

HOUSE BILL REPORT

SSB 5798

As Passed House:
March 3, 2010

Title: An act relating to medical marijuana.

Brief Description: Concerning medical marijuana.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Keiser, Pflug and Kline).

Brief History:

Committee Activity:

Health Care & Wellness: 2/18/10, 2/23/10 [DP].

Floor Activity:

Passed House: 3/3/10, 58-40.

Senate Refuses to Concur.

House Amended.

Passed House: 3/10/10, 58-39.

Brief Summary of Substitute Bill

- Expands the list of professionals who may authorize the use of medical marijuana to physicians, osteopathic physicians, physician assistants, osteopathic physician assistants, naturopaths, and advanced registered nurse practitioners.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 9 members: Representatives Cody, Chair; Driscoll, Vice Chair; Campbell, Clibborn, Green, Kelley, Moeller, Morrell and Pedersen.

Minority Report: Do not pass. Signed by 4 members: Representatives Ericksen, Ranking Minority Member; Bailey, Herrera and Hinkle.

Staff: Brian Kilgore (786-7119) and Jim Morishima (786-7191).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In November 1998 voters approved Initiative 692, the Washington State Medical Use of Marijuana Act (Act). The Act allows for the limited medical use of marijuana by patients with "terminal or debilitating illnesses." A number of diseases and conditions, including cancer and anorexia, are defined by the Act as terminal or debilitating illnesses. The Washington State Medical Quality Assurance Commission is authorized to approve additional diseases and conditions as terminal or debilitating illnesses for the purposes of the Act.

Under the Act, a qualifying patient is a patient of a physician who has been diagnosed by that physician as having a terminal or debilitating illness. A physician may provide a qualifying patient with a signed statement that, in the physician's professional opinion, the patient may benefit from the medical use of marijuana. An individual with such a signed physician's statement is authorized to use marijuana for treatment of his or her terminal or debilitating illness. Physicians are excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for advising qualifying patients about the risks and benefits of medical marijuana use, or authorizing medical marijuana use for qualifying patients.

Summary of Bill:

The list of professionals who may authorize the use of medical marijuana is expanded to physicians, osteopathic physicians, physician assistants, osteopathic physician assistants, naturopaths, and advanced registered nurse practitioners.

For the purposes of the Act, all instances of the term "physician" are replaced with the term "health care professional." A health care professional is defined as a physician, osteopathic physician, physician assistant, osteopathic physician assistant, naturopath, or advanced registered nurse practitioner.

A health care professional who authorizes the use of marijuana on or after the effective date of this act must do so on tamper resistant paper. Copies of an authorization or a patient's medical records are no longer valid documentation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Individuals in rural areas often don't have access to a physician who can authorize medical marijuana. The bill meets the need of rural Washingtonians by expanding the list of licensed providers who can authorize medical marijuana. It is better for patients to have their regular health care professional also be the one to authorize medical marijuana. Even in urban areas, many people see licensed providers other than physicians. This bill allows Washingtonians to choose a provider other than a physician, such as a naturopath, and

still have access to medical marijuana. There is case law protecting a physician's right to recommend anything to patients. The bill should include a section applying this case law to all the providers who can now authorize medical marijuana.

(Opposed) Washington puts medical marijuana patients in prison. The bill falls short because it does not decriminalize marijuana.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; John Worthington, American Association of Medical Cannabis; Steve Sarich, CannaCare; Ben Livingston, Cannabis Defense Coalition; Greg West, Cannabis Defense Coalition; Brian Stone; Melissa Wright; and JoAnna Mckee, Green Cross.

(Opposed) Jeff Gilmore, Olympia Medical Group.

Persons Signed In To Testify But Not Testifying: None.