
SENATE BILL 6271

State of Washington

55th Legislature

1998 Regular Session

By Senator Kohl

Read first time . Referred to Committee on .

1 AN ACT Relating to medical marijuana; amending RCW 69.50.204,
2 69.50.206, 69.50.401, 69.50.505, 69.51.080, and 9A.82.085; adding new
3 sections to chapter 69.50 RCW; adding a new section to chapter 18.64
4 RCW; adding a new section to chapter 28A.300 RCW; creating new
5 sections; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that some studies have
8 shown that some seriously ill patients, under their physicians' care,
9 may benefit from the use of marijuana, to relieve symptoms and
10 suffering. Some of the conditions for which marijuana appears to be
11 beneficial include chemotherapy-related nausea and vomiting in cancer
12 patients, AIDS wasting syndrome, glaucoma, muscle spasms associated
13 with epilepsy and multiple sclerosis, and some forms of intractable
14 pain.

15 The legislature finds that humanitarian compassion necessitates
16 that the decision to authorize marijuana for use by seriously ill
17 patients is a personal, individual decision, based upon the physician's
18 professional medical judgment and discretion, and founded in the
19 privileged physician-patient relationship. The legislature finds that

1 the advice given by a physician to his or her patient is
2 constitutionally protected free speech, and as such is entitled to the
3 protection of the first amendment of the bill of rights, and the
4 Constitution of the state of Washington. The legislature further finds
5 that, in an era when some seriously ill or terminal patients are driven
6 to thoughts of suicide, refusal to allow physicians to authorize the
7 use of medical marijuana to relieve intractable pain and suffering is
8 unconscionable.

9 The legislature further finds that, although the policy of the
10 federal government is to oppose the use of medical marijuana,
11 Washington state public policy, in the interests of compassion, free
12 speech, and advancement in the treatment of the terminally ill
13 necessitates the legalization of limited, physician-supervised medical
14 marijuana. Some medical researchers believe that increased clinical
15 experience may provide valuable data not yet available in limited
16 scientific studies. The legislature finds that the medical utility of
17 marijuana is worth studying, and encourages public and private research
18 organizations and physicians to research such use, including efficacy,
19 and availability of pharmaceutical quality marijuana.

20 The legislature intends that seriously ill patients, who, in the
21 judgment of their physicians would benefit from the use of medical
22 marijuana, be exempt from liability and criminal prosecution for
23 limited, personal possession and use of marijuana. The legislature
24 intends that physicians also be immune from liability and prosecution
25 for the authorization of marijuana use to patients for whom, in the
26 individual physician's professional judgment, medical marijuana may
27 prove beneficial.

28 The legislature intends to strictly limit the legalization of
29 marijuana to medical use, upon authorization of a physician. The
30 legislature does not condone the nonmedical, recreational use of
31 marijuana under any circumstances.

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

34 (1) It is a complete defense to manufacturing, delivering, or
35 possessing marijuana that a person is a bona fide patient of a
36 physician licensed under chapter 18.71 RCW, and has a serious medical
37 condition such as cancer, AIDS, glaucoma, epilepsy, some forms of
38 intractable pain, or multiple sclerosis for which his or her physician

1 has authorized the use of medical marijuana, and has provided the
2 patient with valid documentation of such authorization and shall not be
3 a violation of law if conducted in accordance with this provision.

4 (2) Such defense shall be established where the evidence shows that
5 the patient:

6 (a) Possessed valid documentation consisting of a written
7 prescription or authorization for marijuana specifying such person as
8 a patient, bearing a date less than six months old and an original
9 signature of a licensed physician;

10 (b) Possessed no more than two ounces of marijuana;

11 (c) Possessed only marijuana that was not at any time in plain view
12 of the general public;

13 (d) Provided no marijuana to others; and

14 (e) Maintained reasonable security measures to prevent theft of
15 marijuana.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50 RCW
17 to read as follows:

18 A physician licensed under chapter 18.71 RCW shall not be subject
19 to arrest or prosecution under Washington state law, penalized in any
20 manner, or denied any right or privilege, for:

21 (1) Advising a patient about the risks and benefits of medical use
22 of marijuana or that he or she might benefit from the medical use of
23 marijuana where such use is within a standard of care or in the
24 individual physician's best medical judgment; or

25 (2) Providing a patient with written documentation, based upon the
26 physician's assessment of the patient's medical history and current
27 medical condition made in the course of a bona fide physician-patient
28 relationship, prescribing or authorizing the medical use of marijuana
29 where such use is within a standard of care.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.50 RCW
31 to read as follows:

32 (1) It is a misdemeanor to use or display medical marijuana in
33 plain view of or in a place open to the general public, or within one
34 thousand feet of a school as defined in RCW 69.50.435 or an institution
35 of higher education except in authorized locations within hospitals and
36 clinics under the care of a licensed physician unless the patient's

1 home is within one thousand feet of such a school or institution of
2 higher education.

3 (2) Nothing in this act shall require any health insurance provider
4 to be liable for any claim for reimbursement for the medical use of
5 marijuana.

6 (3) Nothing in this act shall require any accommodation of any
7 medical use of marijuana in any place of employment.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50 RCW
9 to read as follows:

10 Patients choosing to use medical marijuana under a physician's
11 authorization must provide, upon request of a law enforcement officer
12 or prosecutor, valid documentation of the physician's authorization of
13 the use of medical marijuana, including a twenty-four-hour contact
14 phone number for the authorizing physician to be contacted by law
15 enforcement to confirm the authorization.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.64 RCW
17 to read as follows:

18 Any pharmacist licensed under this chapter who in good faith
19 provides medical marijuana to a qualified patient in accordance with
20 the requirements of this act, shall be immune from legal liability,
21 including criminal, civil, or professional conduct sanctions, unless
22 otherwise negligent.

23 NEW SECTION. **Sec. 7.** (1) The department of health shall establish
24 by rule a procedure for the collection of data regarding the use of
25 medical marijuana. The collection of data shall be voluntary, not
26 mandatory, on the part of physicians who may authorize the use of
27 medical marijuana to patients. The data shall include, at the least,
28 the following information:

29 (a) The diagnosis and condition or symptoms for which the medical
30 marijuana is authorized;

31 (b) The patient's assessment of the effectiveness of the medical
32 marijuana use; and

33 (c) Demographic data, including the patient's county of residence,
34 gender, and age.

35 (2) Data collected shall maintain the confidentiality of the
36 patient, and shall be used by the department to report the extent of

1 voluntary reporting of medical marijuana use, the types of medical
2 conditions for which it was used, basic demographic information, and
3 the efficacy based upon patient self-reporting. This report shall be
4 made by the secretary of health to the legislature by January 31, 1999.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.300
6 RCW to read as follows:

7 The department of health and the office of superintendent of public
8 instruction shall cooperate in developing and making available to
9 schools a media campaign providing a strong and clear counter-message
10 regarding the nonmedical, recreational use of marijuana. The media
11 campaign shall clearly explain that medical marijuana may be used only
12 by seriously ill patients, under the care of a physician, upon the
13 physician's authorization. The campaign shall state, in an age-
14 appropriate and culturally sensitive manner, that nonmedical,
15 recreational marijuana use is illegal, and that medical and public
16 health authorities advise that children never use marijuana or any
17 other prescription or nonprescription drug, except under the
18 supervision of a health care professional.

19 **Sec. 9.** RCW 69.50.204 and 1993 c 187 s 4 are each amended to read
20 as follows:

21 Unless specifically excepted by state or federal law or regulation
22 or more specifically included in another schedule, the following
23 controlled substances are listed in Schedule I:

24 (a) Any of the following opiates, including their isomers, esters,
25 ethers, salts, and salts of isomers, esters, and ethers whenever the
26 existence of these isomers, esters, ethers, and salts is possible
27 within the specific chemical designation:

28 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
29 piperidinyl]-N-phenylacetamide);

30 (2) Acetylmethadol;

31 (3) Allylprodine;

32 (4) Alphacetylmethadol;

33 (5) Alphameprodine;

34 (6) Alphamethadol;

35 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-
36 4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
37 propanilido) piperidine);

- 1 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 2 piperidinyl]-N-phenylpropanamide);
- 3 (9) Benzethidine;
- 4 (10) Betacetylmethadol;
- 5 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 6 piperidinyl]-N-phenylpropanamide);
- 7 (12) Beta-hydroxy-3-methylfentanyl some trade or other names: N-
- 8 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- 9 (13) Betameprodine;
- 10 (14) Betamethadol;
- 11 (15) Betaprodine;
- 12 (16) Clonitazene;
- 13 (17) Dextromoramide;
- 14 (18) Diampromide;
- 15 (19) Diethylthiambutene;
- 16 (20) Difenoquin;
- 17 (21) Dimenoxadol;
- 18 (22) Dimepheptanol;
- 19 (23) Dimethylthiambutene;
- 20 (24) Dioxaphetyl butyrate;
- 21 (25) Dipipanone;
- 22 (26) Ethylmethylthiambutene;
- 23 (27) Etonitazene;
- 24 (28) Etoxadoline;
- 25 (29) Furethidine;
- 26 (30) Hydroxypethidine;
- 27 (31) Ketobemidone;
- 28 (32) Levomoramide;
- 29 (33) Levophenacetylmorphan;
- 30 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-
- 31 N-phenylprop anamide);
- 32 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 33 piperidinyl]-N-phenylpropanamide);
- 34 (36) Morpheridine;
- 35 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 36 (38) Noracetylmethadol;
- 37 (39) Norlevorphanol;
- 38 (40) Normethadone;
- 39 (41) Norpipanone;

1 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
2 piperidinyl] propanamide);
3 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
4 (44) Phenadoxone;
5 (45) Phenampromide;
6 (46) Phenomorphan;
7 (47) Phenoperidine;
8 (48) Piritramide;
9 (49) Proheptazine;
10 (50) Properidine;
11 (51) Propiram;
12 (52) Racemoramide;
13 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
14 propanamide);
15 (54) Tilidine;
16 (55) Trimeperidine.
17 (b) Opium derivatives. Unless specifically excepted or unless
18 listed in another schedule, any of the following opium derivatives,
19 including their salts, isomers, and salts of isomers whenever the
20 existence of those salts, isomers, and salts of isomers is possible
21 within the specific chemical designation:
22 (1) Acetorphine;
23 (2) Acetyldihydrocodeine;
24 (3) Benzylmorphine;
25 (4) Codeine methylbromide;
26 (5) Codeine-N-Oxide;
27 (6) Cyprenorphine;
28 (7) Desomorphine;
29 (8) 3,4-methylenedioxy-N-ethylamphetamine some trade or other
30 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl
31 MDA, MDE, MDEA;
32 (9) N-hydroxy-3,4-methylenedioxyamphetamine some trade or other
33 names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and
34 N-hydroxy MDA;
35 (10) Dihydromorphine;
36 (11) Drotebanol;
37 (12) Etorphine, except hydrochloride salt;
38 (13) Heroin;
39 (14) Hydromorphanol;

- 1 (15) Methyldesorphine;
- 2 (16) Methyldihydromorphine;
- 3 (17) Morphine methylbromide;
- 4 (18) Morphine methylsulfonate;
- 5 (19) Morphine-N-Oxide;
- 6 (20) Myrophine;
- 7 (21) Nicocodeine;
- 8 (22) Nicomorphine;
- 9 (23) Normorphine;
- 10 (24) Pholcodine;
- 11 (25) Thebacon.

12 (c) Hallucinogenic substances. Unless specifically excepted or
13 unless listed in another schedule, any material, compound, mixture, or
14 preparation which contains any quantity of the following hallucinogenic
15 substances, including their salts, isomers, and salts of isomers
16 whenever the existence of those salts, isomers, and salts of isomers is
17 possible within the specific chemical designation.

18 (1) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
19 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

20 (2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
21 dimethoxy-a-methylphenethylamine; 2,5-DMA;

22 (3) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
23 methylphenethylamine; paramethoxyamphetamine, PMA;

24 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;

25 (5) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
26 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
27 "STP";

28 (6) 3,4-methylenedioxy amphetamine;

29 (7) 3,4-methylenedioxymethamphetamine (MDMA);

30 (8) 3,4,5-trimethoxy amphetamine;

31 (9) Bufotenine: Some trade or other names: 3-(beta-
32 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
33 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

34 (10) Diethyltryptamine: Some trade or other names: N,N-
35 Diethyltryptamine; DET;

36 (11) Dimethyltryptamine: Some trade or other names: DMT;

37 (12) Ibogaine: Some trade or other names: 7-Ethyl-6,6
38 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'
39 1,2) azepino (5,4-b) indole; Tabernanthe iboga;

1 (13) Lysergic acid diethylamide;

2 (14) Marijuana or marijuana, except when authorized for use under
3 section 2 of this act or chapter 69.51 RCW;

4 (15) Mescaline;

5 (16) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
6 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran;
7 synhexyl;

8 (17) Peyote, meaning all parts of the plant presently classified
9 botanically as *Lophophora Williamsii* Lemaire, whether growing or not,
10 the seeds thereof, any extract from any part of such plant, and every
11 compound, manufacture, salts, derivative, mixture, or preparation of
12 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c),
13 Schedule I (c)(12));

14 (18) N-ethyl-3-piperidyl benzilate;

15 (19) N-methyl-3-piperidyl benzilate;

16 (20) Psilocybin;

17 (21) Psilocyn;

18 (22) Tetrahydrocannabinols, synthetic equivalents of the substances
19 contained in the plant, or in the resinous extractives of *Cannabis*,
20 species, and/or synthetic substances, derivatives, and their isomers
21 with similar chemical structure and pharmacological activity such as
22 the following:

23 (i) Delta 1 - cis - or trans tetrahydrocannabinol, and their
24 optical isomers, excluding tetrahydrocannabinol in sesame oil and
25 encapsulated in a soft gelatin capsule in a drug product approved by
26 the United States Food and Drug Administration;

27 (ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their
28 optical isomers;

29 (iii) Delta 3,4 - cis - or trans tetrahydrocannabinol, and its
30 optical isomers;

31 (Since nomenclature of these substances is not internationally
32 standardized, compounds of these structures, regardless of numerical
33 designation of atomic positions covered.)

34 (23) Ethylamine analog of phencyclidine: Some trade or other
35 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;
36 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

37 (24) Pyrrolidine analog of phencyclidine: Some trade or other
38 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

1 (25) Thiophene analog of phencyclidine: Some trade or other names:
2 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienylanalog of
3 phencyclidine; TPCP; TCP;

4 (26) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other name
5 is TCPy.

6 (d) Depressants. Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or preparation which
8 contains any quantity of the following substances having a depressant
9 effect on the central nervous system, including its salts, isomers, and
10 salts of isomers whenever the existence of such salts, isomers, and
11 salts of isomers is possible within the specific chemical designation.

12 (1) Mecloqualone;

13 (2) Methaqualone.

14 (e) Stimulants. Unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or preparation which
16 contains any quantity of the following substances having a stimulant
17 effect on the central nervous system, including its salts, isomers, and
18 salts of isomers:

19 (1) Fenethylline;

20 (2) (+-)cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
21 phenyl-2-oxazolamine);

22 (3) N-ethylamphetamine;

23 (4) N,N-dimethylamphetamine: Some trade or other names: N,N-
24 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

25 The controlled substances in this section may be rescheduled or
26 deleted as provided for in RCW 69.50.201.

27 **Sec. 10.** RCW 69.50.206 and 1993 c 187 s 6 are each amended to read
28 as follows:

29 (a) The drugs and other substances listed in this section, by
30 whatever official name, common or usual name, chemical name, or brand
31 name designated, are included in Schedule II.

32 (b) Substances. (Vegetable origin or chemical synthesis.) Unless
33 specifically excepted, any of the following substances, except those
34 listed in other schedules, whether produced directly or indirectly by
35 extraction from substances of vegetable origin, or independently by
36 means of chemical synthesis, or by combination of extraction and
37 chemical synthesis:

1 (1) Opium and opiate, and any salt, compound, derivative, or
2 preparation of opium or opiate, excluding apomorphine, dextrorphan,
3 nalbuphine, nalmeffene, naloxone, and naltrexone, and their respective
4 salts, but including the following:

5 (i) Raw opium;

6 (ii) Opium extracts;

7 (iii) Opium fluid;

8 (iv) Powdered opium;

9 (v) Granulated opium;

10 (vi) Tincture of opium;

11 (vii) Codeine;

12 (viii) Ethylmorphine;

13 (ix) Etorphine hydrochloride;

14 (x) Hydrocodone;

15 (xi) Hydromorphone;

16 (xii) Metopon;

17 (xiii) Morphine;

18 (xiv) Oxycodone;

19 (xv) Oxymorphone; and

20 (xvi) Thebaine.

21 (2) Any salt, compound, isomer, derivative, or preparation thereof
22 that is chemically equivalent or identical with any of the substances
23 referred to in subsection (b)(1) of this section, but not including the
24 isoquinoline alkaloids of opium.

25 (3) Opium poppy and poppy straw.

26 (4) Coca leaves and any salt, compound, derivative, or preparation
27 of coca leaves including cocaine and ecgonine, and their salts,
28 isomers, derivatives, and salts of isomers and derivatives, and any
29 salt, compound, derivative, or preparation thereof which is chemically
30 equivalent or identical with any of these substances, but not including
31 decocainized coca leaves or extractions of coca leaves which do not
32 contain cocaine or ecgonine.

33 (5) Methylbenzoylecgonine (cocaine « its salts, optical isomers,
34 and salts of optical isomers).

35 (6) Concentrate of poppy straw (The crude extract of poppy straw in
36 either liquid, solid, or powder form which contains the phenanthrene
37 alkaloids of the opium poppy.)

38 (c) Opiates. Unless specifically excepted or unless in another
39 schedule, any of the following synthetic opiates, including its

1 isomers, esters, ethers, salts, and salts of isomers, esters, and
2 ethers, whenever the existence of such isomers, esters, ethers, and
3 salts is possible within the specific chemical designation, dextrophan
4 and levopropoxyphene excepted:

- 5 (1) Alfentanil;
- 6 (2) Alphaprodine;
- 7 (3) Anileridine;
- 8 (4) Bezitramide;
- 9 (5) Bulk dextropropoxyphene (nondosage forms);
- 10 (6) Carfentanil;
- 11 (7) Dihydrocodeine;
- 12 (8) Diphenoxylate;
- 13 (9) Fentanyl;
- 14 (10) Isomethadone;
- 15 (11) Levomethorphan;
- 16 (12) Levorphanol;
- 17 (13) Metazocine;
- 18 (14) Methadone;
- 19 (15) Methadone« Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
20 butane;
- 21 (16) Moramide« Intermediate, 2-methyl-3-morpholino-1, 1-
22 diphenylpropane-carboxylic acid;
- 23 (17) Pethidine (meperidine);
- 24 (18) Pethidine« Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 25 (19) Pethidine« Intermediate-B, ethyl-4-phenylpiperidine-4-
26 carboxylate;
- 27 (20) Pethidine« Intermediate-C, 1-methyl-4-phenylpiperidine-4-
28 carboxylic acid;
- 29 (21) Phenazocine;
- 30 (22) Piminodine;
- 31 (23) Racemethorphan;
- 32 (24) Racemorphan;
- 33 (25) Sufentanil.

34 (d) Stimulants. Unless specifically excepted or unless listed in
35 another schedule, any material, compound, mixture, or preparation which
36 contains any quantity of the following substances having a stimulant
37 effect on the central nervous system:

- 38 (1) Amphetamine, its salts, optical isomers, and salts of its
39 optical isomers;

- 1 (2) Methamphetamine, its salts, isomers, and salts of its isomers;
- 2 (3) Phenmetrazine and its salts;
- 3 (4) Methylphenidate.

4 (e) Depressants. Unless specifically excepted or unless listed in
5 another schedule, any material, compound, mixture, or preparation which
6 contains any quantity of the following substances having a depressant
7 effect on the central nervous system, including its salts, isomers, and
8 salts of isomers whenever the existence of such salts, isomers, and
9 salts of isomers is possible within the specific chemical designation:

- 10 (1) Amobarbital;
- 11 (2) Glutethimide;
- 12 (3) Pentobarbital;
- 13 (4) Phencyclidine;
- 14 (5) Secobarbital.

15 (f) Hallucinogenic substances.

16 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft
17 gelatin capsule in a United States Food and Drug Administration
18 approved drug product. (Some other names for dronabinol [6aR-trans]-
19 6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-
20 ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

21 (2) Nabilone: Some trade or other names are (æ)-trans3-(1,1-
22 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
23 dibenzol[b,d]pyran-9-one.

24 (3) Marihuana or marijuana, when authorized for use under section
25 2 of this act or chapter 69.51 RCW.

26 (g) Immediate precursors. Unless specifically excepted or unless
27 listed in another schedule, any material, compound, mixture, or
28 preparation which contains any quantity of the following substances:

29 (1) Immediate precursor to amphetamine and methamphetamine:

30 (i) Phenylacetone: Some trade or other names phenyl-2-propanone,
31 P2P, benzyl methyl ketone, methyl benzyl ketone.

32 (2) Immediate precursors to phencyclidine (PCP):

33 (i) 1-phenylcyclohexylamine;

34 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

35 The controlled substances in this section may be rescheduled or
36 deleted as provided for in RCW 69.50.201.

37 **Sec. 11.** RCW 69.50.401 and 1997 c 71 s 2 are each amended to read
38 as follows:

1 (a) Except as authorized by this chapter, it is unlawful for any
2 person to manufacture, deliver, or possess with intent to manufacture
3 or deliver, a controlled substance.

4 (1) Any person who violates this subsection with respect to:

5 (i) a controlled substance classified in Schedule I or II which is
6 a narcotic drug, is guilty of a crime and upon conviction may be
7 imprisoned for not more than ten years, or (A) fined not more than
8 twenty-five thousand dollars if the crime involved less than two
9 kilograms of the drug, or both such imprisonment and fine; or (B) if
10 the crime involved two or more kilograms of the drug, then fined not
11 more than one hundred thousand dollars for the first two kilograms and
12 not more than fifty dollars for each gram in excess of two kilograms,
13 or both such imprisonment and fine;

14 (ii) methamphetamine, is guilty of a crime and upon conviction may
15 be imprisoned for not more than ten years, or (A) fined not more than
16 twenty-five thousand dollars if the crime involved less than two
17 kilograms of the drug, or both such imprisonment and fine; or (B) if
18 the crime involved two or more kilograms of the drug, then fined not
19 more than one hundred thousand dollars for the first two kilograms and
20 not more than fifty dollars for each gram in excess of two kilograms,
21 or both such imprisonment and fine. Three thousand dollars of the fine
22 may not be suspended. As collected, the first three thousand dollars
23 of the fine must be deposited with the law enforcement agency having
24 responsibility for cleanup of laboratories, sites, or substances used
25 in the manufacture of the methamphetamine. The fine moneys deposited
26 with that law enforcement agency must be used for such clean-up cost;

27 (iii) any other controlled substance classified in Schedule I, II,
28 or III, is guilty of a crime and upon conviction may be imprisoned for
29 not more than five years, fined not more than ten thousand dollars, or
30 both;

31 (iv) a substance classified in Schedule IV, is guilty of a crime
32 and upon conviction may be imprisoned for not more than five years,
33 fined not more than ten thousand dollars, or both;

34 (v) a substance classified in Schedule V, is guilty of a crime and
35 upon conviction may be imprisoned for not more than five years, fined
36 not more than ten thousand dollars, or both.

37 (b) Except as authorized by this chapter, it is unlawful for any
38 person to create, deliver, or possess a counterfeit substance.

39 (1) Any person who violates this subsection with respect to:

1 (i) a counterfeit substance classified in Schedule I or II which is
2 a narcotic drug, is guilty of a crime and upon conviction may be
3 imprisoned for not more than ten years, fined not more than twenty-five
4 thousand dollars, or both;

5 (ii) a counterfeit substance which is methamphetamine, is guilty of
6 a crime and upon conviction may be imprisoned for not more than ten
7 years, fined not more than twenty-five thousand dollars, or both;

8 (iii) any other counterfeit substance classified in Schedule I, II,
9 or III, is guilty of a crime and upon conviction may be imprisoned for
10 not more than five years, fined not more than ten thousand dollars, or
11 both;

12 (iv) a counterfeit substance classified in Schedule IV, is guilty
13 of a crime and upon conviction may be imprisoned for not more than five
14 years, fined not more than ten thousand dollars, or both;

15 (v) a counterfeit substance classified in Schedule V, is guilty of
16 a crime and upon conviction may be imprisoned for not more than five
17 years, fined not more than ten thousand dollars, or both.

18 (c) It is unlawful, except as authorized in this chapter and
19 chapter 69.41 RCW, for any person to offer, arrange, or negotiate for
20 the sale, gift, delivery, dispensing, distribution, or administration
21 of a controlled substance to any person and then sell, give, deliver,
22 dispense, distribute, or administer to that person any other liquid,
23 substance, or material in lieu of such controlled substance. Any
24 person who violates this subsection is guilty of a crime and upon
25 conviction may be imprisoned for not more than five years, fined not
26 more than ten thousand dollars, or both.

27 (d) It is unlawful for any person to possess a controlled substance
28 unless the substance was obtained directly from, or pursuant to, a
29 valid prescription or order of a practitioner while acting in the
30 course of his or her professional practice, or except as otherwise
31 authorized by this chapter. Any person who violates this subsection is
32 guilty of a crime, and upon conviction may be imprisoned for not more
33 than five years, fined not more than ten thousand dollars, or both,
34 except as provided for in subsection (e) of this section.

35 (e) Except as provided for in subsection (a)(1)(iii) of this
36 section or section 2 of this act any person found guilty of possession
37 of forty grams or less of marihuana shall be guilty of a misdemeanor.

38 (f) It is unlawful to compensate, threaten, solicit, or in any
39 other manner involve a person under the age of eighteen years in a

1 transaction unlawfully to manufacture, sell, or deliver a controlled
2 substance. A violation of this subsection shall be punished as a class
3 C felony punishable in accordance with RCW 9A.20.021.

4 This section shall not apply to offenses defined and punishable
5 under the provisions of RCW 69.50.410.

6 **Sec. 12.** RCW 69.50.505 and 1993 c 487 s 1 are each amended to read
7 as follows:

8 (a) The following are subject to seizure and forfeiture and no
9 property right exists in them:

10 (1) All controlled substances which have been manufactured,
11 distributed, dispensed, acquired, or possessed in violation of this
12 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as
13 defined in RCW 64.44.010, used or intended to be used in the
14 manufacture of controlled substances;

15 (2) All raw materials, products, and equipment of any kind which
16 are used, or intended for use, in manufacturing, compounding,
17 processing, delivering, importing, or exporting any controlled
18 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

19 (3) All property which is used, or intended for use, as a container
20 for property described in paragraphs (1) or (2);

21 (4) All conveyances, including aircraft, vehicles, or vessels,
22 which are used, or intended for use, in any manner to facilitate the
23 sale, delivery, or receipt of property described in paragraphs (1) or
24 (2), except that:

25 (i) No conveyance used by any person as a common carrier in the
26 transaction of business as a common carrier is subject to forfeiture
27 under this section unless it appears that the owner or other person in
28 charge of the conveyance is a consenting party or privy to a violation
29 of this chapter or chapter 69.41 or 69.52 RCW;

30 (ii) No conveyance is subject to forfeiture under this section by
31 reason of any act or omission established by the owner thereof to have
32 been committed or omitted without the owner's knowledge or consent;

33 (iii) No conveyance is subject to forfeiture under this section if
34 used in the receipt of only an amount of marijuana for which possession
35 constitutes a misdemeanor under RCW 69.50.401(e);

36 (iv) A forfeiture of a conveyance encumbered by a bona fide
37 security interest is subject to the interest of the secured party if

1 the secured party neither had knowledge of nor consented to the act or
2 omission; and

3 (v) When the owner of a conveyance has been arrested under this
4 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the
5 person is arrested may not be subject to forfeiture unless it is seized
6 or process is issued for its seizure within ten days of the owner's
7 arrest;

8 (5) All books, records, and research products and materials,
9 including formulas, microfilm, tapes, and data which are used, or
10 intended for use, in violation of this chapter or chapter 69.41 or
11 69.52 RCW;

12 (6) All drug paraphernalia;

13 (7) All moneys, negotiable instruments, securities, or other
14 tangible or intangible property of value furnished or intended to be
15 furnished by any person in exchange for a controlled substance in
16 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible
17 or intangible personal property, proceeds, or assets acquired in whole
18 or in part with proceeds traceable to an exchange or series of
19 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
20 and all moneys, negotiable instruments, and securities used or intended
21 to be used to facilitate any violation of this chapter or chapter 69.41
22 or 69.52 RCW. A forfeiture of money, negotiable instruments,
23 securities, or other tangible or intangible property encumbered by a
24 bona fide security interest is subject to the interest of the secured
25 party if, at the time the security interest was created, the secured
26 party neither had knowledge of nor consented to the act or omission.
27 No personal property may be forfeited under this paragraph, to the
28 extent of the interest of an owner, by reason of any act or omission
29 which that owner establishes was committed or omitted without the
30 owner's knowledge or consent; and

31 (8) All real property, including any right, title, and interest in
32 the whole of any lot or tract of land, and any appurtenances or
33 improvements which are being used with the knowledge of the owner for
34 the manufacturing, compounding, processing, delivery, importing, or
35 exporting of any controlled substance, or which have been acquired in
36 whole or in part with proceeds traceable to an exchange or series of
37 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,
38 if such activity is not less than a class C felony and a substantial

1 nexus exists between the commercial production or sale of the
2 controlled substance and the real property. However:

3 (i) No property may be forfeited pursuant to this subsection, to
4 the extent of the interest of an owner, by reason of any act or
5 omission committed or omitted without the owner's knowledge or consent;

6 (ii) The bona fide gift of a controlled substance, legend drug, or
7 imitation controlled substance shall not result in the forfeiture of
8 real property;

9 (iii) The lawful possession of marijuana for medical use as
10 authorized by state law shall not result in the forfeiture of real
11 property;

12 (iv) The possession of marijuana other than medical marijuana shall
13 not result in the forfeiture of real property unless the marijuana is
14 possessed for commercial purposes, the amount possessed is five or more
15 plants or one pound or more of marijuana, and a substantial nexus
16 exists between the possession of marijuana and the real property. In
17 such a case, the intent of the offender shall be determined by the
18 preponderance of the evidence, including the offender's prior criminal
19 history, the amount of marijuana possessed by the offender, the
20 sophistication of the activity or equipment used by the offender, and
21 other evidence which demonstrates the offender's intent to engage in
22 commercial activity;

23 (~~(iv)~~) (v) The unlawful sale of marijuana or a legend drug shall
24 not result in the forfeiture of real property unless the sale was forty
25 grams or more in the case of marijuana or one hundred dollars or more
26 in the case of a legend drug, and a substantial nexus exists between
27 the unlawful sale and the real property; and

28 (~~(v)~~) (vi) A forfeiture of real property encumbered by a bona
29 fide security interest is subject to the interest of the secured party
30 if the secured party, at the time the security interest was created,
31 neither had knowledge of nor consented to the act or omission.

32 (b) Real or personal property subject to forfeiture under this
33 chapter may be seized by any board inspector or law enforcement officer
34 of this state upon process issued by any superior court having
35 jurisdiction over the property. Seizure of real property shall include
36 the filing of a lis pendens by the seizing agency. Real property
37 seized under this section shall not be transferred or otherwise
38 conveyed until ninety days after seizure or until a judgment of
39 forfeiture is entered, whichever is later: PROVIDED, That real

1 property seized under this section may be transferred or conveyed to
2 any person or entity who acquires title by foreclosure or deed in lieu
3 of foreclosure of a security interest. Seizure of personal property
4 without process may be made if:

5 (1) The seizure is incident to an arrest or a search under a search
6 warrant or an inspection under an administrative inspection warrant;

7 (2) The property subject to seizure has been the subject of a prior
8 judgment in favor of the state in a criminal injunction or forfeiture
9 proceeding based upon this chapter;

10 (3) A board inspector or law enforcement officer has probable cause
11 to believe that the property is directly or indirectly dangerous to
12 health or safety; or

13 (4) The board inspector or law enforcement officer has probable
14 cause to believe that the property was used or is intended to be used
15 in violation of this chapter.

16 (c) In the event of seizure pursuant to subsection (b), proceedings
17 for forfeiture shall be deemed commenced by the seizure. The law
18 enforcement agency under whose authority the seizure was made shall
19 cause notice to be served within fifteen days following the seizure on
20 the owner of the property seized and the person in charge thereof and
21 any person having any known right or interest therein, including any
22 community property interest, of the seizure and intended forfeiture of
23 the seized property. Service of notice of seizure of real property
24 shall be made according to the rules of civil procedure. However, the
25 state may not obtain a default judgment with respect to real property
26 against a party who is served by substituted service absent an
27 affidavit stating that a good faith effort has been made to ascertain
28 if the defaulted party is incarcerated within the state, and that there
29 is no present basis to believe that the party is incarcerated within
30 the state. Notice of seizure in the case of property subject to a
31 security interest that has been perfected by filing a financing
32 statement in accordance with chapter 62A.9 RCW, or a certificate of
33 title, shall be made by service upon the secured party or the secured
34 party's assignee at the address shown on the financing statement or the
35 certificate of title. The notice of seizure in other cases may be
36 served by any method authorized by law or court rule including but not
37 limited to service by certified mail with return receipt requested.
38 Service by mail shall be deemed complete upon mailing within the
39 fifteen day period following the seizure.

1 (d) If no person notifies the seizing law enforcement agency in
2 writing of the person's claim of ownership or right to possession of
3 items specified in subsection (a)(4), (a)(7), or (a)(8) of this section
4 within forty-five days of the seizure in the case of personal property
5 and ninety days in the case of real property, the item seized shall be
6 deemed forfeited. The community property interest in real property of
7 a person whose spouse committed a violation giving rise to seizure of
8 the real property may not be forfeited if the person did not
9 participate in the violation.

10 (e) If any person notifies the seizing law enforcement agency in
11 writing of the person's claim of ownership or right to possession of
12 items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6),
13 (a)(7), or (a)(8) of this section within forty-five days of the seizure
14 in the case of personal property and ninety days in the case of real
15 property, the person or persons shall be afforded a reasonable
16 opportunity to be heard as to the claim or right. The hearing shall be
17 before the chief law enforcement officer of the seizing agency or the
18 chief law enforcement officer's designee, except where the seizing
19 agency is a state agency as defined in RCW 34.12.020(4), the hearing
20 shall be before the chief law enforcement officer of the seizing agency
21 or an administrative law judge appointed under chapter 34.12 RCW,
22 except that any person asserting a claim or right may remove the matter
23 to a court of competent jurisdiction. Removal of any matter involving
24 personal property may only be accomplished according to the rules of
25 civil procedure. The person seeking removal of the matter must serve
26 process against the state, county, political subdivision, or
27 municipality that operates the seizing agency, and any other party of
28 interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-
29 five days after the person seeking removal has notified the seizing law
30 enforcement agency of the person's claim of ownership or right to
31 possession. The court to which the matter is to be removed shall be
32 the district court when the aggregate value of personal property is
33 within the jurisdictional limit set forth in RCW 3.66.020. A hearing
34 before the seizing agency and any appeal therefrom shall be under Title
35 34 RCW. In a court hearing between two or more claimants to the
36 article or articles involved, the prevailing party shall be entitled to
37 a judgment for costs and reasonable attorney's fees. In cases
38 involving personal property, the burden of producing evidence shall be
39 upon the person claiming to be the lawful owner or the person claiming

1 to have the lawful right to possession of the property. In cases
2 involving real property, the burden of producing evidence shall be upon
3 the law enforcement agency. The burden of proof that the seized real
4 property is subject to forfeiture shall be upon the law enforcement
5 agency. The seizing law enforcement agency shall promptly return the
6 article or articles to the claimant upon a determination by the
7 administrative law judge or court that the claimant is the present
8 lawful owner or is lawfully entitled to possession thereof of items
9 specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7),
10 or (a)(8) of this section.

11 (f) When property is forfeited under this chapter the board or
12 seizing law enforcement agency may:

13 (1) Retain it for official use or upon application by any law
14 enforcement agency of this state release such property to such agency
15 for the exclusive use of enforcing the provisions of this chapter;

16 (2) Sell that which is not required to be destroyed by law and
17 which is not harmful to the public;

18 (3) Request the appropriate sheriff or director of public safety to
19 take custody of the property and remove it for disposition in
20 accordance with law; or

21 (4) Forward it to the drug enforcement administration for
22 disposition.

23 (g)(1) When property is forfeited, the seizing agency shall keep a
24 record indicating the identity of the prior owner, if known, a
25 description of the property, the disposition of the property, the value
26 of the property at the time of seizure, and the amount of proceeds
27 realized from disposition of the property.

28 (2) Each seizing agency shall retain records of forfeited property
29 for at least seven years.

30 (3) Each seizing agency shall file a report including a copy of the
31 records of forfeited property with the state treasurer each calendar
32 quarter.

33 (4) The quarterly report need not include a record of forfeited
34 property that is still being held for use as evidence during the
35 investigation or prosecution of a case or during the appeal from a
36 conviction.

37 (h)(1) By January 31st of each year, each seizing agency shall
38 remit to the state treasurer an amount equal to ten percent of the net
39 proceeds of any property forfeited during the preceding calendar year.

1 Money remitted shall be deposited in the violence reduction and drug
2 enforcement ((and education)) account under RCW 69.50.520.

3 (2) The net proceeds of forfeited property is the value of the
4 forfeitable interest in the property after deducting the cost of
5 satisfying any bona fide security interest to which the property is
6 subject at the time of seizure; and in the case of sold property, after
7 deducting the cost of sale, including reasonable fees or commissions
8 paid to independent selling agents, and the cost of any valid
9 landlord's claim for damages under subsection (n) of this section.

10 (3) The value of sold forfeited property is the sale price. The
11 value of retained forfeited property is the fair market value of the
12 property at the time of seizure, determined when possible by reference
13 to an applicable commonly used index, such as the index used by the
14 department of licensing for valuation of motor vehicles. A seizing
15 agency may use, but need not use, an independent qualified appraiser to
16 determine the value of retained property. If an appraiser is used, the
17 value of the property appraised is net of the cost of the appraisal.
18 The value of destroyed property and retained firearms or illegal
19 property is zero.

20 (i) Forfeited property and net proceeds not required to be paid to
21 the state treasurer shall be retained by the seizing law enforcement
22 agency exclusively for the expansion and improvement of controlled
23 substances related law enforcement activity. Money retained under this
24 section may not be used to supplant preexisting funding sources.

25 (j) Controlled substances listed in Schedule I, II, III, IV, and V
26 that are possessed, transferred, sold, or offered for sale in violation
27 of this chapter are contraband and shall be seized and summarily
28 forfeited to the state. Controlled substances listed in Schedule I,
29 II, III, IV, and V, which are seized or come into the possession of the
30 board, the owners of which are unknown, are contraband and shall be
31 summarily forfeited to the board.

32 (k) Species of plants from which controlled substances in Schedules
33 I and II may be derived which have been planted or cultivated in
34 violation of this chapter, or of which the owners or cultivators are
35 unknown, or which are wild growths, may be seized and summarily
36 forfeited to the board.

37 (l) The failure, upon demand by a board inspector or law
38 enforcement officer, of the person in occupancy or in control of land
39 or premises upon which the species of plants are growing or being

1 stored to produce an appropriate registration or proof that he is the
2 holder thereof constitutes authority for the seizure and forfeiture of
3 the plants.

4 (m) Upon the entry of an order of forfeiture of real property, the
5 court shall forward a copy of the order to the assessor of the county
6 in which the property is located. Orders for the forfeiture of real
7 property shall be entered by the superior court, subject to court
8 rules. Such an order shall be filed by the seizing agency in the
9 county auditor's records in the county in which the real property is
10 located.

11 (n) A landlord may assert a claim against proceeds from the sale of
12 assets seized and forfeited under subsection (f)(2) of this section,
13 only if:

14 (1) A law enforcement officer, while acting in his or her official
15 capacity, directly caused damage to the complaining landlord's property
16 while executing a search of a tenant's residence; and

17 (2) The landlord has applied any funds remaining in the tenant's
18 deposit, to which the landlord has a right under chapter 59.18 RCW, to
19 cover the damage directly caused by a law enforcement officer prior to
20 asserting a claim under the provisions of this section;

21 (i) Only if the funds applied under (2) of this subsection are
22 insufficient to satisfy the damage directly caused by a law enforcement
23 officer, may the landlord seek compensation for the damage by filing a
24 claim against the governmental entity under whose authority the law
25 enforcement agency operates within thirty days after the search;

26 (ii) Only if the governmental entity denies or fails to respond to
27 the landlord's claim within sixty days of the date of filing, may the
28 landlord collect damages under this subsection by filing within thirty
29 days of denial or the expiration of the sixty-day period, whichever
30 occurs first, a claim with the seizing law enforcement agency. The
31 seizing law enforcement agency must notify the landlord of the status
32 of the claim by the end of the thirty-day period. Nothing in this
33 section requires the claim to be paid by the end of the sixty-day or
34 thirty-day period.

35 (3) For any claim filed under (2) of this subsection, the law
36 enforcement agency shall pay the claim unless the agency provides
37 substantial proof that the landlord either:

38 (i) Knew or consented to actions of the tenant in violation of this
39 chapter or chapter 69.41 or 69.52 RCW; or

1 (ii) Failed to respond to a notification of the illegal activity,
2 provided by a law enforcement agency under RCW 59.18.075, within seven
3 days of receipt of notification of the illegal activity.

4 (o) The landlord's claim for damages under subsection (n) of this
5 section may not include a claim for loss of business and is limited to:

6 (1) Damage to tangible property and clean-up costs;

7 (2) The lesser of the cost of repair or fair market value of the
8 damage directly caused by a law enforcement officer;

9 (3) The proceeds from the sale of the specific tenant's property
10 seized and forfeited under subsection (f)(2) of this section; and

11 (4) The proceeds available after the seizing law enforcement agency
12 satisfies any bona fide security interest in the tenant's property and
13 costs related to sale of the tenant's property as provided by
14 subsection (h)(2) of this section.

15 (p) Subsections (n) and (o) of this section do not limit any other
16 rights a landlord may have against a tenant to collect for damages.
17 However, if a law enforcement agency satisfies a landlord's claim under
18 subsection (n) of this section, the rights the landlord has against the
19 tenant for damages directly caused by a law enforcement officer under
20 the terms of the landlord and tenant's contract are subrogated to the
21 law enforcement agency.

22 (q)(1) Property, and any interest in property, possessed, owned, or
23 used in connection with the claimed medical use of marijuana seized by
24 Washington state enforcement officials based on the presence of
25 marijuana shall not be wasted while in the possession of such
26 officials.

27 (2) Property seized by Washington state enforcement officials from
28 a qualified patient in connection with the claimed medical use of
29 marijuana shall be returned immediately upon the determination by the
30 prosecuting attorney or his or her designee that the person is entitled
31 to the protections provided by this chapter as may be evidenced, for
32 example, by a decision not to prosecute, the dismissal of charges, or
33 acquittal.

34 **Sec. 13.** RCW 69.51.080 and 1979 c 136 s 8 are each amended to read
35 as follows:

36 (1) The enumeration of tetrahydrocannabinols, or a chemical
37 derivative of tetrahydrocannabinols in RCW 69.50.204 as a Schedule I
38 controlled substance does not apply to the use of cannabis,

1 tetrahydrocannabinols, or a chemical derivative of
2 tetrahydrocannabinols by certified patients pursuant to the provisions
3 of this chapter.

4 (2) Cannabis, tetrahydrocannabinols, or a chemical derivative of
5 tetrahydrocannabinols shall be considered Schedule II substances as
6 enumerated in RCW 69.50.206 (~~only~~) for the purposes enumerated in
7 this chapter.

8 **Sec. 14.** RCW 9A.82.085 and 1985 c 455 s 9 are each amended to read
9 as follows:

10 In a criminal prosecution alleging a violation of RCW 9A.82.060 or
11 9A.82.080, the state is barred from joining any offense other than the
12 offenses alleged to be part of the pattern of criminal profiteering
13 activity and is barred from joining any offense or act stemming from
14 the lawful manufacture, delivery, or possession of marijuana for
15 medical use as authorized by state law. When a defendant has been
16 tried criminally for a violation of RCW 9A.82.060 or 9A.82.080, the
17 state is barred from subsequently charging the defendant with an
18 offense that was alleged to be part of the pattern of criminal
19 profiteering activity for which he or she was tried.

20 NEW SECTION. **Sec. 15.** This act may be known and cited as the
21 Washington state medical marijuana act.

22 NEW SECTION. **Sec. 16.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

--- END ---