

2SSB 5052 - H AMD TO H AMD (H-2596.3/15) **400**

By Representative Appleton

NOT ADOPTED 04/10/2015

1 On page 1 of the striking amendment strike all material after line
2 2 and insert the following:

3

4 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
5 cannabis patient protection act.

6

7 NEW SECTION. **Sec. 2.** The legislature finds that since voters
8 approved Initiative Measure No. 692 in 1998, it has been the public
9 policy of the state to permit the medical use of marijuana. Between
10 1998 and the present day, there have been multiple legislative
11 attempts to clarify what is meant by the medical use of marijuana
12 and to ensure qualifying patients have a safe, consistent, and
13 adequate source of marijuana for their medical needs.

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

3 The legislature further finds that in 2012 voters passed
4 Initiative Measure No. 502 which permitted the recreational use of
5 marijuana. For the first time in our nation's history, marijuana
6 would be regulated, taxed, and sold for recreational consumption.
7 Initiative Measure No. 502 provides for strict regulation on the
8 production, processing, and distribution of marijuana. Under
9 Initiative Measure No. 502, marijuana is trackable from seed to sale
10 and may only be sold or grown under license. Marijuana must be
11 tested for impurities and purchasers of marijuana must be informed
12 of the THC level in the marijuana. Since its passage, two hundred
13 fifty producer/processor licenses and sixty-three retail licenses
14 have been issued, covering the majority of the state. With the
15 current product canopy exceeding 2.9 million square feet, and
16 retailers in place, the state now has a system of safe, consistent,
17 and adequate access to marijuana; the marketplace is not the same
18 marketplace envisioned by the voters in 1998.

19 The legislature, therefore, intends to adopt a comprehensive act
20 that uses the regulations in place for the recreational market to
21 provide regulation for the medical use of marijuana. It intends to
22 ensure that patients retain their ability to grow their own
23 marijuana for their own medical use and participate in private
24 noncommercial cooperatives, and it intends to ensure that patients
25 have the ability to possess more marijuana-infused products, useable
26 marijuana, and marijuana concentrates than what is available to a
27 nonmedical user. It further intends that medical specific
28 regulations be adopted as needed and under consultation of the
29 departments of health and agriculture so that safe handling
30 practices will be adopted and so that testing standards for medical
31 products meet or exceed those standards in use in the recreational
32 market.

33 The legislature further intends that the costs associated with
34 implementing and administering the registry shall be financed from

1 the health professions account and that these funds shall be
2 restored to the health professions account through future
3 appropriations using funds derived from the dedicated marijuana
4 account.

5
6 **Sec. 3.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
7 read as follows:

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

16
17 **Sec. 4.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
18 read as follows:

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

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

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

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

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

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

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

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

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

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

18 (2) The term does not include:

19 (i) a controlled substance;

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

22 (iii) a substance with respect to which an exemption is in
23 effect for investigational use by a particular person under Section
24 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355,
25 to the extent conduct with respect to the substance is pursuant to
26 the exemption; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (6) Cocaine base.

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

23 (8) Any compound, mixture, or preparation containing any
24 quantity of any substance referred to in subparagraphs (1) through
25 (7).

26 (aa) "Opiate" means any substance having an addiction-forming or
27 addiction-sustaining liability similar to morphine or being capable
28 of conversion into a drug having addiction-forming or addiction-
29 sustaining liability. The term includes opium, substances derived
30 from opium (opium derivatives), and synthetic opiates. The term does
31 not include, unless specifically designated as controlled under RCW
32 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
33 and its salts (dextromethorphan). The term includes the racemic and
34 levorotatory forms of dextromethorphan.

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

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

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

9 (ee) "Practitioner" means:

10 (1) A physician under chapter 18.71 RCW; a physician assistant
11 under chapter 18.71A RCW; an osteopathic physician and surgeon under
12 chapter 18.57 RCW; an osteopathic physician assistant under chapter
13 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
14 limitations in RCW 18.57A.040; an optometrist licensed under chapter
15 18.53 RCW who is certified by the optometry board under RCW
16 18.53.010 subject to any limitations in RCW 18.53.010; a dentist
17 under chapter 18.32 RCW; a podiatric physician and surgeon under
18 chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a
19 registered nurse, advanced registered nurse practitioner, or
20 licensed practical nurse under chapter 18.79 RCW; a naturopathic
21 physician under chapter 18.36A RCW who is licensed under RCW
22 18.36A.030 subject to any limitations in RCW 18.36A.040; a
23 pharmacist under chapter 18.64 RCW or a scientific investigator
24 under this chapter, licensed, registered or otherwise permitted
25 insofar as is consistent with those licensing laws to distribute,
26 dispense, conduct research with respect to or administer a
27 controlled substance in the course of their professional practice or
28 research in this state.

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

33 (3) A physician licensed to practice medicine and surgery, a
34 physician licensed to practice osteopathic medicine and surgery, a

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

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

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

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

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

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

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

32 (ll) "Ultimate user" means an individual who lawfully possesses
33 a controlled substance for the individual's own use or for the use
34 of a member of the individual's household or for administering to an

1 animal owned by the individual or by a member of the individual's
2 household.

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

6 (nn) "Designated provider" has the meaning provided in RCW
7 69.51A.010.

8 (oo) "Qualifying patient" has the meaning provided in RCW
9 69.51A.010.

10 (pp) "CBD concentration" has the meaning provided in RCW
11 69.51A.010.

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

13 (rr) "Recognition card" has the meaning provided in RCW
14 69.51A.010.

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16 **Sec. 5.** RCW 69.50.325 and 2014 c 192 s 2 are each amended to
17 read as follows:

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

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

24 (3) There shall be a marijuana retailer's license to sell
25 marijuana concentrates, useable marijuana, and marijuana-infused
26 products at retail in retail outlets, regulated by the state liquor
27 ~~((control))~~ and cannabis board and subject to annual renewal. The
28 possession, delivery, distribution, and sale of marijuana
29 concentrates, useable marijuana, and marijuana-infused products in
30 accordance with the provisions of this chapter ~~((3, Laws of 2013))~~
31 and the rules adopted to implement and enforce it, by a validly
32 licensed marijuana retailer, shall not be a criminal or civil
33 offense under Washington state law. Every marijuana retailer's
34 license shall be issued in the name of the applicant, shall specify

1 the location of the retail outlet the licensee intends to operate,
2 which must be within the state of Washington, and the holder thereof
3 shall not allow any other person to use the license. The application
4 fee for a marijuana retailer's license shall be two hundred fifty
5 dollars. The annual fee for issuance and renewal of a marijuana
6 retailer's license shall be one thousand dollars. A separate license
7 shall be required for each location at which a marijuana retailer
8 intends to sell marijuana concentrates, useable marijuana, and
9 marijuana-infused products.

10

11 **Sec. 6.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read
12 as follows:

13 (1) For the purpose of considering any application for a license
14 to produce, process, or sell marijuana, or for the renewal of a
15 license to produce, process, or sell marijuana, the state liquor
16 ~~((control))~~ and cannabis board must conduct a comprehensive, fair,
17 and impartial evaluation of the applications timely received.

18 (a) The state liquor and cannabis board must develop a
19 competitive, merit-based application process that includes, at a
20 minimum, the opportunity for an applicant to demonstrate experience
21 and qualifications in the marijuana industry. The state liquor and
22 cannabis board shall give preference between competing applications
23 in the licensing process to applicants that have the following
24 experience and qualifications: operating or being employed by a
25 collective garden before January 1, 2013, having had a state
26 business license and a municipal business license, as applicable in
27 the relevant jurisdiction, and having had a history of paying all
28 applicable state taxes and fees.

29 (b) The state liquor and cannabis board may cause an inspection
30 of the premises to be made, and may inquire into all matters in
31 connection with the construction and operation of the premises. For
32 the purpose of reviewing any application for a license and for
33 considering the denial, suspension, revocation, or renewal or denial
34 thereof, of any license, the state liquor ~~((control))~~ and cannabis

1 board may consider any prior criminal conduct of the applicant
2 including an administrative violation history record with the state
3 liquor (~~(control)~~) and cannabis board and a criminal history record
4 information check. The state liquor (~~(control)~~) and cannabis board
5 may submit the criminal history record information check to the
6 Washington state patrol and to the identification division of the
7 federal bureau of investigation in order that these agencies may
8 search their records for prior arrests and convictions of the
9 individual or individuals who filled out the forms. The state liquor
10 (~~(control)~~) and cannabis board shall require fingerprinting of any
11 applicant whose criminal history record information check is
12 submitted to the federal bureau of investigation. The provisions of
13 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these
14 cases. Subject to the provisions of this section, the state liquor
15 (~~(control)~~) and cannabis board may, in its discretion, grant or deny
16 the renewal or license applied for. Denial may be based on, without
17 limitation, the existence of chronic illegal activity documented in
18 objections submitted pursuant to subsections (7)(c) and (9) of this
19 section. Authority to approve an uncontested or unopposed license
20 may be granted by the state liquor (~~(control)~~) and cannabis board to
21 any staff member the board designates in writing. Conditions for
22 granting this authority shall be adopted by rule.

23 (c) No license of any kind may be issued to:

24 ~~((a))~~ (i) A person under the age of twenty-one years;

25 ~~((b))~~ (ii) A person doing business as a sole proprietor who
26 has not lawfully resided in the state for at least three months
27 prior to applying to receive a license;

28 ~~((c))~~ (iii) A partnership, employee cooperative, association,
29 nonprofit corporation, or corporation unless formed under the laws
30 of this state, and unless all of the members thereof are qualified
31 to obtain a license as provided in this section; or

32 ~~((d))~~ (iv) A person whose place of business is conducted by a
33 manager or agent, unless the manager or agent possesses the same
34 qualifications required of the licensee.

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

8 (b) The state liquor (~~control~~) and cannabis board shall
9 immediately suspend the license of a person who has been certified
10 pursuant to RCW 74.20A.320 by the department of social and health
11 services as a person who is not in compliance with a support order.
12 If the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license shall
14 be automatic upon the state liquor (~~control~~) and cannabis board's
15 receipt of a release issued by the department of social and health
16 services stating that the licensee is in compliance with the order.

17 (c) The state liquor (~~control~~) and cannabis board may request
18 the appointment of administrative law judges under chapter 34.12 RCW
19 who shall have power to administer oaths, issue subpoenas for the
20 attendance of witnesses and the production of papers, books,
21 accounts, documents, and testimony, examine witnesses, and to
22 receive testimony in any inquiry, investigation, hearing, or
23 proceeding in any part of the state, under rules and regulations the
24 state liquor (~~control~~) and cannabis board may adopt.

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

30 (e) In case of disobedience of any person to comply with the
31 order of the state liquor (~~control~~) and cannabis board or a
32 subpoena issued by the state liquor (~~control~~) and cannabis board,
33 or any of its members, or administrative law judges, or on the
34 refusal of a witness to testify to any matter regarding which he or

1 she may be lawfully interrogated, the judge of the superior court of
2 the county in which the person resides, on application of any member
3 of the board or administrative law judge, shall compel obedience by
4 contempt proceedings, as in the case of disobedience of the
5 requirements of a subpoena issued from said court or a refusal to
6 testify therein.

7 (3) Upon receipt of notice of the suspension or cancellation of
8 a license, the licensee shall forthwith deliver up the license to
9 the state liquor (~~((control))~~) and cannabis board. Where the license
10 has been suspended only, the state liquor (~~((control))~~) and cannabis
11 board shall return the license to the licensee at the expiration or
12 termination of the period of suspension. The state liquor
13 (~~((control))~~) and cannabis board shall notify all other licensees in
14 the county where the subject licensee has its premises of the
15 suspension or cancellation of the license; and no other licensee or
16 employee of another licensee may allow or cause any marijuana,
17 useable marijuana, or marijuana-infused products to be delivered to
18 or for any person at the premises of the subject licensee.

19 (4) Every license issued under chapter 3, Laws of 2013 shall be
20 subject to all conditions and restrictions imposed by chapter 3,
21 Laws of 2013 or by rules adopted by the state liquor (~~((control))~~) and
22 cannabis board to implement and enforce chapter 3, Laws of 2013. All
23 conditions and restrictions imposed by the state liquor (~~((control))~~)
24 and cannabis board in the issuance of an individual license shall be
25 listed on the face of the individual license along with the trade
26 name, address, and expiration date.

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

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

31 (7)(a) Before the state liquor (~~((control))~~) and cannabis board
32 issues a new or renewed license to an applicant it shall give notice
33 of the application to the chief executive officer of the
34 incorporated city or town, if the application is for a license

1 within an incorporated city or town, or to the county legislative
2 authority, if the application is for a license outside the
3 boundaries of incorporated cities or towns.

4 (b) The incorporated city or town through the official or
5 employee selected by it, or the county legislative authority or the
6 official or employee selected by it, shall have the right to file
7 with the state liquor (~~control~~) and cannabis board within twenty
8 days after the date of transmittal of the notice for applications,
9 or at least thirty days prior to the expiration date for renewals,
10 written objections against the applicant or against the premises for
11 which the new or renewed license is asked. The state liquor
12 (~~control~~) and cannabis board may extend the time period for
13 submitting written objections.

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

29 (d) Upon the granting of a license under this title the state
30 liquor (~~control~~) and cannabis board shall send written
31 notification to the chief executive officer of the incorporated city
32 or town in which the license is granted, or to the county
33 legislative authority if the license is granted outside the
34 boundaries of incorporated cities or towns.

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

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

28
29 **Sec. 7.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to read
30 as follows:

31 (1) For the purpose of carrying into effect the provisions of
32 chapter 3, Laws of 2013 according to their true intent or of
33 supplying any deficiency therein, the state liquor (~~control~~) and
34 cannabis board may adopt rules not inconsistent with the spirit of

1 chapter 3, Laws of 2013 as are deemed necessary or advisable.
2 Without limiting the generality of the preceding sentence, the state
3 liquor (~~control~~) and cannabis board is empowered to adopt rules
4 regarding the following:

5 ((+1)) (a) The equipment and management of retail outlets and
6 premises where marijuana is produced or processed, and inspection of
7 the retail outlets and premises where marijuana is produced or
8 processed;

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

13 ((+3)) (c) Methods of producing, processing, and packaging
14 marijuana, useable marijuana, marijuana concentrates, and marijuana-
15 infused products; conditions of sanitation; safe handling
16 requirements; approved pesticides and pesticide testing
17 requirements; and standards of ingredients, quality, and identity of
18 marijuana, useable marijuana, marijuana concentrates, and marijuana-
19 infused products produced, processed, packaged, or sold by
20 licensees;

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

24 ((+5)) (e) Screening, hiring, training, and supervising
25 employees of licensees;

26 ((+6)) (f) Retail outlet locations and hours of operation;

27 ((+7)) (g) Labeling requirements and restrictions on
28 advertisement of marijuana, useable marijuana, marijuana
29 concentrates, and marijuana-infused products for sale in retail
30 outlets;

31 ((+8)) (h) Forms to be used for purposes of this chapter ((~~3-~~
32 ~~Laws of 2013~~)) and chapter 69.51A RCW or the rules adopted to
33 implement and enforce ((~~it~~)) these chapters, the terms and
34 conditions to be contained in licenses issued under this chapter

1 (~~(3, Laws of 2013)~~) and chapter 69.51A RCW, and the qualifications
2 for receiving a license issued under this chapter (~~(3, Laws of~~
3 ~~2013)~~) and chapter 69.51A RCW, including a criminal history record
4 information check. The state liquor (~~control~~) and cannabis board
5 may submit any criminal history record information check to the
6 Washington state patrol and to the identification division of the
7 federal bureau of investigation in order that these agencies may
8 search their records for prior arrests and convictions of the
9 individual or individuals who filled out the forms. The state liquor
10 (~~control~~) and cannabis board shall require fingerprinting of any
11 applicant whose criminal history record information check is
12 submitted to the federal bureau of investigation;

13 (~~(9)~~) (i) Application, reinstatement, and renewal fees for
14 licenses issued under this chapter (~~(3, Laws of 2013)~~) and chapter
15 69.51A RCW, and fees for anything done or permitted to be done under
16 the rules adopted to implement and enforce this chapter (~~(3, Laws of~~
17 ~~2013)~~) and chapter 69.51A RCW;

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

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

25 (~~(12)~~) (l) Identification, seizure, confiscation, destruction,
26 or donation to law enforcement for training purposes of all
27 marijuana, marijuana concentrates, useable marijuana, and marijuana-
28 infused products produced, processed, sold, or offered for sale
29 within this state which do not conform in all respects to the
30 standards prescribed by this chapter (~~(3, Laws of 2013)~~) or chapter
31 69.51A RCW or the rules adopted to implement and enforce (~~it~~;

32 ~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed~~
33 ~~as authorizing the state liquor control board to seize, confiscate,~~
34 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~

1 ~~or marijuana-infused products produced, processed, sold, offered for~~
2 ~~sale, or possessed in compliance with the Washington state medical~~
3 ~~use of cannabis act, chapter 69.51A RCW)) these chapters.~~

4 (2) Rules adopted on retail outlets holding medical marijuana
5 endorsements as well as producers and processors of medical
6 marijuana must be adopted in coordination and consultation with the
7 department.

8

9 **Sec. 8.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to
10 read as follows:

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

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

18 (a) Application forms for marijuana producers must request the
19 applicant to state whether the applicant intends to produce
20 marijuana for sale by marijuana retailers holding medical marijuana
21 endorsements and the amount of or percentage of canopy the applicant
22 intends to commit to growing plants determined by the department
23 under section 10 of this act to be of a THC concentration, CBD
24 concentration, or THC to CBD ratio appropriate for marijuana
25 concentrates, useable marijuana, or marijuana-infused products sold
26 to qualifying patients.

27 (b) The state liquor and cannabis board must reconsider and
28 increase limits on the amount of square feet permitted to be in
29 production on the effective date of this section and increase the
30 percentage of production space for those marijuana producers who
31 intend to grow plants for marijuana retailers holding medical
32 marijuana endorsements if the marijuana producer designates the
33 increased production space to plants determined by the department
34 under section 10 of this act to be of a THC concentration, CBD

1 concentration, or THC to CBD ratio appropriate for marijuana
2 concentrates, useable marijuana, or marijuana-infused products to be
3 sold to qualifying patients. If current marijuana producers do not
4 use all the increased production space, the state liquor and
5 cannabis board may reopen the license period for new marijuana
6 producer license applicants but only to those marijuana producers
7 who agree to grow plants for marijuana retailers holding medical
8 marijuana endorsements. Priority in licensing must be given to
9 marijuana producer license applicants who have an application
10 pending on the effective date of this section but who are not yet
11 licensed and then to new marijuana producer license applicants.
12 After January 1, 2017, any reconsideration of the limits on the
13 amount of square feet permitted to be in production to meet the
14 medical needs of qualifying patients must consider information
15 contained in the registry established in section 21 of this act;

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

19 (a) Population distribution;

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

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

24 (d) The number of producers, processors, and retail outlets
25 holding medical marijuana endorsements necessary to meet the medical
26 needs of qualifying patients. The state liquor and cannabis board
27 must reconsider and increase the maximum number of retail outlets it
28 established before the effective date of this section and allow for
29 a new license application period and a greater number of producers,
30 processors, and retail outlets to be permitted in order to
31 accommodate the medical needs of qualifying patients and designated
32 providers. After January 1, 2017, any reconsideration of the maximum
33 number of producers, processors, and retail outlets needed to meet

34

1 the medical needs of qualifying patients must consider information
2 contained in the registry established in section 21 of this act;

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

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

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

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

17 (a) Security and safety issues;

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

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

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

29 (a) The business or trade name and Washington state unified
30 business identifier number of the licensees that (~~grow~~)
31 processed(~~ed~~) and sold the marijuana, marijuana concentrates,
32 useable marijuana, or marijuana-infused product;

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

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

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

6 (e) Language required by RCW 69.04.480;

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

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

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

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

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

26 (d) Ensuring that retail outlets with medical marijuana
27 endorsements may advertise themselves as medical retail outlets;

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

32 (11) In consultation with the department and the department of
33 agriculture, establishing accreditation requirements for testing
34 laboratories used by licensees to demonstrate compliance with

1 standards adopted by the state liquor (~~control~~) and cannabis
2 board, and prescribing methods of producing, processing, and
3 packaging marijuana, marijuana concentrates, useable marijuana, and
4 marijuana-infused products; conditions of sanitation; and standards
5 of ingredients, quality, and identity of marijuana, marijuana
6 concentrates, useable marijuana, and marijuana-infused products
7 produced, processed, packaged, or sold by licensees;

8 (12) Specifying procedures for identifying, seizing,
9 confiscating, destroying, and donating to law enforcement for
10 training purposes all marijuana, marijuana concentrates, useable
11 marijuana, and marijuana-infused products produced, processed,
12 packaged, labeled, or offered for sale in this state that do not
13 conform in all respects to the standards prescribed by this chapter
14 (~~3, Laws of 2013~~) or the rules of the state liquor (~~control~~) and
15 cannabis board.

16

17 **Sec. 9.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to
18 read as follows:

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

30

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50
32 RCW to read as follows:

33 (1) A medical marijuana endorsement to a marijuana retail
34 license is hereby established to permit a marijuana retailer to sell

1 marijuana for medical use to qualifying patients and designated
2 providers. This endorsement also permits such retailers to provide
3 marijuana at a reduced cost or no charge, at their discretion, to
4 qualifying patients and designated providers.

5 (2) An applicant may apply for a medical marijuana endorsement
6 concurrently with an application for a marijuana retail license.

7 (3) To be issued an endorsement, a marijuana retailer must:

8 (a) Not authorize the medical use of marijuana for qualifying
9 patients at the retail outlet or permit health care professionals to
10 authorize the medical use of marijuana for qualifying patients at
11 the retail outlet;

12 (b) Carry marijuana concentrates and marijuana-infused products
13 identified by the department under subsection (4) of this section;

14 (c) Not use labels or market marijuana concentrates, useable
15 marijuana, or marijuana-infused products in a way that make them
16 intentionally attractive to minors;

17 (d) Demonstrate the ability to enter qualifying patients and
18 designated providers in the registry established in section 21 of
19 this act and issue recognition cards and agree to enter qualifying
20 patients and designated providers into the registry and issue
21 recognition cards in compliance with department standards;

22 (e) Keep copies of the qualifying patient's or designated
23 provider's recognition card, or keep equivalent records as required
24 by rule of the state liquor and cannabis board or the department of
25 revenue to document the validity of tax exempt sales; and

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

28 (4) The department, in conjunction with the state liquor and
29 cannabis board, must adopt rules on requirements for marijuana
30 concentrates, useable marijuana, and marijuana-infused products that
31 may be sold, or provided at a reduced cost or no charge, to
32 qualifying patients or designated providers at a retail outlet
33 holding a medical marijuana endorsement. These rules must include:

34

1 (a) Labeling requirements including that the labels attached to
2 marijuana concentrates, useable marijuana, or marijuana-infused
3 products contain THC concentration, CBD concentration, and THC to
4 CBD ratios;

5 (b) Other product requirements, including any additional mold,
6 fungus, or pesticide testing requirements, or limitations to the
7 types of solvents that may be used in marijuana processing that the
8 department deems necessary to address the medical needs of
9 qualifying patients;

10 (c) Safe handling requirements for marijuana concentrates,
11 useable marijuana, or marijuana-infused products; and

12 (d) Training requirements for employees.

13 (5) A marijuana retailer holding an endorsement to sell
14 marijuana to qualifying patients or designated providers must train
15 its employees on:

16 (a) Procedures regarding the recognition of valid authorizations
17 and the use of equipment to enter qualifying patients and designated
18 providers into the registry;

19 (b) Recognition of valid recognition cards; and

20 (c) Recognition of strains, varieties, THC concentration, CBD
21 concentration, and THC to CBD ratios of marijuana concentrates,
22 useable marijuana, and marijuana-infused products, available for
23 sale when assisting qualifying patients and designated providers at
24 the retail outlet.

25

26 NEW SECTION. **Sec. 11.** A new section is added to chapter 69.50
27 RCW to read as follows:

28 A marijuana retailer or a marijuana retailer holding a medical
29 marijuana endorsement may sell products with a THC concentration of
30 0.3 percent or less. Marijuana retailers holding a medical marijuana
31 endorsement may also provide these products at a reduced cost no
32 charge to qualifying patients or designated providers.

33

34

1 **Sec. 12.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to
2 read as follows:

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

8 (2) Licensed marijuana retailers shall not employ persons under
9 twenty-one years of age or allow persons under twenty-one years of
10 age to enter or remain on the premises of a retail outlet. However,
11 qualifying patients between eighteen and twenty-one years of age
12 with a recognition card may enter and remain on the premises of a
13 retail outlet holding a medical marijuana endorsement and may
14 purchase products for their personal medical use. Qualifying
15 patients who are under the age of eighteen with a recognition card
16 and who accompany their designated providers may enter and remain on
17 the premises of a retail outlet holding a medical marijuana
18 endorsement, but may not purchase products for their personal
19 medical use.

20 (3)(a) Licensed marijuana retailers must ensure that all
21 employees are trained on the rules adopted to implement this
22 chapter, identification of persons under the age of twenty-one, and
23 other requirements adopted by the state liquor and cannabis board to
24 ensure that persons under the age of twenty-one who are not
25 qualifying patients are not permitted to enter or remain on the
26 premises of a retail outlet.

27 (b) Licensed marijuana retailers with a medical marijuana
28 endorsement must ensure that all employees are trained on the
29 subjects required by (a) of this subsection as well as
30 identification of authorizations and recognition cards. Employees
31 must also be trained to permit qualifying patients who hold
32 recognition cards and are between the ages of eighteen and twenty-
33 one to enter the premises and purchase marijuana for their personal
34 medical use and to permit qualifying patients who are under the age

1 of eighteen with a recognition card to enter the premises if
2 accompanied by their designated providers.

3 (4) Licensed marijuana retailers shall not display any signage
4 in a window, on a door, or on the outside of the premises of a
5 retail outlet that is visible to the general public from a public
6 right-of-way, other than a single sign no larger than one thousand
7 six hundred square inches identifying the retail outlet by the
8 licensee's business or trade name. Retail outlets that hold medical
9 marijuana endorsements may include this information on signage.

10 ~~((4))~~ (5) Licensed marijuana retailers shall not display
11 marijuana concentrates, useable marijuana, or marijuana-infused
12 products in a manner that is visible to the general public from a
13 public right-of-way.

14 ~~((5))~~ (6) No licensed marijuana retailer or employee of a
15 retail outlet shall open or consume, or allow to be opened or
16 consumed, any marijuana concentrates, useable marijuana, or
17 marijuana-infused product on the outlet premises.

18 ~~((6))~~ (7) The state liquor ~~((control))~~ and cannabis board
19 shall fine a licensee one thousand dollars for each violation of any
20 subsection of this section. Fines collected under this section must
21 be deposited into the dedicated marijuana fund created under RCW
22 69.50.530.

23

24 **Sec. 13.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
25 read as follows:

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

32 (1) Purchase and receipt of marijuana concentrates, useable
33 marijuana, or marijuana-infused products that have been properly
34

1 packaged and labeled from a marijuana processor validly licensed
2 under this chapter (~~(3, Laws of 2013)~~);

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

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

11 (a) One ounce of useable marijuana;

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

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

15 (d) Seven grams of marijuana concentrate.

16

17 **Sec. 14.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to
18 read as follows:

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

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

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

32 (4) The possession by a qualifying patient or designated
33 provider of marijuana concentrates, useable marijuana, marijuana-
34 infused products, or plants in accordance with chapter 69.51A RCW is

1 not a violation of this section, this chapter, or any other
2 provision of Washington state law.

3
4 NEW SECTION. **Sec. 15.** A new section is added to chapter 69.50
5 RCW to read as follows:

6 (1) Nothing in this chapter permits anyone other than a validly
7 licensed marijuana processor to use butane or other explosive gases
8 to extract or separate resin from marijuana. The extraction or
9 separation of resin from marijuana, by any person other than a
10 validly licensed marijuana processor each constitute manufacture of
11 marijuana in violation of RCW 69.50.401. Cooking oil, butter, and
12 other nonexplosive substances may be used to make marijuana extracts
13 for noncommercial personal use.

14 (2) Except for the use of butane, the state liquor and cannabis
15 board may not enforce this section until it has adopted the rules
16 required by section 27 of this act.

17
18 **Sec. 16.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended
19 to read as follows:

20 (1) The legislature finds that:

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

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

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

30 (iii) Acute or chronic glaucoma;

31 (iv) Crohn's disease; and

32 (v) Some forms of intractable pain.

33 (b) Humanitarian compassion necessitates that the decision to
34 use (~~cannabis~~) marijuana by patients with terminal or debilitating

1 medical conditions is a personal, individual decision, based upon
2 their health care professional's professional medical judgment and
3 discretion.

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

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

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

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

24 (3) Nothing in this chapter establishes the medical necessity or
25 medical appropriateness of (~~cannabis~~) marijuana for treating
26 terminal or debilitating medical conditions as defined in RCW
27 69.51A.010.

28 (4) Nothing in this chapter diminishes the authority of
29 correctional agencies and departments, including local governments
30 or jails, to establish a procedure for determining when the use of
31 (~~cannabis~~) marijuana would impact community safety or the
32 effective supervision of those on active supervision for a criminal
33 conviction, nor does it create the right to any accommodation of any
34

1 medical use of (~~(cannabis)~~) marijuana in any correctional facility
2 or jail.

3

4 **Sec. 17.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
5 read as follows:

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

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

11 (a)(i) Is the parent or guardian of a qualifying patient who is
12 under the age of eighteen and beginning July 1, 2016, holds a
13 recognition card; or

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

17 (b)(i) Has an authorization from the qualifying patient's health
18 care professional; or

19 (ii) Beginning July 1, 2016:

20 (A) Has been entered into the registry as being the designated
21 provider to a qualifying patient; and

22 (B) Has been provided a recognition card;

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

26 (d) Provides marijuana to only the qualifying patient that has
27 designated him or her;

28 (e) Is in compliance with the terms and conditions of this
29 chapter; and

30 (f) Is the designated provider to only one patient at any one
31 time.

32 (2) "Health care professional," for purposes of this chapter
33 only, means a physician licensed under chapter 18.71 RCW, a
34 physician assistant licensed under chapter 18.71A RCW, an

1 osteopathic physician licensed under chapter 18.57 RCW, an
2 osteopathic physicians' assistant licensed under chapter 18.57A RCW,
3 a naturopath licensed under chapter 18.36A RCW, or an advanced
4 registered nurse practitioner licensed under chapter 18.79 RCW.

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

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

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

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

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

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

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

21 (vi)(A) Has an authorization from his or her health care
22 professional; or

23 (B) Beginning July 1, 2016, has been entered into the registry
24 and has been provided a recognition card; and

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

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

33 (5) "Tamper-resistant paper" means paper that meets one or more
34 of the following industry-recognized features:

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

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

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

7 (6) "Terminal or debilitating medical condition" means:

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

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

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

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

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

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

25 (g) (~~(Any other medical condition duly approved by the
26 Washington state medical quality assurance commission in
27 consultation with the board of osteopathic medicine and surgery as
28 directed in this chapter)~~) Posttraumatic stress disorder.

29 (7) (~~("Valid documentation")~~) (a) Until July 1, 2016,
30 "authorization" means:

31 (~~(a)~~) (i) A statement signed and dated by a qualifying
32 patient's health care professional written on tamper-resistant
33 paper, which states that, in the health care professional's
34

1 professional opinion, the patient may benefit from the medical use
2 of marijuana; and

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

5 (b) Beginning July 1, 2016, "authorization" means a form
6 developed by the department that is completed and signed by a
7 qualifying patient's health care professional and printed on tamper-
8 resistant paper.

9 (c) An authorization is not a prescription as defined in RCW
10 69.50.101.

11 (8) "Recognition card" means a card issued to qualifying
12 patients and designated providers by a marijuana retailer with a
13 medical marijuana endorsement or an outlet authorized by the
14 department that has entered them into the registry.

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

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

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

20 (12) "Marijuana concentrates" has the meaning provided in RCW
21 69.50.101.

22 (13) "Marijuana processor" has the meaning provided in RCW
23 69.50.101.

24 (14) "Marijuana producer" has the meaning provided in RCW
25 69.50.101.

26 (15) "Marijuana retailer" has the meaning provided in RCW
27 69.50.101.

28 (16) "Marijuana retailer with a medical marijuana endorsement"
29 means a marijuana retailer that has been issued a medical marijuana
30 endorsement by the state liquor and cannabis board pursuant to
31 section 10 of this act.

32 (17) "Marijuana-infused products" has the meaning provided in
33 RCW 69.50.101.

34

1 (18) "Registry" means the secure and confidential database
2 established in section 21 of this act.

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

10 (20) "Retail outlet" has the meaning provided in RCW 69.50.101.

11 (21) "Secretary" means the secretary of the department of
12 health.

13 (22) "THC concentration" has the meaning provided in RCW
14 69.50.101.

15 (23) "Useable marijuana" has the meaning provided in RCW
16 69.50.101.

17 (24) "Public place" has the meaning provided in RCW 70.160.020.

18 (25) "Housing unit" means a house, an apartment, a mobile home,
19 a group of rooms, or a single room that is occupied as separate
20 living quarters, in which the occupants live and eat separately from
21 any other persons in the building, and which have direct access from
22 the outside of the building or through a common hall.

23

24 **Sec. 18.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended
25 to read as follows:

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

34

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

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

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

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

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

25 (i) Have a documented relationship with the patient, as a
26 principal care provider or a specialist, relating to the diagnosis
27 and ongoing treatment or monitoring of the patient's terminal or
28 debilitating medical condition, as appropriate based on the
29 patient's condition and age;

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

32 (~~(ii) Documenting~~) (iii) Document the terminal or debilitating
33 medical condition of the patient in the patient's medical record and
34

1 that the patient may benefit from treatment of this condition or its
2 symptoms with medical use of ~~((cannabis))~~ marijuana;

3 ~~((iii) Informing))~~ (iv) Inform the patient of other options for
4 treating the terminal or debilitating medical condition; ~~((and~~
5 ~~(iv) Documenting))~~ (v) Document other measures attempted to
6 treat the terminal or debilitating medical condition that do not
7 involve the medical use of ~~((cannabis))~~ marijuana; and
8 (vi) Complete an authorization on forms developed by the
9 department, in accordance with subsection (3) of this section.

10 ~~((b))~~ (c) A health care professional shall not:

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

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

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

23 (iv) Have a business or practice which consists ~~((solely))~~
24 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana;

25 (v) ~~((Include any statement or reference, visual or otherwise,~~
26 ~~on the medical use of cannabis in any advertisement for his or her~~
27 ~~business or practice))~~ Except as provided in section 34 of this act,
28 sell, or provide at a reduced cost or no charge, marijuana
29 concentrates, marijuana-infused products, or useable marijuana to a
30 qualifying patient or designated provider; or

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

1 (3) (~~A violation of any provision of subsection (2) of this~~
2 ~~section constitutes unprofessional conduct under chapter 18.130~~
3 ~~RCW.~~) The department shall develop the form for the health care
4 professional to use as an authorization for qualifying patients and
5 designated providers. The form shall include the qualifying
6 patient's or designated provider's name and date of birth; the
7 health care professional's name, address, and license number; a
8 telephone number where the authorization can be verified during
9 normal business hours; the dates of issuance and expiration; and a
10 statement that an authorization does not provide protection from
11 arrest unless the qualifying patient or designated provider is also
12 entered in the registry and holds a recognition card.

13 (4) Until July 1, 2016, a health care professional who, within a
14 three month calendar period, as designated by the department,
15 authorizes the medical use of marijuana to more than ninety patients
16 must report the number of authorizations issued.

17
18 NEW SECTION. Sec. 19. A new section is added to chapter 69.51A
19 RCW to read as follows:

20 As part of authorizing a qualifying patient or designated
21 provider, the health care professional may include recommendations
22 on the amount of marijuana that is likely needed by the qualifying
23 patient for his or her medical needs and in accordance with this
24 section. The qualifying patient or designated provider may grow, in
25 his or her domicile, up to fifteen plants for the personal medical
26 use of the qualifying patient and possess up to twenty-four ounces
27 of useable marijuana produced from his or her plants. In addition,
28 if the qualifying patient or designated provider has been entered in
29 the registry and holds a recognition card, he or she may purchase at
30 a retail outlet holding a medical marijuana endorsement a
31 combination of the following: Forty-eight ounces of marijuana-
32 infused product in solid form; three ounces of useable marijuana;
33 two hundred sixteen ounces of marijuana-infused product in liquid
34 form; or twenty-one grams of marijuana concentrates.

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

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

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

9 (b) The parent or guardian acts as the designated provider for
10 the minor and has sole control over the minor's marijuana.

11 (2) The minor may not grow plants or purchase marijuana-infused
12 products, useable marijuana, or marijuana concentrates from a
13 marijuana retailer with a medical marijuana endorsement.

14 (3) Both the minor and the minor's parent or guardian who is
15 acting as the designated provider must be entered in the registry
16 and hold a recognition card.

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

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

25 (b) Reexamine the minor as frequently as medically indicated.
26 The reexamination must:

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

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

33

34

1 NEW SECTION. **Sec. 21.** A new section is added to chapter 69.51A
2 RCW to read as follows:

3 (1) By July 1, 2016, the department of health shall, in
4 consultation with the state liquor and cannabis board, adopt rules for
5 the creation, implementation, maintenance, and timely upgrading of a
6 secure and confidential registration system that allows:

7 (a) A peace officer to verify at any time whether a health care
8 professional, a marijuana retailer with a medical marijuana
9 endorsement, or another entity authorized by the department to enter
10 qualifying patients and designated providers into the registry has
11 registered a person who has been contacted by that peace officer and
12 has provided that peace officer information necessary to verify his or
13 her registration as either a qualifying patient or a designated
14 provider; and

15 (b) A peace officer to verify at any time during ordinary business
16 hours of the department of health whether a health care professional a
17 marijuana retailer with a medical marijuana endorsement, or another
18 entity authorized by the department to enter qualifying patients and
19 designated providers into the registry has registered a person as
20 either a qualifying patient or a designated provider.

21 (2) After a qualifying patient or designated provider is placed
22 in the registry, he or she must be provided with a recognition card
23 that contains the following information:

24 (a) A randomly generated and unique identifying number;

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

27 (c) The effective date and expiration date of the recognition
28 card;

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

31 (e) For the recognition card, additional security features as
32 necessary to ensure its validity.

33 (3) Registration in the system shall be optional for qualifying
34 patients and designated providers and registrations are valid for one

1 year, except that qualifying patients must be able to remove themselves from the registry at any time. The department of health must adopt rules providing for registration renewals and for removing expired registrations and expired or revoked licenses from the registry.

(4) Fees, including renewal fees, for qualifying patients and designated providers participating in the registration system shall be limited to the cost to the state of implementing, maintaining, and enforcing the provisions of this section and the rules adopted to carry out its purposes.

(5) During the rule-making process, the department of health shall consult with stakeholders and persons with relevant expertise, to include, but not be limited to, qualifying patients, designated providers, health care professionals, state and local law enforcement agencies, and the University of Washington computer science and engineering security and privacy research lab.

(6) The registration system shall meet the following requirements:

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

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

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

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

(7) The registration system shall maintain a log of each verification query submitted by a peace officer, including the peace

1 officer's name, agency, and identification number, for a period of no
2 less than three years from the date of the query. Personally
3 identifiable information of qualifying patients and designated
4 providers included in the log shall be confidential and exempt from
5 public disclosure, inspection, or copying under chapter 42.56 RCW:
6 PROVIDED, That:

7 (a) Names and other personally identifiable information from the
8 list may be released only to:

9 (i) Authorized employees of the department of health as necessary
10 to perform official duties of either department; or

11 (ii) Authorized employees of state or local law enforcement
12 agencies, only as necessary to verify that the person or location is a
13 qualified patient, designated provider, licensed producer, licensed
14 processor of cannabis products, or licensed dispenser, and only after
15 the inquiring employee has provided adequate identification.
16 Authorized employees who obtain personally identifiable information
17 under this subsection may not release or use the information for any
18 purpose other than verification that a person or location is a
19 qualified patient, designated provider, licensed producer, licensed
20 processor of cannabis products, or licensed dispenser;

21 (b) Information contained in the registration system may be
22 released in aggregate form, with all personally identifying
23 information redacted, for the purpose of statistical analysis and
24 oversight of agency performance and actions;

25 (c) The subject of a registration query may appear during ordinary
26 department of health business hours and inspect or copy log records
27 relating to him or her upon adequate proof of identity; and

28 (d) The subject of a registration query may submit a written
29 request to the department of health, along with adequate proof of
30 identity, for copies of log records relating to him or her.

31 (8) This section does not prohibit a department of health employee
32 from contacting state or local law enforcement for assistance during
33 an emergency or while performing his or her duties under this chapter.

34

1 (9) Fees collected under this section must be deposited into the
2 health professions account under RCW 43.70.320.

3

4 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.51A
5 RCW to read as follows:

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

7 (a) Access the registry for any reason not authorized under
8 section 21 of this act;

9 (b) Disclose any information received from the database in
10 violation of section 21 of this act including, but not limited to,
11 qualifying patient or designated provider names, addresses, or
12 amount of marijuana for which they are authorized;

13 (c) Produce a recognition card or to tamper with a recognition
14 card for the purpose of having it accepted by a marijuana retailer
15 holding a medical marijuana endorsement in order to purchase
16 marijuana as a qualifying patient or designated provider or to grow
17 marijuana plants in accordance with this chapter; or

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

23 (2) A person who violates this section is guilty of a class C
24 felony.

25

26 **Sec. 23.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended
27 to read as follows:

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

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

8 (1)(a) The qualifying patient or designated provider possesses
9 no more than fifteen (~~cannabis~~) marijuana plants and:

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

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

15 (iii) A combination of useable (~~cannabis~~) marijuana and
16 (~~cannabis~~) marijuana product that does not exceed a combined total
17 representing possession and processing of no more than twenty-four
18 ounces of useable (~~cannabis~~) marijuana; or

19 (iv) The amount of marijuana concentrates, useable marijuana,
20 plants, or marijuana-infused products authorized under section 19 of
21 this act.

22 (~~(b)~~) If a person is both a qualifying patient and a
23 designated provider for another qualifying patient, the person may
24 possess no more than twice the amounts described in (a) of this
25 subsection or section 19 of this act for the qualifying patient and
26 designated provider, whether the plants, (~~useable cannabis, and~~
27 ~~cannabis product~~) marijuana concentrates, useable marijuana, or
28 marijuana-infused products are possessed individually or in
29 combination between the qualifying patient and his or her designated
30 provider;

31 (~~(2)~~) (b) The qualifying patient or designated provider
32 presents his or her (~~proof of registration with the department of~~
33 ~~health,~~) valid authorization or recognition card to any (~~peace~~)

34

1 law enforcement officer who questions the patient or provider
2 regarding his or her medical use of (~~(cannabis)~~) marijuana;
3 (~~(3)~~) (c) The qualifying patient or designated provider keeps
4 a copy of his or her (~~(proof of registration with the registry~~
5 ~~established in section 901 of this act)~~) valid authorization or
6 recognition card and the qualifying patient or designated provider's
7 contact information posted prominently next to any (~~(cannabis)~~)
8 marijuana plants, (~~(cannabis)~~) marijuana concentrates, marijuana-
9 infused products, or useable (~~(cannabis)~~) marijuana located at his
10 or her residence;

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

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

16 (~~(b)~~) (ii) The qualifying patient has converted cannabis
17 produced or obtained for his or her own medical use to the
18 qualifying patient's personal, nonmedical use or benefit; and

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

23 ~~(6)~~) or

24 (2) The (~~(investigating peace officer has not observed evidence~~
25 ~~of any of the circumstances identified in section 901(4))~~)
26 qualifying patient or designated provider participates in a
27 cooperative as provided in section 25 of this act.

28

29 **Sec. 24.** RCW 69.51A.043 and 2011 c 181 s 402 are each amended
30 to read as follows:

31 (1) A qualifying patient or designated provider who has a valid
32 authorization from his or her health care professional, but is not
33 (~~(registered with the registry established in section 901 of this~~
34 ~~act)~~) entered in the registry and does not have a recognition card

1 may raise the affirmative defense set forth in subsection (2) of
2 this section, if:

3 (a) The qualifying patient or designated provider presents his
4 or her (~~valid documentation to any peace~~) authorization to any law
5 enforcement officer who questions the patient or provider regarding
6 his or her medical use of (~~cannabis~~) marijuana;

7 (b) The qualifying patient or designated provider possesses no
8 more (~~cannabis~~) marijuana than the limits set forth in RCW
9 69.51A.040(1) or section 19 of this act;

10 (c) The qualifying patient or designated provider is in
11 compliance with all other terms and conditions of this chapter;

12 (d) The investigating (~~peace~~) law enforcement officer does not
13 have probable cause to believe that the qualifying patient or
14 designated provider has committed a felony, or is committing a
15 misdemeanor in the officer's presence, that does not relate to the
16 medical use of (~~cannabis~~) marijuana; and

17 (e) No outstanding warrant for arrest exists for the qualifying
18 patient or designated provider(~~;~~ ~~and~~

19 ~~(f) The investigating peace officer has not observed evidence of~~
20 ~~any of the circumstances identified in section 901(4) of this act)).~~

21 (2) A qualifying patient or designated provider who is not
22 (~~registered with the registry established in section 901 of this~~
23 ~~act~~) entered in the registry and does not have a recognition card,
24 but who presents his or her (~~valid documentation~~) authorization to
25 any (~~peace~~) law enforcement officer who questions the patient or
26 provider regarding his or her medical use of (~~cannabis~~) marijuana,
27 may assert an affirmative defense to charges of violations of state
28 law relating to (~~cannabis~~) marijuana through proof at trial, by a
29 preponderance of the evidence, that he or she otherwise meets the
30 requirements of RCW 69.51A.040. A qualifying patient or designated
31 provider meeting the conditions of this subsection but possessing
32 more (~~cannabis~~) marijuana than the limits set forth in RCW
33 69.51A.040(1) or section 19 of this act may, in the investigating
34 (~~peace~~) law enforcement officer's discretion, be taken into

1 custody and booked into jail in connection with the investigation of
2 the incident.

3

4 NEW SECTION. **Sec. 25.** A new section is added to chapter 69.51A
5 RCW to read as follows:

6 (1) Nothing in this chapter or in the rules adopted to implement
7 it precludes a qualifying patient or designated provider from
8 engaging in private, unlicensed, noncommercial cooperatives for the
9 purposes of producing, processing, transporting, delivering, or
10 administering of marijuana for medical use, subject to the following
11 conditions:

12 (a) No more than eight qualifying patients may participate in a
13 single cooperative;

14 (b) A cooperative may contain no more than fifteen plants per
15 patient up to a total of sixty plants;

16 (c) A cooperative may contain no more than twenty-four ounces of
17 useable marijuana per patient up to a total of seventy-two ounces of
18 useable marijuana;

19 (d) A copy of each qualifying patient's authorization, including
20 a copy of the patient's proof of identity, must be available at all
21 times on the premises of the cooperative;

22 (e) Members of the cooperative who are qualifying patients and are
23 between eighteen and twenty-one years old must hold a valid
24 recognition card. A copy of the recognition card for each qualifying
25 patient who is between eighteen and twenty-one years old must be
26 available at all times on the premises of the cooperative. The
27 designated provider of a qualifying patient who is less than
28 eighteen years old may participate on behalf of the qualifying
29 patient;

30 (f) Documentation of all participants in the cooperative, as
31 required under subsections (1)(d) and (e) of this section, must be
32 maintained at the location of the cooperative for at least two years.

33

34

1 (g) No useable cannabis from the cooperative may be delivered to
2 anyone other than one of the qualifying patients participating in
3 the cooperative;

4 (h) The cooperative must not conduct sales of any kind;

5 (i) The cooperative must not engage in any commercial activity,
6 including advertising; and

7 (j) If a qualifying patient or designated provider no longer
8 participates in the cooperative, the cooperative may not accept any
9 new qualifying patient or designated provider for fifteen days from
10 the date the qualifying patient or designated provider ceases
11 participation. No more than six qualifying patients or designated
12 providers may be newly accepted to the cooperative within a twelve-
13 month period. Documentation of all participants in the cooperative
14 must be maintained at the location for at least two years.

15 (2) For purposes of this section, the creation of a
16 "cooperative" means qualifying patients sharing responsibility for
17 acquiring and supplying the resources required to produce and
18 process marijuana for medical use such as, for example: a location
19 for a cooperative; equipment, supplies, and labor necessary to
20 plant, grow, and harvest marijuana; marijuana plants, seeds, and
21 cuttings; and equipment, supplies, and labor necessary for proper
22 construction, plumbing, wiring, and ventilation of a garden of
23 marijuana plants.

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

27

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

30 (1) Notwithstanding any other provision of this chapter and even
31 if multiple qualifying patients or designated providers reside in
32 the same housing unit, no more than fifteen plants may be grown or
33 located in any one housing unit other than a cooperative established
34 pursuant to section 25 of this act or designated providers.

1 (2) Neither the production nor processing of marijuana or
2 marijuana-infused products pursuant to this section nor the storage
3 or growing of plants may occur if any portion of such activity can
4 be readily seen by normal unaided vision or readily smelled from a
5 public place or the private property of another housing unit.

6 (3) Cities, towns, counties, and other municipalities may create
7 and enforce civil penalties, including abatement procedures, for the
8 growing or processing of marijuana and for keeping marijuana plants
9 beyond or otherwise not in compliance with this section.

10

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

13 (1) Once the state liquor and cannabis board adopts rules under
14 subsection (2) of this section, qualifying patients or designated
15 providers may only extract or separate the resin from marijuana in
16 accordance with those standards.

17 (2) The state liquor and cannabis board must adopt rules
18 permitting qualifying patients and designated providers to extract
19 or separate the resin from marijuana using noncombustible methods.
20 The rules must provide the noncombustible methods permitted and any
21 restrictions on this practice.

22

23 **Sec. 28.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended
24 to read as follows:

25 (1) A qualifying patient or designated provider in possession of
26 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~
27 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the
28 limits set forth in ~~((RCW 69.51A.040(1)))~~ this chapter but otherwise
29 in compliance with all other terms and conditions of this chapter
30 may establish an affirmative defense to charges of violations of
31 state law relating to ~~((cannabis))~~ marijuana through proof at trial,
32 by a preponderance of the evidence, that the qualifying patient's
33 necessary medical use exceeds the amounts set forth in RCW
34 69.51A.040(~~((1))~~).

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

10

11 **Sec. 29.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
12 to read as follows:

13 (1)(a) The arrest and prosecution protections established in RCW
14 69.51A.040 may not be asserted in a supervision revocation or
15 violation hearing by a person who is supervised by a corrections
16 agency or department, including local governments or jails, that has
17 determined that the terms of this section are inconsistent with and
18 contrary to his or her supervision.

19 (b) The affirmative defenses established in RCW 69.51A.043(~~(7)~~)
20 and 69.51A.045(~~(, 69.51A.047, and section 407 of this act)~~) may not
21 be asserted in a supervision revocation or violation hearing by a
22 person who is supervised by a corrections agency or department,
23 including local governments or jails, that has determined that the
24 terms of this section are inconsistent with and contrary to his or
25 her supervision.

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

32 (~~(3) A person may not be licensed as a licensed producer,~~
33 ~~licensed processor of cannabis products, or a licensed dispenser~~
34 ~~under section 601, 602, or 701 of this act if he or she is~~

1 ~~supervised for a criminal conviction by a corrections agency or~~
2 ~~department, including local governments or jails, that has~~
3 ~~determined that licensure is inconsistent with and contrary to his~~
4 ~~or her supervision.))~~

5

6 **Sec. 30.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended
7 to read as follows:

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

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

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

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

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

34

1 ~~((5))~~ (6) Nothing in this chapter authorizes the use of
2 medical ~~((cannabis))~~ marijuana by any person who is subject to the
3 Washington code of military justice in chapter 38.38 RCW.

4 ~~((6))~~ (7) Employers may establish drug-free work policies.
5 Nothing in this chapter requires an accommodation for the medical
6 use of ~~((cannabis))~~ marijuana if an employer has a drug-free
7 workplace.

8 ~~((7) It is a class C felony to fraudulently produce any record
9 purporting to be, or tamper with the content of any record for the
10 purpose of having it accepted as, valid documentation under RCW
11 69.51A.010(32)(a), or to backdate such documentation to a time
12 earlier than its actual date of execution.))~~

13 (8) No person shall be entitled to claim the protection from
14 arrest and prosecution under RCW 69.51A.040 or the affirmative
15 defense under RCW 69.51A.043 for engaging in the medical use of
16 ~~((cannabis))~~ marijuana in a way that endangers the health or well-
17 being of any person through the use of a motorized vehicle on a
18 street, road, or highway, including violations of RCW 46.61.502 or
19 46.61.504, or equivalent local ordinances.

20

21 **Sec. 31.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended
22 to read as follows:

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

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

29 (b) No person under the age of eighteen may participate in a
30 collective garden or receive marijuana that was produced, processed,
31 transported, or delivered through a collective garden. A designated
32 provider for a person who is under the age of eighteen may
33 participate in a collective garden on behalf of the person under the
34 age of eighteen;

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

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

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

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

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

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

26

27 NEW SECTION. **Sec. 32.** A new section is added to chapter 69.50
28 RCW to read as follows:

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

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

33 (b) A marijuana retailer holding a medical marijuana endorsement
34 is selling to persons under the age of eighteen or selling to

1 persons between the ages of eighteen and twenty-one who do not hold
2 valid recognition cards;

3 (c) Until July 1, 2016, collective gardens under RCW 69.51A.085
4 are providing marijuana to persons under the age of eighteen; or

5 (d) A cooperative organized under section 25 of this act is
6 permitting a person under the age of eighteen to participate.

7 (2) Every person under the age of twenty-one years who purchases
8 or attempts to purchase marijuana from a marijuana retailer is
9 guilty of a violation of this section. This section does not apply
10 to:

11 (a) Persons between the ages of eighteen and twenty-one who hold
12 valid recognition cards and purchase marijuana at a marijuana retail
13 outlet holding a medical marijuana endorsement;

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

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

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

33
34

1 (5) Every person under the age of twenty-one who is convicted of
2 a violation of this section is guilty of a misdemeanor punishable as
3 provided by RCW 9A.20.021.

4

5 **Sec. 33.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended
6 to read as follows:

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

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

26

27 NEW SECTION. **Sec. 34.** 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
30 care professional from selling or donating topical, noningestible
31 products that have a THC concentration of less than .3 percent to
32 qualifying patients.

33

34

1 NEW SECTION. **Sec. 35.** A new section is added to chapter 69.51A
2 RCW to read as follows:

3 Employers of a health care professional may not prohibit or
4 limit the authority of any health care professional to:

5 (1) Advise a patient about the risks and benefits of the medical
6 use of marijuana or that the patient may benefit from the medical
7 use of marijuana; or

8 (2) Provide a patient or designated provider meeting the
9 criteria established under RCW 69.51A.010 with an authorization,
10 based upon the health care professional's assessment of the
11 patient's medical history and current medical condition, if the
12 health care professional has complied with this chapter and he or
13 she determines within a professional standard of care or in the
14 individual health care professional's medical judgment the
15 qualifying patient may benefit from the medical use of marijuana.
16

17 NEW SECTION. **Sec. 36.** A new section is added to chapter 69.51A
18 RCW to read as follows:

19 A medical marijuana consultant certificate is hereby
20 established.

21 (1) In addition to any other authority provided by law, the
22 secretary of the department may:

23 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
24 to implement this chapter;

25 (b) Establish forms and procedures necessary to administer this
26 chapter;

27 (c) Approve training or education programs that meet the
28 requirements of this section and any rules adopted to implement it;

29 (d) Receive criminal history record information that includes
30 nonconviction information data for any purpose associated with
31 initial certification or renewal of certification. The secretary
32 shall require each applicant for initial certification to obtain a
33 state or federal criminal history record information background
34 check through the state patrol or the state patrol and the

1 identification division of the federal bureau of investigation prior
2 to the issuance of any certificate. The secretary shall specify
3 those situations where a state background check is inadequate and an
4 applicant must obtain an electronic fingerprint-based national
5 background check through the state patrol and federal bureau of
6 investigation. Situations where a background check is inadequate may
7 include instances where an applicant has recently lived out-of-state
8 or where the applicant has a criminal record in Washington;

9 (e) Establish administrative procedures, administrative
10 requirements, and fees in accordance with RCW 43.70.110 and
11 43.70.250; and

12 (f) Maintain the official department record of all applicants
13 and certificate holders.

14 (2) A training or education program approved by the secretary
15 must include the following topics:

16 (a) The medical conditions that constitute terminal or
17 debilitating conditions, and the symptoms of those conditions;

18 (b) Short and long-term effects of cannabinoids;

19 (c) Products that may benefit qualifying patients based on the
20 patient's terminal or debilitating medical condition;

21 (d) Risks and benefits of various routes of administration;

22 (e) Safe handling and storage of useable marijuana, marijuana-
23 infused products, and marijuana concentrates, including strategies
24 to reduce access by minors;

25 (f) Demonstrated knowledge of this chapter and the rules adopted
26 to implement it; and

27 (g) Other subjects deemed necessary and appropriate by the
28 secretary to ensure medical marijuana consultant certificate holders
29 are able to provide evidence-based and medically accurate advice on
30 the medical use of marijuana.

31 (3) Medical marijuana consultant certificates are subject to
32 annual renewals and continuing education requirements established by
33 the secretary.

34

1 (4) The secretary shall have the power to refuse, suspend, or
2 revoke the certificate of any medical marijuana consultant upon
3 proof that:

4 (a) The certificate was procured through fraud,
5 misrepresentation, or deceit;

6 (b) The certificate holder has committed acts in violation of
7 subsection (6) of this section; or

8 (c) The certificate holder has violated or has permitted any
9 employee or volunteer to violate any of the laws of this state
10 relating to drugs or controlled substances or has been convicted of
11 a felony.

12 In any case of the refusal, suspension, or revocation of a
13 certificate by the secretary under the provisions of this chapter,
14 appeal may be taken in accordance with chapter 34.05 RCW, the
15 administrative procedure act.

16 (5) A medical marijuana consultant may provide the following
17 services when acting as an owner, employee, or volunteer of a retail
18 outlet licensed under RCW 69.50.354 and holding a medical marijuana
19 endorsement under section 10 of this act:

20 (a) Assisting a customer with the selection of products sold at
21 the retail outlet that may benefit the qualifying patient's terminal
22 or debilitating medical condition;

23 (b) Describing the risks and benefits of products sold at the
24 retail outlet;

25 (c) Describing the risks and benefits of methods of
26 administration of products sold at the retail outlet;

27 (d) Advising a customer about the safe handling and storage of
28 useable marijuana, marijuana-infused products, and marijuana
29 concentrates, including strategies to reduce access by minors; and

30 (e) Providing instruction and demonstrations to customers about
31 proper use and application of useable marijuana, marijuana-infused
32 products, and marijuana concentrates.

33 (6) Nothing in this section authorizes a medical marijuana
34 consultant to:

1 (a) Offer or undertake to diagnose or cure any human disease,
2 ailment, injury, infirmity, deformity, pain, or other condition,
3 physical or mental, real or imaginary, by use of marijuana or any
4 other means or instrumentality; or

5 (b) Recommend or suggest modification or elimination of any
6 course of treatment that does not involve the medical use of
7 marijuana.

8 (7) Nothing in this section requires an owner, employee, or
9 volunteer of a retail outlet licensed under RCW 69.50.354 to obtain
10 a medical marijuana consultant certification.

11 (8) Nothing in this section applies to the practice of a health
12 care profession by individuals who are licensed, certified, or
13 registered in a profession listed in RCW 18.130.040(2) and who are
14 performing services within their authorized scope of practice.

15
16 NEW SECTION. **Sec. 37.** A new section is added to chapter 69.51A
17 RCW to read as follows:

18 The board of naturopathy, the board of osteopathic medicine and
19 surgery, the medical quality assurance commission, and the nursing
20 care quality assurance commission shall develop and approve
21 continuing education programs related to the use of marijuana for
22 medical purposes for the health care providers that they each
23 regulate that are based upon practice guidelines that have been
24 adopted by each entity.

25
26 **Sec. 38.** RCW 43.70.320 and 2008 c 134 s 16 are each amended to
27 read as follows:

28 (1) There is created in the state treasury an account to be
29 known as the health professions account. All fees received by the
30 department for health professions licenses, registration,
31 certifications, renewals, or examinations and the civil penalties
32 assessed and collected by the department under RCW 18.130.190 shall
33 be forwarded to the state treasurer who shall credit such moneys to
34 the health professions account.

1 (2) All expenses incurred in carrying out the health professions
2 licensing activities of the department and implementing and
3 administering the registry established in section 21 of this act
4 shall be paid from the account as authorized by legislative
5 appropriation, except as provided in subsection (4) of this section.
6 Any residue in the account shall be accumulated and shall not revert
7 to the general fund at the end of the biennium.

8 (3) The secretary shall biennially prepare a budget request
9 based on the anticipated costs of administering the health
10 professions licensing activities of the department which shall
11 include the estimated income from health professions fees.

12 (4) The secretary shall, at the request of a board or commission
13 as applicable, spend unappropriated funds in the health professions
14 account that are allocated to the requesting board or commission to
15 meet unanticipated costs of that board or commission when revenues
16 exceed more than fifteen percent over the department's estimated
17 six-year spending projections for the requesting board or
18 commission. Unanticipated costs shall be limited to spending as
19 authorized in subsection (3) of this section for anticipated costs.
20

21 NEW SECTION. **Sec. 39.** A new section is added to chapter 82.04
22 RCW to read as follows:

23 (1) This chapter does not apply to any cooperative in respect to
24 growing marijuana, or manufacturing marijuana concentrates, useable
25 marijuana, or marijuana-infused products, as those terms are defined
26 in RCW 69.50.101.

27 (2) The tax preference authorized in this section is not subject
28 to the provisions of RCW 82.32.805 and 82.32.808.
29

30 NEW SECTION. **Sec. 40.** (1) The department of health must
31 develop recommendations on establishing medical marijuana specialty
32 clinics that would allow for the authorization and dispensing of
33 marijuana to patients of health care professionals who work on-site
34

1 of the clinic and who are certified by the department of health in
2 the medical use of marijuana.

3 (2) Recommendations must be reported to the chairs of the health
4 care committees of both the senate and house of representatives by
5 December 1, 2015.

6

7 NEW SECTION. **Sec. 41.** All references to the Washington state
8 liquor control board must be construed as referring to the
9 Washington state liquor and cannabis board. The code reviser must
10 prepare legislation for the 2016 legislative session changing all
11 references in the Revised Code of Washington from the Washington
12 state liquor control board to the Washington state liquor and
13 cannabis board.

14

15 **Sec. 42.** RCW 69.51A.020 and 2011 c 181 s 103 are each amended
16 to read as follows:

17 Nothing in this chapter shall be construed to supersede
18 Washington state law prohibiting the acquisition, possession,
19 manufacture, sale, or use of (~~cannabis~~) marijuana for nonmedical
20 purposes. Criminal penalties created under chapter 181, Laws of 2011
21 do not preclude the prosecution or punishment for other crimes,
22 including other crimes involving the manufacture or delivery of
23 (~~cannabis~~) marijuana for nonmedical purposes.

24

25 **Sec. 43.** RCW 69.51A.025 and 2011 c 181 s 413 are each amended
26 to read as follows:

27 Nothing in this chapter or in the rules adopted to implement it
28 precludes a qualifying patient or designated provider from engaging
29 in the private, unlicensed, noncommercial production, possession,
30 transportation, delivery, or administration of (~~cannabis~~)
31 marijuana for medical use as authorized under RCW 69.51A.040.

32

33 **Sec. 44.** RCW 69.51A.047 and 2011 c 181 s 406 are each amended
34 to read as follows:

1 A qualifying patient or designated provider who is not
2 registered (~~(with the registry established in section 901 of this~~
3 ~~act)~~) or does not present his or her valid documentation to a peace
4 officer who questions the patient or provider regarding his or her
5 medical use of (~~(cannabis))~~ marijuana but is in compliance with all
6 other terms and conditions of this chapter may establish an
7 affirmative defense to charges of violations of state law relating
8 to (~~(cannabis))~~ marijuana through proof at trial, by a preponderance
9 of the evidence, that he or she was a validly authorized qualifying
10 patient or designated provider at the time of the officer's
11 questioning. A qualifying patient or designated provider who
12 establishes an affirmative defense under the terms of this section
13 may also establish an affirmative defense under RCW 69.51A.045.

14

15 **Sec. 45.** RCW 69.51A.200 and 2011 c 181 s 1001 are each amended
16 to read as follows:

17 (1) By July 1, 2014, the Washington state institute for public
18 policy shall, within available funds, conduct a cost-benefit
19 evaluation of the implementation of chapter 181, Laws of 2011 and
20 the rules adopted to carry out its purposes.

21 (2) The evaluation of the implementation of chapter 181, Laws of
22 2011 and the rules adopted to carry out its purposes shall include,
23 but not necessarily be limited to, consideration of the following
24 factors:

25 (a) Qualifying patients' access to an adequate source of
26 (~~(cannabis))~~ marijuana for medical use;

27 (b) Qualifying patients' access to a safe source of (~~(cannabis))~~
28 marijuana for medical use;

29 (c) Qualifying patients' access to a consistent source of
30 (~~(cannabis))~~ marijuana for medical use;

31 (d) Qualifying patients' access to a secure source of
32 (~~(cannabis))~~ marijuana for medical use;

33 (e) Qualifying patients' and designated providers' contact with
34 law enforcement and involvement in the criminal justice system;

1 (f) Diversion of (~~cannabis~~) marijuana intended for medical use
2 to nonmedical uses;

3 (g) Incidents of home invasion burglaries, robberies, and other
4 violent and property crimes associated with qualifying patients
5 accessing (~~cannabis~~) marijuana for medical use;

6 (h) Whether there are health care professionals who make a
7 disproportionately high amount of authorizations in comparison to
8 the health care professional community at large;

9 (i) Whether there are indications of health care professionals
10 in violation of RCW 69.51A.030; and

11 (j) Whether the health care professionals making authorizations
12 reside in this state or out of this state.

13 (3) For purposes of facilitating this evaluation, the
14 departments of health and agriculture will make available to the
15 Washington state institute for public policy requested data, and any
16 other data either department may consider relevant, from which all
17 personally identifiable information has been redacted.

18

19 NEW SECTION. **Sec. 46.** The following acts or parts of acts are
20 each repealed:

21 (1)RCW 69.51A.070 (Addition of medical conditions) and 2007 c
22 371 s 7 & 1999 c 2 s 9;

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

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

27

28 NEW SECTION. **Sec. 47.** RCW 69.51A.085 (Collective gardens) and
29 2015 c ... s 31 (section 31 of this act) and 2011 c 181 s 403 are
30 each repealed.

31

32 NEW SECTION. **Sec. 48.** Sections 12, 19, 20, 21, 22 through 25,
33 30, 34, 39, and 47 of this act take effect July 1, 2016.

34

1 NEW SECTION. **Sec. 49.** Sections 20, 21, 31, and 32 of this act
2 take effect October 1, 2015.

3

4 NEW SECTION. **Sec. 50.** This act takes effect on the dates
5 provided in section 48 of this act if House Bill No. 2136, or any
6 subsequent version of House Bill No. 2136, is enacted into law by
7 October 1, 2015.

8

9 Correct the title."

10

EFFECT: Changes references to the "Medical Marijuana
Authorization Database" to the "registry." Allows qualifying
patients to be added to the registry by a health care professional,
a marijuana retailer with a medical marijuana endorsement, or
another authorized entity. Limits access to the registry to only
peace officers for purposes of verifying that a person has been
entered in the registry as a qualifying patient or a designated
provider. Removes the requirement that recognition cards include a
photograph of the qualifying patient or designated provider and
specify the amount of recommended marijuana.

Eliminates the tiers of priority for applicants for producer,
processor, or retailer licenses and gives preference to applicants
who operated or were employed by a collective garden before January
1, 2013, have had state and local business licenses, and have paid
applicable taxes. Directs the Office of Financial Management to
consider the number of producers and processors, in addition to
retailers, needed to meet the needs of qualifying patients and
adjust the number of licenses accordingly.

Removes the Department of Health's authority to establish rules for
products to be sold at marijuana retailers with a medical marijuana
endorsement as those rules relate to THC concentration, CBD
concentration, or low THC and high CBD ratios. Allows products to be
sold at a reduced cost, in addition to the current authority to
provide them for no charge.

Allows qualifying patients and designated providers to possess up to
15 plants and 24 ounces of useable marijuana derived from those
plants, regardless of whether the person is registered. Allows
persons who are registered to possess and purchase up to 48 ounces
of solid marijuana-infused product, 3 ounces of useable marijuana,
216 ounces of liquid marijuana-infused product, 21 ounces of
marijuana concentrates at a marijuana retailer with a medical
marijuana endorsement. Provides arrest protection for qualifying

11

patients and designated providers who do not exceed the authorized amount, regardless of whether the person is registered.

Increases the number of qualifying patients and designated providers who may participate in a cooperative from four to eight. Removes the requirements that participants have recognition cards and that the cooperative be registered with and regulated by the Liquor and Cannabis Board (LCB), be at the domicile of one of the members, and be located at least one mile from a marijuana retailer. Removes the requirement that the LCB adopt rules for security at cooperatives, a seed to sale traceability model for cooperatives, and inspection procedures at cooperatives.

Allows qualifying patients who are between 18 and 21 years old to participate in a cooperative if they have a recognition card.

Prohibits a cooperative from replacing a departing qualifying patient or designated provider for 15 days from the date of departure. Prohibits the cooperative from having more than six newly accepted patients within a 12-month period. Requires documentation of participants to be held for at least two years.

Removes the prohibition on persons who are not licensed marijuana processors from producing or processing marijuana concentrates or marijuana-infused products with concentrates not purchased from a licensed marijuana retailer. Allows persons to make marijuana concentrates using "nonexplosive substances" (instead of "nonexplosive home cooking substances").

Removes the crime of a qualifying patient selling, donating, or otherwise supplying marijuana produced by the qualifying patient to another person. Aligns the penalty for the other new crimes created in the act with the current standard sentence applicable to all unranked class C felonies (0-12 months of confinement, a fine of up to \$10,000, or both) by removing the language specifying the maximum term of incarceration of two years and maximum fine of \$2,000.

Removes the requirement that a terminal or debilitating medical condition be severe enough to be objectively assessed as significantly interfering with the patient's activities of daily living and ability to function.

Modifies the requirement that a health care professional have a documented relationship with the patient as a principal care provider or a specialist and allows the nature of the relationship to depend on the age and condition of the patient. Restores the qualification that a physical examination of a patient be done as appropriate based on the patient's age and condition. Requires reexaminations of minors by a health care professional to occur as frequently as medically indicated rather than at least every six months. Removes the requirement that a health care professional

document conversations with patients about aspects of marijuana in the patient's medical record. Removes the expiration of authorizations. Removes the requirement that medical marijuana authorization activities be conducted only in the health care professional's permanent practice location. Removes the authority of health professions disciplining authorities to inspect patient records and the associated inspection procedures.

Modifies the monthly reporting requirement for health care professionals who authorize marijuana for medical use for more than 30 patients per month to a quarterly report for those who issue more than 90 authorizations in a three month period.

Eliminates reference to health care professionals discussing with a patient how to use marijuana and the types of products that should be sought from a retailer.

Restores repealed provisions related to: the construction of the chapter with respect to nonmedical marijuana-related crimes; the construction of the chapter with respect to private, noncommercial production, possession, transportation and delivery of marijuana for medical use; the establishment of affirmative defenses for qualifying patients and designated providers who are not registered and do not present an authorization to a peace officer; and evaluations of the implementation of prior legislation.

Eliminates the emergency clause for certain provisions as instead makes those sections take effect October 1, 2015.

Eliminates legislative findings regarding (1) patients being unaware of the lack of arrest protections even for those in compliance with the law and (2) the lack of safety standards for people using marijuana for medicinal purposes. Declares the Legislature's intent to ensure that patients may participate in private, noncommercial cooperatives.

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