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**SENATE BILL 5052**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Rivers, Hatfield, and Conway

AN ACT Relating to establishing the cannabis patient protection act; amending RCW 66.08.012, 69.50.101, 69.50.325, 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.085, and 69.51A.100; adding new sections to chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 69.50 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; repealing RCW 69.51A.020, 69.51A.025, 69.51A.047, 69.51A.090, 69.51A.140, 69.51A.200, 69.51A.043, and 69.51A.085; prescribing penalties; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  This act may be known and cited as the cannabis patient protection act.

NEW SECTION. **Sec.**  The legislature finds that since voters approved Initiative Measure No. 692 in 1998, it has been the public policy of the state to permit the medical use of marijuana. Between 1998 and the present day, there have been multiple legislative attempts to clarify what is meant by the medical use of marijuana and to ensure qualifying patients have a safe, consistent, and adequate source of marijuana for their medical needs.

The legislature further finds that qualifying patients are people with serious medical conditions and have been responsible for finding their own source of marijuana for their own personal medical use. Either by growing it themselves, designating someone to grow for them, or participating in collective gardens, patients have developed methods of access in spite of continued federal opposition to the medical use of marijuana. In a time when access itself was an issue and no safe, consistent source of marijuana was available, this unregulated system was permitted by the state to ensure some, albeit limited, access to marijuana for medical use. Also permitted were personal possession limits of fifteen plants and twenty-four ounces of useable marijuana, which was deemed to be the amount of marijuana needed for a sixty-day supply. In a time when supply was not consistent, this amount of marijuana was necessary to ensure patients would be able to address their immediate medical needs.

The legislature further finds that while possession amounts are provided in statute, these do not amount to protection from arrest and prosecution for patients. In fact, patients in compliance with state law are not provided arrest protection. They may be arrested and their only remedy is to assert an affirmative defense at trial that they are in compliance with the law and have a medical need. Too many patients using marijuana for medical purposes today do not know this; many falsely believe they cannot be arrested so long as their health care provider has authorized them for the medical use of marijuana.

The legislature further finds that in 2012 voters passed Initiative Measure No. 502 which permitted the recreational use of marijuana. For the first time in our nation's history, marijuana would be regulated, taxed, and sold for recreational consumption. Initiative Measure No. 502 provides for strict regulation on the production, processing, and distribution of marijuana. Under Initiative Measure No. 502, marijuana is trackable from seed to sale and may only be sold or grown under license. Marijuana must be tested for impurities and purchasers of marijuana must be informed of the THC level in the marijuana. Since its passage, two hundred fifty producer/processor licenses and sixty-three retail licenses have been issued, covering the majority of the state. With the current product canopy exceeding 2.9 million square feet, and retailers in place, the state now has a system of safe, consistent, and adequate access to marijuana; the marketplace is not the same marketplace envisioned by the voters in 1998. While medical needs remain, the state is in the untenable position of having a recreational product that is tested and subject to production standards that ensure safe access for recreational users. No such standards exist for medical users and, consequently, the very people originally meant to be helped through the medical use of marijuana do not know if their product has been tested for molds, do not know where their marijuana has been grown, have no certainty in the level of THC or CBD in their products, and have no assurances that their products have been handled through quality assurance measures. It is not the public policy of the state to allow qualifying patients to only have access to products that may be endangering their health.

The legislature, therefore, intends to adopt a comprehensive act that uses the regulations in place for the recreational market to provide regulation for the medical use of marijuana. It intends to ensure that patients retain their ability to grow their own marijuana for their own medical use and it intends to ensure that patients have the ability to possess more marijuana-infused products and marijuana concentrates than what is available to a recreational user. Recognizing the health concerns relating to smoking marijuana, the legislature intends to prohibit the sale of products that must be smoked at medical marijuana retail outlets, while ensuring that other methods of access to marijuana, such as vaping and use of concentrates, remain options for medical patients. It further intends that medical specific regulations be adopted as needed and under consultation of the departments of health and agriculture so that safe handling practices will be adopted and so that testing standards for medical products meet or exceed those standards in use in the recreational market.

**Sec.**  RCW 66.08.012 and 2012 c 117 s 265 are each amended to read as follows:

There shall be a board, known as the "Washington state liquor ((~~control~~))and cannabis board," consisting of three members, to be appointed by the governor, with the consent of the senate, who shall each be paid an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The governor may, in his or her discretion, appoint one of the members as chair of the board, and a majority of the members shall constitute a quorum of the board.

**Sec.**  RCW 69.50.101 and 2014 c 192 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated where used in this chapter:

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Commission" means the pharmacy quality assurance commission.

(d) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules.

(e)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(g) "Department" means the department of health.

(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) "Dispenser" means a practitioner who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(n) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(o) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(p) "Isomer" means an optical isomer, but in subsection (z)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(q) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(r) "Lot number" shall identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(s) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(t) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(u) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than sixty percent.

(v) "Marijuana processor" means a person licensed by the state liquor ((~~control~~))and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets and medical marijuana retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(w) "Marijuana producer" means a person licensed by the state liquor ((~~control~~))and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(x) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(y) "Marijuana retailer" means a person licensed by the state liquor ((~~control~~))and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(z) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(aa) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(bb) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(cc) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(dd) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ee) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(ff) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(gg) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(hh) "Retail outlet" means a location licensed by the state liquor ((~~control~~))and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

(ii) "Secretary" means the secretary of health or the secretary's designee.

(jj) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(kk) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(ll) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(mm) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

(nn) "Designated provider" has the meaning provided in RCW 69.51A.010.

(oo) "Medical marijuana retail outlet" has the meaning provided in RCW 69.51A.010.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(rr) "Plant" has the meaning provided in RCW 69.51A.010.

**Sec.**  RCW 69.50.325 and 2014 c 192 s 2 are each amended to read as follows:

(1) There shall be a marijuana producer's license to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers, regulated by the state liquor ((~~control~~))and cannabis board and subject to annual renewal. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter ((~~3, Laws of 2013~~)) and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the state liquor ((~~control~~))and cannabis board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW and the rules adopted to implement and enforce ((~~it~~))these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor ((~~control~~))and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter ((~~3, Laws of 2013~~)) and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

**Sec.**  RCW 69.50.342 and 2013 c 3 s 9 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of chapter 3, Laws of 2013 according to their true intent or of supplying any deficiency therein, the state liquor ((~~control~~))and cannabis board may adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013 as are deemed necessary or advisable. Without limiting the generality of the preceding sentence, the state liquor ((~~control~~))and cannabis board is empowered to adopt rules regarding the following:

((~~(1)~~))(a) The equipment and management of retail outlets, medical marijuana retail outlets, and premises where marijuana is produced or processed, and inspection of the retail outlets, medical marijuana retail outlets, and premises where marijuana is produced or processed;

((~~(2)~~))(b) The books and records to be created and maintained by licensees, the reports to be made thereon to the state liquor ((~~control~~))and cannabis board, and inspection of the books and records;

((~~(3)~~))(c) Methods of producing, processing, and packaging marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products; conditions of sanitation; safe handling requirements; and standards of ingredients, quality, and identity of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products produced, processed, packaged, or sold by licensees;

((~~(4)~~))(d) Security requirements for retail outlets, medical marijuana retail outlets, and premises where marijuana is produced or processed, and safety protocols for licensees and their employees;

((~~(5)~~))(e) Screening, hiring, training, and supervising employees of licensees;

((~~(6)~~))(f) Retail outlet and medical marijuana retail outlet locations and hours of operation;

((~~(7)~~))(g) Labeling requirements and restrictions on advertisement of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products for sale in retail outlets and medical marijuana retail outlets;

((~~(8)~~))(h) Forms to be used for purposes of this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW or the rules adopted to implement and enforce ((~~it~~))these chapters, the terms and conditions to be contained in licenses issued under this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW, and the qualifications for receiving a license issued under this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW, including a criminal history record information check. The state liquor ((~~control~~))and cannabis board may submit any criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor ((~~control~~))and cannabis board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

((~~(9)~~))(i) Application, reinstatement, and renewal fees for licenses issued under this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW, and fees for anything done or permitted to be done under the rules adopted to implement and enforce this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW;

((~~(10)~~))(j) The manner of giving and serving notices required by this chapter ((~~3, Laws of 2013~~))and chapter 69.51A RCW or rules adopted to implement or enforce ((~~it~~))these chapters;

((~~(11)~~))(k) Times and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

((~~(12)~~))(l) Identification, seizure, confiscation, destruction, or donation to law enforcement for training purposes of all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, sold, or offered for sale within this state which do not conform in all respects to the standards prescribed by this chapter ((~~3, Laws of 2013~~))or chapter 69.51A RCW or the rules adopted to implement and enforce ((~~it: PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed as authorizing the state liquor control board to seize, confiscate, destroy, or donate to law enforcement marijuana, useable marijuana, or marijuana-infused products produced, processed, sold, offered for sale, or possessed in compliance with the Washington state medical use of cannabis act, chapter 69.51A RCW~~))these chapters.

(2) Rules adopted on medical marijuana retail outlets must be adopted in coordination and consultation with the department.

**Sec.**  RCW 69.50.345 and 2013 c 3 s 10 are each amended to read as follows:

The state liquor ((~~control~~))and cannabis board, subject to the provisions of this chapter ((~~3, Laws of 2013~~)), must adopt rules ((~~by December 1, 2013,~~)) that establish the procedures and criteria necessary to implement the following:

(1) Licensing of marijuana producers, marijuana processors, and marijuana retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for marijuana producers must request the applicant to state whether the applicant intends to produce marijuana for sale by medical marijuana retailers under section 20 of this act and the amount of or percentage of canopy the applicant intends to commit to growing plants established to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients.

(b) The state liquor and cannabis board must reconsider limits on the amount of square feet permitted to be in production on the effective date of this section and increase the percentage of production space for those marijuana producers who intend to grow plants for medical marijuana retailers licensed under section 20 of this act if the marijuana producer designates the increased production space to plants with a THC concentration, CBD concentration, or THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products to be sold to qualifying patients. If current marijuana producers do not use all the increased production space, the state liquor and cannabis board may reopen the license period for new marijuana producer license applicants but only to those marijuana producers who agree to grow plants for medical marijuana retailers licensed under section 20 of this act. Priority in licensing must be given to marijuana producer license applicants who have an application pending on the effective date of this section but who are not yet licensed and then to new marijuana producer license applicants;

(2) ((~~Determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:~~

~~(a) Population distribution;~~

~~(b) Security and safety issues; and~~

~~(c) The provision of adequate access to licensed sources of useable marijuana and marijuana-infused products to discourage purchases from the illegal market;~~

~~(3)~~)) Determining the maximum quantity of marijuana a marijuana producer may have on the premises of a licensed location at any time without violating Washington state law;

((~~(4)~~))(3) Determining the maximum quantities of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a licensed location at any time without violating Washington state law;

((~~(5)~~))(4) Determining the maximum quantities of marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet or medical marijuana retail outlet at any time without violating Washington state law;

((~~(6) In making the determinations required by subsections (3) through (5) of this section, the state liquor control board shall take into consideration:~~

~~(a) Security and safety issues;~~

~~(b) The provision of adequate access to licensed sources of marijuana, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and~~

~~(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;~~

~~(7)~~))(5) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products, and their labeling requirements, to include but not be limited to:

(a) The business or trade name and Washington state unified business identifier number of the licensees that grew, processed, and sold the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(b) Lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(c) THC concentration and CBD concentration of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;

(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(e) Language required by RCW 69.04.480;

((~~(8)~~))(6) In consultation with the department of agriculture and the department, establishing classes of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the state liquor ((~~control~~))and cannabis board;

((~~(9)~~))(7) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products that are not inconsistent with the provisions of this chapter ((~~3, Laws of 2013~~)), taking into consideration:

(a) Federal laws relating to marijuana that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising; and

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by marijuana use in the advertising;

((~~(10)~~))(8) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

((~~(11)~~))(9) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the state liquor ((~~control~~))and cannabis board, and prescribing methods of producing, processing, and packaging marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

((~~(12)~~))(10) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter ((~~3, Laws of 2013~~)) or the rules of the state liquor ((~~control~~))and cannabis board.

**Sec.**  RCW 69.50.354 and 2014 c 192 s 3 are each amended to read as follows:

There may be licensed((~~, in no greater number in each of the counties of the state than as the state liquor control board shall deem advisable,~~)) retail outlets established for the purpose of making marijuana concentrates, useable marijuana, and marijuana-infused products available for sale to adults aged twenty-one and over. Retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter ((~~3, Laws of 2013~~)) and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer or retail outlet employee, shall not be a criminal or civil offense under Washington state law.

**Sec.**  RCW 69.50.357 and 2014 c 192 s 4 are each amended to read as follows:

(1) Retail outlets shall sell no products or services other than marijuana concentrates, useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of marijuana concentrates, useable marijuana, or marijuana-infused products.

(2) Licensed marijuana retailers shall not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet.

(3) Licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred square inches identifying the retail outlet by the licensee's business or trade name.

(4) Licensed marijuana retailers shall not display marijuana concentrates, useable marijuana, or marijuana-infused products in a manner that is visible to the general public from a public right-of-way.

(5) No licensed marijuana retailer or employee of a retail outlet shall open or consume, or allow to be opened or consumed, any marijuana concentrates, useable marijuana, or marijuana-infused product on the outlet premises.

(6) The state liquor ((~~control~~))and cannabis board shall fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated marijuana fund created under RCW 69.50.530.

**Sec.**  RCW 69.50.360 and 2014 c 192 s 5 are each amended to read as follows:

The following acts, when performed by a validly licensed marijuana retailer or employee of a validly licensed retail outlet in compliance with rules adopted by the state liquor ((~~control~~))and cannabis board to implement and enforce chapter 3, Laws of 2013, shall not constitute criminal or civil offenses under Washington state law:

(1) Purchase and receipt of marijuana concentrates, useable marijuana, or marijuana-infused products that have been properly packaged and labeled from a marijuana processor validly licensed under this chapter ((~~3, Laws of 2013~~));

(2) Possession of quantities of marijuana concentrates, useable marijuana, or marijuana-infused products that do not exceed the maximum amounts established by the state liquor ((~~control~~))and cannabis board under RCW 69.50.345((~~(5)~~))(4); and

(3) Delivery, distribution, and sale, on the premises of the retail outlet, of any combination of the following amounts of marijuana concentrates, useable marijuana, or marijuana-infused product to any person twenty-one years of age or older:

(a) One ounce of useable marijuana;

(b) Sixteen ounces of marijuana-infused product in solid form;

(c) Seventy-two ounces of marijuana-infused product in liquid form; or

(d) Seven grams of marijuana concentrate.

**Sec.**  RCW 69.50.4013 and 2013 c 3 s 20 are each amended to read as follows:

(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The possession, by a person twenty-one years of age or older, of useable marijuana or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(4) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants in accordance with section 15 or 24 of this act is not a violation of this section, this chapter, or any other provision of Washington state law.

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

(1) The legislature finds that:

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

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

(ii) Severe muscle spasms associated with multiple sclerosis, epilepsy, and other seizure and spasticity disorders;

(iii) Acute or chronic glaucoma;

(iv) Crohn's disease; and

(v) Some forms of intractable pain.

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

(2) Therefore, the legislature intends that, so long as such activities are in strict compliance with this chapter:

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

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

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

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

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

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

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

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

~~(a)~~))is ((~~eighteen~~))twenty-one years of age or older((~~;~~

~~(b)~~))and:

(a)(i) Is the parent or guardian of a qualifying patient who is under the age of eighteen; or

(ii) Has been designated in writing by a qualifying patient to serve as a designated provider ((~~under this chapter~~))for that patient;

(b) Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and may only provide medical marijuana to that qualifying patient;

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

(d) Is in compliance with the terms and conditions of this chapter; and

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

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

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

(4) "Qualifying patient" means a person who:

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

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

((~~(c)~~))(iii) Is a resident of the state of Washington at the time of such diagnosis;

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

~~(e)~~))(v) Has been advised by that health care professional that they may benefit from the medical use of marijuana;

(vi) Has been entered into the medical marijuana authorization database; and

(vii) Is otherwise in compliance with the terms and conditions established in this chapter.

(b) "Qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

(5) Until December 31, 2015, "tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:

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

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

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

(6) "Terminal or debilitating medical condition" means a condition severe enough to significantly interfere with the patient's activities of daily living and ability to function, which can be objectively assessed and evaluated and limited to the following:

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

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

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

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

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

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

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

(7) Until December 31, 2015, "valid documentation" means:

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

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

(8) "Authorization card" means a card issued to qualifying patients and designated providers whose health care professionals have entered them into the medical marijuana authorization database.

(9) "CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product.

(10) "Department" means the department of health.

(11) "Marijuana" has the meaning provided in RCW 69.50.101.

(12) "Marijuana concentrates" has the meaning provided in RCW 69.50.101.

(13) "Marijuana processor" has the meaning provided in RCW 69.50.101.

(14) "Marijuana producer" has the meaning provided in RCW 69.50.101.

(15) "Medical marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates and marijuana-infused products in a medical marijuana retail outlet.

(16) "Marijuana-infused products" has the meaning provided in RCW 69.50.101.

(17) "Medical marijuana authorization database" means the secure and confidential database established in section 17 of this act.

(18) "Plant" means a marijuana plant having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system is considered part of the same single plant.

(19) "Medical marijuana retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates and marijuana-infused products to qualifying patients and designated providers who hold authorization cards.

(20) "THC concentration" has the meaning provided in RCW 69.50.101.

(21) "Useable marijuana" has the meaning provided in RCW 69.50.101.

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

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

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

(b) ((~~Providing~~))Adding a patient or designated provider meeting the criteria established under RCW 69.51A.010((~~(26) with valid documentation~~))(4) to the medical marijuana authorization database, based upon the health care professional's assessment of the patient's medical history and current medical condition, ((~~where such use is~~))if the health care professional has complied with this chapter and he or she determines within a professional standard of care or in the individual health care professional's medical judgment the qualifying patient may benefit from the medical use of marijuana.

(2)(a) Until December 31, 2015, a health care professional may ((~~only~~)) provide a qualifying patient or that patient's designated provider with valid documentation authorizing the medical use of ((~~cannabis or register the patient with the registry established in section 901 of this act if he or she has a newly initiated or existing documented relationship with the patient, as a primary care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:~~

~~(i) Completing a~~))marijuana in accordance with this section.

(b) Beginning December 31, 2015, a health care professional may only authorize a patient for the medical use of marijuana by adding the qualifying patient and that patient's designated provider to the medical marijuana authorization database and in accordance with this section.

(c) In order to authorize for the medical use of marijuana under (a) or (b) of this subsection, the health care professional must:

(i) Have a documented relationship with the patient, as a principal care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition;

(ii) Complete an in-person physical examination of the patient ((~~as appropriate, based on the patient's condition and age~~));

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

((~~(iii) Informing~~))(iv) Inform the patient of other options for treating the terminal or debilitating medical condition and documenting in the patient's medical record that the patient has received this information; and

((~~(iv) Documenting~~))(v) Document in the patient's medical record other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of ((~~cannabis~~))marijuana.

((~~(b)~~))(d) A health care professional shall not:

(i) Accept, solicit, or offer any form of pecuniary remuneration from or to a ((~~licensed dispenser, licensed producer, or licensed processor of cannabis products~~))marijuana retailer, medical marijuana retailer, marijuana processor, or marijuana producer;

(ii) Offer a discount or any other thing of value to a qualifying patient who is a customer of, or agrees to be a customer of, a particular ((~~licensed dispenser, licensed producer, or licensed processor of cannabis products~~))medical marijuana retailer;

(iii) Examine or offer to examine a patient for purposes of diagnosing a terminal or debilitating medical condition at a location where ((~~cannabis~~))marijuana is produced, processed, or ((~~dispensed~~))sold;

(iv) Have a business or practice which consists ((~~solely~~))primarily of authorizing the medical use of ((~~cannabis~~))marijuana or authorize the medical use of marijuana at any location other than his or her practice's permanent physical location;

(v) Include any statement or reference, visual or otherwise, on the medical use of ((~~cannabis~~))marijuana in any advertisement for his or her business or practice unless the health care professional has met department educational standards relating to the authorization of marijuana for medical use; or

(vi) Hold an economic interest in an enterprise that produces, processes, or ((~~dispenses cannabis~~))sells marijuana if the health care professional authorizes the medical use of ((~~cannabis~~))marijuana.

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

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

(1) As part of adding a qualifying patient or designated provider to the medical marijuana authorization database, the health care professional may include recommendations on the amount of marijuana that is likely needed by the qualifying patient for his or her medical needs and in accordance with subsection (2) of this section. If no recommendations are included when the qualifying patient or designated provider is added to the database, the qualifying patient or designated provider may purchase at a medical marijuana retailer a combination of the following: Forty-eight ounces of marijuana-infused product in solid form; two hundred sixteen ounces of marijuana-infused product in liquid form; or twenty-one grams of marijuana concentrates. The qualifying patient or designated provider may also grow, in his or her domicile, up to six plants for the personal medical use of the qualifying patient.

(2) If a health care professional determines that the medical needs of a qualifying patient exceed the amounts provided for in subsection (1) of this section, the health care professional may recommend a greater amount of plants for the personal medical use of the patient but not to exceed fifteen plants. This amount must be entered into the medical marijuana authorization database by the authorizing health care professional.

(3) If the qualifying patient or designated provider grows plants for the medical use of the qualifying patient, the patient or provider may possess up to the amount of useable marijuana that may be produced by the number of plants for which the patient or provider is authorized.

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

(1) Health care professionals may authorize the medical use of marijuana for qualifying patients who are under the age of eighteen if:

(a) The minor's parent or guardian participates in the minor's treatment and agrees to the medical use of marijuana by the minor;

(b) The parent or guardian acts as the designated provider for the minor and has sole control over the minor's marijuana. However, the minor may possess up to the amount of marijuana that is necessary for his or her next dose; and

(c) The minor may not grow plants or purchase marijuana-infused products or marijuana concentrates from a medical marijuana retailer.

(2) A health care professional who authorizes the medical use of marijuana by a minor must do so as part of the course of treatment of the minor's terminal or debilitating medical condition. If authorizing a minor for the medical use of marijuana, the health care professional must:

(a) Consult with other health care providers involved in the child's treatment, as medically indicated, before authorization or reauthorization of the medical use of marijuana;

(b) Reexamine the minor at least once a year or more frequently as medically indicated. The reexamination must:

(i) Determine that the minor continues to have a terminal or debilitating medical condition and that the condition benefits from the medical use of marijuana; and

(ii) Include a follow-up discussion with the minor's parent or guardian to ensure the parent or guardian continues to participate in the treatment of the minor;

(c) Enter both the minor and the minor's parent or guardian who is acting as the designated provider in the medical marijuana authorization database.

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

(1) The department must contract with an entity to create, administer, and maintain a secure and confidential medical marijuana authorization database that, beginning December 31, 2015, allows:

(a) A health care professional to add a qualifying patient or designated provider and include the amount of marijuana concentrates, marijuana-infused products, or plants for which the qualifying patient is authorized under section 15 of this act;

(b) Persons authorized to prescribe or dispense controlled substances to access health care information on their patients for the purpose of providing medical or pharmaceutical care for their patients;

(c) A qualifying patient or designated provider to request and receive his or her own health care information or information on any person or entity that has queried their name or information;

(d) Appropriate local, state, tribal, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation of suspected marijuana-related activity that may be illegal under Washington state law to confirm the validity of the authorization card of a qualifying patient or designated provider;

(e) A medical marijuana retailer to confirm the validity of the authorization card of a qualifying patient or designated provider;

(f) The department of revenue to verify tax exemptions under chapters 82.08 and 82.12 RCW;

(g) The department and the health care professional's disciplining authorities to monitor authorizations and ensure compliance with this chapter and chapter 18.130 RCW by their licensees; and

(h) Authorizations to expire one or two years after entry into the medical marijuana authorization database, depending on whether the authorization is for a minor or an adult.

(2) A qualifying patient and his or her designated provider, if any, must be placed in the medical marijuana authorization database by the qualifying patient's health care professional. After a qualifying patient or designated provider is placed in the medical marijuana authorization database, he or she must be provided with an authorization card that contains identifiers required in subsection (3) of this section.

(3) The authorization card requirements must be developed by the department in rule and include:

(a) A randomly generated and unique identifying number;

(b) For designated providers, the unique identifying number of the qualifying patient whom the provider is assisting;

(c) A photograph of the qualifying patient's or designated provider's face taken by the authorizing health care professional in accordance with rules adopted by the department;

(d) The amount of marijuana concentrates, marijuana-infused products, or plants for which the qualifying patient is authorized under section 15 or 24 of this act;

(e) The effective date and expiration date of the authorization card;

(f) The name of the health care professional who authorized the qualifying patient or designated provider; and

(g) For the authorization card, additional security features as necessary to ensure its validity.

(4) For qualifying patients who are eighteen years of age or older and their designated providers, authorization cards are valid for two years from the date the health care professional enters the qualifying patient or designated provider in the medical marijuana authorization database. For qualifying patients who are under the age of eighteen and their designated providers, authorization cards are valid for one year from the date the health care professional enters the qualifying patient or designated provider in the medical marijuana authorization database. Qualifying patients may not be reentered into the medical marijuana authorization database until they have been reexamined by a health care professional and determined to meet the definition of qualifying patient. After reexamination, the health care professional must reenter the qualifying patient or designated provider into the medical marijuana authorization database and a new authorization card will then be issued in accordance with department rules.

(5) If an authorization card is lost or stolen, the health care professional, in conjunction with the database administrator, may issue a new card that will be valid for one or two years if the patient is reexamined and determined to meet the definition of qualifying patient and depending on whether the patient is under the age of eighteen or eighteen years of age or older as provided in subsection (4) of this section. If a reexamination is not performed, the expiration date of the replacement authorization card must be the same as the lost or stolen authorization card.

(6) The database administrator must remove qualifying patients and designated providers from the medical marijuana authorization database upon expiration of the authorization card. Qualifying patients and designated providers may request to remove themselves from the medical marijuana authorization database before expiration of an authorization card and health care professionals may request to remove qualifying patients and designated providers from the medical marijuana authorization database if the patient or provider no longer qualifies for the medical use of marijuana. The database administrator must retain database records for at least five calendar years to permit the state liquor and cannabis board and the department of revenue to verify eligibility for tax exemptions.

(7) During development of the medical marijuana authorization database, the database administrator must consult with the department, stakeholders, and persons with relevant expertise to include, but not be limited to, qualifying patients, designated providers, health care professionals, state and local law enforcement agencies, and the University of Washington computer science and engineering security and privacy research lab or a certified cyber security firm, vendor, or service.

(8) The medical marijuana authorization database must meet the following requirements:

(a) Any personally identifiable information included in the database must be nonreversible, pursuant to definitions and standards set forth by the national institute of standards and technology;

(b) Any personally identifiable information included in the database must not be susceptible to linkage by use of data external to the database;

(c) The database must incorporate current best differential privacy practices, allowing for maximum accuracy of database queries while minimizing the chances of identifying the personally identifiable information included therein; and

(d) The database must be upgradable and updated in a timely fashion to keep current with state of the art privacy and security standards and practices.

(9)(a) Personally identifiable information of qualifying patients and designated providers included in the medical marijuana authorization database is confidential and exempt from public disclosure, inspection, or copying under chapter 42.56 RCW.

(b) Information contained in the medical marijuana authorization database may be released in aggregate form, with all personally identifying information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

(c) Information contained in the medical marijuana authorization database shall not be shared with the federal government or its agents unless the particular patient or designated provider is convicted in state court for violating this chapter or chapter 69.50 RCW.

(10) The department must, in coordination with the database administrator, establish a fee that is adequate to cover the costs of administrating the medical marijuana authorization database.

(11) If the database administrator fails to comply with this section, the department may cancel any contracts with the database administrator and contract with another database administrator to continue administration of the database. A database administrator who fails to comply with this section is subject to a fine of up to five thousand dollars in addition to any penalties established in the contract. Fines collected under this section must be deposited into the dedicated marijuana fund created under RCW 69.50.530.

(12) The department may adopt rules to implement this section.

NEW SECTION. **Sec.**  A new section is added to chapter 42.56 RCW to read as follows:

Records in the medical marijuana authorization database established in section 17 of this act containing names and other personally identifiable information of qualifying patients and designated providers are exempt from disclosure under this chapter.

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

(1) It is unlawful for a person to knowingly or intentionally:

(a) Access the medical marijuana authorization database for any reason not authorized under section 17 of this act;

(b) Disclose any information received from the medical marijuana authorization database in violation of section 17 of this act including, but not limited to, qualifying patient or designated provider names, addresses, or amount of marijuana for which they are authorized;

(c) Produce an authorization card or to tamper with an authorization card for the purpose of having it accepted by a medical marijuana retailer in order to purchase marijuana as a qualifying patient or designated provider or to grow marijuana plants in accordance with section 15 or 24 of this act;

(d) If a person is a designated provider to a qualifying patient, sell, donate, or supply marijuana produced or obtained for the qualifying patient to another person, or use the marijuana produced or obtained for the qualifying patient for the designated provider's own personal use or benefit; or

(e) If the person is a qualifying patient, sell, donate, or otherwise supply marijuana produced or obtained by the qualifying patient to another person.

(2) A person who violates this section is guilty of a class C felony and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

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

(1) There shall be a medical marijuana retailer's license to sell marijuana concentrates and marijuana-infused products in medical marijuana retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates and marijuana-infused products in accordance with the provisions of this chapter and chapter 69.50 RCW and the rules adopted to implement and enforce these chapters, by a validly licensed medical marijuana retailer or medical marijuana retail employee, shall not be a criminal or civil offense under Washington state law. Every medical marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a medical marijuana retailer's license is two hundred fifty dollars. The annual fee for issuance and renewal of a medical marijuana retailer's license is one thousand dollars. A separate license shall be required for each location at which a medical marijuana retailer intends to sell marijuana concentrates and marijuana-infused products.

(2)(a) Medical marijuana retailers may not employ a health care professional to authorize the medical use of marijuana for qualifying patients at any medical marijuana retail outlet or permit health care professionals to authorize the medical use of marijuana for qualifying patients at any medical marijuana retail outlet.

(b) Medical marijuana retailers must carry marijuana concentrates and marijuana-infused products with a CBD concentration or THC to CBD ratio identified by the department under subsection (3) of this section.

(c) Medical marijuana retailers may not sell or donate useable marijuana.

(d) Medical marijuana retailers may not use labels or market marijuana concentrates or marijuana-infused products in a way that make them intentionally attractive to minors or recreational users.

(e) Medical marijuana retailers must keep copies of the qualifying patient's or designated provider's authorization card, or keep equivalent records as required by rule of the state liquor and cannabis board or department of revenue to document the validity of tax exempt sales under RCW 69.50.535.

(f) Medical marijuana retailers must ensure that during all retail hours an employee is available on site of the medical marijuana retail outlet to consult with qualifying patients or designated providers. The employee may identify the strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates and marijuana-infused products available for sale when assisting qualifying patients and designated providers at a medical marijuana retail outlet.

(g) A medical marijuana retailer may sell or provide at no charge marijuana-infused products or marijuana concentrates with a THC concentration of 0.3 percent or less to qualifying patients or designated providers who possess authorization cards.

(3) The department, in conjunction with the state liquor and cannabis board, must adopt rules on requirements for marijuana concentrates and marijuana-infused products that may be sold to qualifying patients at a medical marijuana retail outlet. These rules must include:

(a) THC concentration, CBD concentration, or THC to CBD ratios appropriate for marijuana concentrates or marijuana-infused products sold to qualifying patients;

(b) Labeling requirements including that the labels attached to marijuana concentrates or marijuana-infused products contain THC concentration, CBD concentration, and THC to CBD ratios;

(c) A prohibition on any product that may be smoked, including prohibiting the sale of paraphernalia used for smoking marijuana;

(d) Other product requirements, including any additional mold, fungus, or pesticide testing requirements, or limitations to the types of solvents that are used in marijuana processing that the department deems necessary to address the medical needs of qualifying patients;

(e) Safe handling requirements for marijuana concentrates or marijuana-infused products; and

(f) Training requirements for employees providing services under subsection (2)(e) of this section.

(4) A medical marijuana retailer may consult the medical marijuana authorization database for the sole purpose of confirming the validity of qualifying patient or designated provider authorization cards.

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

(1) Medical marijuana retail outlets shall sell no products or services other than marijuana concentrates, marijuana-infused products, products with a THC concentration of 0.3 percent or less, or paraphernalia intended for the storage or use of marijuana concentrates or marijuana-infused products as provided by department rule. Marijuana products that are intended to be smoked and paraphernalia used for smoking marijuana may not be sold in medical marijuana retail outlets. Medical marijuana retail outlets shall only sell to qualifying patients or designated providers.

(2) Medical marijuana retailers shall not employ persons under twenty-one years of age. Qualifying patients who are eighteen to twenty-one years of age and hold authorization cards may enter or remain on the premises of a medical marijuana retail outlet. Qualifying patients who are under the age of eighteen may enter or remain on the premises of a medical marijuana retail outlet if they are accompanied by their parent or guardian who also holds an authorization card as the minor's designated provider.

(3) Medical marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a medical marijuana retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred square inches identifying the retail outlet by the licensee's business or trade name. The state liquor and cannabis board shall adopt rules establishing a symbol that medical marijuana retailers may use on signage to indicate they possess a medical marijuana retail license.

(4) Medical marijuana retailers shall not display marijuana concentrates or marijuana-infused products in a manner that is visible to the general public from a public right-of-way.

(5) No medical marijuana retailer or employee of a medical marijuana retail outlet shall open or consume, or allow to be opened or consumed, any marijuana concentrates or marijuana-infused products on the outlet premises.

(6) The state liquor and cannabis board shall fine a licensee one thousand dollars for each violation of this section. Fines collected under this section must be deposited into the dedicated marijuana fund created under RCW 69.50.530.

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

The following acts, when performed by a validly licensed medical marijuana retailer or employee of a validly licensed medical marijuana retail outlet in compliance with rules adopted by the state liquor and cannabis board to implement and enforce chapter 69.50 RCW and this chapter, shall not constitute criminal or civil offenses under Washington state law:

(1) Purchase and receipt of marijuana concentrates or marijuana-infused products that have been properly packaged and labeled from a marijuana processor validly licensed under chapter 69.50 RCW;

(2) Possession of quantities of marijuana concentrates or marijuana-infused products that do not exceed the maximum amounts established by the state liquor and cannabis board under RCW 69.50.345(4);

(3) Delivery, distribution, and sale, on the premises of a medical marijuana retail outlet, of any combination of the following amounts of marijuana concentrates or marijuana-infused products to a qualifying patient holding an authorization card or a designated provider holding an authorization card:

(a) Forty-eight ounces of marijuana-infused product in solid form;

(b) Two hundred sixteen ounces of marijuana-infused product in liquid form; or

(c) Twenty-one grams of marijuana concentrates; and

(4) Donations of marijuana-infused products or marijuana concentrates with a THC concentration of 0.3 percent or less to qualifying patients holding an authorization card or designated providers holding an authorization card.

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

The medical use of ((~~cannabis~~))marijuana in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences((~~,~~)) for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ((~~cannabis~~))marijuana under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ((~~cannabis~~))marijuana under state law, and investigating ((~~peace~~))law enforcement officers and ((~~law enforcement~~)) agencies may not be held civilly liable for failure to seize ((~~cannabis~~))marijuana in this circumstance, if:

(1)(a) The qualifying patient or designated provider holds a valid authorization card and possesses no more than ((~~fifteen cannabis plants and:~~

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

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

~~(iii) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of useable cannabis~~))the amount of marijuana concentrates, useable marijuana, plants, or marijuana-infused products authorized under section 15 or 24 of this act.

((~~(b)~~)) If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in ((~~(a) of this subsection~~))section 15 of this act for the qualifying patient and designated provider, whether the plants, ((~~useable cannabis, and cannabis product~~))marijuana concentrates, useable marijuana, or marijuana-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider;

((~~(2)~~))(b) The qualifying patient or designated provider presents his or her ((~~proof of registration with the department of health,~~))authorization card to any ((~~peace~~))law enforcement officer who questions the patient or provider regarding his or her medical use of ((~~cannabis~~))marijuana;

((~~(3)~~))(c) The qualifying patient or designated provider keeps a copy of his or her ((~~proof of registration with the registry established in section 901 of this act~~))authorization card and the qualifying patient or designated provider's contact information posted prominently next to any ((~~cannabis~~)) plants, ((~~cannabis~~))marijuana concentrates, marijuana-infused products, or useable ((~~cannabis~~))marijuana located at his or her residence;

((~~(4)~~))(d) The investigating ((~~peace~~))law enforcement officer does not possess evidence that:

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

((~~(b)~~))(ii) The qualifying patient ((~~has converted cannabis produced or obtained for his or her own medical use to the qualifying patient's personal, nonmedical use or benefit~~))sold, donated, or supplied marijuana to another person; and

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

~~(6)~~))or

(2) The ((~~investigating peace officer has not observed evidence of any of the circumstances identified in section 901(4)~~))qualifying patient or designated provider participates in a cooperative as provided in section 24 of this act.

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

(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative. No more than four people may become members of the cooperative under this section and all members must hold valid authorization cards.

(2) Cooperatives may not be located within twenty-five miles of a medical marijuana retailer. People who wish to form a cooperative must register the location with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's authorization card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location. The state liquor and cannabis board must deny the registration of any cooperative if the location is within twenty-five miles of a medical marijuana retailer.

(3) If a qualifying patient or designated provider no longer participates in growing at the location, he or she must notify the state liquor and cannabis board within fifteen days of the date the qualifying patient or designated provider ceases participation. The state liquor and cannabis board must remove his or her name from connection to the cooperative. Additional qualifying patients or designated providers may not join the cooperative until fifteen days have passed since the date on which the last qualifying patient or designated provider notifies the state liquor and cannabis board that he or she no longer participates in that cooperative.

(4) Qualifying patients or designated providers who grow plants under this section:

(a) May grow up to the total amount of plants for which each participating member is authorized on their authorization cards. At the location, the qualifying patients or designated providers may possess no more useable marijuana than what can be produced with the number of plants permitted under this subsection;

(b) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide nonmonetary resources and labor in order to participate; and

(c) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.

(5) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's authorization card must be kept at the location at all times.

(6) The state liquor and cannabis board may adopt rules to implement this section, including any security requirements necessary to ensure the safety of the cooperative and to reduce the risk of diversion from the cooperative.

(7) The state liquor and cannabis board may inspect a cooperative registered under this section to ensure members are in compliance with this section. The state liquor and cannabis board must adopt rules on reasonable inspection hours and reasons for inspections.

**Sec.**  RCW 69.51A.045 and 2011 c 181 s 405 are each amended to read as follows:

(1) A qualifying patient or designated provider in possession of ((~~cannabis~~)) plants, marijuana concentrates, useable ((~~cannabis~~))marijuana, or ((~~cannabis~~))marijuana-infused products exceeding the limits set forth in ((~~RCW 69.51A.040(1)~~))section 15 or 24 of this act but otherwise in compliance with all other terms and conditions of this chapter may establish an affirmative defense to charges of violations of state law relating to ((~~cannabis~~))marijuana through proof at trial, by a preponderance of the evidence, that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.51A.040((~~(1)~~)).

(2) An investigating ((~~peace~~))law enforcement officer may seize ((~~cannabis~~)) plants, marijuana concentrates, useable ((~~cannabis~~))marijuana, or ((~~cannabis~~))marijuana-infused products exceeding the amounts set forth in ((~~RCW 69.51A.040(1): PROVIDED, That~~))section 15 or 24 of this act. In the case of ((~~cannabis~~)) plants, the qualifying patient or designated provider shall be allowed to select the plants that will remain at the location. The officer and his or her law enforcement agency may not be held civilly liable for failure to seize ((~~cannabis~~))marijuana in this circumstance.

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

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

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

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

((~~(3) A person may not be licensed as a licensed producer, licensed processor of cannabis products, or a licensed dispenser under section 601, 602, or 701 of this act if he or she is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that has determined that licensure is inconsistent with and contrary to his or her supervision.~~))

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

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

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

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

(4) Nothing in this chapter requires any accommodation of any on-site medical use of ((~~cannabis~~))marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking ((~~cannabis~~))marijuana in any public place or hotel or motel. However, a school may permit a minor who meets the requirements of section 16 of this act to consume marijuana on school grounds. Such use must be in accordance with school policy relating to medication use on school grounds.

(5) Nothing in this chapter authorizes the possession or use of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products on federal property.

((~~(5)~~))(6) Nothing in this chapter authorizes the use of medical ((~~cannabis~~))marijuana by any person who is subject to the Washington code of military justice in chapter 38.38 RCW.

((~~(6)~~))(7) Employers may establish drug-free work policies. Nothing in this chapter requires an accommodation for the medical use of ((~~cannabis~~))marijuana if an employer has a drug-free workplace.

((~~(7) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(32)(a), or to backdate such documentation to a time earlier than its actual date of execution.~~))

(8) No person shall be entitled to claim the protection from arrest and prosecution under RCW 69.51A.040 ((~~or the affirmative defense under RCW 69.51A.043~~)) for engaging in the medical use of ((~~cannabis~~))marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or 46.61.504, or equivalent local ordinances.

**Sec.**  RCW 69.51A.070 and 2007 c 371 s 7 are each amended to read as follows:

The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery may make a preliminary finding of good cause before the public hearing and shall, after hearing, approve or deny such petitions within ((~~one~~))two hundred ((~~eighty~~))ten days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

**Sec.**  RCW 69.51A.085 and 2011 c 181 s 403 are each amended to read as follows:

(1) Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:

(a) No more than ten qualifying patients may participate in a single collective garden at any time;

(b) No person under the age of twenty-one may participate in a collective garden or receive marijuana that was produced, processed, transported, or delivered through a collective garden. A designated provider for a person who is under the age of twenty-one may participate in a collective garden on behalf of the person under the age of twenty-one;

(c) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

((~~(c)~~))(d) A collective garden may contain no more than twenty-four ounces of useable cannabis per patient up to a total of seventy-two ounces of useable cannabis;

((~~(d)~~))(e) A copy of each qualifying patient's valid documentation ((~~or proof of registration with the registry established in section 901 of this act~~)), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and

((~~(e)~~))(f) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden.

(2) For purposes of this section, the creation of a "collective garden" means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

(3) A person who knowingly violates a provision of subsection (1) of this section is not entitled to the protections of this chapter.

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

(1) The state liquor and cannabis board may conduct controlled purchase programs to determine whether:

(a) A marijuana retailer is unlawfully selling marijuana to persons under the age of twenty-one;

(b) A medical marijuana retailer is selling to persons under the age of eighteen or selling to persons between the ages of eighteen and twenty-one who do not hold valid authorization cards;

(c) Until December 31, 2015, collective gardens under RCW 69.51A.085 are providing marijuana to persons under the age of twenty-one; or

(d) A cooperative organized under section 24 of this act is permitting a person under the age of twenty-one to participate.

(2) Every person under the age of twenty-one years who purchases or attempts to purchase marijuana is guilty of a violation of this chapter or chapter 69.51A RCW. This section does not apply to:

(a) Persons between the ages of eighteen and twenty-one who hold valid authorization cards and purchase marijuana at a medical marijuana retail outlet;

(b) Persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the state liquor and cannabis board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the state liquor and cannabis board may not be used for criminal or administrative prosecution.

(3) A marijuana retailer or medical marijuana retailer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of marijuana during an in-house controlled purchase program.

(4) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. A marijuana retailer or medical marijuana retailer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of marijuana during an in-house controlled purchase program authorized under this section.

(5) Every person between the ages of eighteen and twenty-one who is convicted of a violation of this section is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution.

**Sec.**  RCW 69.51A.100 and 2011 c 181 s 404 are each amended to read as follows:

(1) A qualifying patient may revoke his or her designation of a specific designated provider and designate a different designated provider at any time. A revocation of designation must be in writing, signed and dated, and provided to the medical marijuana authorization database administrator and designated provider. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

(2) A person may stop serving as a designated provider to a given qualifying patient at any time by revoking that designation in writing, signed and dated, and provided to the medical marijuana authorization database administrator and the qualifying patient. However, that person may not begin serving as a designated provider to a different qualifying patient until fifteen days have elapsed from the date the last qualifying patient designated him or her to serve as a provider.

(3) The department may adopt rules to implement this section, including a procedure to remove the name of the designated provider from the medical marijuana authorization database upon receipt of a revocation under this section.

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

Neither this chapter nor chapter 69.50 RCW prohibits a health care professional from selling or donating topical, noningestable products that have a THC concentration of less than .3 percent to qualifying patients.

NEW SECTION. **Sec.**  A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to:

(a) Beginning December 31, 2015, sales of marijuana concentrates, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less by medical marijuana retailers to qualifying patients or designated providers who hold authorization cards;

(b) Beginning December 31, 2015, sales of products containing THC with a THC concentration of 0.3 percent or less by health care professionals under section 32 of this act; or

(c) Until December 31, 2015, sales of marijuana concentrates, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less by collective gardens under RCW 69.51A.085.

(2) Each seller making exempt sales under subsection (1) of this section must maintain information establishing the purchaser's eligibility for the exemption in the form and manner required by the department.

(3) For the purposes of this section, the terms "THC concentration," "marijuana concentrates," and "marijuana-infused products" have the meaning provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," "medical marijuana retailers," and "authorization card" have the meaning provided in RCW 69.51A.010.

NEW SECTION. **Sec.**  A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply to the use of marijuana concentrates, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less in compliance with chapter 69.51A RCW by:

(a) Until December 31, 2015, collective gardens under RCW 69.51A.085 and the qualifying patients or designated providers participating in the collective gardens;

(b) Beginning December 31, 2015, qualifying patients or designated providers who hold authorization cards and have purchased marijuana concentrates, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent from a medical marijuana retailer or who have purchased or been provided at no charge products containing THC with a THC concentration of 0.3 percent from a health care professional; or

(c) Beginning December 31, 2015, medical marijuana retailers with respect to marijuana concentrates, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less if such marijuana or product is provided at no charge to a qualifying patient or designated provider who holds an authorization card. Each such retailer providing such marijuana or product at no charge must maintain information establishing eligibility for this exemption in the form and manner required by the department.

(2) For the purposes of this section, the terms "THC concentration," "marijuana concentrates," and "marijuana-infused products" have the meaning provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," "medical marijuana retailers," and "authorization card" have the meaning provided in RCW 69.51A.010.

NEW SECTION. **Sec.**  (1) The legislature finds marijuana use for qualifying patients is a valid and necessary option health care professionals may recommend for their patients. The legislature further finds that although there is a distinction between recreational and medical use of marijuana, the changing environment for recreational marijuana use in Washington will also affect qualifying patients. The legislature further finds that while recognizing the difference between recreational and medical use of marijuana, it is imperative to develop a single, comprehensive regulatory scheme for marijuana use in the state. Acknowledging that the implementation of this act may result in changes to how qualifying patients access marijuana for their medical use, the legislature intends to ease the transition towards a regulated market and provide a statutory means for a safe, consistent, and secure source of marijuana for qualifying patients. Therefore, the legislature intends to provide qualifying patients a retail sales and use tax exemption on purchases of marijuana for medical use when authorized by a health care professional and when purchased at a medical marijuana retailer. Because marijuana is neither a prescription medicine nor an over-the-counter medication, this policy should in no way be construed as precedence for changes in the treatment of prescription medications or over-the-counter medications.

(2)(a) This section is the tax preference performance statement for the retail sales and use tax exemptions for marijuana concentrates and marijuana-infused products purchased by qualifying patients provided in sections 33 and 34 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(b) The legislature categorizes the tax preference as one intended to accomplish the general purposes indicated in RCW 82.32.808(2)(e).

(c) It is the legislature's specific public policy objective to provide qualifying patients a retail sales and use tax exemption on purchases of marijuana concentrates and marijuana-infused products for medical use when qualifying patients hold a valid authorization card.

(d) To measure the effectiveness of the exemption provided in sections 33 and 34 of this act in achieving the specific public policy objectives described in (c) of this subsection, the joint legislative audit and review committee must evaluate the actual fiscal impact of the sales and use tax exemption compared to the estimated impact in the fiscal note for this act.

(3) For the purposes of this section, the terms "authorization card," "qualifying patient," and "health care professional" have the meaning provided in RCW 69.51A.010 and the terms "marijuana concentrates" and "marijuana-infused products" have the meaning provided in RCW 69.50.101.

NEW SECTION. **Sec.**  All references to the Washington state liquor control board must be construed as referring to the Washington state liquor and cannabis board. The code reviser must prepare legislation for the 2016 legislative session changing all references in the Revised Code of Washington from the Washington state liquor control board to the Washington state liquor and cannabis board.

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

(1)RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103 & 1999 c 2 s 3;

(2)RCW 69.51A.025 (Construction of chapter—Compliance with RCW 69.51A.040) and 2011 c 181 s 413;

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

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

(5)RCW 69.51A.140 (Counties, cities, towns—Authority to adopt and enforce requirements) and 2011 c 181 s 1102; and

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

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

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

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

NEW SECTION. **Sec.**  Sections 11, 15, 16, 19, 21 through 25, 27, and 38 of this act take effect December 31, 2015.

NEW SECTION. **Sec.**  Sections 29 and 30 of this act are necessary for the immediate preservation of the public health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**--- END ---**