

2SSB 5052 - H AMD

By Representatives Cody and Schmick

ADOPTED AND ENGROSSED 4/10/2015

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

27 The legislature further finds that while possession amounts are
28 provided in statute, these do not amount to protection from arrest
29 and prosecution for patients. In fact, patients in compliance with
30 state law are not provided arrest protection. They may be arrested
31 and their only remedy is to assert an affirmative defense at trial
32 that they are in compliance with the law and have a medical need. Too

1 many patients using marijuana for medical purposes today do not know
2 this; many falsely believe they cannot be arrested so long as their
3 health care provider has authorized them for the medical use of
4 marijuana.

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

32 The legislature, therefore, intends to adopt a comprehensive act
33 that uses the regulations in place for the recreational market to
34 provide regulation for the medical use of marijuana. It intends to
35 ensure that patients retain their ability to grow their own marijuana
36 for their own medical use and it intends to ensure that patients have
37 the ability to possess more marijuana-infused products, useable
38 marijuana, and marijuana concentrates than what is available to a
39 nonmedical user. It further intends that medical specific regulations
40 be adopted as needed and under consultation of the departments of

1 health and agriculture so that safe handling practices will be
2 adopted and so that testing standards for medical products meet or
3 exceed those standards in use in the recreational market.

4 The legislature further intends that the costs associated with
5 implementing and administering the medical marijuana authorization
6 database shall be financed from the health professions account and
7 that these funds shall be restored to the health professions account
8 through future appropriations using funds derived from the dedicated
9 marijuana account.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (2) The term does not include:

15 (i) a controlled substance;

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

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

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

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

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

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

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

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

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

39 (l) "Drug" means (1) a controlled substance recognized as a drug
40 in the official United States pharmacopoeia/national formulary or the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (6) Cocaine base.

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

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

33 (aa) "Opiate" means any substance having an addiction-forming or
34 addiction-sustaining liability similar to morphine or being capable
35 of conversion into a drug having addiction-forming or addiction-
36 sustaining liability. The term includes opium, substances derived
37 from opium (opium derivatives), and synthetic opiates. The term does
38 not include, unless specifically designated as controlled under RCW
39 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan

1 and its salts (dextromethorphan). The term includes the racemic and
2 levorotatory forms of dextromethorphan.

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

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

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

11 (ee) "Practitioner" means:

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

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

34 (3) A physician licensed to practice medicine and surgery, a
35 physician licensed to practice osteopathic medicine and surgery, a
36 dentist licensed to practice dentistry, a podiatric physician and
37 surgeon licensed to practice podiatric medicine and surgery, a
38 licensed physician assistant or a licensed osteopathic physician
39 assistant specifically approved to prescribe controlled substances by
40 his or her state's medical quality assurance commission or equivalent

1 and his or her supervising physician, an advanced registered nurse
2 practitioner licensed to prescribe controlled substances, or a
3 veterinarian licensed to practice veterinary medicine in any state of
4 the United States.

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

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

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

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

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

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

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

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

35 (nn) "Designated provider" has the meaning provided in RCW
36 69.51A.010.

37 (oo) "Qualifying patient" has the meaning provided in RCW
38 69.51A.010.

39 (pp) "CBD concentration" has the meaning provided in RCW
40 69.51A.010.

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

2 (rr) "Recognition card" has the meaning provided in RCW
3 69.51A.010.

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

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

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

1 annual fee for issuance and renewal of a marijuana processor's
2 license shall be one thousand dollars. A separate license shall be
3 required for each location at which a marijuana processor intends to
4 process marijuana.

5 (3) There shall be a marijuana retailer's license to sell
6 marijuana concentrates, useable marijuana, and marijuana-infused
7 products at retail in retail outlets, regulated by the state liquor
8 ~~((control))~~ and cannabis board and subject to annual renewal. The
9 possession, delivery, distribution, and sale of marijuana
10 concentrates, useable marijuana, and marijuana-infused products in
11 accordance with the provisions of this chapter ~~((3, Laws of 2013))~~
12 and the rules adopted to implement and enforce it, by a validly
13 licensed marijuana retailer, shall not be a criminal or civil offense
14 under Washington state law. Every marijuana retailer's license shall
15 be issued in the name of the applicant, shall specify the location of
16 the retail outlet 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 retailer's license shall be two hundred fifty dollars. The
20 annual fee for issuance and renewal of a marijuana retailer's license
21 shall be one thousand dollars. A separate license shall be required
22 for each location at which a marijuana retailer intends to sell
23 marijuana concentrates, useable marijuana, and marijuana-infused
24 products.

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

27 (1) For the purpose of considering any application for a license
28 to produce, process, or sell marijuana, or for the renewal of a
29 license to produce, process, or sell marijuana, the state liquor
30 ~~((control))~~ and cannabis board must conduct a comprehensive, fair,
31 and impartial evaluation of the applications timely received.

32 (a) The state liquor and cannabis board must develop a
33 competitive, merit-based application process that includes, at a
34 minimum, the opportunity for an applicant to demonstrate experience
35 and qualifications in the marijuana industry. The state liquor and
36 cannabis board shall give preference between competing applications
37 in the licensing process to applicants that have the following
38 experience and qualifications, in the following order of priority:

39 (i) First priority is given to applicants who:

1 (A) Applied to the state liquor and cannabis board for a
2 marijuana retailer license prior to July 1, 2014;

3 (B) Operated or were employed by a collective garden before
4 January 1, 2013;

5 (C) Have maintained a state business license and a municipal
6 business license, as applicable in the relevant jurisdiction; and

7 (D) Have had a history of paying all applicable state taxes and
8 fees;

9 (ii) Second priority shall be given to applicants who:

10 (A) Operated or were employed by a collective garden before
11 January 1, 2013;

12 (B) Have maintained a state business license and a municipal
13 business license, as applicable in the relevant jurisdiction; and

14 (C) Have had a history of paying all applicable state taxes and
15 fees; and

16 (iii) Third priority shall be given to all other applicants who
17 do not have the experience and qualifications identified in (a)(i)
18 and (ii) of this subsection.

19 (b) The state liquor and cannabis board may cause an inspection
20 of the premises to be made, and may inquire into all matters in
21 connection with the construction and operation of the premises. For
22 the purpose of reviewing any application for a license and for
23 considering the denial, suspension, revocation, or renewal or denial
24 thereof, of any license, the state liquor (~~(center)~~) and cannabis
25 board may consider any prior criminal conduct of the applicant
26 including an administrative violation history record with the state
27 liquor (~~(center)~~) and cannabis board and a criminal history record
28 information check. The state liquor (~~(center)~~) and cannabis board
29 may submit the criminal history record information check to the
30 Washington state patrol and to the identification division of the
31 federal bureau of investigation in order that these agencies may
32 search their records for prior arrests and convictions of the
33 individual or individuals who filled out the forms. The state liquor
34 (~~(center)~~) and cannabis board shall require fingerprinting of any
35 applicant whose criminal history record information check is
36 submitted to the federal bureau of investigation. The provisions of
37 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.
38 Subject to the provisions of this section, the state liquor
39 (~~(center)~~) and cannabis board may, in its discretion, grant or deny
40 the renewal or license applied for. Denial may be based on, without

1 limitation, the existence of chronic illegal activity documented in
2 objections submitted pursuant to subsections (7)(c) and (9) of this
3 section. Authority to approve an uncontested or unopposed license may
4 be granted by the state liquor ~~((control))~~ and cannabis board to any
5 staff member the board designates in writing. Conditions for granting
6 this authority shall be adopted by rule.

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

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

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

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

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

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

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

35 (c) The state liquor ~~((control))~~ and cannabis board may request
36 the appointment of administrative law judges under chapter 34.12 RCW
37 who shall have power to administer oaths, issue subpoenas for the
38 attendance of witnesses and the production of papers, books,
39 accounts, documents, and testimony, examine witnesses, and to receive
40 testimony in any inquiry, investigation, hearing, or proceeding in

1 any part of the state, under rules and regulations the state liquor
2 (~~control~~) and cannabis board may adopt.

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

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

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

31 (4) Every license issued under chapter 3, Laws of 2013 shall be
32 subject to all conditions and restrictions imposed by chapter 3, Laws
33 of 2013 or by rules adopted by the state liquor (~~control~~) and
34 cannabis board to implement and enforce chapter 3, Laws of 2013. All
35 conditions and restrictions imposed by the state liquor (~~control~~)
36 and cannabis board in the issuance of an individual license shall be
37 listed on the face of the individual license along with the trade
38 name, address, and expiration date.

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

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

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

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

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

34 (d) Upon the granting of a license under this title the state
35 liquor (~~control~~) and cannabis board shall send written notification
36 to the chief executive officer of the incorporated city or town in
37 which the license is granted, or to the county legislative authority
38 if the license is granted outside the boundaries of incorporated
39 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 admission
6 to which is not restricted to persons aged twenty-one years or older.

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

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

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

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

1 the retail outlets and premises where marijuana is produced or
2 processed;

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

7 ((+3)) (c) Methods of producing, processing, and packaging
8 marijuana, useable marijuana, marijuana concentrates, and marijuana-
9 infused products; conditions of sanitation; safe handling
10 requirements; approved pesticides and pesticide testing requirements;
11 and standards of ingredients, quality, and identity of marijuana,
12 useable marijuana, marijuana concentrates, and marijuana-infused
13 products produced, processed, packaged, or sold by licensees;

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

17 ((+5)) (e) Screening, hiring, training, and supervising
18 employees of licensees;

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

20 ((+7)) (g) Labeling requirements and restrictions on
21 advertisement of marijuana, useable marijuana, marijuana
22 concentrates, and marijuana-infused products for sale in retail
23 outlets;

24 ((+8)) (h) Forms to be used for purposes of this chapter (~~3,~~
25 ~~Laws of 2013~~) and chapter 69.51A RCW or the rules adopted to
26 implement and enforce (~~it~~) these chapters, the terms and conditions
27 to be contained in licenses issued under this chapter (~~3,~~ ~~Laws of~~
28 ~~2013~~) and chapter 69.51A RCW, and the qualifications for receiving a
29 license issued under this chapter (~~3,~~ ~~Laws of 2013~~) and chapter
30 69.51A RCW, including a criminal history record information check.
31 The state liquor (~~control~~) and cannabis board may submit any
32 criminal history record information check to the Washington state
33 patrol and to the identification division of the federal bureau of
34 investigation in order that these agencies may search their records
35 for prior arrests and convictions of the individual or individuals
36 who filled out the forms. The state liquor (~~control~~) and cannabis
37 board shall require fingerprinting of any applicant whose criminal
38 history record information check is submitted to the federal bureau
39 of investigation;

1 ~~((9))~~ (i) Application, reinstatement, and renewal fees for
2 licenses issued under this chapter ~~((3, Laws of 2013))~~ and chapter
3 69.51A RCW, and fees for anything done or permitted to be done under
4 the rules adopted to implement and enforce this chapter ~~((3, Laws of~~
5 ~~2013))~~ and chapter 69.51A RCW;

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

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

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

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

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

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

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

38 (a) Application forms for marijuana producers must request the
39 applicant to state whether the applicant intends to produce marijuana

1 for sale by marijuana retailers holding medical marijuana
2 endorsements and the amount of or percentage of canopy the applicant
3 intends to commit to growing plants determined by the department
4 under section 10 of this act to be of a THC concentration, CBD
5 concentration, or THC to CBD ratio appropriate for marijuana
6 concentrates, useable marijuana, or marijuana-infused products sold
7 to qualifying patients.

8 (b) The state liquor and cannabis board must reconsider and
9 increase limits on the amount of square feet permitted to be in
10 production on the effective date of this section and increase the
11 percentage of production space for those marijuana producers who
12 intend to grow plants for marijuana retailers holding medical
13 marijuana endorsements if the marijuana producer designates the
14 increased production space to plants determined by the department
15 under section 10 of this act to be of a THC concentration, CBD
16 concentration, or THC to CBD ratio appropriate for marijuana
17 concentrates, useable marijuana, or marijuana-infused products to be
18 sold to qualifying patients. If current marijuana producers do not
19 use all the increased production space, the state liquor and cannabis
20 board may reopen the license period for new marijuana producer
21 license applicants but only to those marijuana producers who agree to
22 grow plants for marijuana retailers holding medical marijuana
23 endorsements. Priority in licensing must be given to marijuana
24 producer license applicants who have an application pending on the
25 effective date of this section but who are not yet licensed and then
26 to new marijuana producer license applicants. After January 1, 2017,
27 any reconsideration of the limits on the amount of square feet
28 permitted to be in production to meet the medical needs of qualifying
29 patients must consider information contained in the medical marijuana
30 authorization database established in section 21 of this act;

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

34 (a) Population distribution;

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

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

39 (d) The number of retail outlets holding medical marijuana
40 endorsements necessary to meet the medical needs of qualifying

1 patients. The state liquor and cannabis board must reconsider and
2 increase the maximum number of retail outlets it established before
3 the effective date of this section and allow for a new license
4 application period and a greater number of retail outlets to be
5 permitted in order to accommodate the medical needs of qualifying
6 patients and designated providers. After January 1, 2017, any
7 reconsideration of the maximum number of retail outlets needed to
8 meet the medical needs of qualifying patients must consider
9 information contained in the medical marijuana authorization database
10 established in section 21 of this act;

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

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

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

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

25 (a) Security and safety issues;

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

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

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

36 (a) The business or trade name and Washington state unified
37 business identifier number of the licensees that (~~grow~~)
38 processed(~~ed~~) and sold the marijuana, marijuana concentrates,
39 useable marijuana, or marijuana-infused product;

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

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

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

8 (e) Language required by RCW 69.04.480;

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

16 (9) Establishing reasonable time, place, and manner restrictions
17 and requirements regarding advertising of marijuana, marijuana
18 concentrates, useable marijuana, and marijuana-infused products that
19 are not inconsistent with the provisions of this chapter (~~(3, Laws of~~
20 ~~2013)~~), taking into consideration:

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

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

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

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

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

34 (11) In consultation with the department and the department of
35 agriculture, establishing accreditation requirements for testing
36 laboratories used by licensees to demonstrate compliance with
37 standards adopted by the state liquor (~~control~~) and cannabis board,
38 and prescribing methods of producing, processing, and packaging
39 marijuana, marijuana concentrates, useable marijuana, and marijuana-
40 infused products; conditions of sanitation; and standards of

1 ingredients, quality, and identity of marijuana, marijuana
2 concentrates, useable marijuana, and marijuana-infused products
3 produced, processed, packaged, or sold by licensees;

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

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

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

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

27 (1) A medical marijuana endorsement to a marijuana retail license
28 is hereby established to permit a marijuana retailer to sell
29 marijuana for medical use to qualifying patients and designated
30 providers. This endorsement also permits such retailers to provide
31 marijuana at no charge, at their discretion, to qualifying patients
32 and designated providers.

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

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

36 (a) Not authorize the medical use of marijuana for qualifying
37 patients at the retail outlet or permit health care professionals to

1 authorize the medical use of marijuana for qualifying patients at the
2 retail outlet;

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

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

8 (d) Demonstrate the ability to enter qualifying patients and
9 designated providers in the medical marijuana authorization database
10 established in section 21 of this act and issue recognition cards and
11 agree to enter qualifying patients and designated providers into the
12 database and issue recognition cards in compliance with department
13 standards;

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

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

20 (4) The department, in conjunction with the state liquor and
21 cannabis board, must adopt rules on requirements for marijuana
22 concentrates, useable marijuana, and marijuana-infused products that
23 may be sold, or provided at no charge, to qualifying patients or
24 designated providers at a retail outlet holding a medical marijuana
25 endorsement. These rules must include:

26 (a) THC concentration, CBD concentration, or low THC, high CBD
27 ratios appropriate for marijuana concentrates, useable marijuana, or
28 marijuana-infused products sold to qualifying patients or designated
29 providers;

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

34 (c) Other product requirements, including any additional mold,
35 fungus, or pesticide testing requirements, or limitations to the
36 types of solvents that may be used in marijuana processing that the
37 department deems necessary to address the medical needs of qualifying
38 patients;

39 (d) Safe handling requirements for marijuana concentrates,
40 useable marijuana, or marijuana-infused products; and

1 (e) Training requirements for employees.

2 (5) A marijuana retailer holding an endorsement to sell marijuana
3 to qualifying patients or designated providers must train its
4 employees on:

5 (a) Procedures regarding the recognition of valid authorizations
6 and the use of equipment to enter qualifying patients and designated
7 providers into the medical marijuana authorization database;

8 (b) Recognition of valid recognition cards; and

9 (c) Recognition of strains, varieties, THC concentration, CBD
10 concentration, and THC to CBD ratios of marijuana concentrates,
11 useable marijuana, and marijuana-infused products, available for sale
12 when assisting qualifying patients and designated providers at the
13 retail outlet.

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

16 A marijuana retailer or a marijuana retailer holding a medical
17 marijuana endorsement may sell products with a THC concentration of
18 0.3 percent or less. Marijuana retailers holding a medical marijuana
19 endorsement may also provide these products at no charge to
20 qualifying patients or designated providers.

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

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

28 (2) Licensed marijuana retailers shall not employ persons under
29 twenty-one years of age or allow persons under twenty-one years of
30 age to enter or remain on the premises of a retail outlet. However,
31 qualifying patients between eighteen and twenty-one years of age with
32 a recognition card may enter and remain on the premises of a retail
33 outlet holding a medical marijuana endorsement and may purchase
34 products for their personal medical use. Qualifying patients who are
35 under the age of eighteen with a recognition card and who accompany
36 their designated providers may enter and remain on the premises of a
37 retail outlet holding a medical marijuana endorsement, but may not
38 purchase products for their personal medical use.

1 (3)(a) Licensed marijuana retailers must ensure that all
2 employees are trained on the rules adopted to implement this chapter,
3 identification of persons under the age of twenty-one, and other
4 requirements adopted by the state liquor and cannabis board to ensure
5 that persons under the age of twenty-one are not permitted to enter
6 or remain on the premises of a retail outlet.

7 (b) Licensed marijuana retailers with a medical marijuana
8 endorsement must ensure that all employees are trained on the
9 subjects required by (a) of this subsection as well as identification
10 of authorizations and recognition cards. Employees must also be
11 trained to permit qualifying patients who hold recognition cards and
12 are between the ages of eighteen and twenty-one to enter the premises
13 and purchase marijuana for their personal medical use and to permit
14 qualifying patients who are under the age of eighteen with a
15 recognition card to enter the premises if accompanied by their
16 designated providers.

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

24 (~~(4)~~) (5) Licensed marijuana retailers shall not display
25 marijuana concentrates, useable marijuana, or marijuana-infused
26 products in a manner that is visible to the general public from a
27 public right-of-way.

28 (~~(5)~~) (6) No licensed marijuana retailer or employee of a
29 retail outlet shall open or consume, or allow to be opened or
30 consumed, any marijuana concentrates, useable marijuana, or
31 marijuana-infused product on the outlet premises.

32 (~~(6)~~) (7) The state liquor (~~control~~) and cannabis board shall
33 fine a licensee one thousand dollars for each violation of any
34 subsection of this section. Fines collected under this section must
35 be deposited into the dedicated marijuana fund created under RCW
36 69.50.530.

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

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

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

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

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

19 (a) One ounce of useable marijuana;

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

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

23 (d) Seven grams of marijuana concentrate.

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

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

31 (2) Except as provided in RCW 69.50.4014, any person who violates
32 this section is guilty of a class C felony punishable under chapter
33 9A.20 RCW.

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

1 (4) No person under twenty-one years of age may possess,
2 manufacture, sell, or distribute marijuana, marijuana-infused
3 products, or marijuana concentrates, regardless of THC concentration.
4 This does not include qualifying patients with a valid authorization.

5 (5) The possession by a qualifying patient or designated provider
6 of marijuana concentrates, useable marijuana, marijuana-infused
7 products, or plants in accordance with chapter 69.51A RCW is not a
8 violation of this section, this chapter, or any other provision of
9 Washington state law.

10 NEW SECTION. Sec. 15. A new section is added to chapter 69.50
11 RCW to read as follows:

12 (1) Nothing in this chapter permits anyone other than a validly
13 licensed marijuana processor to use butane or other explosive gases
14 to extract or separate resin from marijuana or to produce or process
15 any form of marijuana concentrates or marijuana-infused products that
16 include marijuana concentrates not purchased from a validly licensed
17 marijuana retailer as an ingredient. The extraction or separation of
18 resin from marijuana, the processing of marijuana concentrates, and
19 the processing of marijuana-infused products that include marijuana
20 concentrates not purchased from a validly licensed marijuana retailer
21 as an ingredient by any person other than a validly licensed
22 marijuana processor each constitute manufacture of marijuana in
23 violation of RCW 69.50.401. Cooking oil, butter, and other
24 nonexplosive home cooking substances may be used to make marijuana
25 extracts for noncommercial personal use.

26 (2) Except for the use of butane, the state liquor and cannabis
27 board may not enforce this section until it has adopted the rules
28 required by section 28 of this act.

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

31 (1) The legislature finds that:

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

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

- 1 (ii) Severe muscle spasms associated with multiple sclerosis,
2 epilepsy, and other seizure and spasticity disorders;
3 (iii) Acute or chronic glaucoma;
4 (iv) Crohn's disease; and
5 (v) Some forms of intractable pain.

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

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

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

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

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

31 (3) Nothing in this chapter establishes the medical necessity or
32 medical appropriateness of ((~~cannabis~~)) marijuana for treating
33 terminal or debilitating medical conditions as defined in RCW
34 69.51A.010.

35 (4) Nothing in this chapter diminishes the authority of
36 correctional agencies and departments, including local governments or
37 jails, to establish a procedure for determining when the use of
38 ((~~cannabis~~)) marijuana would impact community safety or the effective
39 supervision of those on active supervision for a criminal conviction,

1 nor does it create the right to any accommodation of any medical use
2 of ~~((cannabis))~~ marijuana in any correctional facility or jail.

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

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

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

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

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

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

18 (ii) Beginning July 1, 2016:

19 (A) Has been entered into the medical marijuana authorization
20 database as being the designated provider to a qualifying patient;
21 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 physician
34 assistant licensed under chapter 18.71A RCW, an osteopathic physician
35 licensed under chapter 18.57 RCW, an osteopathic physicians'
36 assistant licensed under chapter 18.57A RCW, a naturopath licensed
37 under chapter 18.36A RCW, or an advanced registered nurse
38 practitioner licensed under chapter 18.79 RCW.

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

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

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

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

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

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

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

16 (vi)(A) Has an authorization from his or her health care
17 professional; or

18 (B) Beginning July 1, 2016, has been entered into the medical
19 marijuana authorization database and has been provided a recognition
20 card; and

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (g) ~~((Any other medical condition duly approved by the Washington
19 state medical quality assurance commission in consultation with the
20 board of osteopathic medicine and surgery as directed in this
21 chapter))~~ Posttraumatic stress disorder; or

22 (h) Traumatic brain injury.

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

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

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

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

36 (c) An authorization is not a prescription as defined in RCW
37 69.50.101.

38 (8) "Recognition card" means a card issued to qualifying patients
39 and designated providers by a marijuana retailer with a medical

1 marijuana endorsement that has entered them into the medical
2 marijuana authorization database.

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

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

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

8 (12) "Marijuana concentrates" has the meaning provided in RCW
9 69.50.101.

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

12 (14) "Marijuana producer" has the meaning provided in RCW
13 69.50.101.

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

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

20 (17) "Marijuana-infused products" has the meaning provided in RCW
21 69.50.101.

22 (18) "Medical marijuana authorization database" means the secure
23 and confidential database established in section 21 of this act.

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

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

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

33 (22) "THC concentration" has the meaning provided in RCW
34 69.50.101.

35 (23) "Useable marijuana" has the meaning provided in RCW
36 69.50.101.

37 (24) "Low THC, high CBD" means products determined by the
38 department to have a low THC, high CBD ratio under section 10 of this
39 act. Low THC, high CBD products must be inhalable, ingestible, or
40 absorbable.

1 (25) "Public place" has the meaning provided in RCW 70.160.020.

2 (26) "Housing unit" means a house, an apartment, a mobile home, a
3 group of rooms, or a single room that is occupied as separate living
4 quarters, in which the occupants live and eat separately from any
5 other persons in the building, and which have direct access from the
6 outside of the building or through a common hall.

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

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

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

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

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

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

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

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

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

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

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

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

21 (vi) Complete an authorization on forms developed by the
22 department, in accordance with subsection (3) of this section.

23 ~~((b))~~ (c) For a qualifying patient eighteen years of age or
24 older, an authorization expires one year after its issuance. For a
25 qualifying patient less than eighteen years of age, an authorization
26 expires six months after its issuance. An authorization may be
27 renewed upon completion of an in-person physical examination and
28 compliance with the other requirements of (b) of this subsection.

29 (d) A health care professional shall not:

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

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

38 (iii) Examine or offer to examine a patient for purposes of
39 diagnosing a terminal or debilitating medical condition at a location

1 where ~~((cannabis))~~ marijuana is produced, processed, or ~~((dispensed))~~
2 sold;

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

7 ~~((Include any statement or reference, visual or otherwise, on~~
8 ~~the medical use of cannabis in any advertisement for his or her~~
9 ~~business or practice))~~ Except as provided in section 35 of this act,
10 sell, or provide at no charge, marijuana concentrates, marijuana-
11 infused products, or useable marijuana to a qualifying patient or
12 designated provider; or

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

17 (3) ~~((A violation of any provision of subsection (2) of this~~
18 ~~section constitutes unprofessional conduct under chapter 18.130~~
19 ~~RCW.))~~ The department shall develop the form for the health care
20 professional to use as an authorization for qualifying patients and
21 designated providers. The form shall include the qualifying patient's
22 or designated provider's name, address, and date of birth; the health
23 care professional's name, address, and license number; the amount of
24 marijuana recommended for the qualifying patient; a telephone number
25 where the authorization can be verified during normal business hours;
26 the dates of issuance and expiration; and a statement that an
27 authorization does not provide protection from arrest unless the
28 qualifying patient or designated provider is also entered in the
29 medical marijuana authorization database and holds a recognition
30 card.

31 (4) Until July 1, 2016, a health care professional who, within a
32 single calendar month, authorizes the medical use of marijuana to
33 more than thirty patients must report the number of authorizations
34 issued.

35 (5) The appropriate health professions disciplining authority may
36 inspect or request patient records to confirm compliance with this
37 section. The health care professional must provide access to or
38 produce documents, records, or other items that are within his or her
39 possession or control within twenty-one calendar days of service of a
40 request by the health professions disciplining authority. If the

1 twenty-one calendar day limit results in a hardship upon the health
2 care professional, he or she may request, for good cause, an
3 extension not to exceed thirty additional calendar days. Failure to
4 produce the documents, records, or other items shall result in
5 citations and fines issued consistent with RCW 18.130.230. Failure to
6 otherwise comply with the requirements of this section shall be
7 considered unprofessional conduct and subject to sanctions under
8 chapter 18.130 RCW.

9 (6) After a health care professional authorizes a qualifying
10 patient for the medical use of marijuana, he or she may discuss with
11 the qualifying patient how to use marijuana and the types of products
12 the qualifying patient should seek from a retail outlet.

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

15 As part of authorizing a qualifying patient or designated
16 provider, the health care professional may include recommendations on
17 the amount of marijuana that is likely needed by the qualifying
18 patient for his or her medical needs and in accordance with this
19 section.

20 (1) If the health care professional does not include
21 recommendations on the qualifying patient's or designated provider's
22 authorization, the marijuana retailer with a medical marijuana
23 endorsement, when adding the qualifying patient or designated
24 provider to the medical marijuana authorization database, shall enter
25 into the database that the qualifying patient or designated provider
26 may purchase or obtain at a retail outlet holding a medical marijuana
27 endorsement a combination of the following: Forty-eight ounces of
28 marijuana-infused product in solid form; three ounces of useable
29 marijuana; two hundred sixteen ounces of marijuana-infused product in
30 liquid form; or twenty-one grams of marijuana concentrates. The
31 qualifying patient or designated provider may also grow, in his or
32 her domicile, up to six plants for the personal medical use of the
33 qualifying patient and possess up to eight ounces of useable
34 marijuana produced from his or her plants. These amounts shall be
35 specified on the recognition card that is issued to the qualifying
36 patient or designated provider.

37 (2) If the health care professional determines that the medical
38 needs of a qualifying patient exceed the amounts provided for in
39 subsection (1) of this section, the health care professional must

1 specify on the authorization that it is recommended that the patient
2 be allowed to grow, in his or her domicile, up to fifteen plants for
3 the personal medical use of the patient. A patient so authorized may
4 possess up to sixteen ounces of useable marijuana in his or her
5 domicile. The number of plants must be entered into the medical
6 marijuana authorization database by the marijuana retailer with a
7 medical marijuana endorsement and specified on the recognition card
8 that is issued to the qualifying patient or designated provider.

9 (3) If a qualifying patient or designated provider with an
10 authorization from a health care professional has not been entered
11 into the medical marijuana authorization database, he or she may not
12 receive a recognition card and may only purchase at a retail outlet,
13 whether it holds a medical marijuana endorsement or not, the amounts
14 established in RCW 69.50.360. In addition the qualifying patient or
15 the designated provider may grow, in his or her domicile, up to four
16 plants for the personal medical use of the qualifying patient and
17 possess up to six ounces of useable marijuana in his or her domicile.

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

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

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

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

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

31 (3) Both the minor and the minor's parent or guardian who is
32 acting as the designated provider must be entered in the medical
33 marijuana authorization database and hold a recognition card.

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

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

4 (b) Reexamine the minor at least once every six months or more
5 frequently as medically indicated. The reexamination must:

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

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

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

14 (1) The department must contract with an entity to create,
15 administer, and maintain a secure and confidential medical marijuana
16 authorization database that, beginning July 1, 2016, allows:

17 (a) A marijuana retailer with a medical marijuana endorsement to
18 add a qualifying patient or designated provider and include the
19 amount of marijuana concentrates, useable marijuana, marijuana-
20 infused products, or plants for which the qualifying patient is
21 authorized under section 19 of this act;

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

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

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

34 (e) A marijuana retailer holding a medical marijuana endorsement
35 to confirm the validity of the recognition card of a qualifying
36 patient or designated provider;

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

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

5 (h) Authorizations to expire six months or one year after entry
6 into the medical marijuana authorization database, depending on
7 whether the authorization is for a minor or an adult.

8 (2) A qualifying patient and his or her designated provider, if
9 any, may be placed in the medical marijuana authorization database at
10 a marijuana retailer with a medical marijuana endorsement. After a
11 qualifying patient or designated provider is placed in the medical
12 marijuana authorization database, he or she must be provided with a
13 recognition card that contains identifiers required in subsection (3)
14 of this section.

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

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

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

20 (c) A photograph of the qualifying patient's or designated
21 provider's face taken by an employee of the marijuana retailer with a
22 medical marijuana endorsement at the same time that the qualifying
23 patient or designated provider is being placed in the medical
24 marijuana authorization database in accordance with rules adopted by
25 the department;

26 (d) The amount of marijuana concentrates, useable marijuana,
27 marijuana-infused products, or plants for which the qualifying
28 patient is authorized under section 19 of this act;

29 (e) The effective date and expiration date of the recognition
30 card;

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

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

35 (4) For qualifying patients who are eighteen years of age or
36 older and their designated providers, recognition cards are valid for
37 one year from the date the health care professional issued the
38 authorization. For qualifying patients who are under the age of
39 eighteen and their designated providers, recognition cards are valid
40 for six months from the date the health care professional issued the

1 authorization. Qualifying patients may not be reentered into the
2 medical marijuana authorization database until they have been
3 reexamined by a health care professional and determined to meet the
4 definition of qualifying patient. After reexamination, a marijuana
5 retailer with a medical marijuana endorsement must reenter the
6 qualifying patient or designated provider into the medical marijuana
7 authorization database and a new recognition card will then be issued
8 in accordance with department rules.

9 (5) If a recognition card is lost or stolen, a marijuana retailer
10 with a medical marijuana endorsement, in conjunction with the
11 database administrator, may issue a new card that will be valid for
12 six months to one year if the patient is reexamined by a health care
13 professional and determined to meet the definition of qualifying
14 patient and depending on whether the patient is under the age of
15 eighteen or eighteen years of age or older as provided in subsection
16 (4) of this section. If a reexamination is not performed, the
17 expiration date of the replacement recognition card must be the same
18 as the lost or stolen recognition card.

19 (6) The database administrator must remove qualifying patients
20 and designated providers from the medical marijuana authorization
21 database upon expiration of the recognition card. Qualifying patients
22 and designated providers may request to remove themselves from the
23 medical marijuana authorization database before expiration of a
24 recognition card and health care professionals may request to remove
25 qualifying patients and designated providers from the medical
26 marijuana authorization database if the patient or provider no longer
27 qualifies for the medical use of marijuana. The database
28 administrator must retain database records for at least five calendar
29 years to permit the state liquor and cannabis board and the
30 department of revenue to verify eligibility for tax exemptions.

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

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

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

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

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

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

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

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

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

27 (10)(a) The department must charge a one dollar fee for each
28 initial and renewal recognition card issued by a marijuana retailer
29 with a medical marijuana endorsement. The marijuana retailer with a
30 medical marijuana endorsement shall collect the fee from the
31 qualifying patient or designated provider at the time that he or she
32 is entered into the database and issued a recognition card. The
33 department shall establish a schedule for marijuana retailers with a
34 medical marijuana endorsement to remit the fees collected. Fees
35 collected under this subsection shall be deposited into the health
36 professions account created under RCW 43.70.320.

37 (b) By November 1, 2016, the department shall report to the
38 governor and the fiscal committees of both the house of
39 representatives and the senate regarding the cost of implementation
40 and administration of the medical marijuana authorization database.

1 The report must specify amounts from the health professions account
2 used to finance the establishment and administration of the medical
3 marijuana authorization database as well as estimates of the
4 continuing costs associated with operating the medical marijuana
5 database. The report must also provide initial enrollment figures in
6 the medical marijuana authorization database and estimates of
7 expected future enrollment.

8 (11) If the database administrator fails to comply with this
9 section, the department may cancel any contracts with the database
10 administrator and contract with another database administrator to
11 continue administration of the database. A database administrator who
12 fails to comply with this section is subject to a fine of up to five
13 thousand dollars in addition to any penalties established in the
14 contract. Fines collected under this section must be deposited into
15 the health professions account created under RCW 43.70.320.

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

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

19 Records in the medical marijuana authorization database
20 established in section 21 of this act containing names and other
21 personally identifiable information of qualifying patients and
22 designated providers are exempt from disclosure under this chapter.

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

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

26 (a) Access the medical marijuana authorization database for any
27 reason not authorized under section 21 of this act;

28 (b) Disclose any information received from the medical marijuana
29 authorization database in violation of section 21 of this act
30 including, but not limited to, qualifying patient or designated
31 provider names, addresses, or amount of marijuana for which they are
32 authorized;

33 (c) Produce a recognition card or to tamper with a recognition
34 card for the purpose of having it accepted by a marijuana retailer
35 holding a medical marijuana endorsement in order to purchase
36 marijuana as a qualifying patient or designated provider or to grow
37 marijuana plants in accordance with this chapter;

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

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

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

11 **Sec. 24.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
12 read as follows:

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

26 (1)(a) The qualifying patient or designated provider has been
27 entered into the medical marijuana authorization database and holds a
28 valid recognition card and possesses no more than ~~((fifteen cannabis~~
29 ~~plants and:~~

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

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

33 ~~(iii) A combination of useable cannabis and cannabis product that~~
34 ~~does not exceed a combined total representing possession and~~
35 ~~processing of no more than twenty four ounces of useable cannabis))~~
36 the amount of marijuana concentrates, useable marijuana, plants, or
37 marijuana-infused products authorized under section 19 of this act.

38 ~~((b))~~ If a person is both a qualifying patient and a designated
39 provider for another qualifying patient, the person may possess no

1 more than twice the amounts described in (~~(a) of this subsection~~)
2 section 19 of this act for the qualifying patient and designated
3 provider, whether the plants, (~~useable cannabis, and cannabis~~
4 ~~product~~) marijuana concentrates, useable marijuana, or marijuana-
5 infused products are possessed individually or in combination between
6 the qualifying patient and his or her designated provider;

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

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

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

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

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

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

32 ~~(6)~~) or

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

37 **Sec. 25.** RCW 69.51A.043 and 2011 c 181 s 402 are each amended to
38 read as follows:

1 (1) A qualifying patient or designated provider who has a valid
2 authorization from his or her health care professional, but is not
3 ~~((registered with the registry established in section 901 of this~~
4 ~~act))~~ entered in the medical marijuana authorization database and
5 does not have a recognition card may raise the affirmative defense
6 set forth in subsection (2) of this section, if:

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

11 (b) The qualifying patient or designated provider possesses no
12 more ~~((cannabis))~~ marijuana than the limits set forth in ~~((RCW~~
13 ~~69.51A.040(1))~~ section 19(3) of this act;

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

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

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

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

25 (2) A qualifying patient or designated provider who is not
26 ~~((registered with the registry established in section 901 of this~~
27 ~~act))~~ entered in the medical marijuana authorization database and
28 does not have a recognition card, but who presents his or her ~~((valid~~
29 ~~documentation))~~ authorization to any ~~((peace))~~ law enforcement
30 officer who questions the patient or provider regarding his or her
31 medical use of ~~((cannabis))~~ marijuana, may assert an affirmative
32 defense to charges of violations of state law relating to
33 ~~((cannabis))~~ marijuana through proof at trial, by a preponderance of
34 the evidence, that he or she otherwise meets the requirements of RCW
35 69.51A.040. A qualifying patient or designated provider meeting the
36 conditions of this subsection but possessing more ~~((cannabis))~~
37 marijuana than the limits set forth in ~~((RCW 69.51A.040(1))~~ section
38 19(3) of this act may, in the investigating ~~((peace))~~ law enforcement
39 officer's discretion, be taken into custody and booked into jail in
40 connection with the investigation of the incident.

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

3 (1) Qualifying patients or designated providers may form a
4 cooperative and share responsibility for acquiring and supplying the
5 resources needed to produce and process marijuana only for the
6 medical use of members of the cooperative. No more than four
7 qualifying patients or designated providers may become members of a
8 cooperative under this section and all members must hold valid
9 recognition cards. All members of the cooperative must be at least
10 twenty-one years old. The designated provider of a qualifying patient
11 who is under twenty-one years old may be a member of a cooperative on
12 the qualifying patient's behalf.

13 (2) Cooperatives may not be located within one mile of a
14 marijuana retailer. People who wish to form a cooperative must
15 register the location with the state liquor and cannabis board and
16 this is the only location where cooperative members may grow or
17 process marijuana. This registration must include the names of all
18 participating members and copies of each participant's recognition
19 card. Only qualifying patients or designated providers registered
20 with the state liquor and cannabis board in association with the
21 location may participate in growing or receive useable marijuana or
22 marijuana-infused products grown at that location. The state liquor
23 and cannabis board must deny the registration of any cooperative if
24 the location is within one mile of a marijuana retailer.

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

35 (4) Qualifying patients or designated providers who participate
36 in a cooperative under this section:

37 (a) May grow up to the total amount of plants for which each
38 participating member is authorized on their recognition cards, up to
39 a maximum of sixty plants. At the location, the qualifying patients
40 or designated providers may possess the amount of useable marijuana

1 that can be produced with the number of plants permitted under this
2 subsection, but no more than seventy-two ounces;

3 (b) May only participate in one cooperative;

4 (c) May only grow plants in the cooperative and if he or she
5 grows plants in the cooperative may not grow plants elsewhere;

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

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

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

17 (6) The state liquor and cannabis board may adopt rules to
18 implement this section including:

19 (a) Any security requirements necessary to ensure the safety of
20 the cooperative and to reduce the risk of diversion from the
21 cooperative;

22 (b) A seed to sale traceability model that is similar to the seed
23 to sale traceability model used by licensees that will allow the
24 state liquor and cannabis board to track all marijuana grown in a
25 cooperative.

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

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

33 (1) Notwithstanding any other provision of this chapter and even
34 if multiple qualifying patients or designated providers reside in the
35 same housing unit, no more than fifteen plants may be grown or
36 located in any one housing unit other than a cooperative established
37 pursuant to section 26 of this act.

38 (2) Neither the production nor processing of marijuana or
39 marijuana-infused products pursuant to this section nor the storage

1 or growing of plants may occur if any portion of such activity can be
2 readily seen by normal unaided vision or readily smelled from a
3 public place or the private property of another housing unit.

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

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

10 (1) Once the state liquor and cannabis board adopts rules under
11 subsection (2) of this section, qualifying patients or designated
12 providers may only extract or separate the resin from marijuana or
13 produce or process any form of marijuana concentrates or
14 marijuana-infused products in accordance with those standards.

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

20 **Sec. 29.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
21 read as follows:

22 (1) A qualifying patient or designated provider in possession of
23 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~
24 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the
25 limits set forth in ~~((RCW 69.51A.040(1)))~~ this chapter but otherwise
26 in compliance with all other terms and conditions of this chapter may
27 establish 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 the qualifying patient's
30 necessary medical use exceeds the amounts set forth in RCW
31 69.51A.040~~((+1))~~.

32 (2) An investigating ~~((peace))~~ law enforcement officer may seize
33 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~
34 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the
35 amounts set forth in ~~((RCW 69.51A.040(1): PROVIDED, That))~~ this
36 chapter. In the case of ~~((cannabis))~~ plants, the qualifying patient
37 or designated provider shall be allowed to select the plants that
38 will remain at the location. The officer and his or her law

1 enforcement agency may not be held civilly liable for failure to
2 seize (~~cannabis~~) marijuana in this circumstance.

3 **Sec. 30.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
4 to read as follows:

5 (1)(a) The arrest and prosecution protections established in RCW
6 69.51A.040 may not be asserted in a supervision revocation or
7 violation hearing by a person who is supervised by a corrections
8 agency or department, including local governments or jails, that has
9 determined that the terms of this section are inconsistent with and
10 contrary to his or her supervision.

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

18 (2) (~~The provisions of~~) RCW 69.51A.040(~~(7, 69.51A.085, and~~
19 ~~69.51A.025 de)~~) does not apply to a person who is supervised for a
20 criminal conviction by a corrections agency or department, including
21 local governments or jails, that has determined that the terms of
22 this chapter are inconsistent with and contrary to his or her
23 supervision.

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

31 **Sec. 31.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
32 read as follows:

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

36 (2) Nothing in this chapter establishes a right of care as a
37 covered benefit or requires any state purchased health care as
38 defined in RCW 41.05.011 or other health carrier or health plan as

1 defined in Title 48 RCW to be liable for any claim for reimbursement
2 for the medical use of ~~((cannabis))~~ marijuana. Such entities may
3 enact coverage or noncoverage criteria or related policies for
4 payment or nonpayment of medical ~~((cannabis))~~ marijuana in their sole
5 discretion.

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

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

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

20 ~~((+5))~~ (6) Nothing in this chapter authorizes the use of medical
21 ~~((cannabis))~~ marijuana by any person who is subject to the Washington
22 code of military justice in chapter 38.38 RCW.

23 ~~((+6))~~ (7) Employers may establish drug-free work policies.
24 Nothing in this chapter requires an accommodation for the medical use
25 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

26 ~~((+7) It is a class C felony to fraudulently produce any record~~
27 ~~purporting to be, or tamper with the content of any record for the~~
28 ~~purpose of having it accepted as, valid documentation under RCW~~
29 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~
30 ~~earlier than its actual date of execution.))~~

31 (8) No person shall be entitled to claim the protection from
32 arrest and prosecution under RCW 69.51A.040 or the affirmative
33 defense under RCW 69.51A.043 for engaging in the medical use of
34 ~~((cannabis))~~ marijuana in a way that endangers the health or well-
35 being of any person through the use of a motorized vehicle on a
36 street, road, or highway, including violations of RCW 46.61.502 or
37 46.61.504, or equivalent local ordinances.

38 **Sec. 32.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to
39 read as follows:

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

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

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

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

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

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

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

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

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

37 NEW SECTION. Sec. 33. A new section is added to chapter 69.50
38 RCW to read as follows:

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

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

5 (b) A marijuana retailer holding a medical marijuana endorsement
6 is selling to persons under the age of eighteen or selling to persons
7 between the ages of eighteen and twenty-one who do not hold valid
8 recognition cards;

9 (c) Until July 1, 2016, collective gardens under RCW 69.51A.085
10 are providing marijuana to persons under the age of twenty-one; or

11 (d) A cooperative organized under section 26 of this act is
12 permitting a person under the age of twenty-one to participate.

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

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

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

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

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

38 (5) Every person between the ages of eighteen and twenty-one who
39 is convicted of a violation of this section is guilty of a
40 misdemeanor punishable as provided by RCW 9A.20.021.

1 **Sec. 34.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
2 read as follows:

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

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

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

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

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

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

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

34 (1) Advise a patient about the risks and benefits of the medical
35 use of marijuana or that the patient may benefit from the medical use
36 of marijuana; or

37 (2) Provide a patient or designated provider meeting the criteria
38 established under RCW 69.51A.010 with an authorization, based upon

1 the health care professional's assessment of the patient's medical
2 history and current medical condition, if the health care
3 professional has complied with this chapter and he or she determines
4 within a professional standard of care or in the individual health
5 care professional's medical judgment the qualifying patient may
6 benefit from the medical use of marijuana.

7 NEW SECTION. **Sec. 37.** A new section is added to chapter 69.51A
8 RCW to read as follows:

9 A medical marijuana consultant certificate is hereby established.

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

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

14 (b) Establish forms and procedures necessary to administer this
15 chapter;

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

18 (d) Receive criminal history record information that includes
19 nonconviction information data for any purpose associated with
20 initial certification or renewal of certification. The secretary
21 shall require each applicant for initial certification to obtain a
22 state or federal criminal history record information background check
23 through the state patrol or the state patrol and the identification
24 division of the federal bureau of investigation prior to the issuance
25 of any certificate. The secretary shall specify those situations
26 where a state background check is inadequate and an applicant must
27 obtain an electronic fingerprint-based national background check
28 through the state patrol and federal bureau of investigation.
29 Situations where a background check is inadequate may include
30 instances where an applicant has recently lived out-of-state or where
31 the applicant has a criminal record in Washington;

32 (e) Establish administrative procedures, administrative
33 requirements, and fees in accordance with RCW 43.70.110 and
34 43.70.250; and

35 (f) Maintain the official department record of all applicants and
36 certificate holders.

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

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

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

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

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

7 (e) Safe handling and storage of useable marijuana, marijuana-
8 infused products, and marijuana concentrates, including strategies to
9 reduce access by minors;

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

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

16 (3) Medical marijuana consultant certificates are subject to
17 annual renewals and continuing education requirements established by
18 the secretary.

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

22 (a) The certificate was procured through fraud,
23 misrepresentation, or deceit;

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

26 (c) The certificate holder has violated or has permitted any
27 employee or volunteer to violate any of the laws of this state
28 relating to drugs or controlled substances or has been convicted of a
29 felony.

30 In any case of the refusal, suspension, or revocation of a
31 certificate by the secretary under the provisions of this chapter,
32 appeal may be taken in accordance with chapter 34.05 RCW, the
33 administrative procedure act.

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

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

1 (b) Describing the risks and benefits of products sold at the
2 retail outlet;

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

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

8 (e) Providing instruction and demonstrations to customers about
9 proper use and application of useable marijuana, marijuana-infused
10 products, and marijuana concentrates.

11 (6) Nothing in this section authorizes a medical marijuana
12 consultant to:

13 (a) Offer or undertake to diagnose or cure any human disease,
14 ailment, injury, infirmity, deformity, pain, or other condition,
15 physical or mental, real or imaginary, by use of marijuana or any
16 other means or instrumentality; or

17 (b) Recommend or suggest modification or elimination of any
18 course of treatment that does not involve the medical use of
19 marijuana.

20 (7) Nothing in this section requires an owner, employee, or
21 volunteer of a retail outlet licensed under RCW 69.50.354 and holding
22 a medical marijuana endorsement under section 10 of this act to
23 obtain a medical marijuana consultant certification.

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

28 NEW SECTION. **Sec. 38.** A new section is added to chapter 69.51A
29 RCW to read as follows:

30 The board of naturopathy, the board of osteopathic medicine and
31 surgery, the medical quality assurance commission, and the nursing
32 care quality assurance commission shall develop and approve
33 continuing education programs related to the use of marijuana for
34 medical purposes for the health care providers that they each
35 regulate that are based upon practice guidelines that have been
36 adopted by each entity.

37 **Sec. 39.** RCW 43.70.320 and 2008 c 134 s 16 are each amended to
38 read as follows:

1 (1) There is created in the state treasury an account to be known
2 as the health professions account. All fees received by the
3 department for health professions licenses, registration,
4 certifications, renewals, or examinations and the civil penalties
5 assessed and collected by the department under RCW 18.130.190 shall
6 be forwarded to the state treasurer who shall credit such moneys to
7 the health professions account.

8 (2) All expenses incurred in carrying out the health professions
9 licensing activities of the department and implementing and
10 administering the medical marijuana authorization database
11 established in section 21 of this act shall be paid from the account
12 as authorized by legislative appropriation, except as provided in
13 subsection (4) of this section. Any residue in the account shall be
14 accumulated and shall not revert to the general fund at the end of
15 the biennium.

16 (3) The secretary shall biennially prepare a budget request based
17 on the anticipated costs of administering the health professions
18 licensing activities of the department which shall include the
19 estimated income from health professions fees.

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

28 NEW SECTION. **Sec. 40.** A new section is added to chapter 82.04
29 RCW to read as follows:

30 (1) This chapter does not apply to any cooperative in respect to
31 growing marijuana, or manufacturing marijuana concentrates, useable
32 marijuana, or marijuana-infused products, as those terms are defined
33 in RCW 69.50.101.

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

36 NEW SECTION. **Sec. 41.** (1) The department of health must develop
37 recommendations on establishing medical marijuana specialty clinics
38 that would allow for the authorization and dispensing of marijuana to

1 patients of health care professionals who work on-site of the clinic
2 and who are certified by the department of health in the medical use
3 of marijuana.

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

7 **Sec. 42.** RCW 69.50.203 and 2013 c 19 s 88 are each amended to
8 read as follows:

9 (a) Except as provided in subsection (c) of this section, the
10 commission shall place a substance in Schedule I upon finding that
11 the substance:

12 (1) has high potential for abuse;

13 (2) has no currently accepted medical use in treatment in the
14 United States; and

15 (3) lacks accepted safety for use in treatment under medical
16 supervision.

17 (b) The commission may place a substance in Schedule I without
18 making the findings required by subsection (a) of this section if the
19 substance is controlled under Schedule I of the federal Controlled
20 Substances Act by a federal agency as the result of an international
21 treaty, convention, or protocol.

22 (c) No marijuana concentrates, useable marijuana, or marijuana-
23 infused product that the department has identified in rules adopted
24 pursuant to section 10(4) of this act as appropriate for sale to
25 qualifying patients and designated providers in a retail outlet that
26 holds a medical marijuana endorsement shall be deemed to have met the
27 criteria established in subsection (a) of this section and may not be
28 placed in Schedule I.

29 **Sec. 43.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
30 read as follows:

31 Unless specifically excepted by state or federal law or
32 regulation or more specifically included in another schedule, the
33 following controlled substances are listed in Schedule I:

34 (a) Any of the following opiates, including their isomers,
35 esters, ethers, salts, and salts of isomers, esters, and ethers
36 whenever the existence of these isomers, esters, ethers, and salts is
37 possible within the specific chemical designation:

- 1 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
- 2 piperidinyl]-N-phenylacetamide);
- 3 (2) Acetylmethadol;
- 4 (3) Allylprodine;
- 5 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
- 6 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 7 (5) Alphameprodine;
- 8 (6) Alphamethadol;
- 9 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
- 10 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
- 11 propanilido) piperidine);
- 12 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
- 13 piperidinyl]-N-phenylpropanamide);
- 14 (9) Benzethidine;
- 15 (10) Betacetylmethadol;
- 16 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 17 piperidinyl]-N-phenylpropanamide);
- 18 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
- 19 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 20 phenylpropanamide;
- 21 (13) Betameprodine;
- 22 (14) Betamethadol;
- 23 (15) Betaprodine;
- 24 (16) Clonitazene;
- 25 (17) Dextromoramide;
- 26 (18) Diampromide;
- 27 (19) Diethylthiambutene;
- 28 (20) Difenoquin;
- 29 (21) Dimenoxadol;
- 30 (22) Dimepheptanol;
- 31 (23) Dimethylthiambutene;
- 32 (24) Dioxaphetyl butyrate;
- 33 (25) Dipipanone;
- 34 (26) Ethylmethylthiambutene;
- 35 (27) Etonitazene;
- 36 (28) Etoxadine;
- 37 (29) Furethidine;
- 38 (30) Hydroxypethidine;
- 39 (31) Ketobemidone;
- 40 (32) Levomoramide;

- 1 (33) Levophenacylmorphan;
- 2 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 3 piperidyl]-N-phenylprop anamide);
- 4 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 5 piperidinyl]-N-phenylpropanamide);
- 6 (36) Morpheridine;
- 7 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 8 (38) Noracymethadol;
- 9 (39) Norlevorphanol;
- 10 (40) Normethadone;
- 11 (41) Norpipanone;
- 12 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 13 phenethyl)-4-piperidinyl] propanamide);
- 14 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 15 (44) Phenadoxone;
- 16 (45) Phenampromide;
- 17 (46) Phenomorphan;
- 18 (47) Phenoperidine;
- 19 (48) Piritramide;
- 20 (49) Proheptazine;
- 21 (50) Properidine;
- 22 (51) Propiram;
- 23 (52) Racemoramide;
- 24 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 25 propanaminde);
- 26 (54) Tilidine;
- 27 (55) Trimeperidine.

28 (b) Opium derivatives. Unless specifically excepted or unless
29 listed in another schedule, any of the following opium derivatives,
30 including their salts, isomers, and salts of isomers whenever the
31 existence of those salts, isomers, and salts of isomers is possible
32 within the specific chemical designation:

- 33 (1) Acetorphine;
- 34 (2) Acetyldihydrocodeine;
- 35 (3) Benzylmorphine;
- 36 (4) Codeine methylbromide;
- 37 (5) Codeine-N-Oxide;
- 38 (6) Cyprenorphine;
- 39 (7) Desomorphine;
- 40 (8) Dihydromorphine;

- 1 (9) Drotebanol;
- 2 (10) Etorphine, except hydrochloride salt;
- 3 (11) Heroin;
- 4 (12) Hydromorphenol;
- 5 (13) Methyldesorphine;
- 6 (14) Methyldihydromorphine;
- 7 (15) Morphine methylbromide;
- 8 (16) Morphine methylsulfonate;
- 9 (17) Morphine-N-Oxide;
- 10 (18) Myrophine;
- 11 (19) Nicocodeine;
- 12 (20) Nicomorphine;
- 13 (21) Normorphine;
- 14 (22) Pholcodine;
- 15 (23) Thebacon.

16 (c) Hallucinogenic substances. Unless specifically excepted or
17 unless listed in another schedule, any material, compound, mixture,
18 or preparation which contains any quantity of the following
19 hallucinogenic substances, including their salts, isomers, and salts
20 of isomers whenever the existence of those salts, isomers, and salts
21 of isomers is possible within the specific chemical designation. For
22 the purposes of this subsection only, the term "isomer" includes the
23 optical, position, and geometric isomers:

24 (1) Alpha-ethyltryptamine: Some trade or other names:
25 Etryptamine; monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
26 indole; α -ET; and AET;

27 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
28 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;

29 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
30 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
31 DOB; 2C-B, nexus;

32 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
33 dimethoxy- α -methylphenethylamine; 2,5-DMA;

34 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

35 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
36 2C-T-7;

37 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy- α -
38 methylphenethylamine; paramethoxyamphetamine, PMA;

39 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

- 1 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
2 names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and
3 "STP";
- 4 (10) 3,4-methylenedioxy amphetamine;
- 5 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 6 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
7 ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
8 MDE, MDEA;
- 9 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
10 N-hydroxy- α -methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
11 MDA;
- 12 (14) 3,4,5-trimethoxy amphetamine;
- 13 (15) Alpha-methyltryptamine: Other name: AMT;
- 14 (16) Bufotenine: Some trade or other names: 3-(beta-
15 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
16 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
17 mappine;
- 18 (17) Diethyltryptamine: Some trade or other names: N,N-
19 Diethyltryptamine; DET;
- 20 (18) Dimethyltryptamine: Some trade or other names: DMT;
- 21 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
- 22 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
23 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
24 azepino (5,4-b) indole; Tabernanthe iboga;
- 25 (21) Lysergic acid diethylamide;
- 26 (22) Marihuana or marijuana, except for any marijuana
27 concentrates, useable marijuana, or marijuana-infused products
28 identified by the department in rules adopted pursuant to section
29 10(4) of this act as appropriate for sale to qualifying patients and
30 designated providers in a retail outlet that holds a medical
31 marijuana endorsement;
- 32 (23) Mescaline;
- 33 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
34 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
35 dibenzo[b,d]pyran; synhexyl;
- 36 (25) Peyote, meaning all parts of the plant presently classified
37 botanically as Lophophora Williamsii Lemaire, whether growing or not,
38 the seeds thereof, any extract from any part of such plant, and every
39 compound, manufacture, salts, derivative, mixture, or preparation of

1 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
2 (c), Schedule I (c)(12));

3 (26) N-ethyl-3-piperidyl benzilate;

4 (27) N-methyl-3-piperidyl benzilate;

5 (28) Psilocybin;

6 (29) Psilocyn;

7 (30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
8 naturally contained in a plant of the genus Cannabis (cannabis
9 plant), as well as synthetic equivalents of the substances contained
10 in the plant, or in the resinous extractives of Cannabis, species,
11 and/or synthetic substances, derivatives, and their isomers with
12 similar chemical structure and pharmacological activity such as the
13 following:

14 ((+i)) (A) 1 - cis - or trans tetrahydrocannabinol, and their
15 optical isomers, excluding tetrahydrocannabinol in sesame oil and
16 encapsulated in a soft gelatin capsule in a drug product approved by
17 the United States Food and Drug Administration;

18 ((+ii)) (B) 6 - cis - or trans tetrahydrocannabinol, and their
19 optical isomers;

20 ((+iii)) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
21 optical isomers;

22 (Since nomenclature of these substances is not internationally
23 standardized, compounds of these structures, regardless of numerical
24 designation of atomic positions covered.)

25 (ii) The term "tetrahydrocannabinols" does not include any
26 marijuana concentrates, useable marijuana, or marijuana-infused
27 products identified by the department in rules adopted pursuant to
28 section 10(4) of this act as appropriate for sale to qualifying
29 patients and designated providers in a retail outlet that holds a
30 medical marijuana endorsement;

31 (31) Ethylamine analog of phencyclidine: Some trade or other
32 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
33 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

34 (32) Pyrrolidine analog of phencyclidine: Some trade or other
35 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

36 (33) Thiophene analog of phencyclidine: Some trade or other
37 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
38 phencyclidine; TPCP; TCP;

39 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
40 name is TCPy.

1 (d) Depressants. Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation
3 which contains any quantity of the following substances having a
4 depressant effect on the central nervous system, including its salts,
5 isomers, and salts of isomers whenever the existence of such salts,
6 isomers, and salts of isomers is possible within the specific
7 chemical designation.

8 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
9 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
10 sodium oxybate; sodium oxybutyrate;

11 (2) Mecloqualone;

12 (3) Methaqualone.

13 (e) Stimulants. Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture, or preparation
15 which contains any quantity of the following substances having a
16 stimulant effect on the central nervous system, including its salts,
17 isomers, and salts of isomers:

18 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
19 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

20 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

21 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
22 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

23 (4) Fenethylamine;

24 (5) Methcathinone: Some other names: 2-(methylamino)-
25 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
26 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
27 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
28 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
29 salts of optical isomers;

30 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
31 phenyl-2-oxazolamine);

32 (7) N-ethylamphetamine;

33 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
34 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

35 The controlled substances in this section may be added,
36 rescheduled, or deleted as provided for in RCW 69.50.201.

37 NEW SECTION. **Sec. 44.** A new section is added to chapter 69.50
38 RCW to read as follows:

1 (1) It is unlawful for any person to manufacture, deliver, or
2 possess with intent to manufacture or deliver, marijuana
3 concentrates, useable marijuana, and marijuana-infused products
4 identified by the department in rules adopted pursuant to section
5 10(4) of this act as appropriate for sale to qualifying patients and
6 designated providers in a retail outlet that holds a medical
7 marijuana endorsement, except:

8 (a) As those activities are associated with the lawful operation
9 as a licensed marijuana producer, processor, retailer, or retailer
10 with a medical marijuana endorsement in compliance with this chapter
11 and chapter 69.51A RCW;

12 (b) In association with the lawful operation of a cooperative
13 established pursuant to, and operating in compliance with, section 26
14 of this act;

15 (c) Until July 1, 2016, in association with the lawful operation
16 of a collection garden established pursuant to, and operating in
17 compliance with RCW 69.51A.085; or

18 (d) As the activities of a designated provider or qualifying
19 patient support the personal, medical use of a qualifying patient in
20 compliance with section 27 of this act.

21 (2) Any person who violates this section is guilty of a class B
22 felony.

23 NEW SECTION. **Sec. 45.** A new section is added to chapter 69.50
24 RCW to read as follows:

25 (1) It is unlawful for any person to possess marijuana
26 concentrates, useable marijuana, and marijuana-infused products
27 identified by the department in rules adopted pursuant to section
28 10(4) of this act as appropriate for sale to qualifying patients and
29 designated providers in a retail outlet that holds a medical
30 marijuana endorsement, unless:

31 (a) It is obtained and possessed by a designated provider or
32 qualifying patient in an amount that does not exceed those authorized
33 in section 19 of this act and the substance is obtained from:

34 (i) A licensed marijuana retailer or retailer with a medical
35 marijuana endorsement operating in compliance with this chapter and
36 chapter 69.51A RCW;

37 (ii) A cooperative established pursuant to, and operating in
38 compliance with, section 26 of this act;

1 (iii) Until July 1, 2016, a collective garden established
 2 pursuant to, and operating in compliance with RCW 69.51A.085; or
 3 (iv) The designated provider or qualifying patient in compliance
 4 with section 27 of this act; or
 5 (b) It is obtained and possessed by a person in an amount that
 6 does not exceed those authorized in RCW 69.50.360 and was obtained
 7 from a licensed marijuana retailer or retailer with a medical
 8 marijuana endorsement operating in compliance with this chapter.
 9 (2) Any person who violates this section is guilty of a class C
 10 felony.

11 **Sec. 46.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
 12 read as follows:

13 TABLE 4
 14 DRUG OFFENSES
 15 INCLUDED WITHIN EACH
 16 SERIOUSNESS LEVEL

17	III Any felony offense under chapter
18	69.50 RCW with a deadly weapon
19	special verdict under RCW
20	9.94A.602
21	Controlled Substance Homicide (RCW
22	69.50.415)
23	Delivery of imitation controlled
24	substance by person eighteen or
25	over to person under eighteen
26	(RCW 69.52.030(2))
27	Involving a minor in drug dealing
28	(RCW 69.50.4015)
29	Manufacture of methamphetamine
30	(RCW 69.50.401(2)(b))
31	Over 18 and deliver heroin,
32	methamphetamine, a narcotic from
33	Schedule I or II, or flunitrazepam
34	from Schedule IV to someone
35	under 18 (RCW 69.50.406)

1 Over 18 and deliver narcotic from
2 Schedule III, IV, or V or a
3 nonnarcotic, except flunitrazepam
4 or methamphetamine, from
5 Schedule I-V to someone under 18
6 and 3 years junior (RCW
7 69.50.406)

8 Possession of Ephedrine,
9 Pseudoephedrine, or Anhydrous
10 Ammonia with intent to
11 manufacture
12 methamphetamine (RCW
13 69.50.440)

14 Selling for profit (controlled or
15 counterfeit) any controlled
16 substance (RCW 69.50.410)

17 II Create, deliver, or possess a counterfeit
18 controlled substance (RCW
19 69.50.4011)

20 Deliver or possess with intent to
21 deliver methamphetamine (RCW
22 69.50.401(2)(b))

23 Delivery of a material in lieu of a
24 controlled substance (RCW
25 69.50.4012)

26 Maintaining a Dwelling or Place for
27 Controlled Substances (RCW
28 69.50.402(1)(f))

29 Manufacture, deliver, or possess with
30 intent to deliver amphetamine
31 (RCW 69.50.401(2)(b))

32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule I or II or flunitrazepam
35 from Schedule IV (RCW
36 69.50.401(2)(a))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or
4 nonnarcotics from Schedule I-V
5 (except marijuana, amphetamine,
6 methamphetamines, or
7 flunitrazepam) (RCW
8 69.50.401(2) (c) through (e))

9 Manufacture, distribute, or possess
10 with intent to distribute an
11 imitation controlled substance
12 (RCW 69.52.030(1))

13 I Forged Prescription (RCW 69.41.020)
14 Forged Prescription for a Controlled
15 Substance (RCW 69.50.403)

16 Manufacture, deliver, or possess with
17 intent to deliver marijuana (RCW
18 69.50.401(2)(c))

19 Manufacture, deliver, or possess with
20 intent to deliver marijuana
21 pursuant to section 44 of this act

22 Possesses marijuana pursuant to
23 section 45 of this act

24 Possess Controlled Substance that is a
25 Narcotic from Schedule III, IV, or
26 V or Nonnarcotic from Schedule I-
27 V (RCW 69.50.4013)

28 Possession of Controlled Substance
29 that is either heroin or narcotics
30 from Schedule I or II (RCW
31 69.50.4013)

32 Unlawful Use of Building for Drug
33 Purposes (RCW 69.53.010)

34 [2003 c 53 § 57; 2002 c 290 § 9.]

35 NEW SECTION. **Sec. 47.** All references to the Washington state
36 liquor control board must be construed as referring to the Washington

1 state liquor and cannabis board. The code reviser must prepare
2 legislation for the 2016 legislative session changing all references
3 in the Revised Code of Washington from the Washington state liquor
4 control board to the Washington state liquor and cannabis board.

5 NEW SECTION. **Sec. 48.** The following acts or parts of acts are
6 each repealed:

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

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

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

13 (4) RCW 69.51A.070 (Addition of medical conditions) and 2007 c
14 371 s 7 & 1999 c 2 s 9;

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

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

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

20 NEW SECTION. **Sec. 49.** RCW 69.51A.085 (Collective gardens) and
21 2015 c ... s 32 (section 32 of this act) and 2011 c 181 s 403 are
22 each repealed.

23 NEW SECTION. **Sec. 50.** Sections 12, 19, 20, 23 through 26, 31,
24 35, 40, and 49 of this act take effect July 1, 2016.

25 NEW SECTION. **Sec. 51.** Sections 21, 22, 32, and 33 of this act
26 are necessary for the immediate preservation of the public health, or
27 safety, or support of the state government and its existing public
28 institutions, and take effect immediately.

29 NEW SECTION. **Sec. 52.** This act takes effect on the dates
30 provided in sections 50 and 51 of this act if House Bill No. 2136, or
31 any subsequent version of House Bill No. 2136, is enacted into law by
32 October 1, 2015."

1 Correct the title.

--- END ---