
SECOND SUBSTITUTE SENATE BILL 6178

State of Washington

63rd Legislature

2014 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Kohl-Welles, Litzow, Keiser, Pedersen, Cleveland, and Kline)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to aligning the medical marijuana system with the
2 recreational marijuana system; amending RCW 69.50.331, 69.50.342,
3 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.50.535,
4 69.50.540, 70.47.030, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030,
5 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100,
6 69.51A.110, 69.51A.120, and 66.08.012; reenacting and amending RCW
7 69.50.101; adding a new section to chapter 69.50 RCW; adding new
8 sections to chapter 69.51A RCW; adding a new section to chapter 42.56
9 RCW; adding a new section to chapter 82.08 RCW; creating new sections;
10 repealing RCW 69.51A.020, 69.51A.025, 69.51A.043, 69.51A.047,
11 69.51A.085, and 69.51A.140; prescribing penalties; and providing
12 effective dates.

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

14 **Sec. 1.** RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are
15 each reenacted and amended to read as follows:

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

18 (a) "Administer" means to apply a controlled substance, whether by

1 injection, inhalation, ingestion, or any other means, directly to the
2 body of a patient or research subject by:

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

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

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

11 (c) (~~"Board"~~) "Commission" means the (~~(state board of)~~) pharmacy
12 quality assurance commission.

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

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

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

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

29 (2) The term does not include:

30 (i) a controlled substance;

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

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

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

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

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

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

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

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

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

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

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

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

32 (o) "Immediate precursor" means a substance:

33 (1) that the (~~state board of~~) pharmacy quality assurance
34 commission has found to be and by rule designates as being the
35 principal compound commonly used, or produced primarily for use, in the
36 manufacture of a controlled substance;

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

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

3 (p) "Isomer" means an optical isomer, but in subsection (y)(5) of
4 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the
5 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),
6 and 69.50.210(c) the term includes any positional isomer; and in RCW
7 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
8 positional or geometric isomer.

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

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

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

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

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

32 (t) "Marijuana" or "marihuana" means all parts of the plant
33 Cannabis, whether growing or not, with a THC concentration greater than
34 0.3 percent on a dry weight basis; the seeds thereof; the resin
35 extracted from any part of the plant; and every compound, manufacture,
36 salt, derivative, mixture, or preparation of the plant, its seeds or
37 resin. The term does not include the mature stalks of the plant, fiber
38 produced from the stalks, oil or cake made from the seeds of the plant,

1 any other compound, manufacture, salt, derivative, mixture, or
2 preparation of the mature stalks (except the resin extracted
3 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
4 which is incapable of germination.

5 (u) "Marijuana processor" means a person licensed by the state
6 liquor (~~control~~) and cannabis board to process marijuana into useable
7 marijuana and marijuana-infused products, package and label useable
8 marijuana and marijuana-infused products for sale in retail outlets,
9 and sell useable marijuana and marijuana-infused products at wholesale
10 to marijuana retailers.

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

14 (w) "Marijuana-infused products" means products that contain
15 marijuana or marijuana extracts and are intended for human use. The
16 term "marijuana-infused products" does not include useable marijuana.

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

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

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

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

33 (3) Poppy straw and concentrate of poppy straw.

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

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

38 (6) Cocaine base.

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

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

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

14 (aa) "Opium poppy" means the plant of the species *Papaver*
15 *somniferum* L., except its seeds.

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

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

22 (dd) "Practitioner" means:

23 (1) A physician under chapter 18.71 RCW; a physician assistant
24 under chapter 18.71A RCW; an osteopathic physician and surgeon under
25 chapter 18.57 RCW; an osteopathic physician assistant under chapter
26 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
27 limitations in RCW 18.57A.040; an optometrist licensed under chapter
28 18.53 RCW who is certified by the optometry board under RCW 18.53.010
29 subject to any limitations in RCW 18.53.010; a dentist under chapter
30 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
31 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
32 registered nurse practitioner, or licensed practical nurse under
33 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
34 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
35 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
36 investigator under this chapter, licensed, registered or otherwise
37 permitted insofar as is consistent with those licensing laws to

1 distribute, dispense, conduct research with respect to or administer a
2 controlled substance in the course of their professional practice or
3 research in this state.

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

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

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

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

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

27 (hh) "Secretary" means the secretary of health or the secretary's
28 designee.

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

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

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

5 (ll) "Useable marijuana" means dried marijuana flowers. The term
6 "useable marijuana" does not include marijuana-infused products.

7 (mm) "Verification card" has the meaning provided in RCW
8 69.51A.010.

9 (nn) "Designated provider" has the meaning provided in RCW
10 69.51A.010.

11 (oo) "Health care professional" has the meaning provided in RCW
12 69.51A.010.

13 (pp) "Qualifying patient" has the meaning provided in RCW
14 69.51A.010.

15 **Sec. 2.** RCW 69.50.331 and 2013 c 3 s 6 (Initiative Measure No.
16 502) are each amended to read as follows:

17 (1) For the purpose of considering any application for a license to
18 produce, process, or sell marijuana, or for the renewal of a license to
19 produce, process, or sell marijuana, the state liquor (~~(control)~~) and
20 cannabis board may cause an inspection of the premises to be made, and
21 may inquire into all matters in connection with the construction and
22 operation of the premises. For the purpose of reviewing any
23 application for a license and for considering the denial, suspension,
24 revocation, or renewal or denial thereof, of any license, the state
25 liquor (~~(control)~~) and cannabis board may consider any prior criminal
26 conduct of the applicant including an administrative violation history
27 record with the state liquor (~~(control)~~) and cannabis board and a
28 criminal history record information check. The state liquor
29 (~~(control)~~) and cannabis board may submit the criminal history record
30 information check to the Washington state patrol and to the
31 identification division of the federal bureau of investigation in order
32 that these agencies may search their records for prior arrests and
33 convictions of the individual or individuals who filled out the forms.
34 The state liquor (~~(control)~~) and cannabis board shall require
35 fingerprinting of any applicant whose criminal history record
36 information check is submitted to the federal bureau of investigation.
37 The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply

1 to these cases. Subject to the provisions of this section, the state
2 liquor (~~(control)~~) and cannabis board may, in its discretion, grant or
3 deny the renewal or license applied for. Denial may be based on,
4 without limitation, the existence of chronic illegal activity
5 documented in objections submitted pursuant to subsections (7)(c) and
6 (9) of this section. Authority to approve an uncontested or unopposed
7 license may be granted by the state liquor (~~(control)~~) and cannabis
8 board to any staff member the board designates in writing. Conditions
9 for granting this authority shall be adopted by rule. No license of
10 any kind may be issued to:

11 (a) A person under the age of twenty-one years;

12 (b) A person doing business as a sole proprietor who has not
13 lawfully resided in the state for at least three months prior to
14 applying to receive a license;

15 (c) A partnership, employee cooperative, association, nonprofit
16 corporation, or corporation unless formed under the laws of this state,
17 and unless all of the members thereof are qualified to obtain a license
18 as provided in this section; or

19 (d) A person whose place of business is conducted by a manager or
20 agent, unless the manager or agent possesses the same qualifications
21 required of the licensee.

22 (2)(a) The state liquor (~~(control)~~) and cannabis board may, in its
23 discretion, subject to the provisions of RCW 69.50.334, suspend or
24 cancel any license; and all protections of the licensee from criminal
25 or civil sanctions under state law for producing, processing, or
26 selling marijuana, useable marijuana, or marijuana-infused products
27 thereunder shall be suspended or terminated, as the case may be.

28 (b) The state liquor (~~(control)~~) and cannabis board shall
29 immediately suspend the license of a person who has been certified
30 pursuant to RCW 74.20A.320 by the department of social and health
31 services as a person who is not in compliance with a support order. If
32 the person has continued to meet all other requirements for
33 reinstatement during the suspension, reissuance of the license shall be
34 automatic upon the state liquor (~~(control)~~) and cannabis board's
35 receipt of a release issued by the department of social and health
36 services stating that the licensee is in compliance with the order.

37 (c) The state liquor (~~(control)~~) and cannabis board may request the
38 appointment of administrative law judges under chapter 34.12 RCW who

1 shall have power to administer oaths, issue subpoenas for the
2 attendance of witnesses and the production of papers, books, accounts,
3 documents, and testimony, examine witnesses, and to receive testimony
4 in any inquiry, investigation, hearing, or proceeding in any part of
5 the state, under rules and regulations the state liquor (~~((control))~~) and
6 cannabis board may adopt.

7 (d) Witnesses shall be allowed fees and mileage each way to and
8 from any inquiry, investigation, hearing, or proceeding at the rate
9 authorized by RCW 34.05.446. Fees need not be paid in advance of
10 appearance of witnesses to testify or to produce books, records, or
11 other legal evidence.

12 (e) In case of disobedience of any person to comply with the order
13 of the state liquor (~~((control))~~) and cannabis board or a subpoena issued
14 by the state liquor (~~((control))~~) and cannabis board, or any of its
15 members, or administrative law judges, or on the refusal of a witness
16 to testify to any matter regarding which he or she may be lawfully
17 interrogated, the judge of the superior court of the county in which
18 the person resides, on application of any member of the board or
19 administrative law judge, shall compel obedience by contempt
20 proceedings, as in the case of disobedience of the requirements of a
21 subpoena issued from said court or a refusal to testify therein.

22 (3) Upon receipt of notice of the suspension or cancellation of a
23 license, the licensee shall forthwith deliver up the license to the
24 state liquor (~~((control))~~) and cannabis board. Where the license has
25 been suspended only, the state liquor (~~((control))~~) and cannabis board
26 shall return the license to the licensee at the expiration or
27 termination of the period of suspension. The state liquor (~~((control))~~)
28 and cannabis board shall notify all other licensees in the county where
29 the subject licensee has its premises of the suspension or cancellation
30 of the license; and no other licensee or employee of another licensee
31 may allow or cause any marijuana, useable marijuana, or marijuana-
32 infused products to be delivered to or for any person at the premises
33 of the subject licensee.

34 (4) Every license issued under chapter 3, Laws of 2013 shall be
35 subject to all conditions and restrictions imposed by chapter 3, Laws
36 of 2013 or by rules adopted by the state liquor (~~((control))~~) and
37 cannabis board to implement and enforce chapter 3, Laws of 2013. All
38 conditions and restrictions imposed by the state liquor (~~((control))~~) and

1 cannabis board in the issuance of an individual license shall be listed
2 on the face of the individual license along with the trade name,
3 address, and expiration date.

4 (5) Every licensee shall post and keep posted its license, or
5 licenses, in a conspicuous place on the premises.

6 (6) No licensee shall employ any person under the age of twenty-one
7 years.

8 (7)(a) Before the state liquor (~~control~~) and cannabis board
9 issues a new or renewed license to an applicant it shall give notice of
10 the application to the chief executive officer of the incorporated city
11 or town, if the application is for a license within an incorporated
12 city or town, or to the county legislative authority, if the
13 application is for a license outside the boundaries of incorporated
14 cities or towns.

15 (b) The incorporated city or town through the official or employee
16 selected by it, or the county legislative authority or the official or
17 employee selected by it, shall have the right to file with the state
18 liquor (~~control~~) and cannabis board within twenty days after the date
19 of transmittal of the notice for applications, or at least thirty days
20 prior to the expiration date for renewals, written objections against
21 the applicant or against the premises for which the new or renewed
22 license is asked. The state liquor (~~control~~) and cannabis board may
23 extend the time period for submitting written objections.

24 (c) The written objections shall include a statement of all facts
25 upon which the objections are based, and in case written objections are
26 filed, the city or town or county legislative authority may request,
27 and the state liquor (~~control~~) and cannabis board may in its
28 discretion hold, a hearing subject to the applicable provisions of
29 Title 34 RCW. If the state liquor (~~control~~) and cannabis board makes
30 an initial decision to deny a license or renewal based on the written
31 objections of an incorporated city or town or county legislative
32 authority, the applicant may request a hearing subject to the
33 applicable provisions of Title 34 RCW. If a hearing is held at the
34 request of the applicant, state liquor (~~control~~) and cannabis board
35 representatives shall present and defend the state liquor (~~control~~)
36 and cannabis board's initial decision to deny a license or renewal.

37 (d) Upon the granting of a license under this title the state
38 liquor (~~control~~) and cannabis board shall send written notification

1 to the chief executive officer of the incorporated city or town in
2 which the license is granted, or to the county legislative authority if
3 the license is granted outside the boundaries of incorporated cities or
4 towns.

5 (8) The state liquor (~~(control)~~) and cannabis board shall not issue
6 a license for any premises within one thousand feet of the perimeter of
7 the grounds of any elementary or secondary school, playground,
8 recreation center or facility, (~~(child care center,~~) or public park,
9 (~~(public transit center, or library,~~) or any game arcade admission to
10 which is not restricted to persons aged twenty-one years or older.

11 (9) In determining whether to grant or deny a license or renewal of
12 any license, the state liquor (~~(control)~~) and cannabis board shall give
13 substantial weight to objections from an incorporated city or town or
14 county legislative authority based upon chronic illegal activity
15 associated with the applicant's operations of the premises proposed to
16 be licensed or the applicant's operation of any other licensed
17 premises, or the conduct of the applicant's patrons inside or outside
18 the licensed premises. "Chronic illegal activity" means (a) a
19 pervasive pattern of activity that threatens the public health, safety,
20 and welfare of the city, town, or county including, but not limited to,
21 open container violations, assaults, disturbances, disorderly conduct,
22 or other criminal law violations, or as documented in crime statistics,
23 police reports, emergency medical response data, calls for service,
24 field data, or similar records of a law enforcement agency for the
25 city, town, county, or any other municipal corporation or any state
26 agency; or (b) an unreasonably high number of citations for violations
27 of RCW 46.61.502 associated with the applicant's or licensee's
28 operation of any licensed premises as indicated by the reported
29 statements given to law enforcement upon arrest.

30 **Sec. 3.** RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No.
31 502) are each amended to read as follows:

32 For the purpose of carrying into effect the provisions of chapter
33 3, Laws of 2013 according to their true intent or of supplying any
34 deficiency therein, the state liquor (~~(control)~~) and cannabis board may
35 adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013
36 as are deemed necessary or advisable. Without limiting the generality

1 of the preceding sentence, the state liquor (~~control~~) and cannabis
2 board is empowered to adopt rules regarding the following:

3 (1) The equipment and management of retail outlets and premises
4 where marijuana is produced or processed, and inspection of the retail
5 outlets and premises;

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

10 (3) Methods of producing, processing, and packaging marijuana,
11 useable marijuana, and marijuana-infused products; conditions of
12 sanitation; and standards of ingredients, quality, and identity of
13 marijuana, useable marijuana, and marijuana-infused products produced,
14 processed, packaged, or sold by licensees;

15 (4) Security requirements for retail outlets and premises where
16 marijuana is produced or processed, and safety protocols for licensees
17 and their employees;

18 (5) Screening, hiring, training, and supervising employees of
19 licensees;

20 (6) Retail outlet locations and hours of operation;

21 (7) Labeling requirements and restrictions on advertisement of
22 marijuana, useable marijuana, and marijuana-infused products;

23 (8) Forms to be used for purposes of chapter 3, Laws of 2013 or the
24 rules adopted to implement and enforce it, the terms and conditions to
25 be contained in licenses issued under chapter 3, Laws of 2013, and the
26 qualifications for receiving a license issued under chapter 3, Laws of
27 2013, including a criminal history record information check. The state
28 liquor (~~control~~) and cannabis board may submit any criminal history
29 record information check to the Washington state patrol and to the
30 identification division of the federal bureau of investigation in order
31 that these agencies may search their records for prior arrests and
32 convictions of the individual or individuals who filled out the forms.
33 The state liquor (~~control~~) and cannabis board shall require
34 fingerprinting of any applicant whose criminal history record
35 information check is submitted to the federal bureau of investigation;

36 (9) Application, reinstatement, and renewal fees for licenses
37 issued under chapter 3, Laws of 2013, and fees for anything done or

1 permitted to be done under the rules adopted to implement and enforce
2 chapter 3, Laws of 2013;

3 (10) The manner of giving and serving notices required by chapter
4 3, Laws of 2013 or rules adopted to implement or enforce it;

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

8 (12) Identification, seizure, confiscation, destruction, or
9 donation to law enforcement for training purposes of all marijuana,
10 useable marijuana, and marijuana-infused products produced, processed,
11 sold, or offered for sale within this state which do not conform in all
12 respects to the standards prescribed by chapter 3, Laws of 2013 or the
13 rules adopted to implement and enforce it(~~(: PROVIDED, That nothing in~~
14 ~~chapter 3, Laws of 2013 shall be construed as authorizing the state~~
15 ~~liquor control board to seize, confiscate, destroy, or donate to law~~
16 ~~enforcement marijuana, useable marijuana, or marijuana-infused products~~
17 ~~produced, processed, sold, offered for sale, or possessed in compliance~~
18 ~~with the Washington state medical use of cannabis act,)) or chapter
19 69.51A RCW.~~

20 **Sec. 4.** RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No.
21 502) are each amended to read as follows:

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

26 (1) Licensing of marijuana producers, marijuana processors, and
27 marijuana retailers, including prescribing forms and establishing
28 application, reinstatement, and renewal fees;

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

- 32 (a) Population distribution;
- 33 (b) Security and safety issues; (~~and~~)
- 34 (c) The provision of adequate access to licensed sources of useable
35 marijuana and marijuana-infused products to discourage purchases from
36 the illegal market; and

1 (d) The number of marijuana retail stores holding medical marijuana
2 endorsements necessary to meet the medical needs of qualifying patients
3 and allowing for a number of such stores to be solely medical;

4 (3) Determining how licenses will be allocated to applicants may
5 include a preference for those retail outlets that are applying for a
6 medical marijuana endorsement and who intend to be solely medical if
7 the state liquor and cannabis board determines that the needs of
8 qualifying patients are not being met by currently licensed marijuana
9 retailers;

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

13 ((+4)) (5) Determining the maximum quantities of marijuana,
14 useable marijuana, and marijuana-infused products a marijuana processor
15 may have on the premises of a licensed location at any time without
16 violating Washington state law;

17 ((+5)) (6) Determining the maximum quantities of useable marijuana
18 and marijuana-infused products a marijuana retailer may have on the
19 premises of a retail outlet at any time without violating Washington
20 state law;

21 ((+6)) (7) In making the determinations required by subsections
22 (3) through ((+5)) (6) of this section, the state liquor ~~((control))~~
23 and cannabis board shall take into consideration:

24 (a) Security and safety issues;

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

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

31 ((+7)) (8) Determining the nature, form, and capacity of all
32 containers to be used by licensees to contain marijuana, useable
33 marijuana, and marijuana-infused products, and their labeling
34 requirements, to include but not be limited to:

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

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

3 (c) THC concentration of the marijuana, useable marijuana, or
4 marijuana-infused product;

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

7 (e) Language required by RCW 69.04.480;

8 ~~((+8))~~ (9) In consultation with the department of agriculture,
9 establishing classes of marijuana, useable marijuana, and marijuana-
10 infused products according to grade, condition, cannabinoid profile,
11 THC concentration, or other qualitative measurements deemed appropriate
12 by the state liquor ~~((control))~~ and cannabis board;

13 ~~((+9))~~ (10) Establishing reasonable time, place, and manner
14 restrictions and requirements regarding advertising of marijuana,
15 useable marijuana, and marijuana-infused products that are not
16 inconsistent with the provisions of this chapter ~~((3, Laws of 2013))~~,
17 taking into consideration:

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

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

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

25 ~~((+10))~~ (11) Specifying and regulating the time and periods when,
26 and the manner, methods, and means by which, licensees shall transport
27 and deliver marijuana, useable marijuana, and marijuana-infused
28 products within the state;

29 ~~((+11))~~ (12) In consultation with the department and the
30 department of agriculture, establishing accreditation requirements for
31 testing laboratories used by licensees to demonstrate compliance with
32 standards adopted by the state liquor ~~((control))~~ and cannabis board,
33 and prescribing methods of producing, processing, and packaging
34 marijuana, useable marijuana, and marijuana-infused products;
35 conditions of sanitation; and standards of ingredients, quality, and
36 identity of marijuana, useable marijuana, and marijuana-infused
37 products produced, processed, packaged, or sold by licensees;

1 (~~(12)~~) (13) Specifying procedures for identifying, seizing,
2 confiscating, destroying, and donating to law enforcement for training
3 purposes all marijuana, useable marijuana, and marijuana-infused
4 products produced, processed, packaged, labeled, or offered for sale in
5 this state that do not conform in all respects to the standards
6 prescribed by this chapter (~~(3, Laws of 2013)~~) or the rules of the
7 state liquor (~~(control)~~) and cannabis board.

8 **Sec. 5.** RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No.
9 502) are each amended to read as follows:

10 There may be licensed, in no greater number in each of the counties
11 of the state than as the state liquor (~~(control)~~) and cannabis board
12 shall deem advisable, retail outlets established for the purpose of
13 making useable marijuana and marijuana-infused products available for
14 sale to adults aged twenty-one and over and for qualifying patients
15 aged eighteen and older under RCW 69.50.357. Retail sale of useable
16 marijuana and marijuana-infused products in accordance with the
17 provisions of this chapter (~~(3, Laws of 2013)~~) and chapter 69.51A RCW
18 and the rules adopted to implement and enforce (~~(it)~~) this chapter, by
19 a validly licensed marijuana retailer or retail outlet employee, shall
20 not be a criminal or civil offense under Washington state law.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50 RCW
22 to read as follows:

23 (1) A marijuana retailer may apply for an endorsement to sell
24 useable marijuana and marijuana-infused products to:

25 (a) Qualifying patients aged eighteen or older who hold a valid
26 verification card; and

27 (b) Designated providers aged twenty-one or older who hold a valid
28 verification card.

29 (2) To be issued an endorsement, a marijuana retailer must:

30 (a) Be in compliance with this chapter and chapter 69.51A RCW;

31 (b) Ensure that there is one employee or volunteer on the premises
32 during business hours who has demonstrated experience and education
33 relating to the medical use of marijuana and who is able to provide
34 assistance to qualifying patients in the medical use of marijuana;

35 (c) Not authorize qualifying patients at the retail location or

1 permit health care professionals to provide authorizations to
2 qualifying patients at the retail location;

3 (d) Carry useable marijuana and marijuana-infused products with a
4 cannabidiol level identified by the department under subsection (3) of
5 this section;

6 (e) Not use labels or market useable marijuana or marijuana-infused
7 products in a way that make them intentionally attractive to minors or
8 recreational users; and

9 (f) Meet other requirements as adopted by rule of the department or
10 the state liquor and cannabis board.

11 (3) The department must adopt rules on requirements for marijuana
12 and marijuana-infused products that may be sold to qualifying patients
13 under an endorsement. These rules must include THC concentration or
14 cannabidiol concentration appropriate for marijuana or marijuana-
15 infused products sold to qualifying patients and that the labels
16 attached to marijuana or marijuana-infused products contain THC
17 concentration and cannabidiol concentration amounts.

18 (4) A marijuana retailer holding an endorsement to sell marijuana
19 to qualifying patients may consult the medical marijuana verification
20 program established in section 20 of this act for the sole purpose of
21 confirming the validity of qualifying patient or designated provider
22 verification cards.

23 **Sec. 7.** RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No.
24 502) are each amended to read as follows:

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

29 (2) Licensed marijuana retailers shall not employ persons under
30 twenty-one years of age or allow persons under twenty-one years of age
31 to enter or remain on the premises of a retail outlet. However,
32 marijuana retailers holding a medical marijuana endorsement may allow
33 qualifying patients aged eighteen years of age or older to enter or
34 remain on the premises of a retail outlet if they possess a valid
35 verification card.

36 (3) Licensed marijuana retailers shall not display any signage in
37 a window, on a door, or on the outside of the premises of a retail

1 outlet that is visible to the general public from a public right-of-
2 way, other than a single sign no larger than one thousand six hundred
3 square inches identifying the retail outlet by the licensee's business
4 or trade name. Marijuana retailers who hold a medical marijuana
5 endorsement may so indicate on the sign by adding a green cross to the
6 sign.

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

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

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

17 **Sec. 8.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No.
18 502) are each amended to read as follows:

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

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

27 (2) Possession of quantities of useable marijuana or marijuana-
28 infused products that do not exceed the maximum amounts established by
29 the state liquor (~~control~~) and cannabis board under RCW
30 69.50.345(~~(+5)~~) (6); (~~and~~)

31 (3) Except as provided in subsection (4) of this section, delivery,
32 distribution, and sale, on the premises of the retail outlet, of any
33 combination of the following amounts of useable marijuana or marijuana-
34 infused product to any person twenty-one years of age or older:

- 35 (a) One ounce of useable marijuana;
- 36 (b) Sixteen ounces of marijuana-infused product in solid form; or

1 (c) Seventy-two ounces of marijuana-infused product in liquid form;
2 and

3 (4) Delivery, distribution, and sale, on the premises of the retail
4 outlet holding a medical marijuana endorsement, of any combination of
5 the following amounts of useable marijuana or marijuana-infused product
6 to a qualifying patient holding a valid verification card who is
7 eighteen years of age or older or a designated provider holding a valid
8 verification card:

9 (a) Three ounces of useable marijuana;

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

11 (c) Two hundred sixteen ounces of marijuana-infused product in
12 liquid form.

13 **Sec. 9.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.
14 502) are each amended to read as follows:

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

20 (2) Except as provided in RCW 69.50.4014, any person who violates
21 this section is guilty of a class C felony punishable under chapter
22 9A.20 RCW.

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

28 (b) The possession by a qualifying patient or designated provider
29 of useable marijuana, marijuana-infused products, or plants, as that
30 term is defined in RCW 69.51A.010, in accordance with section 17 of
31 this act is not a violation of this section, this chapter, or any other
32 provision of Washington state law.

33 **Sec. 10.** RCW 69.50.535 and 2013 c 3 s 27 (Initiative Measure No.
34 502) are each amended to read as follows:

35 (1) There is levied and collected a marijuana excise tax equal to
36 twenty-five percent of the selling price on each wholesale sale in this

1 state of marijuana by a licensed marijuana producer to a licensed
2 marijuana processor or another licensed marijuana producer. This tax
3 is the obligation of the licensed marijuana producer.

4 (2) There is levied and collected a marijuana excise tax equal to
5 twenty-five percent of the selling price on each wholesale sale in this
6 state of useable marijuana or marijuana-infused product by a licensed
7 marijuana processor to a licensed marijuana retailer. This tax is the
8 obligation of the licensed marijuana processor.

9 (3) Except as provided in subsection (4) of this section, there is
10 levied and collected a marijuana excise tax equal to twenty-five
11 percent of the selling price on each retail sale in this state of
12 useable marijuana and marijuana-infused products. This tax is the
13 obligation of the licensed marijuana retailer, is separate and in
14 addition to general state and local sales and use taxes that apply to
15 retail sales of tangible personal property, and is part of the total
16 retail price to which general state and local sales and use taxes
17 apply.

18 (4) Subsection (3) of this section does not apply to the retail
19 sale of useable marijuana or marijuana-infused products by marijuana
20 retailers who hold medical marijuana endorsements to qualifying
21 patients or designated providers who hold verification cards. The
22 exemption in this subsection applies only if the selling price of the
23 useable marijuana or marijuana-infused product charged to a person
24 holding a verification card is reduced by at least twenty-five percent,
25 as compared with the selling price of the useable marijuana or
26 marijuana-infused product that is charged to any person not holding a
27 verification card. If the same product is not sold to persons who do
28 not hold a verification card, the seller must establish to the
29 satisfaction of the state liquor and cannabis board that the benefit of
30 the exemption provided in this subsection has been passed on to the
31 buyer.

32 (5) All revenues collected from the marijuana excise taxes imposed
33 under subsections (1) through (3) of this section shall be deposited
34 each day in a depository approved by the state treasurer and
35 transferred to the state treasurer to be credited to the dedicated
36 marijuana fund.

37 ~~((+5))~~ (6) The state liquor ~~((control))~~ and cannabis board shall
38 regularly review the tax levels established under this section and make

1 recommendations to the legislature as appropriate regarding adjustments
2 that would further the goal of discouraging use while undercutting
3 illegal market prices.

4 **Sec. 11.** RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No.
5 502) are each amended to read as follows:

6 All marijuana excise taxes collected from sales of marijuana,
7 useable marijuana, and marijuana-infused products under RCW 69.50.535,
8 and the license fees, penalties, and forfeitures derived under chapter
9 3, Laws of 2013 from marijuana producer, marijuana processor, and
10 marijuana retailer licenses shall every three months be disbursed by
11 the state liquor (~~control~~) and cannabis board as follows:

12 (1) One hundred twenty-five thousand dollars to the department of
13 social and health services to design and administer the Washington
14 state healthy youth survey, analyze the collected data, and produce
15 reports, in collaboration with the office of the superintendent of
16 public instruction, department of health, department of commerce,
17 family policy council, and state liquor (~~control~~) and cannabis board.
18 The survey shall be conducted at least every two years and include
19 questions regarding, but not necessarily limited to, academic
20 achievement, age at time of substance use initiation, antisocial
21 behavior of friends, attitudes toward antisocial behavior, attitudes
22 toward substance use, laws and community norms regarding antisocial
23 behavior, family conflict, family management, parental attitudes toward
24 substance use, peer rewarding of antisocial behavior, perceived risk of
25 substance use, and rebelliousness. Funds disbursed under this
26 subsection may be used to expand administration of the healthy youth
27 survey to student populations attending institutions of higher
28 education in Washington;

29 (2) Fifty thousand dollars to the department of social and health
30 services for the purpose of contracting with the Washington state
31 institute for public policy to conduct the cost-benefit evaluation and
32 produce the reports described in RCW 69.50.550. This appropriation
33 shall end after production of the final report required by RCW
34 69.50.550;

35 (3) Five thousand dollars to the University of Washington alcohol
36 and drug abuse institute for the creation, maintenance, and timely

1 updating of web-based public education materials providing medically
2 and scientifically accurate information about the health and safety
3 risks posed by marijuana use;

4 (4) An amount not exceeding one million two hundred fifty thousand
5 dollars to the state liquor (~~control~~) and cannabis board as is
6 necessary for administration of chapter 3, Laws of 2013;

7 (5) Of the funds remaining after the disbursements identified in
8 subsections (1) through (4) of this section:

9 (a) Fifteen percent to the department of social and health services
10 division of behavioral health and recovery for implementation and
11 maintenance of programs and practices aimed at the prevention or
12 reduction of maladaptive substance use, substance-use disorder,
13 substance abuse or substance dependence, as these terms are defined in
14 the Diagnostic and Statistical Manual of Mental Disorders, among middle
15 school and high school age students, whether as an explicit goal of a
16 given program or practice or as a consistently corresponding effect of
17 its implementation; PROVIDED, That:

18 (i) Of the funds disbursed under (a) of this subsection, at least
19 eighty-five percent must be directed to evidence-based and cost-
20 beneficial programs and practices that produce objectively measurable
21 results; and

22 (ii) Up to fifteen percent of the funds disbursed under (a) of this
23 subsection may be directed to research-based and emerging best
24 practices or promising practices.

25 In deciding which programs and practices to fund, the secretary of
26 the department of social and health services shall consult, at least
27 annually, with the University of Washington's social development
28 research group and the University of Washington's alcohol and drug
29 abuse institute;

30 (b) Ten percent to the department of health for the creation,
31 implementation, operation, and management of a marijuana education and
32 public health program that contains the following:

33 (i) A marijuana use public health hotline that provides referrals
34 to substance abuse treatment providers, utilizes evidence-based or
35 research-based public health approaches to minimizing the harms
36 associated with marijuana use, and does not solely advocate an
37 abstinence-only approach;

1 (ii) A grants program for local health departments or other local
2 community agencies that supports development and implementation of
3 coordinated intervention strategies for the prevention and reduction of
4 marijuana use by youth; and

5 (iii) Media-based education campaigns across television, internet,
6 radio, print, and out-of-home advertising, separately targeting youth
7 and adults, that provide medically and scientifically accurate
8 information about the health and safety risks posed by marijuana use;

9 (c) Six-tenths of one percent to the University of Washington and
10 four-tenths of one percent to Washington State University for research
11 on the short and long-term effects of marijuana use, to include but not
12 be limited to formal and informal methods for estimating and measuring
13 intoxication and impairment, and for the dissemination of such
14 research;

15 (d) Fifty percent to the ~~((state))~~ basic health ~~((plan-trust))~~
16 services account to be administered by the ~~((Washington basic health~~
17 ~~plan administrator))~~ health care authority and used ~~((as provided under~~
18 ~~chapter 70.47 RCW))~~ to fund low-income health care services and mental
19 health services;

20 (e) Five percent to the Washington state health care authority to
21 be expended exclusively through contracts with community health centers
22 to provide primary health and dental care services, migrant health
23 services, and maternity health care services as provided under RCW
24 41.05.220;

25 (f) Three-tenths of one percent to the office of the superintendent
26 of public instruction to fund grants to building bridges programs under
27 chapter 28A.175 RCW; and

28 (g) The remainder to the general fund.

29 **Sec. 12.** RCW 70.47.030 and 2004 c 192 s 2 are each amended to read
30 as follows:

31 ~~((+1))~~ The basic health ~~((plan-trust))~~ services account is hereby
32 established in the state treasury. Any nongeneral fund-state funds
33 collected for this program shall be deposited in the basic health plan
34 ~~((trust))~~ services account and may be expended without further
35 appropriation. Moneys in the account shall be used exclusively for the
36 ~~((purposes of this chapter, including payments to participating managed~~

1 ~~health care systems on behalf of enrollees in the plan and payment of~~
2 ~~costs of administering the plan.~~

3 ~~During the 1995-97 fiscal biennium, the legislature may transfer~~
4 ~~funds from the basic health plan trust account to the state general~~
5 ~~fund.~~

6 ~~(2) The basic health plan subscription account is created in the~~
7 ~~custody of the state treasurer. All receipts from amounts due from or~~
8 ~~on behalf of nonsubsidized enrollees and health coverage tax credit~~
9 ~~eligible enrollees shall be deposited into the account. Funds in the~~
10 ~~account shall be used exclusively for the purposes of this chapter,~~
11 ~~including payments to participating managed health care systems on~~
12 ~~behalf of nonsubsidized enrollees and health coverage tax credit~~
13 ~~eligible enrollees in the plan and payment of costs of administering~~
14 ~~the plan. The account is subject to allotment procedures under chapter~~
15 ~~43.88 RCW, but no appropriation is required for expenditures.~~

16 ~~(3) The administrator shall take every precaution to see that none~~
17 ~~of the funds in the separate accounts created in this section or that~~
18 ~~any premiums paid either by subsidized or nonsubsidized enrollees are~~
19 ~~commingled in any way, except that the administrator may combine funds~~
20 ~~designated for administration of the plan into a single administrative~~
21 ~~account)) health care authority to provide funding for low-income~~
22 ~~health care services and mental health care services.~~

23 **Sec. 13.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to
24 read as follows:

25 The University of Washington and Washington State University may
26 conduct scientific research on the efficacy and safety of administering
27 ((cannabis)) marijuana as part of medical treatment. As part of this
28 research, the University of Washington and Washington State University
29 may develop and conduct studies to ascertain the general medical safety
30 and efficacy of ((cannabis)) marijuana and may develop medical
31 guidelines for the appropriate administration and use of ((cannabis))
32 marijuana.

33 **Sec. 14.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
34 read as follows:

35 (1) The legislature finds that:

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

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

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

10 (iii) Acute or chronic glaucoma;

11 (iv) Crohn's disease; and

12 (v) Some forms of intractable pain.

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

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

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

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

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

37 (3) Nothing in this chapter establishes the medical necessity or

1 medical appropriateness of (~~cannabis~~) marijuana for treating terminal
2 or debilitating medical conditions as defined in RCW 69.51A.010.

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

10 **Sec. 15.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
11 read as follows:

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

14 (1) "Designated provider" means a person who(~~+~~
15 ~~(a)~~) is (~~(eighteen)~~) twenty-one years of age or older(~~+~~
16 ~~(b)~~) and:

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

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

21 (~~(c)~~) (b) Has been entered into the medical marijuana
22 verification program as being the designated provider to a qualifying
23 patient, who must also be entered in the verification program, and may
24 only provide medical marijuana to that qualifying patient;

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

28 (d) Is in compliance with this chapter; and

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

30 (2) "Health care professional," for purposes of this chapter only,
31 means a physician licensed under chapter 18.71 RCW, a physician
32 assistant licensed under chapter 18.71A RCW, an osteopathic physician
33 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
34 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
35 18.36A RCW, or an advanced registered nurse practitioner licensed under
36 chapter 18.79 RCW.

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

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

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

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

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

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

14 ~~((e))~~ (v) Has been advised by that health care professional that
15 ~~((they))~~ he or she may benefit from the medical use of marijuana; and

16 (vi) Is otherwise in compliance with the terms and conditions
17 established in this chapter.

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

23 (5) "Tamper-resistant ~~((paper))~~ document" means ~~((paper))~~ a
24 document that meets one or more of the following industry-recognized
25 features:

26 (a) One or more features designed to prevent copying of the
27 ~~((paper))~~ document;

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

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

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

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

1 (b) Intractable pain, limited for the purpose of this chapter to
2 mean pain unrelieved by standard medical treatments and medications and
3 which significantly interferes with the patient's activities of daily
4 living and the ability to function; ((~~or~~))

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

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

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

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

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

19 (7) "Valid documentation" means:

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

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

26 (8) "Verification card" means a card issued by the department to
27 qualifying patients whose health care professionals have entered them
28 into the department's medical marijuana verification program.

29 (9) "Department" means the department of health.

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

31 (11) "Marijuana processor" has the meaning provided in RCW
32 69.50.101.

33 (12) "Marijuana producer" has the meaning provided in RCW
34 69.50.101.

35 (13) "Marijuana retailer" has the meaning provided in RCW
36 69.50.101.

37 (14) "Marijuana-infused products" has the meaning provided in RCW
38 69.50.101.

1 (15) "Medical marijuana verification program" means a secure and
2 confidential program that issues verification cards to qualifying
3 patients and designated providers as provided in section 20 of this
4 act.

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

12 (17) "Public place" includes streets and alleys of incorporated
13 cities and towns; state or county or township highways or roads;
14 buildings and grounds used for school purposes; public dance halls and
15 grounds adjacent thereto; premises where goods and services are offered
16 to the public for retail sale; public buildings, public meeting halls,
17 lobbies, halls and dining rooms of hotels, restaurants, theaters,
18 stores, garages, and filling stations that are open to and are
19 generally used by the public and to which the public is permitted to
20 have unrestricted access; railroad trains, stages, buses, ferries, and
21 other public conveyances of all kinds and character, and the depots,
22 stops, and waiting rooms used in conjunction therewith which are open
23 to unrestricted use and access by the public; publicly owned bathing
24 beaches, parks, or playgrounds; and all other places of like or similar
25 nature to which the general public has unrestricted right of access,
26 and that are generally used by the public.

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

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

29 **Sec. 16.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
30 read as follows:

31 (1) The following acts do not constitute crimes under state law or
32 unprofessional conduct under chapter 18.130 RCW, and a health care
33 professional may not be arrested, searched, prosecuted, disciplined, or
34 subject to other criminal sanctions or civil consequences or liability
35 under state law, or have real or personal property searched, seized, or
36 forfeited pursuant to state law, notwithstanding any other provision of

1 law as long as the health care professional complies with subsection
2 (2) of this section:

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

6 (b) Providing a patient meeting the criteria established under RCW
7 69.51A.010~~((+26))~~ (4) with valid documentation or adding a patient to
8 the medical marijuana verification program, based upon the health care
9 professional's assessment of the patient's medical history and current
10 medical condition, ~~((where such use is))~~ if the health care
11 professional has complied with this chapter and he or she determines
12 within a professional standard of care or in the individual health care
13 professional's medical judgment the qualifying patient may benefit from
14 medical use of marijuana.

15 (2)(a) A health care professional may only provide a patient with
16 valid documentation authorizing the medical use of ~~((cannabis))~~
17 marijuana or ~~((register))~~ add the patient ~~((with))~~ in the ~~((registry))~~
18 medical marijuana verification program established in section ~~((901))~~
19 20 of this act if he or she has a ~~((newly initiated or existing))~~
20 documented relationship with the patient, as a primary care provider or
21 a specialist, relating to the diagnosis and ongoing treatment or
22 monitoring of the patient's terminal or debilitating medical condition,
23 and only after:

24 (i) Completing ~~((a))~~ an in-person physical examination of the
25 patient ~~((as appropriate, based on the patient's condition and age));~~

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

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

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

37 (b) A health care professional shall not:

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

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

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

13 (iv) Have a business or practice which consists (~~solely~~)
14 primarily of authorizing the medical use of (~~cannabis~~) marijuana.
15 However, the health care professional's business or practice must have
16 a permanent physical location;

17 (v) Include any statement or reference, visual or otherwise, on the
18 medical use of (~~cannabis~~) marijuana in any advertisement for his or
19 her business or practice; or

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

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

25 NEW SECTION. Sec. 17. A new section is added to chapter 69.51A
26 RCW to read as follows:

27 (1) As part of entering a qualifying patient or designated provider
28 in the medical marijuana verification program, the health care
29 professional may include recommendations on the amount of marijuana
30 that is likely needed by the qualifying patient for his or her medical
31 needs and in accordance with subsection (2) of this section. If no
32 recommendations are included at point of entry, the qualifying patient
33 or designated provider may purchase at a marijuana retailer that holds
34 a medical marijuana endorsement a combination of the following: Three
35 ounces of useable marijuana; forty-eight ounces of marijuana-infused
36 product in solid form; or two hundred sixteen ounces of marijuana-
37 infused product in liquid form. The qualifying patient or designated

1 provider may also grow, in his or her domicile, up to six plants, of
2 which no more than three may be flowering, for the personal medical use
3 of the qualifying patient. If plants are grown for the qualifying
4 patient, the patient may possess as much useable marijuana as can be
5 produced by three plants.

6 (2) If a health care professional determines that the medical needs
7 of a patient exceed the amounts provided for in subsection (1) of this
8 section, the health care professional may recommend a greater amount
9 for the personal medical use of the patient but not to exceed eight
10 ounces of useable marijuana or fifteen plants. When the qualifying
11 patient or designated provider is entered into the program, this amount
12 must also be entered.

13 NEW SECTION. **Sec. 18.** A new section is added to chapter 69.51A
14 RCW to read as follows:

15 (1) The department must convene a work group of representatives of
16 the University of Washington, the Washington State University, medical
17 quality assurance commission, the board of osteopathic medicine and
18 surgery, the nursing care quality assurance commission, the board of
19 naturopathy, and persons able to demonstrate through experience or
20 education expertise in the medical use of marijuana to develop
21 evidence-based practice guidelines for health care professionals to
22 consider when authorizing the medical use of marijuana. The practice
23 guidelines must consider any medical guidelines developed by the
24 University of Washington and Washington State University under RCW
25 28B.20.502 and address:

- 26 (a) Conditions that may benefit from the medical use of marijuana;
- 27 (b) Assessing a patient to determine if he or she has a
28 debilitating condition or intractable pain;
- 29 (c) Conducting an adequate examination of a patient for the need
30 for marijuana for medical use;
- 31 (d) Dosing criteria related to the medical use of marijuana;
- 32 (e) Developing a treatment plan for patients who may benefit from
33 the medical use of marijuana;
- 34 (f) Communicating with a patient about the medical use of marijuana
35 and other options for treating his or her terminal or debilitating
36 medical condition;

1 (g) Maintaining records for patients who have been authorized to
2 use marijuana for medical purposes; and

3 (h) Other issues identified by the work group as necessary to
4 provide appropriate care to patients who have been authorized to use
5 marijuana for medical purposes.

6 (2) The department shall make the practice guidelines broadly
7 available to health care professionals.

8 NEW SECTION. **Sec. 19.** A new section is added to chapter 69.51A
9 RCW to read as follows:

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

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

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

18 (c) The minor may not grow plants or purchase marijuana from a
19 marijuana retailer.

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

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

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

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

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

36 (c) Enter both the minor and the minor's parent or guardian who is

1 acting as the designated provider in the medical marijuana verification
2 program.

3 NEW SECTION. **Sec. 20.** A new section is added to chapter 69.51A
4 RCW to read as follows:

5 (1) By January 1, 2015, the department must adopt rules for the
6 creation, implementation, maintenance, and timely upgrading of a secure
7 and confidential medical marijuana verification program for the limited
8 purpose of allowing:

9 (a) A health care professional to enter a qualifying patient or
10 designated provider;

11 (b) A law enforcement officer to confirm the verification card of
12 a qualifying patient or designated provider;

13 (c) A marijuana retailer holding a medical marijuana endorsement to
14 confirm the verification card of a qualifying patient;

15 (d) The state liquor and cannabis board to verify tax exemptions
16 under RCW 69.50.535;

17 (e) The department and the health care professional's disciplining
18 authorities to monitor entries and ensure compliance with this chapter
19 by their licensees; and

20 (f) Entries to expire one year after entered into the program.

21 (2) Rules adopted by the department under subsection (1) of this
22 section must ensure that the qualifying patient or designated provider
23 provide the minimum amount of personally identifying information
24 necessary to be able to carry out the purposes of subsection (1) of
25 this section.

26 (3) A qualifying patient and his or her designated provider, if
27 any, must be placed in the medical marijuana verification program by
28 the qualifying patient's health care professional. After a qualifying
29 patient or designated provider is placed in the medical marijuana
30 verification program, the department must issue a verification card.
31 The verification card must be developed by the department and include:

32 (a) The qualifying patient or designated provider's name;

33 (b) For designated providers, the name of the qualifying patient
34 for whom the provider is assisting;

35 (c) The effective date and expiration date of the verification
36 card;

1 (d) The name of the health care professional who authorized the
2 qualifying patient or designated provider for the medical use of
3 marijuana; and

4 (e) Additional security features as necessary to ensure the
5 validity of the verification card.

6 (4) Verification cards are valid for one year from the date the
7 health care professional enters the qualifying patient or designated
8 provider in the medical marijuana verification program. Qualifying
9 patients may not be reentered into the medical marijuana verification
10 program until they have been reexamined by a health care professional
11 and determined to meet the definition of qualifying patient. After
12 reexamination, the health care professional must reenter the qualifying
13 patient or designated provider into the medical marijuana verification
14 program and a new verification card will then be issued by the
15 department in accordance with department rules. The department must
16 adopt rules on replacing lost or stolen verification cards.

17 (5) The department must adopt rules for removing qualifying
18 patients and designated providers from the medical marijuana
19 verification program upon expiration of the verification card as well
20 as a method for permitting qualifying patients and designated providers
21 to remove their names from the medical marijuana verification program
22 before expiration and for health care professionals to remove
23 qualifying patients and designated providers from the medical marijuana
24 verification program before expiration if the patient or provider no
25 longer qualifies for the medical use of marijuana. The department must
26 retain program records for at least five calendar years to permit the
27 state liquor and cannabis board to verify eligibility for tax
28 exemptions.

29 (6) During development of the medical marijuana verification
30 program, the department of health shall consult with stakeholders and
31 persons with relevant expertise to include, but not be limited to,
32 qualifying patients, designated providers, health care professionals,
33 state and local law enforcement agencies, and the University of
34 Washington computer science and engineering security and privacy
35 research lab.

36 (7) The medical marijuana verification program must meet the
37 following requirements:

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

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

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

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

14 (8)(a) Personally identifiable information of qualifying patients
15 and designated providers included in the medical marijuana verification
16 program is confidential and exempt from public disclosure, inspection,
17 or copying under chapter 42.56 RCW.

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

22 NEW SECTION. **Sec. 21.** A new section is added to chapter 42.56 RCW
23 to read as follows:

24 Records in the medical marijuana verification program established
25 in section 20 of this act containing names and other personally
26 identifiable information of qualifying patients and designated
27 providers are exempt from disclosure under this chapter.

28 **Sec. 22.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
29 read as follows:

30 The medical use of (~~cannabis~~) marijuana in accordance with the
31 terms and conditions of this chapter does not constitute a crime and a
32 qualifying patient or designated provider in compliance with the terms
33 and conditions of this chapter may not be arrested, prosecuted, or
34 subject to other criminal sanctions or civil consequences, for
35 possession, manufacture, or delivery of, or for possession with intent
36 to manufacture or deliver, (~~cannabis~~) marijuana under state law, or

1 have real or personal property seized or forfeited for possession,
2 manufacture, or delivery of, or for possession with intent to
3 manufacture or deliver, ~~((cannabis))~~ marijuana under state law, and
4 investigating ~~((peace))~~ law enforcement officers and ~~((law~~
5 ~~enforcement))~~ agencies may not be held civilly liable for failure to
6 seize ~~((cannabis))~~ marijuana in this circumstance, if:

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

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

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

13 ~~(iii) A combination of useable cannabis and cannabis product that~~
14 ~~does not exceed a combined total representing possession and processing~~
15 ~~of no more than twenty four ounces of useable cannabis.~~

16 ~~(b) If a person is both a qualifying patient and a designated~~
17 ~~provider for another qualifying patient, the person may possess no more~~
18 ~~than twice the amounts described in (a) of this subsection, whether the~~
19 ~~plants, useable cannabis, and cannabis product are possessed~~
20 ~~individually or in combination between the qualifying patient and his~~
21 ~~or her designated provider)) useable marijuana or marijuana-infused~~
22 ~~products than the amount authorized under section 17 and 23 of this~~
23 ~~act;~~

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

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

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

37 (a) The designated provider has converted ~~((cannabis))~~ marijuana

1 produced or obtained for the qualifying patient for his or her own
2 personal use or benefit; or

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

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

11 ~~(6) The investigating peace officer has not observed evidence of
12 any of the circumstances identified in section 901(4) of this act)).~~

13 **Sec. 23.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
14 read as follows:

15 (1)(a) A qualifying patient holding valid documentation in
16 possession of plants, useable marijuana, or marijuana-infused products
17 exceeding the limits set forth in RCW 69.50.360(3) but otherwise in
18 compliance with the terms and conditions of this chapter may establish
19 an affirmative defense to charges of violations of state law relating
20 to marijuana through proof at trial, by a preponderance of the
21 evidence, that the qualifying patient has been authorized by a health
22 care professional for the medical use of marijuana, that the qualifying
23 patient meets the requirements of RCW 69.51A.010(4), and that the
24 qualifying patient's necessary medical use exceeds the amounts set
25 forth in RCW 69.50.360(3).

26 (b) An investigating law enforcement officer may seize plants,
27 useable marijuana, or marijuana-infused products exceeding the amounts
28 set forth in RCW 69.50.360(3). The officer and his or her law
29 enforcement agency may not be held civilly liable for failure to seize
30 marijuana in this circumstance.

31 (2)(a) A qualifying patient or designated provider holding a valid
32 verification card in possession of ((cannabis)) plants, useable
33 ((cannabis)) marijuana, or ((cannabis)) marijuana-infused products
34 exceeding the limits set forth in ((RCW 69.51A.040(1))) section 17 of
35 this act, but otherwise in compliance with all other terms and
36 conditions of this chapter may establish an affirmative defense to
37 charges of violations of state law relating to ((cannabis)) marijuana

1 through proof at trial, by a preponderance of the evidence, that the
2 qualifying patient's necessary medical use exceeds the amounts set
3 forth in ~~((RCW 69.51A.040(1)))~~ section 17 of this act.

4 (b) An investigating ~~((peace))~~ law enforcement officer may seize
5 ~~((cannabis))~~ plants, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~
6 marijuana-infused products exceeding the amounts set forth in ~~((RCW~~
7 ~~69.51A.040(1):—PROVIDED, That))~~ section 17 of this act. In the case
8 of ~~((cannabis))~~ plants, the qualifying patient or designated provider
9 shall be allowed to select the plants that will remain at the location.
10 The officer and his or her law enforcement agency may not be held
11 civilly liable for failure to seize ~~((cannabis))~~ marijuana in this
12 circumstance.

13 **Sec. 24.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
14 read as follows:

15 (1)(a) The arrest and prosecution protections established in RCW
16 69.51A.040 may not be asserted in a supervision revocation or violation
17 hearing by a person who is supervised by a corrections agency or
18 department, including local governments or jails, that has determined
19 that the terms of this section are inconsistent with and contrary to
20 his or her supervision.

21 (b) The affirmative defense~~((s))~~ established in RCW ~~((69.51A.043,))~~
22 ~~69.51A.045((, 69.51A.047, and section 407 of this act))~~ may not be
23 asserted in a supervision revocation or violation hearing by a person
24 who is supervised by a corrections agency or department, including
25 local governments or jails, that has determined that the terms of this
26 section are inconsistent with and contrary to his or her supervision.

27 (2) ~~((The provisions of))~~ RCW 69.51A.040~~((, 69.51A.085, and~~
28 ~~69.51A.025 do))~~ does not apply to a person who is supervised for a
29 criminal conviction by a corrections agency or department, including
30 local governments or jails, that has determined that the terms of this
31 chapter are inconsistent with and contrary to his or her supervision.

32 ~~((3) A person may not be licensed as a licensed producer, licensed~~
33 ~~processor of cannabis products, or a licensed dispenser under section~~
34 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~
35 ~~conviction by a corrections agency or department, including local~~
36 ~~governments or jails, that has determined that licensure is~~
37 ~~inconsistent with and contrary to his or her supervision.))~~

1 **Sec. 25.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
2 read as follows:

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

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

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

15 (4) Nothing in this chapter requires any accommodation of any on-
16 site medical use of ~~((cannabis))~~ marijuana in any place of employment,
17 in any school bus or on any school grounds, in any youth center, in any
18 correctional facility, or smoking ~~((cannabis))~~ marijuana in any public
19 place or hotel or motel. However, a school may permit a minor who
20 meets the requirements of section 19 of this act to consume medical
21 marijuana on school grounds. Such use must be in accordance with
22 school policy relating to medication use on school grounds.

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

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

28 ~~((+6))~~ (7) Employers may establish drug-free work policies.
29 Nothing in this chapter requires an accommodation for the medical use
30 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

31 ~~((7) It is a class C felony to fraudulently produce any record~~
32 ~~purporting to be, or tamper with the content of any record for the~~
33 ~~purpose of having it accepted as, valid documentation under RCW~~
34 ~~69.51A.010(32)(a), or to backdate such documentation to a time earlier~~
35 ~~than its actual date of execution.))~~

36 (8) No person shall be entitled to claim the protection from arrest
37 and prosecution under RCW 69.51A.040 ~~((or the affirmative defense under~~
38 ~~RCW 69.51A.043))~~ for engaging in the medical use of ~~((cannabis))~~

1 marijuana in a way that endangers the health or well-being of any
2 person through the use of a motorized vehicle on a street, road, or
3 highway, including violations of RCW 46.61.502 or 46.61.504, or
4 equivalent local ordinances.

5 NEW SECTION. **Sec. 26.** A new section is added to chapter 69.51A
6 RCW to read as follows:

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

8 (a) To produce any record purporting to be, or tamper with the
9 content of any record for the purpose of having it accepted as, valid
10 documentation under RCW 69.51A.010(7) or to backdate such documentation
11 to a time earlier than its actual date of execution;

12 (b) To produce a verification card or to tamper with a verification
13 card for the purpose of having it accepted by a marijuana retailer in
14 order to purchase marijuana as a medical marijuana patient or to grow
15 marijuana plants in accordance with section 17 of this act;

16 (c) If a person is a designated provider to a qualifying patient,
17 to sell, donate, or otherwise use the marijuana produced or obtained
18 for the qualifying patient for the designated provider's own personal
19 use or benefit; or

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

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

26 **Sec. 27.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
27 read as follows:

28 The Washington state medical quality assurance commission in
29 consultation with the board of osteopathic medicine and surgery, or
30 other appropriate agency as designated by the governor, shall accept
31 for consideration petitions submitted to add terminal or debilitating
32 conditions to those included in this chapter. In considering such
33 petitions, the Washington state medical quality assurance commission in
34 consultation with the board of osteopathic medicine and surgery shall
35 include public notice of, and an opportunity to comment in a public
36 hearing upon, such petitions. The Washington state medical quality

1 assurance commission in consultation with the board of osteopathic
2 medicine and surgery may make a preliminary finding of good cause
3 before the public hearing and shall, after hearing, approve or deny
4 such petitions within ~~((one))~~ two hundred ~~((eighty))~~ ten days of
5 submission. The approval or denial of such a petition shall be
6 considered a final agency action, subject to judicial review.

7 **Sec. 28.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
8 read as follows:

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

16 (2) A person may stop serving as a designated provider to a given
17 qualifying patient at any time by revoking that designation in writing,
18 signed and dated, and provided to the department and the qualifying
19 patient. However, that person may not begin serving as a designated
20 provider to a different qualifying patient until fifteen days have
21 elapsed from the date the last qualifying patient designated him or her
22 to serve as a provider.

23 (3) The department may adopt rules to implement this section,
24 including a procedure to remove the name of the designated provider
25 from the medical marijuana verification program upon receipt of a
26 revocation under this section.

27 **Sec. 29.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
28 read as follows:

29 A qualifying patient's medical use of ~~((cannabis))~~ marijuana as
30 authorized by a health care professional may not be a sole
31 disqualifying factor in determining the patient's suitability for an
32 organ transplant, unless it is shown that this use poses a significant
33 risk of rejection or organ failure. This section does not preclude a
34 health care professional from requiring that a patient abstain from the
35 medical use of ~~((cannabis))~~ marijuana, for a period of time determined

1 by the health care professional, while waiting for a transplant organ
2 or before the patient undergoes an organ transplant.

3 **Sec. 30.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
4 read as follows:

5 A qualifying patient or designated provider may not have his or her
6 parental rights or residential time with a child restricted solely due
7 to his or her medical use of (~~cannabis~~) marijuana in compliance with
8 the terms of this chapter absent written findings supported by evidence
9 that such use has resulted in a long-term impairment that interferes
10 with the performance of parenting functions as defined under RCW
11 26.09.004.

12 NEW SECTION. **Sec. 31.** A new section is added to chapter 82.08 RCW
13 to read as follows:

14 (1) When marijuana is no longer classified as a schedule I drug
15 under the federal controlled substances act, the tax levied by RCW
16 82.08.020 shall not apply to sales of useable marijuana or marijuana-
17 infused products to qualifying patients or designated providers who
18 hold valid verification cards.

19 (2) For the purposes of this section, "marijuana," "useable
20 marijuana," and "marijuana-infused products" have the meaning provided
21 in RCW 69.50.101 and "qualifying patient," "designated provider," and
22 "verification card" have the meaning provided in RCW 69.51A.010.

23 NEW SECTION. **Sec. 32.** A new section is added to chapter 69.51A
24 RCW to read as follows:

25 All valid documentation issued prior to the effective date of this
26 section expires January 1, 2015.

27 NEW SECTION. **Sec. 33.** A new section is added to chapter 69.51A
28 RCW to read as follows:

29 Neither this chapter nor chapter 69.50 RCW prohibits a health care
30 professional from selling or donating products that have a THC
31 concentration of less than .3%.

32 NEW SECTION. **Sec. 34.** (1) By January 1, 2016, the state liquor

1 and cannabis board, in conjunction with the department of health and
2 the advisory group established in subsection (2) of this section, must
3 report to the legislature on the following:

4 (a) The number of medical marijuana endorsements issued by the
5 state liquor and cannabis board;

6 (b) The number of purchases made by qualifying patients or
7 designated providers at marijuana retailers holding medical marijuana
8 endorsements and the types of products purchased, including the THC
9 concentration of such products;

10 (c) The location of marijuana retailers holding medical marijuana
11 endorsements and their proximity to other marijuana retailers;

12 (d) Whether there is a need for retail locations that are licensed
13 to only sell medical marijuana to qualifying patients or designated
14 providers;

15 (e) The experience of qualifying patients and designated providers
16 in purchasing marijuana for their medical use from marijuana retailers
17 holding medical marijuana endorsements, including whether they are able
18 to purchase products that meet their medical needs;

19 (f) Whether the use of valid documentation is being used by
20 qualifying patients as an alternative to receiving a verification card
21 and whether the provisions permitting valid documentation should be
22 made to expire or should remain in law;

23 (g) Whether a marijuana producer or marijuana processor endorsement
24 should be established to permit a producer or processor to sell
25 directly to up to five qualifying patients if the endorsement includes
26 the names of the five qualifying patients and a requirement that all
27 patients possess valid verification cards;

28 (h) Whether group grows are necessary for qualifying patients to
29 meet their needs, both in types of marijuana needed to treat their
30 terminal or debilitating medical condition and in researching new
31 products for such treatment, and whether provisions permitting group
32 grows should be adopted by the legislature. Any research relating to
33 group grows must include participation by local government
34 representatives to explore the role local government may take on in
35 authorizing and enforcing group grow limitations;

36 (i) Whether the use of valid documentation as a means for patients
37 to assert an affirmative defense to violations of the law on marijuana

1 use should remain in statute and what a reasonable transition period to
2 the medical marijuana verification program would be if the use of valid
3 documentation ceases;

4 (j) Options for funding the medical marijuana verification program;
5 and

6 (k) Any recommendations either agency has to improve qualifying
7 patient and designated provider access to medical marijuana, if
8 necessary.

9 (2) A medical marijuana advisory group must be appointed by the
10 governor for the limited purpose of assisting the state liquor and
11 cannabis board in researching qualifying patient and designated
12 provider experiences and needs as required by subsection (1)(d) through
13 (h) of this section. The advisory group will meet at the call of the
14 state liquor and cannabis board and expires January 1, 2016.
15 Membership of the advisory group is as follows:

- 16 (a) Two physicians who authorize the medical use of marijuana;
- 17 (b) Two pharmacists, one with compounding experience;
- 18 (c) One licensed marijuana producer with medical marijuana
19 experience;
- 20 (d) One licensed marijuana processor with medical marijuana
21 experience;
- 22 (e) One licensed marijuana retailer with medical marijuana
23 experience;
- 24 (f) One qualifying patient; and
- 25 (g) One naturopath who authorizes the medical use of marijuana.

26 **Sec. 35.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
27 read as follows:

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

35 NEW SECTION. **Sec. 36.** All references to the Washington state
36 liquor control board must be construed as referring to the Washington

1 state liquor and cannabis board. The code reviser must prepare
2 legislation for the 2015 legislative session changing all references
3 from the Washington state liquor control board to the Washington state
4 liquor and cannabis board.

5 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
8 & 1999 c 2 s 3;

9 (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW
10 69.51A.040) and 2011 c 181 s 413;

11 (3) RCW 69.51A.043 (Failure to register--Affirmative defense) and
12 2011 c 181 s 402; and

13 (4) RCW 69.51A.047 (Failure to register or present valid
14 documentation--Affirmative defense) and 2011 c 181 s 406.

15 NEW SECTION. **Sec. 38.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403; and

18 (2) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and
19 enforce requirements) and 2011 c 181 s 1102.

20 NEW SECTION. **Sec. 39.** Sections 1, 6 through 10, 15, 16, 22, 23,
21 25, 26, and 28 of this act take effect January 1, 2015.

22 NEW SECTION. **Sec. 40.** Section 38 of this act takes effect July 1,
23 2016.

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