

HOUSE BILL ANALYSIS

SSB 5704

Title: An act relating to rules to implement the medical marijuana law.

Brief Description: Authorizing adoption of rules to implement medical marijuana law.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles and Thibaudeau).

Brief Summary of Bill

- Authorizes the Department of Health to determine by rule the definition of "60-day supply" for the purposes of the medical marijuana laws.

HOUSE COMMITTEE ON JUDICIARY

Staff: Trudes Hutcheson (786-7384).

Background:

In November 1998, the voters approved Initiative 692 (codified as Chapter 69.51A RCW), which authorizes, under limited conditions, certain patients to use marijuana for medical purposes. The initiative intends to exempt physicians, primary care givers, and qualifying patients from the state's criminal laws relating to marijuana as long as they comply with the provisions of the initiative.

The patient must have a terminal or debilitating medical condition and, among other things, possess no more marijuana than is necessary for the patient's personal medical use not to exceed a 60-day supply. In addition, the patient must present valid documentation showing that, in a physician's opinion, the patient may benefit from the medical use of marijuana.

"Terminal or debilitating medical condition" is defined as cancer, HIV, MS, epilepsy or other seizure disorder, spasticity disorders, intractable pain that is unrelieved by standard medical treatments and medications, glaucoma that is unrelieved by standard treatments and medications, or any other medical condition approved by the Washington State Medical Quality Assurance Commission.

Article II, section 41 of the state constitution provides that no act approved by a majority of the voters may be amended by the Legislature within a period of two

years following such enactment, except by two-thirds vote of the Legislature. According to an Attorney General Opinion (AGO), that legislation would unconstitutionally "amend" an initiative if it altered or otherwise frustrated the intent of the initiative. The AGO stated that the Legislature may validly enact new legislation that deals with the same general subject matter as a prior initiative so long as the essential purpose and effect of the prior initiative is not altered.

Summary of Bill:

The Department of Health may determine by rule the meaning of a "60-day supply" within the context of the medical marijuana laws.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research