
SENATE BILL 5052

State of Washington

64th Legislature

2015 Regular Session

By Senators Rivers, Hatfield, and Conway

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1 AN ACT Relating to establishing the cannabis patient protection
2 act; amending RCW 66.08.012, 69.50.101, 69.50.325, 69.50.342,
3 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.51A.005,
4 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.055,
5 69.51A.060, 69.51A.070, 69.51A.085, and 69.51A.100; adding new
6 sections to chapter 69.51A RCW; adding a new section to chapter 42.56
7 RCW; adding a new section to chapter 69.50 RCW; adding a new section
8 to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;
9 creating new sections; repealing RCW 69.51A.020, 69.51A.025,
10 69.51A.047, 69.51A.090, 69.51A.140, 69.51A.200, 69.51A.043, and
11 69.51A.085; prescribing penalties; providing an effective date; and
12 declaring an emergency.

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

14 NEW SECTION. **Sec. 1.** This act may be known and cited as the
15 cannabis patient protection act.

16 NEW SECTION. **Sec. 2.** The legislature finds that since voters
17 approved Initiative Measure No. 692 in 1998, it has been the public
18 policy of the state to permit the medical use of marijuana. Between
19 1998 and the present day, there have been multiple legislative
20 attempts to clarify what is meant by the medical use of marijuana and

1 to ensure qualifying patients have a safe, consistent, and adequate
2 source of marijuana for their medical needs.

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

18 The legislature further finds that while possession amounts are
19 provided in statute, these do not amount to protection from arrest
20 and prosecution for patients. In fact, patients in compliance with
21 state law are not provided arrest protection. They may be arrested
22 and their only remedy is to assert an affirmative defense at trial
23 that they are in compliance with the law and have a medical need. Too
24 many patients using marijuana for medical purposes today do not know
25 this; many falsely believe they cannot be arrested so long as their
26 health care provider has authorized them for the medical use of
27 marijuana.

28 The legislature further finds that in 2012 voters passed
29 Initiative Measure No. 502 which permitted the recreational use of
30 marijuana. For the first time in our nation's history, marijuana
31 would be regulated, taxed, and sold for recreational
32 consumption. Initiative Measure No. 502 provides for strict
33 regulation on the production, processing, and distribution of
34 marijuana. Under Initiative Measure No. 502, marijuana is trackable
35 from seed to sale and may only be sold or grown under license.
36 Marijuana must be tested for impurities and purchasers of marijuana
37 must be informed of the THC level in the marijuana. Since its
38 passage, two hundred fifty producer/processor licenses and sixty-
39 three retail licenses have been issued, covering the majority of the
40 state. With the current product canopy exceeding 2.9 million square

1 feet, and retailers in place, the state now has a system of safe,
2 consistent, and adequate access to marijuana; the marketplace is not
3 the same marketplace envisioned by the voters in 1998. While medical
4 needs remain, the state is in the untenable position of having a
5 recreational product that is tested and subject to production
6 standards that ensure safe access for recreational users. No such
7 standards exist for medical users and, consequently, the very people
8 originally meant to be helped through the medical use of marijuana do
9 not know if their product has been tested for molds, do not know
10 where their marijuana has been grown, have no certainty in the level
11 of THC or CBD in their products, and have no assurances that their
12 products have been handled through quality assurance measures. It is
13 not the public policy of the state to allow qualifying patients to
14 only have access to products that may be endangering their health.

15 The legislature, therefore, intends to adopt a comprehensive act
16 that uses the regulations in place for the recreational market to
17 provide regulation for the medical use of marijuana. It intends to
18 ensure that patients retain their ability to grow their own marijuana
19 for their own medical use and it intends to ensure that patients have
20 the ability to possess more marijuana-infused products and marijuana
21 concentrates than what is available to a recreational user.
22 Recognizing the health concerns relating to smoking marijuana, the
23 legislature intends to prohibit the sale of products that must be
24 smoked at medical marijuana retail outlets, while ensuring that other
25 methods of access to marijuana, such as vaping and use of
26 concentrates, remain options for medical patients. It further intends
27 that medical specific regulations be adopted as needed and under
28 consultation of the departments of health and agriculture so that
29 safe handling practices will be adopted and so that testing standards
30 for medical products meet or exceed those standards in use in the
31 recreational market.

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

34 There shall be a board, known as the "Washington state liquor
35 (~~control~~) and cannabis board," consisting of three members, to be
36 appointed by the governor, with the consent of the senate, who shall
37 each be paid an annual salary to be fixed by the governor in
38 accordance with the provisions of RCW 43.03.040. The governor may, in
39 his or her discretion, appoint one of the members as chair of the

1 board, and a majority of the members shall constitute a quorum of the
2 board.

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

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

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

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

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

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

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

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

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

25 (i) that has a stimulant, depressant, or hallucinogenic effect on
26 the central nervous system substantially similar to the stimulant,
27 depressant, or hallucinogenic effect on the central nervous system of
28 a controlled substance included in Schedule I or II; or

29 (ii) with respect to a particular individual, that the individual
30 represents or intends to have a stimulant, depressant, or
31 hallucinogenic effect on the central nervous system substantially
32 similar to the stimulant, depressant, or hallucinogenic effect on the
33 central nervous system of a controlled substance included in Schedule
34 I or II.

35 (2) The term does not include:

36 (i) a controlled substance;

37 (ii) a substance for which there is an approved new drug
38 application;

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

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

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

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

13 (h) "Dispense" means the interpretation of a prescription or
14 order for a controlled substance and, pursuant to that prescription
15 or order, the proper selection, measuring, compounding, labeling, or
16 packaging necessary to prepare that prescription or order for
17 delivery.

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

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

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

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

33 (m) "Drug enforcement administration" means the drug enforcement
34 administration in the United States Department of Justice, or its
35 successor agency.

36 (n) "Electronic communication of prescription information" means
37 the transmission of a prescription or refill authorization for a drug
38 of a practitioner using computer systems. The term does not include a
39 prescription or refill authorization verbally transmitted by
40 telephone nor a facsimile manually signed by the practitioner.

1 (o) "Immediate precursor" means a substance:
2 (1) that the commission has found to be and by rule designates as
3 being the principal compound commonly used, or produced primarily for
4 use, in the manufacture of a controlled substance;
5 (2) that is an immediate chemical intermediary used or likely to
6 be used in the manufacture of a controlled substance; and
7 (3) the control of which is necessary to prevent, curtail, or
8 limit the manufacture of the controlled substance.
9 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of
10 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
11 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
12 (42), and 69.50.210(c) the term includes any positional isomer; and
13 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
14 includes any positional or geometric isomer.
15 (q) "Lot" means a definite quantity of marijuana, marijuana
16 concentrates, useable marijuana, or marijuana-infused product
17 identified by a lot number, every portion or package of which is
18 uniform within recognized tolerances for the factors that appear in
19 the labeling.
20 (r) "Lot number" shall identify the licensee by business or trade
21 name and Washington state unified business identifier number, and the
22 date of harvest or processing for each lot of marijuana, marijuana
23 concentrates, useable marijuana, or marijuana-infused product.
24 (s) "Manufacture" means the production, preparation, propagation,
25 compounding, conversion, or processing of a controlled substance,
26 either directly or indirectly or by extraction from substances of
27 natural origin, or independently by means of chemical synthesis, or
28 by a combination of extraction and chemical synthesis, and includes
29 any packaging or repackaging of the substance or labeling or
30 relabeling of its container. The term does not include the
31 preparation, compounding, packaging, repackaging, labeling, or
32 relabeling of a controlled substance:
33 (1) by a practitioner as an incident to the practitioner's
34 administering or dispensing of a controlled substance in the course
35 of the practitioner's professional practice; or
36 (2) by a practitioner, or by the practitioner's authorized agent
37 under the practitioner's supervision, for the purpose of, or as an
38 incident to, research, teaching, or chemical analysis and not for
39 sale.

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

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

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

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

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

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

34 (z) "Narcotic drug" means any of the following, whether produced
35 directly or indirectly by extraction from substances of vegetable
36 origin, or independently by means of chemical synthesis, or by a
37 combination of extraction and chemical synthesis:

38 (1) Opium, opium derivative, and any derivative of opium or opium
39 derivative, including their salts, isomers, and salts of isomers,
40 whenever the existence of the salts, isomers, and salts of isomers is

1 possible within the specific chemical designation. The term does not
2 include the isoquinoline alkaloids of opium.

3 (2) Synthetic opiate and any derivative of synthetic opiate,
4 including their isomers, esters, ethers, salts, and salts of isomers,
5 esters, and ethers, whenever the existence of the isomers, esters,
6 ethers, and salts is possible within the specific chemical
7 designation.

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

9 (4) Coca leaves, except coca leaves and extracts of coca leaves
10 from which cocaine, ecgonine, and derivatives or ecgonine or their
11 salts have been removed.

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

13 (6) Cocaine base.

14 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
15 thereof.

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

18 (aa) "Opiate" means any substance having an addiction-forming or
19 addiction-sustaining liability similar to morphine or being capable
20 of conversion into a drug having addiction-forming or addiction-
21 sustaining liability. The term includes opium, substances derived
22 from opium (opium derivatives), and synthetic opiates. The term does
23 not include, unless specifically designated as controlled under RCW
24 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
25 and its salts (dextromethorphan). The term includes the racemic and
26 levorotatory forms of dextromethorphan.

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

29 (cc) "Person" means individual, corporation, business trust,
30 estate, trust, partnership, association, joint venture, government,
31 governmental subdivision or agency, or any other legal or commercial
32 entity.

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

35 (ee) "Practitioner" means:

36 (1) A physician under chapter 18.71 RCW; a physician assistant
37 under chapter 18.71A RCW; an osteopathic physician and surgeon under
38 chapter 18.57 RCW; an osteopathic physician assistant under chapter
39 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
40 limitations in RCW 18.57A.040; an optometrist licensed under chapter

1 18.53 RCW who is certified by the optometry board under RCW 18.53.010
2 subject to any limitations in RCW 18.53.010; a dentist under chapter
3 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
4 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
5 registered nurse practitioner, or licensed practical nurse under
6 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
7 who is licensed under RCW 18.36A.030 subject to any limitations in
8 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
9 investigator under this chapter, licensed, registered or otherwise
10 permitted insofar as is consistent with those licensing laws to
11 distribute, dispense, conduct research with respect to or administer
12 a controlled substance in the course of their professional practice
13 or research in this state.

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

18 (3) A physician licensed to practice medicine and surgery, a
19 physician licensed to practice osteopathic medicine and surgery, a
20 dentist licensed to practice dentistry, a podiatric physician and
21 surgeon licensed to practice podiatric medicine and surgery, a
22 licensed physician assistant or a licensed osteopathic physician
23 assistant specifically approved to prescribe controlled substances by
24 his or her state's medical quality assurance commission or equivalent
25 and his or her supervising physician, an advanced registered nurse
26 practitioner licensed to prescribe controlled substances, or a
27 veterinarian licensed to practice veterinary medicine in any state of
28 the United States.

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

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

35 (hh) "Retail outlet" means a location licensed by the state
36 liquor ~~((control))~~ and cannabis board for the retail sale of
37 marijuana concentrates, useable marijuana, and marijuana-infused
38 products.

39 (ii) "Secretary" means the secretary of health or the secretary's
40 designee.

1 (jj) "State," unless the context otherwise requires, means a
2 state of the United States, the District of Columbia, the
3 Commonwealth of Puerto Rico, or a territory or insular possession
4 subject to the jurisdiction of the United States.

5 (kk) "THC concentration" means percent of delta-9
6 tetrahydrocannabinol content per dry weight of any part of the plant
7 *Cannabis*, or per volume or weight of marijuana product, or the
8 combined percent of delta-9 tetrahydrocannabinol and
9 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
10 regardless of moisture content.

11 (ll) "Ultimate user" means an individual who lawfully possesses a
12 controlled substance for the individual's own use or for the use of a
13 member of the individual's household or for administering to an
14 animal owned by the individual or by a member of the individual's
15 household.

16 (mm) "Useable marijuana" means dried marijuana flowers. The term
17 "useable marijuana" does not include either marijuana-infused
18 products or marijuana concentrates.

19 (nn) "Designated provider" has the meaning provided in RCW
20 69.51A.010.

21 (oo) "Medical marijuana retail outlet" has the meaning provided
22 in RCW 69.51A.010.

23 (pp) "Qualifying patient" has the meaning provided in RCW
24 69.51A.010.

25 (qq) "CBD concentration" has the meaning provided in RCW
26 69.51A.010.

27 (rr) "Plant" has the meaning provided in RCW 69.51A.010.

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

30 (1) There shall be a marijuana producer's license to produce
31 marijuana for sale at wholesale to marijuana processors and other
32 marijuana producers, regulated by the state liquor (~~control~~) and
33 cannabis board and subject to annual renewal. The production,
34 possession, delivery, distribution, and sale of marijuana in
35 accordance with the provisions of this chapter (~~(3, Laws of 2013)~~)
36 and the rules adopted to implement and enforce it, by a validly
37 licensed marijuana producer, shall not be a criminal or civil offense
38 under Washington state law. Every marijuana producer's license shall
39 be issued in the name of the applicant, shall specify the location at

1 which the marijuana producer intends to operate, which must be within
2 the state of Washington, and the holder thereof shall not allow any
3 other person to use the license. The application fee for a marijuana
4 producer's license shall be two hundred fifty dollars. The annual fee
5 for issuance and renewal of a marijuana producer's license shall be
6 one thousand dollars. A separate license shall be required for each
7 location at which a marijuana producer intends to produce marijuana.

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

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

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

9 **Sec. 6.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to read
10 as follows:

11 (1) For the purpose of carrying into effect the provisions of
12 chapter 3, Laws of 2013 according to their true intent or of
13 supplying any deficiency therein, the state liquor ~~((control))~~ and
14 cannabis board may adopt rules not inconsistent with the spirit of
15 chapter 3, Laws of 2013 as are deemed necessary or advisable. Without
16 limiting the generality of the preceding sentence, the state liquor
17 ~~((control))~~ and cannabis board is empowered to adopt rules regarding
18 the following:

19 ~~((1))~~ (a) The equipment and management of retail outlets,
20 medical marijuana retail outlets, and premises where marijuana is
21 produced or processed, and inspection of the retail outlets, medical
22 marijuana retail outlets, and premises where marijuana is produced or
23 processed;

24 ~~((2))~~ (b) The books and records to be created and maintained by
25 licensees, the reports to be made thereon to the state liquor
26 ~~((control))~~ and cannabis board, and inspection of the books and
27 records;

28 ~~((3))~~ (c) Methods of producing, processing, and packaging
29 marijuana, useable marijuana, marijuana concentrates, and marijuana-
30 infused products; conditions of sanitation; safe handling
31 requirements; and standards of ingredients, quality, and identity of
32 marijuana, useable marijuana, marijuana concentrates, and marijuana-
33 infused products produced, processed, packaged, or sold by licensees;

34 ~~((4))~~ (d) Security requirements for retail outlets, medical
35 marijuana retail outlets, and premises where marijuana is produced or
36 processed, and safety protocols for licensees and their employees;

37 ~~((5))~~ (e) Screening, hiring, training, and supervising
38 employees of licensees;

1 ~~((6))~~ (f) Retail outlet and medical marijuana retail outlet
2 locations and hours of operation;

3 ~~((7))~~ (g) Labeling requirements and restrictions on
4 advertisement of marijuana, useable marijuana, marijuana
5 concentrates, and marijuana-infused products for sale in retail
6 outlets and medical marijuana retail outlets;

7 ~~((8))~~ (h) Forms to be used for purposes of this chapter ~~((3,~~
8 ~~Laws of 2013))~~ and chapter 69.51A RCW or the rules adopted to
9 implement and enforce ~~((it))~~ these chapters, the terms and conditions
10 to be contained in licenses issued under this chapter ~~((3, Laws of~~
11 ~~2013))~~ and chapter 69.51A RCW, and the qualifications for receiving a
12 license issued under this chapter ~~((3, Laws of 2013))~~ and chapter
13 69.51A RCW, including a criminal history record information check.
14 The state liquor ~~((control))~~ and cannabis board may submit any
15 criminal history record information check to the Washington state
16 patrol and to the identification division of the federal bureau of
17 investigation in order that these agencies may search their records
18 for prior arrests and convictions of the individual or individuals
19 who filled out the forms. The state liquor ~~((control))~~ and cannabis
20 board shall require fingerprinting of any applicant whose criminal
21 history record information check is submitted to the federal bureau
22 of investigation;

23 ~~((9))~~ (i) Application, reinstatement, and renewal fees for
24 licenses issued under this chapter ~~((3, Laws of 2013))~~ and chapter
25 69.51A RCW, and fees for anything done or permitted to be done under
26 the rules adopted to implement and enforce this chapter ~~((3, Laws of~~
27 ~~2013))~~ and chapter 69.51A RCW;

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

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

35 ~~((12))~~ (l) Identification, seizure, confiscation, destruction,
36 or donation to law enforcement for training purposes of all
37 marijuana, marijuana concentrates, useable marijuana, and marijuana-
38 infused products produced, processed, sold, or offered for sale
39 within this state which do not conform in all respects to the
40 standards prescribed by this chapter ~~((3, Laws of 2013))~~ or chapter

1 69.51A RCW or the rules adopted to implement and enforce (~~it~~
2 ~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed~~
3 ~~as authorizing the state liquor control board to seize, confiscate,~~
4 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~
5 ~~or marijuana-infused products produced, processed, sold, offered for~~
6 ~~sale, or possessed in compliance with the Washington state medical~~
7 ~~use of cannabis act, chapter 69.51A RCW)) these chapters.~~

8 (2) Rules adopted on medical marijuana retail outlets must be
9 adopted in coordination and consultation with the department.

10 **Sec. 7.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to read
11 as follows:

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

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

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

27 (b) The state liquor and cannabis board must reconsider limits on
28 the amount of square feet permitted to be in production on the
29 effective date of this section and increase the percentage of
30 production space for those marijuana producers who intend to grow
31 plants for medical marijuana retailers licensed under section 20 of
32 this act if the marijuana producer designates the increased
33 production space to plants with a THC concentration, CBD
34 concentration, or THC to CBD ratio appropriate for marijuana
35 concentrates, useable marijuana, or marijuana-infused products to be
36 sold to qualifying patients. If current marijuana producers do not
37 use all the increased production space, the state liquor and cannabis
38 board may reopen the license period for new marijuana producer
39 license applicants but only to those marijuana producers who agree to

1 grow plants for medical marijuana retailers licensed under section 20
2 of this act. Priority in licensing must be given to marijuana
3 producer license applicants who have an application pending on the
4 effective date of this section but who are not yet licensed and then
5 to new marijuana producer license applicants;

6 ~~(2) ((Determining, in consultation with the office of financial~~
7 ~~management, the maximum number of retail outlets that may be licensed~~
8 ~~in each county, taking into consideration:~~

9 ~~(a) Population distribution;~~

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

11 ~~(c) The provision of adequate access to licensed sources of~~
12 ~~useable marijuana and marijuana-infused products to discourage~~
13 ~~purchases from the illegal market;~~

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

17 ~~((4))~~ (3) Determining the maximum quantities of marijuana,
18 marijuana concentrates, useable marijuana, and marijuana-infused
19 products a marijuana processor may have on the premises of a licensed
20 location at any time without violating Washington state law;

21 ~~((5))~~ (4) Determining the maximum quantities of marijuana
22 concentrates, useable marijuana, and marijuana-infused products a
23 marijuana retailer may have on the premises of a retail outlet or
24 medical marijuana retail outlet at any time without violating
25 Washington state law;

26 ~~((6) In making the determinations required by subsections (3)~~
27 ~~through (5) of this section, the state liquor control board shall~~
28 ~~take into consideration:~~

29 ~~(a) Security and safety issues;~~

30 ~~(b) The provision of adequate access to licensed sources of~~
31 ~~marijuana, useable marijuana, and marijuana-infused products to~~
32 ~~discourage purchases from the illegal market; and~~

33 ~~(c) Economies of scale, and their impact on licensees' ability to~~
34 ~~both comply with regulatory requirements and undercut illegal market~~
35 ~~prices;~~

36 ~~(7))~~ (5) Determining the nature, form, and capacity of all
37 containers to be used by licensees to contain marijuana, marijuana
38 concentrates, useable marijuana, and marijuana-infused products, and
39 their labeling requirements, to include but not be limited to:

1 (a) The business or trade name and Washington state unified
2 business identifier number of the licensees that grew, processed, and
3 sold the marijuana, marijuana concentrates, useable marijuana, or
4 marijuana-infused product;

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

7 (c) THC concentration and CBD concentration of the marijuana,
8 marijuana concentrates, useable marijuana, or marijuana-infused
9 product;

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

12 (e) Language required by RCW 69.04.480;

13 ~~((+8))~~ (6) In consultation with the department of agriculture
14 and the department, establishing classes of marijuana, marijuana
15 concentrates, useable marijuana, and marijuana-infused products
16 according to grade, condition, cannabinoid profile, THC
17 concentration, CBD concentration, or other qualitative measurements
18 deemed appropriate by the state liquor ~~((control))~~ and cannabis
19 board;

20 ~~((+9))~~ (7) Establishing reasonable time, place, and manner
21 restrictions and requirements regarding advertising of marijuana,
22 marijuana concentrates, useable marijuana, and marijuana-infused
23 products that are not inconsistent with the provisions of this
24 chapter ~~((3, Laws of 2013))~~, taking into consideration:

25 (a) Federal laws relating to marijuana that are applicable within
26 Washington state;

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

29 (c) The inclusion of medically and scientifically accurate
30 information about the health and safety risks posed by marijuana use
31 in the advertising;

32 ~~((+10))~~ (8) Specifying and regulating the time and periods when,
33 and the manner, methods, and means by which, licensees shall
34 transport and deliver marijuana, marijuana concentrates, useable
35 marijuana, and marijuana-infused products within the state;

36 ~~((+11))~~ (9) In consultation with the department and the
37 department of agriculture, establishing accreditation requirements
38 for testing laboratories used by licensees to demonstrate compliance
39 with standards adopted by the state liquor ~~((control))~~ and cannabis
40 board, and prescribing methods of producing, processing, and

1 packaging marijuana, marijuana concentrates, useable marijuana, and
2 marijuana-infused products; conditions of sanitation; and standards
3 of ingredients, quality, and identity of marijuana, marijuana
4 concentrates, useable marijuana, and marijuana-infused products
5 produced, processed, packaged, or sold by licensees;

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

14 **Sec. 8.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to
15 read as follows:

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

27 **Sec. 9.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to
28 read as follows:

29 (1) Retail outlets shall sell no products or services other than
30 marijuana concentrates, useable marijuana, marijuana-infused
31 products, or paraphernalia intended for the storage or use of
32 marijuana concentrates, useable marijuana, or marijuana-infused
33 products.

34 (2) Licensed marijuana retailers shall not employ persons under
35 twenty-one years of age or allow persons under twenty-one years of
36 age to enter or remain on the premises of a retail outlet.

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

1 outlet that is visible to the general public from a public right-of-
2 way, other than a single sign no larger than one thousand six hundred
3 square inches identifying the retail outlet by the licensee's
4 business or trade name.

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

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

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

17 **Sec. 10.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
18 read as follows:

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

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

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

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

37 (a) One ounce of useable marijuana;

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

- 1 (c) Seventy-two ounces of marijuana-infused product in liquid
2 form; or
3 (d) Seven grams of marijuana concentrate.

4 **Sec. 11.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to
5 read as follows:

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

11 (2) Except as provided in RCW 69.50.4014, any person who violates
12 this section is guilty of a class C felony punishable under chapter
13 9A.20 RCW.

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

19 (4) The possession by a qualifying patient or designated provider
20 of marijuana concentrates, useable marijuana, marijuana-infused
21 products, or plants in accordance with section 15 or 24 of this act
22 is not a violation of this section, this chapter, or any other
23 provision of Washington state law.

24 **Sec. 12.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
25 read as follows:

26 (1) The legislature finds that:

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

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

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

36 (iii) Acute or chronic glaucoma;

37 (iv) Crohn's disease; and

38 (v) Some forms of intractable pain.

1 (b) Humanitarian compassion necessitates that the decision to use
2 ((~~cannabis~~)) marijuana by patients with terminal or debilitating
3 medical conditions is a personal, individual decision, based upon
4 their health care professional's professional medical judgment and
5 discretion.

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

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

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

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

26 (3) Nothing in this chapter establishes the medical necessity or
27 medical appropriateness of ((~~cannabis~~)) marijuana for treating
28 terminal or debilitating medical conditions as defined in RCW
29 69.51A.010.

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

37 **Sec. 13.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
38 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

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

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

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

11 (b) Has been entered into the medical marijuana authorization
12 database as being the designated provider to a qualifying patient and
13 may only provide medical marijuana to that qualifying patient;

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

17 (d) Is in compliance with the terms and conditions of this
18 chapter; and

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

21 (2) "Health care professional," for purposes of this chapter
22 only, means a physician licensed under chapter 18.71 RCW, a physician
23 assistant licensed under chapter 18.71A RCW, an osteopathic physician
24 licensed under chapter 18.57 RCW, an osteopathic physicians'
25 assistant licensed under chapter 18.57A RCW, a naturopath licensed
26 under chapter 18.36A RCW, or an advanced registered nurse
27 practitioner licensed under chapter 18.79 RCW.

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

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

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

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

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

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

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

3 (vi) Has been entered into the medical marijuana authorization
4 database; and

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

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

12 (5) Until December 31, 2015, "tamper-resistant paper" means paper
13 that meets one or more of the following industry-recognized features:

14 (a) One or more features designed to prevent copying of the
15 paper;

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

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

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

24 (a) Cancer, human immunodeficiency virus (HIV), multiple
25 sclerosis, epilepsy or other seizure disorder, or spasticity
26 disorders; ~~((e))~~

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

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

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

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

37 (f) Diseases, including anorexia, which result in nausea,
38 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,
39 or spasticity, when these symptoms are unrelieved by standard
40 treatments or medications; or

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

5 (7) Until December 31, 2015, "valid documentation" means:

6 (a) A statement signed and dated by a qualifying patient's health
7 care professional written on tamper-resistant paper, which states
8 that, in the health care professional's professional opinion, the
9 patient may benefit from the medical use of marijuana; and

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

12 (8) "Authorization card" means a card issued to qualifying
13 patients and designated providers whose health care professionals
14 have entered them into the medical marijuana authorization database.

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

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

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

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

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

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

26 (15) "Medical marijuana retailer" means a person licensed by the
27 state liquor and cannabis board to sell marijuana concentrates and
28 marijuana-infused products in a medical marijuana retail outlet.

29 (16) "Marijuana-infused products" has the meaning provided in RCW
30 69.50.101.

31 (17) "Medical marijuana authorization database" means the secure
32 and confidential database established in section 17 of this act.

33 (18) "Plant" means a marijuana plant having at least three
34 distinguishable and distinct leaves, each leaf being at least three
35 centimeters in diameter, and a readily observable root formation
36 consisting of at least two separate and distinct roots, each being at
37 least two centimeters in length. Multiple stalks emanating from the
38 same root ball or root system is considered part of the same single
39 plant.

1 (19) "Medical marijuana retail outlet" means a location licensed
2 by the state liquor and cannabis board for the retail sale of
3 marijuana concentrates and marijuana-infused products to qualifying
4 patients and designated providers who hold authorization cards.

5 (20) "THC concentration" has the meaning provided in RCW
6 69.50.101.

7 (21) "Useable marijuana" has the meaning provided in RCW
8 69.50.101.

9 **Sec. 14.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
10 read as follows:

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

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

22 (b) ~~((Providing))~~ Adding a patient or designated provider meeting
23 the criteria established under RCW 69.51A.010~~((26) with valid~~
24 ~~documentation))~~ (4) to the medical marijuana authorization database,
25 based upon the health care professional's assessment of the patient's
26 medical history and current medical condition, ~~((where such use is))~~
27 if the health care professional has complied with this chapter and he
28 or she determines within a professional standard of care or in the
29 individual health care professional's medical judgment the qualifying
30 patient may benefit from the medical use of marijuana.

31 (2)(a) Until December 31, 2015, a health care professional may
32 ~~((only))~~ provide a qualifying patient or that patient's designated
33 provider with valid documentation authorizing the medical use of
34 ~~((cannabis or register the patient with the registry established in~~
35 ~~section 901 of this act if he or she has a newly initiated or~~
36 ~~existing documented relationship with the patient, as a primary care~~
37 ~~provider or a specialist, relating to the diagnosis and ongoing~~
38 ~~treatment or monitoring of the patient's terminal or debilitating~~
39 ~~medical condition, and only after:~~

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

2 (b) Beginning December 31, 2015, a health care professional may
3 only authorize a patient for the medical use of marijuana by adding
4 the qualifying patient and that patient's designated provider to the
5 medical marijuana authorization database and in accordance with this
6 section.

7 (c) In order to authorize for the medical use of marijuana under
8 (a) or (b) of this subsection, the health care professional must:

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

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

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

19 ~~((iii) Informing))~~ (iv) Inform the patient of other options for
20 treating the terminal or debilitating medical condition and
21 documenting in the patient's medical record that the patient has
22 received this information; and

23 ~~((iv) Documenting))~~ (v) Document in the patient's medical record
24 other measures attempted to treat the terminal or debilitating
25 medical condition that do not involve the medical use of ((cannabis))
26 marijuana.

27 ~~((b))~~ (d) A health care professional shall not:

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

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

36 (iii) Examine or offer to examine a patient for purposes of
37 diagnosing a terminal or debilitating medical condition at a location
38 where ((cannabis)) marijuana is produced, processed, or ((dispensed))
39 sold;

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

5 (v) Include any statement or reference, visual or otherwise, on
6 the medical use of (~~cannabis~~) marijuana in any advertisement for
7 his or her business or practice unless the health care professional
8 has met department educational standards relating to the
9 authorization of marijuana for medical use; or

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

14 (~~(3) A violation of any provision of subsection (2) of this~~
15 ~~section constitutes unprofessional conduct under chapter 18.130~~
16 ~~RCW.)~~)

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

19 (1) As part of adding a qualifying patient or designated provider
20 to the medical marijuana authorization database, the health care
21 professional may include recommendations on the amount of marijuana
22 that is likely needed by the qualifying patient for his or her
23 medical needs and in accordance with subsection (2) of this section.
24 If no recommendations are included when the qualifying patient or
25 designated provider is added to the database, the qualifying patient
26 or designated provider may purchase at a medical marijuana retailer a
27 combination of the following: Forty-eight ounces of marijuana-infused
28 product in solid form; two hundred sixteen ounces of marijuana-
29 infused product in liquid form; or twenty-one grams of marijuana
30 concentrates. The qualifying patient or designated provider may also
31 grow, in his or her domicile, up to six plants for the personal
32 medical use of the qualifying patient.

33 (2) If a health care professional determines that the medical
34 needs of a qualifying patient exceed the amounts provided for in
35 subsection (1) of this section, the health care professional may
36 recommend a greater amount of plants for the personal medical use of
37 the patient but not to exceed fifteen plants. This amount must be
38 entered into the medical marijuana authorization database by the
39 authorizing health care professional.

1 (3) If the qualifying patient or designated provider grows plants
2 for the medical use of the qualifying patient, the patient or
3 provider may possess up to the amount of useable marijuana that may
4 be produced by the number of plants for which the patient or provider
5 is authorized.

6 NEW SECTION. **Sec. 16.** A new section is added to chapter 69.51A
7 RCW to read as follows:

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

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

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

17 (c) The minor may not grow plants or purchase marijuana-infused
18 products or marijuana concentrates from a medical marijuana retailer.

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

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

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

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

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

35 (c) Enter both the minor and the minor's parent or guardian who
36 is acting as the designated provider in the medical marijuana
37 authorization database.

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

3 (1) The department must contract with an entity to create,
4 administer, and maintain a secure and confidential medical marijuana
5 authorization database that, beginning December 31, 2015, allows:

6 (a) A health care professional to add a qualifying patient or
7 designated provider and include the amount of marijuana concentrates,
8 marijuana-infused products, or plants for which the qualifying
9 patient is authorized under section 15 of this act;

10 (b) Persons authorized to prescribe or dispense controlled
11 substances to access health care information on their patients for
12 the purpose of providing medical or pharmaceutical care for their
13 patients;

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

17 (d) Appropriate local, state, tribal, and federal law enforcement
18 or prosecutorial officials who are engaged in a bona fide specific
19 investigation of suspected marijuana-related activity that may be
20 illegal under Washington state law to confirm the validity of the
21 authorization card of a qualifying patient or designated provider;

22 (e) A medical marijuana retailer to confirm the validity of the
23 authorization card of a qualifying patient or designated provider;

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

26 (g) The department and the health care professional's
27 disciplining authorities to monitor authorizations and ensure
28 compliance with this chapter and chapter 18.130 RCW by their
29 licensees; and

30 (h) Authorizations to expire one or two years after entry into
31 the medical marijuana authorization database, depending on whether
32 the authorization is for a minor or an adult.

33 (2) A qualifying patient and his or her designated provider, if
34 any, must be placed in the medical marijuana authorization database
35 by the qualifying patient's health care professional. After a
36 qualifying patient or designated provider is placed in the medical
37 marijuana authorization database, he or she must be provided with an
38 authorization card that contains identifiers required in subsection
39 (3) of this section.

1 (3) The authorization card requirements must be developed by the
2 department in rule and include:

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

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

6 (c) A photograph of the qualifying patient's or designated
7 provider's face taken by the authorizing health care professional in
8 accordance with rules adopted by the department;

9 (d) The amount of marijuana concentrates, marijuana-infused
10 products, or plants for which the qualifying patient is authorized
11 under section 15 or 24 of this act;

12 (e) The effective date and expiration date of the authorization
13 card;

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

16 (g) For the authorization card, additional security features as
17 necessary to ensure its validity.

18 (4) For qualifying patients who are eighteen years of age or
19 older and their designated providers, authorization cards are valid
20 for two years from the date the health care professional enters the
21 qualifying patient or designated provider in the medical marijuana
22 authorization database. For qualifying patients who are under the age
23 of eighteen and their designated providers, authorization cards are
24 valid for one year from the date the health care professional enters
25 the qualifying patient or designated provider in the medical
26 marijuana authorization database. Qualifying patients may not be
27 reentered into the medical marijuana authorization database until
28 they have been reexamined by a health care professional and
29 determined to meet the definition of qualifying patient. After
30 reexamination, the health care professional must reenter the
31 qualifying patient or designated provider into the medical marijuana
32 authorization database and a new authorization card will then be
33 issued in accordance with department rules.

34 (5) If an authorization card is lost or stolen, the health care
35 professional, in conjunction with the database administrator, may
36 issue a new card that will be valid for one or two years if the
37 patient is reexamined and determined to meet the definition of
38 qualifying patient and depending on whether the patient is under the
39 age of eighteen or eighteen years of age or older as provided in
40 subsection (4) of this section. If a reexamination is not performed,

1 the expiration date of the replacement authorization card must be the
2 same as the lost or stolen authorization card.

3 (6) The database administrator must remove qualifying patients
4 and designated providers from the medical marijuana authorization
5 database upon expiration of the authorization card. Qualifying
6 patients and designated providers may request to remove themselves
7 from the medical marijuana authorization database before expiration
8 of an authorization card and health care professionals may request to
9 remove qualifying patients and designated providers from the medical
10 marijuana authorization database if the patient or provider no longer
11 qualifies for the medical use of marijuana. The database
12 administrator must retain database records for at least five calendar
13 years to permit the state liquor and cannabis board and the
14 department of revenue to verify eligibility for tax exemptions.

15 (7) During development of the medical marijuana authorization
16 database, the database administrator must consult with the
17 department, stakeholders, and persons with relevant expertise to
18 include, but not be limited to, qualifying patients, designated
19 providers, health care professionals, state and local law enforcement
20 agencies, and the University of Washington computer science and
21 engineering security and privacy research lab or a certified cyber
22 security firm, vendor, or service.

23 (8) The medical marijuana authorization database must meet the
24 following requirements:

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

28 (b) Any personally identifiable information included in the
29 database must not be susceptible to linkage by use of data external
30 to the database;

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

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

38 (9)(a) Personally identifiable information of qualifying patients
39 and designated providers included in the medical marijuana

1 authorization database is confidential and exempt from public
2 disclosure, inspection, or copying under chapter 42.56 RCW.

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

7 (c) Information contained in the medical marijuana authorization
8 database shall not be shared with the federal government or its
9 agents unless the particular patient or designated provider is
10 convicted in state court for violating this chapter or chapter 69.50
11 RCW.

12 (10) The department must, in coordination with the database
13 administrator, establish a fee that is adequate to cover the costs of
14 administering the medical marijuana authorization database.

15 (11) If the database administrator fails to comply with this
16 section, the department may cancel any contracts with the database
17 administrator and contract with another database administrator to
18 continue administration of the database. A database administrator who
19 fails to comply with this section is subject to a fine of up to five
20 thousand dollars in addition to any penalties established in the
21 contract. Fines collected under this section must be deposited into
22 the dedicated marijuana fund created under RCW 69.50.530.

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

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

26 Records in the medical marijuana authorization database
27 established in section 17 of this act containing names and other
28 personally identifiable information of qualifying patients and
29 designated providers are exempt from disclosure under this chapter.

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

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

33 (a) Access the medical marijuana authorization database for any
34 reason not authorized under section 17 of this act;

35 (b) Disclose any information received from the medical marijuana
36 authorization database in violation of section 17 of this act
37 including, but not limited to, qualifying patient or designated

1 provider names, addresses, or amount of marijuana for which they are
2 authorized;

3 (c) Produce an authorization card or to tamper with an
4 authorization card for the purpose of having it accepted by a medical
5 marijuana retailer in order to purchase marijuana as a qualifying
6 patient or designated provider or to grow marijuana plants in
7 accordance with section 15 or 24 of this act;

8 (d) If a person is a designated provider to a qualifying patient,
9 sell, donate, or supply marijuana produced or obtained for the
10 qualifying patient to another person, or use the marijuana produced
11 or obtained for the qualifying patient for the designated provider's
12 own personal use or benefit; or

13 (e) If the person is a qualifying patient, sell, donate, or
14 otherwise supply marijuana produced or obtained by the qualifying
15 patient to another person.

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

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

21 (1) There shall be a medical marijuana retailer's license to sell
22 marijuana concentrates and marijuana-infused products in medical
23 marijuana retail outlets, regulated by the state liquor and cannabis
24 board and subject to annual renewal. The possession, delivery,
25 distribution, and sale of marijuana concentrates and marijuana-
26 infused products in accordance with the provisions of this chapter
27 and chapter 69.50 RCW and the rules adopted to implement and enforce
28 these chapters, by a validly licensed medical marijuana retailer or
29 medical marijuana retail employee, shall not be a criminal or civil
30 offense under Washington state law. Every medical marijuana
31 retailer's license shall be issued in the name of the applicant,
32 shall specify the location of the retail outlet the licensee intends
33 to operate, which must be within the state of Washington, and the
34 holder thereof shall not allow any other person to use the
35 license. The application fee for a medical marijuana retailer's
36 license is two hundred fifty dollars. The annual fee for issuance and
37 renewal of a medical marijuana retailer's license is one thousand
38 dollars. A separate license shall be required for each location at

1 which a medical marijuana retailer intends to sell marijuana
2 concentrates and marijuana-infused products.

3 (2)(a) Medical marijuana retailers may not employ a health care
4 professional to authorize the medical use of marijuana for qualifying
5 patients at any medical marijuana retail outlet or permit health care
6 professionals to authorize the medical use of marijuana for
7 qualifying patients at any medical marijuana retail outlet.

8 (b) Medical marijuana retailers must carry marijuana concentrates
9 and marijuana-infused products with a CBD concentration or THC to CBD
10 ratio identified by the department under subsection (3) of this
11 section.

12 (c) Medical marijuana retailers may not sell or donate useable
13 marijuana.

14 (d) Medical marijuana retailers may not use labels or market
15 marijuana concentrates or marijuana-infused products in a way that
16 make them intentionally attractive to minors or recreational users.

17 (e) Medical marijuana retailers must keep copies of the
18 qualifying patient's or designated provider's authorization card, or
19 keep equivalent records as required by rule of the state liquor and
20 cannabis board or department of revenue to document the validity of
21 tax exempt sales under RCW 69.50.535.

22 (f) Medical marijuana retailers must ensure that during all
23 retail hours an employee is available on site of the medical
24 marijuana retail outlet to consult with qualifying patients or
25 designated providers. The employee may identify the strains,
26 varieties, THC concentration, CBD concentration, and THC to CBD
27 ratios of marijuana concentrates and marijuana-infused products
28 available for sale when assisting qualifying patients and designated
29 providers at a medical marijuana retail outlet.

30 (g) A medical marijuana retailer may sell or provide at no charge
31 marijuana-infused products or marijuana concentrates with a THC
32 concentration of 0.3 percent or less to qualifying patients or
33 designated providers who possess authorization cards.

34 (3) The department, in conjunction with the state liquor and
35 cannabis board, must adopt rules on requirements for marijuana
36 concentrates and marijuana-infused products that may be sold to
37 qualifying patients at a medical marijuana retail outlet. These rules
38 must include:

1 (a) THC concentration, CBD concentration, or THC to CBD ratios
2 appropriate for marijuana concentrates or marijuana-infused products
3 sold to qualifying patients;

4 (b) Labeling requirements including that the labels attached to
5 marijuana concentrates or marijuana-infused products contain THC
6 concentration, CBD concentration, and THC to CBD ratios;

7 (c) A prohibition on any product that may be smoked, including
8 prohibiting the sale of paraphernalia used for smoking marijuana;

9 (d) Other product requirements, including any additional mold,
10 fungus, or pesticide testing requirements, or limitations to the
11 types of solvents that are used in marijuana processing that the
12 department deems necessary to address the medical needs of qualifying
13 patients;

14 (e) Safe handling requirements for marijuana concentrates or
15 marijuana-infused products; and

16 (f) Training requirements for employees providing services under
17 subsection (2)(e) of this section.

18 (4) A medical marijuana retailer may consult the medical
19 marijuana authorization database for the sole purpose of confirming
20 the validity of qualifying patient or designated provider
21 authorization cards.

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

24 (1) Medical marijuana retail outlets shall sell no products or
25 services other than marijuana concentrates, marijuana-infused
26 products, products with a THC concentration of 0.3 percent or less,
27 or paraphernalia intended for the storage or use of marijuana
28 concentrates or marijuana-infused products as provided by department
29 rule. Marijuana products that are intended to be smoked and
30 paraphernalia used for smoking marijuana may not be sold in medical
31 marijuana retail outlets. Medical marijuana retail outlets shall only
32 sell to qualifying patients or designated providers.

33 (2) Medical marijuana retailers shall not employ persons under
34 twenty-one years of age. Qualifying patients who are eighteen to
35 twenty-one years of age and hold authorization cards may enter or
36 remain on the premises of a medical marijuana retail outlet.
37 Qualifying patients who are under the age of eighteen may enter or
38 remain on the premises of a medical marijuana retail outlet if they

1 are accompanied by their parent or guardian who also holds an
2 authorization card as the minor's designated provider.

3 (3) Medical marijuana retailers shall not display any signage in
4 a window, on a door, or on the outside of the premises of a medical
5 marijuana retail outlet that is visible to the general public from a
6 public right-of-way, other than a single sign no larger than one
7 thousand six hundred square inches identifying the retail outlet by
8 the licensee's business or trade name. The state liquor and cannabis
9 board shall adopt rules establishing a symbol that medical marijuana
10 retailers may use on signage to indicate they possess a medical
11 marijuana retail license.

12 (4) Medical marijuana retailers shall not display marijuana
13 concentrates or marijuana-infused products in a manner that is
14 visible to the general public from a public right-of-way.

15 (5) No medical marijuana retailer or employee of a medical
16 marijuana retail outlet shall open or consume, or allow to be opened
17 or consumed, any marijuana concentrates or marijuana-infused products
18 on the outlet premises.

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

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

25 The following acts, when performed by a validly licensed medical
26 marijuana retailer or employee of a validly licensed medical
27 marijuana retail outlet in compliance with rules adopted by the state
28 liquor and cannabis board to implement and enforce chapter 69.50 RCW
29 and this chapter, shall not constitute criminal or civil offenses
30 under Washington state law:

31 (1) Purchase and receipt of marijuana concentrates or marijuana-
32 infused products that have been properly packaged and labeled from a
33 marijuana processor validly licensed under chapter 69.50 RCW;

34 (2) Possession of quantities of marijuana concentrates or
35 marijuana-infused products that do not exceed the maximum amounts
36 established by the state liquor and cannabis board under RCW
37 69.50.345(4);

38 (3) Delivery, distribution, and sale, on the premises of a
39 medical marijuana retail outlet, of any combination of the following

1 amounts of marijuana concentrates or marijuana-infused products to a
2 qualifying patient holding an authorization card or a designated
3 provider holding an authorization card:

4 (a) Forty-eight ounces of marijuana-infused product in solid
5 form;

6 (b) Two hundred sixteen ounces of marijuana-infused product in
7 liquid form; or

8 (c) Twenty-one grams of marijuana concentrates; and

9 (4) Donations of marijuana-infused products or marijuana
10 concentrates with a THC concentration of 0.3 percent or less to
11 qualifying patients holding an authorization card or designated
12 providers holding an authorization card.

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

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

28 (1)(a) The qualifying patient or designated provider holds a
29 valid authorization card and possesses no more than ~~((fifteen~~
30 ~~cannabis plants and:~~

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

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

34 ~~(iii) A combination of useable cannabis and cannabis product that~~
35 ~~does not exceed a combined total representing possession and~~
36 ~~processing of no more than twenty four ounces of useable cannabis))~~
37 the amount of marijuana concentrates, useable marijuana, plants, or
38 marijuana-infused products authorized under section 15 or 24 of this
39 act.

1 ~~((b))~~ If a person is both a qualifying patient and a designated
2 provider for another qualifying patient, the person may possess no
3 more than twice the amounts described in ~~((a) of this subsection))~~
4 section 15 of this act for the qualifying patient and designated
5 provider, whether the plants, ~~((useable cannabis, and cannabis~~
6 ~~product))~~ marijuana concentrates, useable marijuana, or marijuana-
7 infused products are possessed individually or in combination between
8 the qualifying patient and his or her designated provider;

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

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

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

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

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

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

34 ~~((6))~~ or

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

1 NEW SECTION. **Sec. 24.** 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 people
7 may become members of the cooperative under this section and all
8 members must hold valid authorization cards.

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

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

32 (4) Qualifying patients or designated providers who grow plants
33 under this section:

34 (a) May grow up to the total amount of plants for which each
35 participating member is authorized on their authorization cards. At
36 the location, the qualifying patients or designated providers may
37 possess no more useable marijuana than what can be produced with the
38 number of plants permitted under this subsection;

39 (b) Must provide assistance in growing plants. A monetary
40 contribution or donation is not to be considered assistance under

1 this section. Participants must provide nonmonetary resources and
2 labor in order to participate; and

3 (c) May not sell, donate, or otherwise provide marijuana,
4 marijuana concentrates, useable marijuana, or marijuana-infused
5 products to a person who is not participating under this section.

6 (5) The location of the cooperative must be the domicile of one
7 of the participants. Only one cooperative may be located per property
8 tax parcel. A copy of each participant's authorization card must be
9 kept at the location at all times.

10 (6) The state liquor and cannabis board may adopt rules to
11 implement this section, including any security requirements necessary
12 to ensure the safety of the cooperative and to reduce the risk of
13 diversion from the cooperative.

14 (7) The state liquor and cannabis board may inspect a cooperative
15 registered under this section to ensure members are in compliance
16 with this section. The state liquor and cannabis board must adopt
17 rules on reasonable inspection hours and reasons for inspections.

18 **Sec. 25.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
19 read as follows:

20 (1) A qualifying patient or designated provider in possession of
21 ((cannabis)) plants, marijuana concentrates, useable ((cannabis))
22 marijuana, or ((cannabis)) marijuana-infused products exceeding the
23 limits set forth in ((RCW 69.51A.040(1))) section 15 or 24 of this
24 act but otherwise in compliance with all other terms and conditions
25 of this chapter may establish an affirmative defense to charges of
26 violations of state law relating to ((cannabis)) marijuana through
27 proof at trial, by a preponderance of the evidence, that the
28 qualifying patient's necessary medical use exceeds the amounts set
29 forth in RCW 69.51A.040((+1)).

30 (2) An investigating ((peace)) law enforcement officer may seize
31 ((cannabis)) plants, marijuana concentrates, useable ((cannabis))
32 marijuana, or ((cannabis)) marijuana-infused products exceeding the
33 amounts set forth in ((RCW 69.51A.040(1): PROVIDED, That)) section 15
34 or 24 of this act. In the case of ((cannabis)) plants, the qualifying
35 patient or designated provider shall be allowed to select the plants
36 that will remain at the location. The officer and his or her law
37 enforcement agency may not be held civilly liable for failure to
38 seize ((cannabis)) marijuana in this circumstance.

1 **Sec. 26.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
2 to read as follows:

3 (1)(a) The arrest and prosecution protections established in RCW
4 69.51A.040 may not be asserted in a supervision revocation or
5 violation hearing by a person who is supervised by a corrections
6 agency or department, including local governments or jails, that has
7 determined that the terms of this section are inconsistent with and
8 contrary to his or her supervision.

9 (b) The affirmative defenses established in RCW (~~(69.51A.043,)~~)
10 69.51A.045(~~(, 69.51A.047, and section 407 of this act)~~) may not be
11 asserted in a supervision revocation or violation hearing by a person
12 who is supervised by a corrections agency or department, including
13 local governments or jails, that has determined that the terms of
14 this section are inconsistent with and contrary to his or her
15 supervision.

16 (2) (~~The provisions of~~) RCW 69.51A.040(~~(, 69.51A.085, and~~
17 ~~69.51A.025 de)~~) does not apply to a person who is supervised for a
18 criminal conviction by a corrections agency or department, including
19 local governments or jails, that has determined that the terms of
20 this chapter are inconsistent with and contrary to his or her
21 supervision.

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

29 **Sec. 27.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
30 read as follows:

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

34 (2) Nothing in this chapter establishes a right of care as a
35 covered benefit or requires any state purchased health care as
36 defined in RCW 41.05.011 or other health carrier or health plan as
37 defined in Title 48 RCW to be liable for any claim for reimbursement
38 for the medical use of (~~(cannabis)~~) marijuana. Such entities may
39 enact coverage or noncoverage criteria or related policies for

1 payment or nonpayment of medical ((~~eannabis~~)) marijuana in their sole
2 discretion.

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

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

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

17 ((~~+5~~)) (6) Nothing in this chapter authorizes the use of medical
18 ((~~eannabis~~)) marijuana by any person who is subject to the Washington
19 code of military justice in chapter 38.38 RCW.

20 ((~~+6~~)) (7) Employers may establish drug-free work policies.
21 Nothing in this chapter requires an accommodation for the medical use
22 of ((~~eannabis~~)) marijuana if an employer has a drug-free workplace.

23 ((~~+7~~)) ~~It is a class C felony to fraudulently produce any record~~
24 ~~purporting to be, or tamper with the content of any record for the~~
25 ~~purpose of having it accepted as, valid documentation under RCW~~
26 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~
27 ~~earlier than its actual date of execution.)~~

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

35 **Sec. 28.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
36 read as follows:

37 The Washington state medical quality assurance commission in
38 consultation with the board of osteopathic medicine and surgery, or
39 other appropriate agency as designated by the governor, shall accept

1 for consideration petitions submitted to add terminal or debilitating
2 conditions to those included in this chapter. In considering such
3 petitions, the Washington state medical quality assurance commission
4 in consultation with the board of osteopathic medicine and surgery
5 shall include public notice of, and an opportunity to comment in a
6 public hearing upon, such petitions. The Washington state medical
7 quality assurance commission in consultation with the board of
8 osteopathic medicine and surgery may make a preliminary finding of
9 good cause before the public hearing and shall, after hearing,
10 approve or deny such petitions within ~~((one))~~ two hundred ~~((eighty))~~
11 ten days of submission. The approval or denial of such a petition
12 shall be considered a final agency action, subject to judicial
13 review.

14 **Sec. 29.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to
15 read as follows:

16 (1) Qualifying patients may create and participate in collective
17 gardens for the purpose of producing, processing, transporting, and
18 delivering cannabis for medical use subject to the following
19 conditions:

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

22 (b) No person under the age of twenty-one may participate in a
23 collective garden or receive marijuana that was produced, processed,
24 transported, or delivered through a collective garden. A designated
25 provider for a person who is under the age of twenty-one may
26 participate in a collective garden on behalf of the person under the
27 age of twenty-one;

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

30 ~~((+e))~~ (d) A collective garden may contain no more than twenty-
31 four ounces of useable cannabis per patient up to a total of seventy-
32 two ounces of useable cannabis;

33 ~~((+d))~~ (e) A copy of each qualifying patient's valid
34 documentation ~~((or proof of registration with the registry~~
35 ~~established in section 901 of this act)),~~ including a copy of the
36 patient's proof of identity, must be available at all times on the
37 premises of the collective garden; and

1 ((e)) (f) No useable cannabis from the collective garden is
2 delivered to anyone other than one of the qualifying patients
3 participating in the collective garden.

4 (2) For purposes of this section, the creation of a "collective
5 garden" means qualifying patients sharing responsibility for
6 acquiring and supplying the resources required to produce and process
7 cannabis for medical use such as, for example, a location for a
8 collective garden; equipment, supplies, and labor necessary to plant,
9 grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and
10 equipment, supplies, and labor necessary for proper construction,
11 plumbing, wiring, and ventilation of a garden of cannabis plants.

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

14 NEW SECTION. **Sec. 30.** A new section is added to chapter 69.50
15 RCW to read as follows:

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

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

20 (b) A medical marijuana retailer is selling to persons under the
21 age of eighteen or selling to persons between the ages of eighteen
22 and twenty-one who do not hold valid authorization cards;

23 (c) Until December 31, 2015, collective gardens under RCW
24 69.51A.085 are providing marijuana to persons under the age of
25 twenty-one; or

26 (d) A cooperative organized under section 24 of this act is
27 permitting a person under the age of twenty-one to participate.

28 (2) Every person under the age of twenty-one years who purchases
29 or attempts to purchase marijuana is guilty of a violation of this
30 chapter or chapter 69.51A RCW. This section does not apply to:

31 (a) Persons between the ages of eighteen and twenty-one who hold
32 valid authorization cards and purchase marijuana at a medical
33 marijuana retail outlet;

34 (b) Persons between the ages of eighteen and twenty-one years who
35 are participating in a controlled purchase program authorized by the
36 state liquor and cannabis board under rules adopted by the board.
37 Violations occurring under a private, controlled purchase program
38 authorized by the state liquor and cannabis board may not be used for
39 criminal or administrative prosecution.

1 (3) A marijuana retailer or medical marijuana retailer who
2 conducts an in-house controlled purchase program authorized under
3 this section shall provide his or her employees a written description
4 of the employer's in-house controlled purchase program. The written
5 description must include notice of actions an employer may take as a
6 consequence of an employee's failure to comply with company policies
7 regarding the sale of marijuana during an in-house controlled
8 purchase program.

9 (4) An in-house controlled purchase program authorized under this
10 section shall be for the purposes of employee training and employer
11 self-compliance checks. A marijuana retailer or medical marijuana
12 retailer may not terminate an employee solely for a first-time
13 failure to comply with company policies regarding the sale of
14 marijuana during an in-house controlled purchase program authorized
15 under this section.

16 (5) Every person between the ages of eighteen and twenty-one who
17 is convicted of a violation of this section is guilty of a
18 misdemeanor punishable as provided by RCW 9A.20.021, except that a
19 minimum fine of two hundred fifty dollars shall be imposed and any
20 sentence requiring community restitution shall require not fewer than
21 twenty-five hours of community restitution.

22 **Sec. 31.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
23 read as follows:

24 (1) A qualifying patient may revoke his or her designation of a
25 specific designated provider and designate a different designated
26 provider at any time. A revocation of designation must be in writing,
27 signed and dated, and provided to the medical marijuana authorization
28 database administrator and designated provider. The protections of
29 this chapter cease to apply to a person who has served as a
30 designated provider to a qualifying patient seventy-two hours after
31 receipt of that patient's revocation of his or her designation.

32 (2) A person may stop serving as a designated provider to a given
33 qualifying patient at any time by revoking that designation in
34 writing, signed and dated, and provided to the medical marijuana
35 authorization database administrator and the qualifying patient.
36 However, that person may not begin serving as a designated provider
37 to a different qualifying patient until fifteen days have elapsed
38 from the date the last qualifying patient designated him or her to
39 serve as a provider.

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

5 NEW SECTION. Sec. 32. A new section is added to chapter 69.51A
6 RCW to read as follows:

7 Neither this chapter nor chapter 69.50 RCW prohibits a health
8 care professional from selling or donating topical, noningestable
9 products that have a THC concentration of less than .3 percent to
10 qualifying patients.

11 NEW SECTION. Sec. 33. A new section is added to chapter 82.08
12 RCW to read as follows:

13 (1) The tax levied by RCW 82.08.020 shall not apply to:

14 (a) Beginning December 31, 2015, sales of marijuana concentrates,
15 marijuana-infused products, or products containing THC with a THC
16 concentration of 0.3 percent or less by medical marijuana retailers
17 to qualifying patients or designated providers who hold authorization
18 cards;

19 (b) Beginning December 31, 2015, sales of products containing THC
20 with a THC concentration of 0.3 percent or less by health care
21 professionals under section 32 of this act; or

22 (c) Until December 31, 2015, sales of marijuana concentrates,
23 marijuana-infused products, or products containing THC with a THC
24 concentration of 0.3 percent or less by collective gardens under RCW
25 69.51A.085.

26 (2) Each seller making exempt sales under subsection (1) of this
27 section must maintain information establishing the purchaser's
28 eligibility for the exemption in the form and manner required by the
29 department.

30 (3) For the purposes of this section, the terms "THC
31 concentration," "marijuana concentrates," and "marijuana-infused
32 products" have the meaning provided in RCW 69.50.101 and the terms
33 "qualifying patients," "designated providers," "medical marijuana
34 retailers," and "authorization card" have the meaning provided in RCW
35 69.51A.010.

36 NEW SECTION. Sec. 34. A new section is added to chapter 82.12
37 RCW to read as follows:

1 (1) The provisions of this chapter shall not apply to the use of
2 marijuana concentrates, marijuana-infused products, or products
3 containing THC with a THC concentration of 0.3 percent or less in
4 compliance with chapter 69.51A RCW by:

5 (a) Until December 31, 2015, collective gardens under RCW
6 69.51A.085 and the qualifying patients or designated providers
7 participating in the collective gardens;

8 (b) Beginning December 31, 2015, qualifying patients or
9 designated providers who hold authorization cards and have purchased
10 marijuana concentrates, marijuana-infused products, or products
11 containing THC with a THC concentration of 0.3 percent from a medical
12 marijuana retailer or who have purchased or been provided at no
13 charge products containing THC with a THC concentration of 0.3
14 percent from a health care professional; or

15 (c) Beginning December 31, 2015, medical marijuana retailers with
16 respect to marijuana concentrates, marijuana-infused products, or
17 products containing THC with a THC concentration of 0.3 percent or
18 less if such marijuana or product is provided at no charge to a
19 qualifying patient or designated provider who holds an authorization
20 card. Each such retailer providing such marijuana or product at no
21 charge must maintain information establishing eligibility for this
22 exemption in the form and manner required by the department.

23 (2) For the purposes of this section, the terms "THC
24 concentration," "marijuana concentrates," and "marijuana-infused
25 products" have the meaning provided in RCW 69.50.101 and the terms
26 "qualifying patients," "designated providers," "medical marijuana
27 retailers," and "authorization card" have the meaning provided in RCW
28 69.51A.010.

29 NEW SECTION. **Sec. 35.** (1) The legislature finds marijuana use
30 for qualifying patients is a valid and necessary option health care
31 professionals may recommend for their patients. The legislature
32 further finds that although there is a distinction between
33 recreational and medical use of marijuana, the changing environment
34 for recreational marijuana use in Washington will also affect
35 qualifying patients. The legislature further finds that while
36 recognizing the difference between recreational and medical use of
37 marijuana, it is imperative to develop a single, comprehensive
38 regulatory scheme for marijuana use in the state. Acknowledging that
39 the implementation of this act may result in changes to how

1 qualifying patients access marijuana for their medical use, the
2 legislature intends to ease the transition towards a regulated market
3 and provide a statutory means for a safe, consistent, and secure
4 source of marijuana for qualifying patients. Therefore, the
5 legislature intends to provide qualifying patients a retail sales and
6 use tax exemption on purchases of marijuana for medical use when
7 authorized by a health care professional and when purchased at a
8 medical marijuana retailer. Because marijuana is neither a
9 prescription medicine nor an over-the-counter medication, this policy
10 should in no way be construed as precedence for changes in the
11 treatment of prescription medications or over-the-counter
12 medications.

13 (2)(a) This section is the tax preference performance statement
14 for the retail sales and use tax exemptions for marijuana
15 concentrates and marijuana-infused products purchased by qualifying
16 patients provided in sections 33 and 34 of this act. The performance
17 statement is only intended to be used for subsequent evaluation of
18 the tax preference. It is not intended to create a private right of
19 action by any party or be used to determine eligibility for
20 preferential tax treatment.

21 (b) The legislature categorizes the tax preference as one
22 intended to accomplish the general purposes indicated in RCW
23 82.32.808(2)(e).

24 (c) It is the legislature's specific public policy objective to
25 provide qualifying patients a retail sales and use tax exemption on
26 purchases of marijuana concentrates and marijuana-infused products
27 for medical use when qualifying patients hold a valid authorization
28 card.

29 (d) To measure the effectiveness of the exemption provided in
30 sections 33 and 34 of this act in achieving the specific public
31 policy objectives described in (c) of this subsection, the joint
32 legislative audit and review committee must evaluate the actual
33 fiscal impact of the sales and use tax exemption compared to the
34 estimated impact in the fiscal note for this act.

35 (3) For the purposes of this section, the terms "authorization
36 card," "qualifying patient," and "health care professional" have the
37 meaning provided in RCW 69.51A.010 and the terms "marijuana
38 concentrates" and "marijuana-infused products" have the meaning
39 provided in RCW 69.50.101.

1 NEW SECTION. **Sec. 36.** All references to the Washington state
2 liquor control board must be construed as referring to the Washington
3 state liquor and cannabis board. The code reviser must prepare
4 legislation for the 2016 legislative session changing all references
5 in the Revised Code of Washington from the Washington state liquor
6 control board to the Washington state liquor and cannabis board.

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

9 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
10 & 1999 c 2 s 3;

11 (2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW
12 69.51A.040) and 2011 c 181 s 413;

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

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

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

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

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

22 (1) RCW 69.51A.043 (Failure to register—Affirmative defense) and
23 2011 c 181 s 402; and

24 (2) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403.

25 NEW SECTION. **Sec. 39.** Sections 11, 15, 16, 19, 21 through 25,
26 27, and 38 of this act take effect December 31, 2015.

27 NEW SECTION. **Sec. 40.** Sections 29 and 30 of this act are
28 necessary for the immediate preservation of the public health, or
29 safety, or support of the state government and its existing public
30 institutions, and take effect immediately.

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