

SENATE BILL REPORT

SB 5176

As Reported By Senate Committee On:
Health & Long-Term Care, February 14, 2001

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

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

Sponsors: Senator Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 2/12/01, 2/14/01 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5176 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Staff: Jonathan Seib (786-7427)

Background: Initiative 692, now codified as Chapter 69.51A RCW, was approved by Washington voters in November 1998. It authorizes, subject to certain terms and conditions, the limited use of marijuana for medical purposes. Physicians, primary caregivers, and qualifying patients are exempt from criminal sanctions relating to marijuana as long as they comply with the provisions of the new law.

One condition in the law is that a qualifying patient may possess no more than a 60-day supply– of marijuana. The term is not defined, and it is suggested that an administrative rule providing clarification would assure a uniform implementation of the law. The initiative, however, failed to authorize any state agency to adopt such a rule.

Summary of Substitute Bill: The Department of Health is authorized to establish in rule the meaning of a 60-day supply– of medical marijuana. In doing so, it is to consider guidelines established by the United States Department of Health and Human Services in its administration of the federal Investigational New Drug Program (IND) for medical marijuana.

Substitute Bill Compared to Original Bill: The substitute bill adds the requirement that in adopting the rules, the Department of Health is to consider existing federal standards.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Allowing the Department of Health to define the meaning of a "60-day supply" would help clarify how the medical marijuana initiative is to be implemented. The rule-making process will be an open process in which patient advocates and others will be allowed to participate. The department should consider existing federal guidelines in adopting the rules.

Testimony Against: None

Testified: PRO: JoAnne McKee, Duane Ballard, Richard Smith, Rondald Miller, DeMaris Strohm Hughes, Green Cross Patient Cooperative; Francis A. Podrebarac, Capitol Hill Compassion in Action; Lee Newbury, NORML of Puget Sound; Jerry Sheehan, ACLU-WA; Ron Weaver, Department of Health; Priscilla Lisicich, Governor's Council on Substance Abuse.