
HOUSE BILL 1662

State of Washington

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By Representatives Appleton, Goodman, Hunt, Sawyer, Pollet, Tharinger, Farrell, Freeman, Reykdal, Fitzgibbon, Ryu, Riccelli, Roberts, Jinkins, and Moeller

Read first time 02/05/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the medical use of cannabis; and amending RCW
2 69.51A.010, and 69.51A.040.

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

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

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

8 (1) "Cannabis" means all parts of the plant *Cannabis* having a THC
9 concentration greater than three-tenths of one percent, whether growing
10 or not; the seeds thereof; the resin extracted from any part of the
11 plant; and every compound, manufacture, salt, derivative, mixture, or
12 preparation of the plant, its seeds, or resin. For the purposes of
13 this chapter, "cannabis" does not include the mature stalks of the
14 plant, fiber produced from the stalks, oil or cake made from the seeds
15 of the plant, any other compound, manufacture, salt, derivative,
16 mixture, or preparation of the mature stalks, except the resin
17 extracted therefrom, fiber, oil, or cake, or the sterilized seed of the
18 plant which is incapable of germination. "Cannabis" includes cannabis
19 products and useable cannabis.

1 (2) "Cannabis products" means products that contain cannabis or
2 cannabis extracts, have a measurable THC concentration greater than
3 three-tenths of one percent, and are intended for human consumption or
4 application, including, but not limited to, edible products, tinctures,
5 and lotions. "Cannabis products" does not include useable cannabis.

6 (3) "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~~) cannabis obtained
11 for the personal, medical use of the patient for whom the individual is
12 acting as designated provider; and

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

14 ~~((+2))~~ (4) "Dispense" means the selection, measuring, packaging,
15 labeling, delivery, or sale of cannabis by a licensed access point,
16 licensed processor, licensed producer, or collective garden, to a
17 qualifying patient, designated provider, licensed access point,
18 licensed processor, or licensed producer.

19 (5) "Health care professional," for purposes of this chapter only,
20 means a physician licensed under chapter 18.71 RCW, a physician
21 assistant licensed under chapter 18.71A RCW, an osteopathic physician
22 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
23 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
24 18.36A RCW, or an advanced registered nurse practitioner licensed under
25 chapter 18.79 RCW.

26 ~~((+3))~~ (6) "Labeling" means all labels or other written, printed,
27 or graphic matter:

28 (a) Upon any cannabis intended for medical use; or

29 (b) Accompanying such cannabis.

30 (7) "Licensed access point" means a person or entity with a
31 Washington state business license that retails cannabis for medical use
32 to qualifying patients and designated providers.

33 (8) "Licensed processor" means a person or entity with a Washington
34 state business license, that processes, handles, or labels cannabis
35 products for wholesale to licensed access points and retails cannabis
36 for medical use to qualifying patients and designated providers.

37 (9) "Licensed producer" means a person or entity with a Washington
38 state business license that manufactures, produces, processes, handles,

1 or labels cannabis for wholesale to licensed access points and licensed
2 processors and retails cannabis for medical use to qualifying patients
3 and designated providers.

4 (10) "Medical use of ((~~marijuana~~)) cannabis" means the manufacture,
5 production, possession, transportation, delivery, ingestion,
6 application, or administration of ((~~marijuana, as defined in RCW~~
7 69.50.101(q),)) cannabis for the exclusive benefit of a qualifying
8 patient in the treatment of his or her terminal or debilitating
9 ((~~illness~~)) medical condition.

10 ((~~4~~)) (11) "Plant" means an organism having at least three
11 distinguishable and distinct leaves, each leaf being at least three
12 centimeters in diameter, and a readily observable root formation
13 consisting of at least two separate and distinct roots, each being at
14 least two centimeters in length. Multiple stalks emanating from the
15 same root ball or root system is considered part of the same single
16 plant.

17 (12) "Process" means to label, handle, or process cannabis in
18 preparation for medical use.

19 (13) "Produce" means to plant, grow, harvest, process, store,
20 handle, package, or label cannabis for medical use.

- 21 (14) "Qualifying patient" means a person who:
22 (a) Is a patient of a health care professional;
23 (b) Has been diagnosed by that health care professional as having
24 a terminal or debilitating medical condition;
25 (c) Is a resident of the state of Washington at the time of such
26 diagnosis;
27 (d) Has been advised by that health care professional about the
28 risks and benefits of the medical use of ((~~marijuana~~)) cannabis; and
29 (e) Has been advised by that health care professional that they may
30 benefit from the medical use of ((~~marijuana~~)) cannabis.

- 31 ((~~5~~)) (15) "Tamper-resistant paper" means paper that meets one or
32 more of the following industry-recognized features:
33 (a) One or more features designed to prevent copying of the paper;
34 (b) One or more features designed to prevent the erasure or
35 modification of information on the paper; or
36 (c) One or more features designed to prevent the use of counterfeit
37 valid documentation.

38 ((~~6~~)) (16) "Terminal or debilitating medical condition" means:

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

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

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

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

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

12 (f) Diseases, including anorexia, which result in nausea, vomiting,
13 wasting, appetite loss, cramping, seizures, muscle spasms, or
14 spasticity, when these symptoms are unrelieved by standard treatments
15 or medications; or

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

19 ~~((+7))~~ (17) "THC concentration" means percent of
20 tetrahydrocannabinol content per weight or volume of useable cannabis
21 or cannabis product.

22 (18) "Useable cannabis" means dried flowers of the Cannabis plant
23 having a THC concentration greater than three-tenths of one percent.
24 Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For
25 purposes of this subsection, "dried" means containing less than fifteen
26 percent moisture content by weight. "Useable cannabis" does not
27 include cannabis products. "Useable cannabis," as a measurement of THC
28 concentration, only applies to the provisions of this chapter and is
29 not considered applicable to any other criminal laws related to
30 cannabis.

31 (19) "Valid documentation" means:

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

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

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

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

16 (1)(a) The qualifying patient or designated provider possesses no
17 more than fifteen cannabis plants and:

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

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

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

24 (b) If a person is both a qualifying patient and a designated
25 provider for another qualifying patient, the person may possess no more
26 than twice the amounts described in (a) of this subsection, whether the
27 plants, useable cannabis, and cannabis product are possessed
28 individually or in combination between the qualifying patient and his
29 or her designated provider;

30 (2) The qualifying patient or designated provider presents his or
31 her (~~(proof of registration with the department of health,)~~) valid
32 documentation to any peace officer who questions the patient or
33 provider regarding his or her medical use of cannabis;

34 (3) The qualifying patient or designated provider keeps a copy of
35 his or her (~~(proof of registration with the registry established in~~
36 ~~section 901 of this act)~~) valid documentation and the qualifying
37 patient or designated provider's contact information (~~(posted~~

1 ~~prominently next to~~) available at all times on the premises where any
2 cannabis plants, cannabis products, or useable cannabis is located ((~~at~~
3 ~~his or her residence~~));

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

5 (a) The designated provider has converted cannabis produced or
6 obtained for the qualifying patient for his or her own personal use or
7 benefit; or

8 (b) The qualifying patient has converted cannabis produced or
9 obtained for his or her own medical use to the qualifying patient's
10 personal, nonmedical use or benefit;

11 (5) The investigating peace officer does not possess evidence that
12 the designated provider has served as a designated provider to more
13 than one qualifying patient within a fifteen-day period; and

14 (6) The ~~((investigating peace officer has not observed evidence of~~
15 ~~any of the circumstances identified in section 901(4) of this act))~~
16 licensed access point, licensed producer, or licensed processor must:

17 (a) Verify that the qualifying patient or their designated provider
18 has valid documentation; and

19 (b) Keep records of all transactions.

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