

# SENATE BILL REPORT

## SB 5947

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As Reported By Senate Committee On:  
Health & Long-Term Care, March 5, 2003

**Title:** An act relating to medical use of marijuana.

**Brief Description:** Concerning medical use of marijuana.

**Sponsors:** Senators Kohl-Welles, McCaslin, Swecker, Thibaudeau, Brandland and Franklin;  
by request of Lieutenant Governor.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 3/5/03 [DPS].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

**Staff:** Tanya Karwaki (786-7447)

**Background:** In November 1998, voters approved Initiative 692 authorizing the use of marijuana for medical purposes, subject to certain conditions. Physicians, primary caregivers, and qualifying patients are exempt from state criminal sanctions relating to marijuana as long as they comply with the requirements of the law.

One condition in the law is that a qualifying patient may possess no more than a 60-day supply of marijuana. Although a 60-day supply is not defined, the Washington State Court of Appeals recently held that a physician recommending the medical use of marijuana must make "some statement as to how much [the patient] needs." Without such a statement, the court is unable to determine whether the amount falls within the statutory limit of a 60-day supply.

The law also authorizes physicians to advise patients suffering from a terminal or debilitating illness about the risks and benefits of medical marijuana. If the physician determines that the potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying patient, then he or she may provide documentation of this to the patient.

**Summary of Substitute Bill:** A task force is created to review the implementation of Washington's medical marijuana law. In its review, the task force must examine issues of patient and physician utilization rates and concerns, prosecution and law enforcement concerns, relevant case law changes, and statutory and administrative barriers to full

implementation of the law. The task force must present its findings and recommendations to the Legislature by December 1, 2003.

The Attorney General is requested to file a motion for declaratory judgment to determine what advice physicians may legally provide patients regarding the use of medical marijuana.

**Substitute Bill Compared to Original Bill:** The substitute bill removes the provisions of the original bill and replaces them with provisions creating a task force and requesting the Attorney General to file a motion for declaratory judgment.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is a good step forward. It will enable the participants of the task force to return to the Legislature next year with a workable solution. The bill will clarify the law and make it easier to enforce.

**Testimony Against:** None.

**Testified:** PRO: Glenn Dunnam, Office of the Lt. Governor; Jerry Sheehan, ACLU-WA; Marie Jubie, citizen; R. L. Miller, GCPC.