

SSB 5798 - H AMD 1580

By Representative Cody

ADOPTED 03/10/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 69.51A.005 and 2007 c 371 s 2 are each amended to
4 read as follows:

5 The people of Washington state find that some patients with
6 terminal or debilitating illnesses, under their (~~physician's~~) health
7 care professional's care, may benefit from the medical use of
8 marijuana. Some of the illnesses for which marijuana appears to be
9 beneficial include chemotherapy-related nausea and vomiting in cancer
10 patients; AIDS wasting syndrome; severe muscle spasms associated with
11 multiple sclerosis and other spasticity disorders; epilepsy; acute or
12 chronic glaucoma; and some forms of intractable pain.

13 The people find that humanitarian compassion necessitates that the
14 decision to authorize the medical use of marijuana by patients with
15 terminal or debilitating illnesses is a personal, individual decision,
16 based upon their (~~physician's~~) health care professional's
17 professional medical judgment and discretion.

18 Therefore, the people of the state of Washington intend that:

19 Qualifying patients with terminal or debilitating illnesses who, in
20 the judgment of their (~~physicians~~) health care professionals, may
21 benefit from the medical use of marijuana, shall not be found guilty of
22 a crime under state law for their possession and limited use of
23 marijuana;

24 Persons who act as designated providers to such patients shall also
25 not be found guilty of a crime under state law for assisting with the
26 medical use of marijuana; and

27 (~~Physicians~~) Health care professionals also be excepted from
28 liability and prosecution for the authorization of marijuana use to
29 qualifying patients for whom, in the (~~physician's~~) health care

1 professional's professional judgment, medical marijuana may prove
2 beneficial.

3 **Sec. 2.** RCW 69.51A.010 and 2007 c 371 s 3 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Designated provider" means a person who:

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

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

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

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

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

22 (3) "Medical use of marijuana" means the production, possession, or
23 administration of marijuana, as defined in RCW 69.50.101(q), for the
24 exclusive benefit of a qualifying patient in the treatment of his or
25 her terminal or debilitating illness.

26 ((+3)) (4) "Qualifying patient" means a person who:

27 (a) Is a patient of a ((~~physician licensed under chapter 18.71 or~~
28 ~~18.57 RCW~~)) health care professional;

29 (b) Has been diagnosed by that ((~~physician~~)) health care
30 professional as having a terminal or debilitating medical condition;

31 (c) Is a resident of the state of Washington at the time of such
32 diagnosis;

33 (d) Has been advised by that ((~~physician~~)) health care professional
34 about the risks and benefits of the medical use of marijuana; and

35 (e) Has been advised by that ((~~physician~~)) health care professional
36 that they may benefit from the medical use of marijuana.

1 ~~((4))~~ (5) "Tamper-resistant paper" means paper that meets one or
2 more of the following industry-recognized features:

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

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

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

8 (6) "Terminal or debilitating medical condition" means:

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

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

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

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

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

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

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

27 ~~((5))~~ (7) "Valid documentation" means:

28 (a) A statement signed and dated by a qualifying patient's
29 ~~((physician, or a copy of the qualifying patient's pertinent medical~~
30 ~~records))~~ health care professional written on tamper-resistant paper,
31 which states that, in the ~~((physician's))~~ health care professional's
32 professional opinion, the patient may benefit from the medical use of
33 marijuana; and

34 (b) Proof of identity such as a Washington state driver's license
35 or identicard, as defined in RCW 46.20.035~~((; and~~

36 ~~(c) A copy of the physician statement described in (a) of this~~
37 ~~subsection shall have the same force and effect as the signed~~
38 ~~original)).~~

1 **Sec. 3.** RCW 69.51A.030 and 2007 c 371 s 4 are each amended to read
2 as follows:

3 A (~~(physician licensed under chapter 18.71 or 18.57 RCW)~~) health
4 care professional shall be excepted from the state's criminal laws and
5 shall not be penalized in any manner, or denied any right or privilege,
6 for:

7 (1) Advising a qualifying patient about the risks and benefits of
8 medical use of marijuana or that the qualifying patient may benefit
9 from the medical use of marijuana where such use is within a
10 professional standard of care or in the individual (~~(physician's)~~)
11 health care professional's medical judgment; or

12 (2) Providing a qualifying patient with valid documentation, based
13 upon the (~~(physician's)~~) health care professional's assessment of the
14 qualifying patient's medical history and current medical condition,
15 that the medical use of marijuana may benefit a particular qualifying
16 patient.

17 **Sec. 4.** RCW 69.51A.060 and 2007 c 371 s 6 are each amended to read
18 as follows:

19 (1) It shall be a misdemeanor to use or display medical marijuana
20 in a manner or place which is open to the view of the general public.

21 (2) Nothing in this chapter requires any health insurance provider
22 to be liable for any claim for reimbursement for the medical use of
23 marijuana.

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

26 (4) Nothing in this chapter requires any accommodation of any on-
27 site medical use of marijuana in any place of employment, in any school
28 bus or on any school grounds, in any youth center, in any correctional
29 facility, or smoking medical marijuana in any public place as that term
30 is defined in RCW 70.160.020.

31 (5) It is a class C felony to fraudulently produce any record
32 purporting to be, or tamper with the content of any record for the
33 purpose of having it accepted as, valid documentation under RCW
34 69.51A.010(~~(+6)(a)~~) (7)(a).

35 (6) No person shall be entitled to claim the affirmative defense
36 provided in RCW 69.51A.040 for engaging in the medical use of marijuana

1 in a way that endangers the health or well-being of any person through
2 the use of a motorized vehicle on a street, road, or highway.

3 NEW SECTION. **Sec. 5.** The provisions of section 2 of this act,
4 relating to the definition of "valid documentation," apply
5 prospectively only, not retroactively, and do not affect valid
6 documentation obtained prior to the effective date of this section."

7 Correct the title.

EFFECT: Requires, for purposes of the definition of "valid documentation," a statement signed by a qualifying patient's health care professional to be dated and written on tamper-resistant paper. Defines "tamper-resistant paper" as paper that meets one or more of the following industry-recognized features: (1) One or more features designed to prevent copying of the paper, (2) one or more features designed to prevent the erasure or modification of information on the paper, or (3) one or more features designed to prevent the use of counterfeit valid documentation. Removes the following types of documents from the definition of "valid documentation": (1) Copies of a signed statement by a qualifying patient's health care professional or (2) medical records. Clarifies that the changes to the definition of "valid documentation" are prospective only and do not affect valid documentation obtained prior to the effective date of the act.

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