or practice which consists ~~((solely))~~  
27 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana;  
28        (v) Include any statement or reference, visual or otherwise, on the  
29 medical use of ~~((cannabis))~~ marijuana in any advertisement for his or  
30 her business or practice; ~~((or))~~  
31        (vi) Hold an economic interest in an enterprise that produces,  
32 processes, or dispenses ~~((cannabis))~~ marijuana if the health care  
33 professional authorizes the medical use of ~~((cannabis))~~ marijuana;  
34        (vii) Provide services related to the issuance of valid  
35 documentation in a location other than his or her permanent physical  
36 location of business; or  
37        (viii) Charge a varying rate for services depending on the amount of

1 marijuana for medical use that is authorized or duration of the  
2 expiration date of the authorization.

3 (3) A health care professional shall identify the expiration date  
4 of the valid documentation issued pursuant to subsection (2)(a) of this  
5 section. The expiration date may not be more than one year from the  
6 date that the valid documentation was issued. Any renewal of the valid  
7 documentation must meet the procedures established under subsection  
8 (2)(a) of this section and be performed immediately prior to the  
9 issuance of the renewed valid documentation.

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

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

14 The department shall convene a work group of representatives of the  
15 medical quality assurance commission, board of osteopathic medicine and  
16 surgery, the nursing care quality assurance committee, and the board of  
17 naturopathy to:

18 (1) Develop practice guidelines for health care professionals to  
19 consider when authorizing the medical use of marijuana for patients.  
20 The practice guidelines shall address:

21 (a) Assessing a patient to determine if he or she has a  
22 debilitating condition or intractable pain;

23 (b) Conducting an adequate examination of a patient for the need  
24 for marijuana for medical use;

25 (c) Dosing criteria related to the medical use of marijuana;

26 (d) Developing a treatment plan for patients who may benefit from  
27 the medical use of marijuana;

28 (e) Communicating with a patient about the medical use of marijuana  
29 and other options for treating his or her terminal or debilitating  
30 medical condition;

31 (f) Maintaining records for patients who have been authorized to  
32 use marijuana for medical purposes; and

33 (g) Other issues identified by the work group as necessary to  
34 provide appropriate care to patients who have been authorized to use  
35 marijuana for medical purposes.

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

1       **Sec. 12.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
2 read as follows:

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

17       (1)(a) The qualifying patient or designated provider possesses no  
18 more than ~~((fifteen-cannabis))~~ three flowering marijuana plants and  
19 three nonflowering marijuana plants and:

20       (i) No more than ~~((twenty-four))~~ three ounces of useable  
21 ~~((cannabis))~~ marijuana or an amount authorized pursuant to section 5 of  
22 this act and stated on the individual's qualifying patient recognition  
23 card or designated provider recognition card;

24       (ii) No more ~~((cannabis))~~ marijuana product than what could  
25 reasonably be produced with no more than ~~((twenty-four))~~ three ounces  
26 of useable ~~((cannabis))~~ marijuana or an amount authorized pursuant to  
27 section 5 of this act and stated on the individual's qualifying patient  
28 recognition card or designated provider recognition card; or

29       (iii) A combination of useable ~~((cannabis))~~ marijuana and  
30 ~~((cannabis))~~ marijuana product that does not exceed a combined total  
31 representing possession and processing of no more than ~~((twenty-four))~~  
32 three ounces of useable ~~((cannabis))~~ marijuana or an amount authorized  
33 pursuant to section 5 of this act and stated on the individual's  
34 qualifying patient recognition card or designated provider recognition  
35 card.

36       (b) The limitations related to the possession of marijuana  
37 established under (a) of this subsection also apply as the total  
38 possession amount even if a person is both a qualifying patient and a

1 designated provider for another qualifying patient, (~~the person may~~  
2 ~~possess no more than twice the amounts described in (a) of this~~  
3 ~~subsection,~~) whether the plants, useable (~~cannabis~~) marijuana, and  
4 (~~cannabis~~) marijuana product are possessed individually or in  
5 combination between the qualifying patient and his or her designated  
6 provider;

7 (2) The qualifying patient or designated provider presents his or  
8 her (~~proof of registration with the department of health~~) valid  
9 qualifying patient recognition card or designated provider recognition  
10 card, to any peace officer who questions the patient or provider  
11 regarding his or her medical use of (~~cannabis~~) marijuana;

12 (3) The qualifying patient or designated provider keeps a copy of  
13 his or her (~~proof of registration with the registry established in~~  
14 ~~section 901 of this act~~) valid qualifying patient recognition card or  
15 designated provider recognition card and the qualifying patient or  
16 designated provider's contact information posted prominently next to  
17 any (~~cannabis~~) marijuana plants, (~~cannabis~~) marijuana products, or  
18 useable (~~cannabis~~) marijuana located at his or her residence;

19 (4) The investigating peace officer does not possess evidence that:

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

23 (b) The qualifying patient has converted (~~cannabis~~) marijuana  
24 produced or obtained for his or her own medical use to the qualifying  
25 patient's personal, nonmedical use or benefit; and

26 (5) The investigating peace officer does not possess evidence that  
27 the designated provider has served as a designated provider to more  
28 than one qualifying patient within a fifteen-day period(~~and~~

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

31 **Sec. 13.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
32 read as follows:

33 The medical use of (~~cannabis~~) marijuana in accordance with the  
34 terms and conditions of this chapter does not constitute a crime and a  
35 qualifying patient who holds a qualifying patient recognition card or  
36 designated provider who holds a designated provider recognition card in  
37 compliance with the terms and conditions of this chapter may not be

1 arrested, prosecuted, or subject to other criminal sanctions or civil  
2 consequences, for possession, manufacture, or delivery of, or for  
3 possession with intent to manufacture or deliver, (~~cannabis~~)  
4 marijuana under state law, or have real or personal property seized or  
5 forfeited for possession, manufacture, or delivery of, or for  
6 possession with intent to manufacture or deliver, (~~cannabis~~)  
7 marijuana under state law, and investigating peace officers and law  
8 enforcement agencies may not be held civilly liable for failure to  
9 seize (~~cannabis~~) marijuana in this circumstance, if:

10 (1)(a) The qualifying patient or designated provider possesses (~~no~~  
11 ~~more than fifteen cannabis plants and~~):

12 (i) No more than (~~twenty-four~~) three ounces of useable  
13 (~~cannabis~~) marijuana or an amount authorized pursuant to section 5 of  
14 this act and stated on the individual's qualifying patient recognition  
15 card or designated provider recognition card;

16 (ii) No more (~~cannabis~~) marijuana product than what could  
17 reasonably be produced with no more than (~~twenty-four~~) three ounces  
18 of useable (~~cannabis~~) marijuana or an amount authorized pursuant to  
19 section 5 of this act and stated on the individual's qualifying patient  
20 recognition card or designated provider recognition card; or

21 (iii) A combination of useable (~~cannabis~~) marijuana and  
22 (~~cannabis~~) marijuana product that does not exceed a combined total  
23 representing possession and processing of no more than (~~twenty-four~~)  
24 three ounces of useable (~~cannabis~~) marijuana or an amount authorized  
25 pursuant to section 5 of this act and stated on the individual's  
26 qualifying patient recognition card or designated provider recognition  
27 card.

28 (b) The limitations related to the possession of marijuana  
29 established under (a) of this subsection also apply as the total  
30 possession amount even if a person is both a qualifying patient and a  
31 designated provider for another qualifying patient, (~~the person may~~  
32 possess no more than twice the amounts described in (a) of this  
33 subsection,) whether the (~~plants,~~) useable (~~cannabis~~) marijuana,  
34 and (~~cannabis~~) marijuana product are possessed individually or in  
35 combination between the qualifying patient and his or her designated  
36 provider;

37 (2) The qualifying patient or designated provider presents his or  
38 her (~~proof of registration with the department of health~~) valid

1 qualifying patient recognition card or designated provider recognition  
2 card, to any peace officer who questions the patient or provider  
3 regarding his or her medical use of (~~cannabis~~) marijuana;

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

11 (4) The investigating peace officer does not possess evidence that:

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

15 (b) The qualifying patient has converted (~~cannabis~~) marijuana  
16 produced or obtained for his or her own medical use to the qualifying  
17 patient's personal, nonmedical use or benefit; and

18 (5) The investigating peace officer does not possess evidence that  
19 the designated provider has served as a designated provider to more  
20 than one qualifying patient within a fifteen-day period(~~and~~

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

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

25 (1) The department, in collaboration with the state liquor control  
26 board, shall report to the governor and the legislature by November 15,  
27 2019, regarding the need for qualifying patients and designated  
28 providers to be able to possess their own marijuana plants as allowed  
29 under RCW 69.51A.040.

30 (2) The report shall:

31 (a) Use records maintained under section 6 of this act to detail  
32 the adequacy of the commercial marijuana supply for qualifying patients  
33 by describing:

34 (i) The distances between qualifying patients and designated  
35 providers and the nearest licensed marijuana retailer with a medical  
36 marijuana endorsement;

1 (ii) The number of qualifying patients that may be experiencing  
2 hardship in purchasing a safe and adequate supply of marijuana for  
3 medical use from a licensed marijuana retailer with a medical marijuana  
4 endorsement; and

5 (iii) The extent to which the cost of purchasing marijuana for  
6 medical use from a licensed marijuana retailer with a medical marijuana  
7 endorsement impedes access to a safe and adequate supply of marijuana  
8 for qualifying patients; and

9 (b) Include information compiled from law enforcement officials  
10 about the extent to which the authority of qualifying patients and  
11 designated providers to possess their own marijuana plants as allowed  
12 under RCW 69.51A.040 has been illegally associated with the conversion  
13 of marijuana for nonmedical use.

14 **Sec. 15.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to  
15 read as follows:

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

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

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

33 ~~((3) A person may not be licensed as a licensed producer, licensed~~  
34 ~~processor of cannabis products, or a licensed dispenser under section~~  
35 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~  
36 ~~conviction by a corrections agency or department, including local~~

1 ~~governments or jails, that has determined that licensure is~~  
2 ~~inconsistent with and contrary to his or her supervision.))~~

3 **Sec. 16.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to  
4 read as follows:

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

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

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

18 (4) Nothing in this chapter requires any accommodation of any on-  
19 site medical use of ((~~cannabis~~)) marijuana in any place of employment,  
20 in any school bus or on any school grounds, in any youth center, in any  
21 correctional facility, or smoking ((~~cannabis~~)) marijuana in any public  
22 place or hotel or motel.

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

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

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~~)) as  
32 defined in RCW 69.51A.010((~~(+32)(a)~~)), or to backdate such documentation  
33 to a time earlier 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 **Sec. 17.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to  
5 read as follows:

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

13 (2) A person may stop serving as a designated provider to a given  
14 qualifying patient at any time. However, that person may not begin  
15 serving as a designated provider to a different qualifying patient  
16 until fifteen days have elapsed from the date the last qualifying  
17 patient designated him or her to serve as a provider.

18 **Sec. 18.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to  
19 read as follows:

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

29 **Sec. 19.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to  
30 read as follows:

31 A qualifying patient or designated provider may not have his or her  
32 parental rights or residential time with a child restricted solely due  
33 to his or her medical use of (~~cannabis~~) marijuana in compliance with  
34 the terms of this chapter absent written findings supported by evidence

1 that such use has resulted in a long-term impairment that interferes  
2 with the performance of parenting functions as defined under RCW  
3 26.09.004.

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 69.51A  
5 RCW to read as follows:

6 All valid documentation issued prior to the effective date of this  
7 section expires May 1, 2015.

8 **Sec. 21.** RCW 69.51A.900 and 2011 c 181 s 1106 are each amended to  
9 read as follows:

10 This chapter may be known and cited as the Washington state medical  
11 use of (~~cannabis~~) marijuana act.

12 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.50 RCW  
13 to read as follows:

14 (1)(a) After May 1, 2015, any marijuana retailer that is licensed  
15 under RCW 69.50.325 may apply to the state liquor control board for a  
16 medical marijuana endorsement to sell quantities of useable marijuana  
17 and marijuana-infused products up to the amount authorized in RCW  
18 69.51A.040 to any individual who holds a qualifying patient recognition  
19 card under section 4 of this act or a designated provider recognition  
20 card under section 4 of this act.

21 (b) A separate medical marijuana endorsement shall be required for  
22 each location at which a marijuana retailer intends to function  
23 pursuant to a medical marijuana endorsement.

24 (c) Each medical marijuana endorsement must be renewed annually.  
25 The state liquor control board may authorize a one time extension of  
26 the renewal date so that the renewal of a medical marijuana endorsement  
27 coincides with the renewal of a marijuana retailer license.

28 (d) A medical marijuana endorsement is not transferrable, except to  
29 the extent permitted for the transfer of a marijuana retail license  
30 under RCW 69.50.339.

31 (2) Applicants for a medical marijuana endorsement must:

32 (a)(i) Hold an active marijuana retailer license issued pursuant to  
33 RCW 69.50.325 that is in good standing with the state liquor control  
34 board; or

1 (ii) Submit a concurrent application for a new marijuana retailer  
2 license and a medical marijuana endorsement; and

3 (b) Pay an annual fee for the issuance or renewal of a medical  
4 marijuana endorsement of two hundred dollars.

5 (3)(a) Any cancellation, suspension, condition, or restriction  
6 imposed upon the marijuana retail license shall similarly affect the  
7 medical marijuana endorsement.

8 (b) When conducting investigations or actions against the license  
9 of a marijuana retailer pursuant to RCW 69.50.331 or 69.50.334, the  
10 state liquor control board may similarly consider violations of any  
11 requirements specifically related to a medical marijuana endorsement.

12 (4) The state liquor control board shall:

13 (a) Adopt rules related to the issuance, denial, suspension, or  
14 cancellation of new and renewal medical marijuana endorsements to  
15 marijuana retail licenses. In addition, the rules shall address  
16 procedures for the consideration of a medical marijuana endorsement  
17 submitted concurrently with a marijuana retailer license;

18 (b) Issue, deny, suspend, or cancel new and renewal medical  
19 marijuana endorsements as provided in this chapter and the state liquor  
20 control board rules; and

21 (c) Adopt rules for the general operation of marijuana retailers  
22 that hold a medical marijuana endorsement that include requirements to:

23 (i) Verify the identity of a qualifying patient or designated  
24 provider;

25 (ii) Label the THC concentration and cannabinoids in marijuana  
26 products for sale in the retailer; and

27 (iii) Record sales to qualifying patients and designated providers  
28 for purposes of determining applicable exemptions from state and local  
29 taxes and compliance with sales amount requirements in section 23 of  
30 this act.

31 NEW SECTION. **Sec. 23.** A new section is added to chapter 69.50 RCW  
32 to read as follows:

33 (1) Prior to selling marijuana to an individual who holds a  
34 qualifying patient recognition card or designated provider recognition  
35 card, a licensed marijuana retailer that holds a medical marijuana  
36 endorsement under section 22 of this act must verify the identity of

1 the individual and the authenticity of the card according to rules  
2 established by the state liquor control board.

3 (2) A licensed marijuana retailer that holds a medical marijuana  
4 endorsement under section 22 of this act may not sell or distribute any  
5 more marijuana than the amounts permitted in RCW 69.51A.040 to any  
6 individual who holds a qualifying patient recognition card or designate  
7 provider recognition card. The retail sale of useable marijuana and  
8 marijuana-infused products in accordance with the amounts permitted in  
9 RCW 69.51A.040 and the rules adopted to implement and enforce it, by a  
10 validly licensed marijuana retailer that holds a medical marijuana  
11 endorsement or any of its employees, shall not be a criminal or civil  
12 offense under Washington state law.

13 NEW SECTION. **Sec. 24.** The following acts or parts of acts are  
14 each repealed:

15 (1) RCW 69.51A.070 (Addition of medical conditions) and 2007 c 371  
16 s 7 & 1999 c 2 s 9;

17 (2) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and  
18 enforce requirements) and 2011 c 181 s 1102; and

19 (3) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

20 NEW SECTION. **Sec. 25.** The following acts or parts of acts are  
21 each repealed, effective May 1, 2015:

22 (1) RCW 69.51A.043 (Failure to register--Affirmative defense) and  
23 2011 c 181 s 402;

24 (2) RCW 69.51A.045 (Possession of cannabis exceeding lawful  
25 amount--Affirmative defense) and 2011 c 181 s 405;

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

28 (4) RCW 69.51A.090 (Applicability of valid documentation  
29 definition) and 2010 c 284 s 5; and

30 (5) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403.

31 NEW SECTION. **Sec. 26.** Section 12 of this act takes effect May 1,  
32 2015.

33 NEW SECTION. **Sec. 27.** Section 12 of this act expires July 1,  
34 2020.

1        NEW SECTION.   **Sec. 28.**   Section 13 of this act takes effect July 1,  
2   2020.

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