

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

3
4 **"PART I**

5 **LEGISLATIVE DECLARATION AND INTENT**

6
7 NEW SECTION. **Sec. 101.** (1) The legislature intends to give
8 full effect to the initiative that authorized the use of medical
9 cannabis in a manner that maintains access for patients while
10 protecting the safety of those who grow, distribute and consume
11 cannabis for medical use. While recognizing the limits of federal
12 law, the state intends to establish a controlled system for the
13 production and sale of cannabis for medical use to allow for
14 legitimate uses of medical cannabis and reducing its use for illegal
15 purposes.

16 (2) The legislature intends to amend and clarify the law on the
17 medical use of cannabis so that:

18 (a) Qualifying patients and designated providers complying with
19 the terms of this act and registering with the department of health
20 will no longer be subject to arrest or prosecution, other criminal
21 sanctions, or civil consequences based solely on their medical use of
22 cannabis;

23 (b) Qualifying patients will have access to an adequate, safe,
24 consistent, and secure source of medical quality cannabis; and

25 (c) Health care professionals may authorize the medical use of
26 cannabis in the manner provided by this act without fear of state
27 criminal or civil sanctions.

1 (3) This act is not intended to amend or supersede Washington
2 state law prohibiting the acquisition, possession, manufacture, sale,
3 or use of cannabis for nonmedical purposes.

4 (4) This act is not intended to compromise community safety.
5 State, county, or city correctional agencies or departments shall
6 retain the authority to establish and enforce terms for those on
7 active supervision.

8
9 **Sec. 102.** RCW 69.51A.005 and 2010 c 284 s 1 are each amended to
10 read as follows:

11 (1) The ~~((people of Washington state))~~ legislature finds that:

12 (a) There is medical evidence that some patients with terminal or
13 debilitating ~~((illnesses))~~ medical conditions may, under their health
14 care professional's care, ~~((may))~~ benefit from the medical use of
15 ~~((marijuana))~~ cannabis. Some of the ~~((illnesses))~~ conditions for
16 which ~~((marijuana))~~ cannabis appears to be beneficial include
17 ~~((chemotherapy-related))~~, but are not limited to:

18 (i) Nausea ~~((and))~~, vomiting ~~((in cancer patients; AIDS wasting~~
19 syndrome)), and cachexia associated with cancer, HIV-positive status,
20 AIDS, hepatitis C, anorexia, and their treatments;

21 (ii) Severe muscle spasms associated with multiple sclerosis,
22 epilepsy, and other seizure and spasticity disorders; ~~((epilepsy;))~~

23 (iii) Acute or chronic glaucoma;

24 (iv) Crohn's disease; and

25 (v) Some forms of intractable pain.

26 ~~((The people find that))~~ (b) Humanitarian compassion necessitates
27 that the decision to ~~((authorize the medical))~~ use ~~((of marijuana))~~
28 cannabis by patients with terminal or debilitating ~~((illnesses))~~
29 medical conditions is a personal, individual decision, based upon
30 their health care professional's professional medical judgment and
31 discretion.

32 (2) Therefore, the ~~((people of the state of Washington))~~
33 legislature intends that:

34

1 (a) Qualifying patients with terminal or debilitating
2 ~~((illnesses))~~ medical conditions who, in the judgment of their health
3 care professionals, may benefit from the medical use of ~~((marijuana))~~
4 cannabis, shall not be ~~((found guilty of a crime under state law for~~
5 ~~their possession and limited use of marijuana))~~ arrested, prosecuted,
6 or subject to other criminal sanctions or civil consequences under
7 state law based solely on their medical use of cannabis,
8 notwithstanding any other provision of law;

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

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

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

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

32
33 **Sec. 103.** RCW 69.51A.020 and 1999 c 2 s 3 are each amended to
34 read as follows:

1 Nothing in this chapter shall be construed to supersede Washington
2 state law prohibiting the acquisition, possession, manufacture, sale,
3 or use of (~~marijuana~~) cannabis for nonmedical purposes. Criminal
4 penalties created under this act do not preclude the prosecution or
5 punishment for other crimes, including other crimes involving the
6 manufacture or delivery of cannabis for nonmedical purposes.

7
8 **PART II**

9 **DEFINITIONS**

10
11 **Sec. 201.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
12 read as follows:

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

15 (1) "Cannabis" means all parts of the plant Cannabis, whether
16 growing or not; the seeds thereof; the resin extracted from any part
17 of the plant; and every compound, manufacture, salt, derivative,
18 mixture, or preparation of the plant, its seeds, or resin. For the
19 purposes of this chapter, "cannabis" does not include the mature
20 stalks of the plant, fiber produced from the stalks, oil or cake made
21 from the seeds of the plant, any other compound, manufacture, salt,
22 derivative, mixture, or preparation of the mature stalks, except the
23 resinextracted therefrom, fiber, oil, or cake, or the sterilized seed
24 of the plant which is incapable of germination. The term "cannabis"
25 includes cannabis products and useable cannabis.

26 (2) "Cannabis analysis laboratory" means a laboratory that
27 performs chemical analysis and inspection of cannabis samples.

28 (3) "Cannabis products" means products that contain cannabis or
29 cannabis extracts, have a measurable THC concentration greater than
30 three-tenths of one percent, and are intended for human consumption or
31 application, including, but not limited to, edible products,
32 tinctures, and lotions. The term "cannabis products" does not include
33 useable cannabis. The definition of "cannabis products" as a
34 measurement of THC concentration only applies to the provisions of

1 this chapter and shall not be considered applicable to any criminal
2 laws related to marijuana or cannabis.

3 (4) "Correctional facility" has the same meaning as provided in
4 RCW 72.09.015.

5 (5) "Corrections agency or department" means any agency or
6 department in the state of Washington, including local governments or
7 jails, that is vested with the responsibility to manage those
8 individuals who are being supervised in the community for a criminal
9 conviction and has established a written policy for determining when
10 the medical use of cannabis, including possession, manufacture, or
11 delivery of, or for possession with intent to manufacture or deliver,
12 is inconsistent with and contrary to the person's supervision.

13 (6) "Designated provider" means a person who:

14 (a) Is eighteen years of age or older;

15 (b) Has been designated in ((writing)) a written document signed
16 and dated by a qualifying patient to serve as a designated provider
17 under this chapter; and

18 (c) Is ((prohibited from consuming marijuana obtained for the
19 personal, medical use of the patient for whom the individual is acting
20 as designated provider; and

21 (d) Is the designated provider to only one patient at any one
22 time.

23 (2)) in compliance with the terms and conditions set forth in RCW
24 69.51A.040.

25 A qualifying patient may be the designated provider for another
26 qualifying patient and be in possession of both patients' cannabis at
27 the same time.

28 (7) "Director" means the director of the department of
29 agriculture.

30 (8) "Dispense" means the selection, measuring, packaging,
31 labeling, delivery, or retail sale of cannabis by a licensed dispenser
32 to a qualifying patient or designated provider.

33 (9) "Dispensing facility" means the premises and equipment
34

1 operated by the department of health where cannabis products are sold
2 at retail to qualifying patients and designated providers.

3 (10) "Health care professional," for purposes of this chapter
4 only, means a physician licensed under chapter 18.71 RCW, a physician
5 assistant licensed under chapter 18.71A RCW, an osteopathic physician
6 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
7 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
8 18.36A RCW, or an advanced registered nurse practitioner licensed
9 under chapter 18.79 RCW.

10 ((+3)) (11) "Jail" has the same meaning as provided in RCW
11 70.48.020.

12 (12) "Labeling" means all labels and other written, printed, or
13 graphic matter (a) upon any cannabis intended for medical use, or (b)
14 accompanying such cannabis.

15 (13) "Medical use of ((marijuana)) cannabis" means the
16 manufacture, production, processing, possession, transportation,
17 delivery, dispensing, ingestion, application, or administration of
18 ((marijuana, as defined in RCW 69.50.101(q)),) cannabis for the
19 exclusive benefit of a qualifying patient in the treatment of his or
20 her terminal or debilitating ((illness)) medical condition.

21 ((+4)) (14) "Nonresident" means a person who is temporarily in
22 the state but is not a Washington state resident.

23 (15) "Peace officer" means any law enforcement personnel as
24 defined in RCW 43.101.010.

25 (16) "Person" means an individual or an entity.

26 (17) "Personally identifiable information" means any information
27 that includes, but is not limited to, data that uniquely identify,
28 distinguish, or trace a person's identity, such as the person's name,
29 date of birth, or address, either alone or when combined with other
30 sources, that establish the person is a qualifying patient, designated
31 provider, licensed producer, or licensed processor of cannabis
32 products for purposes of registration with the department of health or
33 department of agriculture. The term "personally identifiable
34 information" also means any information used by the department of

1 health or department of agriculture to identify a person as a
2 qualifying patient, designated provider, licensed producer, or
3 licensed processor of cannabis products.

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

11 (19) "Process" means to handle or process cannabis in preparation
12 for medical use.

13 (20) "Processing facility" means the premises and equipment
14 operated by the department of agriculture where cannabis products are
15 manufactured, processed, handled, and labeled for wholesale to a
16 dispensing facility.

17 (21) "Produce" means to plant, grow, or harvest cannabis for
18 medical use.

19 (22) "Production facility" means the premises and equipment
20 operated by the department of agriculture where cannabis is planted,
21 grown, harvested, processed, stored, handled, packaged, or labeled by
22 a licensed producer for wholesale, delivery, or transportation to a
23 dispensing facility or processing facility, and all vehicles and
24 equipment used to transport cannabis from a licensed production
25 facility to a dispensing facility or processing facility.

26 (23) "Public place" includes streets and alleys of incorporated
27 cities and towns; state or county or township highways or roads;
28 buildings and grounds used for school purposes; public dance halls and
29 grounds adjacent thereto; premises where goods and services are
30 offered to the public for retail sale; public buildings, public
31 meeting halls, lobbies, halls and dining rooms of hotels, restaurants,
32 theatres, stores, garages, and filling stations which are open to and
33 are generally used by the public and to which the public is permitted
34 to have unrestricted access; railroad trains, stages, buses, ferries,

1 and other public conveyances of all kinds and character, and the
2 depots, stops, and waiting rooms used in conjunction therewith which
3 are open to unrestricted use and access by the public; publicly owned
4 bathing beaches, parks, or playgrounds; and all other places of like
5 or similar nature to which the general public has unrestricted right
6 of access, and which are generally used by the public.

7 (24) "Qualifying patient" means a person who:

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

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

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

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

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

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

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

26 ~~((5))~~ (25) "Secretary" means the secretary of health.

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

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

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

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

34 ~~((6))~~ (27) "Terminal or debilitating medical condition" means:

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

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

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

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

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

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

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

21 (~~(+7)~~) (28) "THC concentration" means percent of
22 tetrahydrocannabinol content per weight or volume of useable cannabis
23 or cannabis product.

24 (29) "Useable cannabis" means dried flowers of the Cannabis plant
25 having a THC concentration greater than three-tenths of one percent.
26 Useable cannabis excludes stems, stalks, leaves, seeds, and roots.
27 For purposes of this subsection, "dried" means containing less than
28 fifteen percent moisture content by weight. The term "useable
29 cannabis" does not include cannabis products.

30 (30)(a) Until January 1, 2013, "valid documentation" means:

31 (~~(+a)~~) (i) A statement signed and dated by a qualifying patient's
32 health care professional written on tamper-resistant paper, which
33 states that, in the health care professional's professional opinion,
34 the patient may benefit from the medical use of (~~marijuana~~)

1 cannabis; ((and
2 ~~(b))~~) (ii) Proof of identity such as a Washington state driver's
3 license or identicard, as defined in RCW 46.20.035; and
4 (iii) In the case of a designated provider, the signed and dated
5 document valid for one year from the date of signature executed by the
6 qualifying patient who has designated the provider; and
7 (b) Beginning July 1, 2012, "valid documentation" means:
8 (i) An original statement signed and dated by a qualifying
9 patient's health care professional written on tamper-resistant paper
10 and valid for up to one year from the date of the health care
11 professional's signature, which states that, in the health care
12 professional's professional opinion, the patient may benefit from the
13 medical use of cannabis;
14 (ii) Proof of identity such as a Washington state driver's license
15 or identicard, as defined in RCW 46.20.035; and
16 (iii) In the case of a designated provider, the signed and dated
17 document valid for up to one year from the date of signature executed
18 by the qualifying patient who has designated the provider.

19
20 **PART III**

21 **PROTECTIONS FOR HEALTH CARE PROFESSIONALS**

22
23 **Sec. 301.** RCW 69.51A.030 and 2010 c 284 s 3 are each amended to
24 read as follows:

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

1 ~~((+1))~~ (a) Advising a ~~((qualifying))~~ patient about the risks and
2 benefits of medical use of ~~((marijuana))~~ cannabis or that the
3 ~~((qualifying))~~ patient may benefit from the medical use of ~~((marijuana~~
4 ~~where such use is within a professional standard of care or in the~~
5 ~~individual health care professional's medical judgment))~~ cannabis; or
6 ~~((+2))~~ (b) Providing a ~~((qualifying))~~ patient meeting the
7 criteria established under RCW 69.51A.010(26) with valid
8 documentation, based upon the health care professional's assessment of
9 the ~~((qualifying))~~ patient's medical history and current medical
10 condition, ~~((that the medical use of marijuana may benefit a~~
11 particular ~~qualifying~~ patient)) where such use is within a
12 professional standard of care or in the individual health care
13 professional's medical judgment.

14 (2)(a) A health care professional may only provide a patient with
15 valid documentation authorizing the medical use of cannabis or
16 register the patient with the registry established in section 901 of
17 this act if he or she has a documented relationship with the patient
18 relating to the diagnosis and ongoing treatment or monitoring of the
19 patient's terminal or debilitating medical condition, and only after:

20 (i) Completing a physical examination of the patient as
21 appropriate, based on the patient's condition and age;

22 (ii) Documenting the terminal or debilitating medical condition of
23 the patient in the patient's medical record and that the patient may
24 benefit from treatment of this condition or its symptoms with medical
25 use of cannabis;

26 (iii) Informing the patient of other options for treating the
27 terminal or debilitating medical condition; and

28 (iv) Documenting other measures attempted to treat the terminal
29 or debilitating medical condition that do not involve the medical use
30 of cannabis.

31 (b) A health care professional shall not:

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

1 (ii) Offer a discount or any other thing of value to a qualifying
2 patient who is a customer of, or agrees to be a customer of, a
3 particular licensed dispenser, licensed producer, or licensed
4 processor of cannabis products;

5 (iii) Examine or offer to examine a patient for purposes of
6 diagnosing a terminal or debilitating medical condition at a location
7 where cannabis is produced, processed, or dispensed;

8 (iv) Have a business or practice which consists solely of
9 authorizing the medical use of cannabis;

10 (v) Include any statement or reference, visual or otherwise, on
11 the medical use of cannabis in any advertisement for his or her
12 business or practice; or

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

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

18 **PART IV**

19 **PROTECTIONS FOR QUALIFYING PATIENTS AND DESIGNATED PROVIDERS**

20 **Sec. 401.** RCW 69.51A.040 and 2007 c 371 s 5 are each amended to
21 read as follows:

22 ~~((1) If a law enforcement officer determines that marijuana is~~
23 ~~being possessed lawfully under the medical marijuana law, the officer~~
24 ~~may document the amount of marijuana, take a representative sample~~
25 ~~that is large enough to test, but not seize the marijuana. A law~~
26 ~~enforcement officer or agency shall not be held civilly liable for~~
27 ~~failure to seize marijuana in this circumstance.~~

28 ~~(2) If charged with a violation of state law relating to~~
29 ~~marijuana, any qualifying patient who is engaged in the medical use of~~
30 ~~marijuana, or any designated provider who assists a qualifying patient~~
31 ~~in the medical use of marijuana, will be deemed to have established an~~
32 ~~affirmative defense to such charges by proof of his or her compliance~~
33 ~~with the provisions of this section.~~

1 ~~with the requirements provided in this chapter. Any person meeting~~
2 ~~the requirements appropriate to his or her status under this chapter~~
3 ~~shall be considered to have engaged in activities permitted by this~~
4 ~~chapter and shall not be penalized in any manner, or denied any right~~
5 ~~or privilege, for such actions.~~

6 ~~(3) A qualifying patient, if eighteen years of age or older, or a~~
7 ~~designated provider shall:~~

8 ~~(a) Meet all criteria for status as a qualifying patient or~~
9 ~~designated provider;~~

10 ~~(b) Possess no more marijuana than is necessary for the patient's~~
11 ~~personal, medical use, not exceeding the amount necessary for a sixty-~~
12 ~~day supply; and~~

13 ~~(c) Present his or her valid documentation to any law enforcement~~
14 ~~official who questions the patient or provider regarding his or her~~
15 ~~medical use of marijuana.~~

16 ~~(4) A qualifying patient, if under eighteen years of age at the~~
17 ~~time he or she is alleged to have committed the offense, shall~~
18 ~~demonstrate compliance with subsection (3)(a) and (c) of this section.~~
19 ~~However, any possession under subsection (3)(b) of this section, as~~
20 ~~well as any production, acquisition, and decision as to dosage and~~
21 ~~frequency of use, shall be the responsibility of the parent or legal~~
22 ~~guardian of the qualifying patient.))~~

23 The medical use of cannabis in
24 accordance with the terms and conditions of this chapter does not
25 constitute a crime and a qualifying patient or designated provider in
26 compliance with the terms and conditions of this chapter may not be
27 arrested, searched, prosecuted, or subject to other criminal sanctions
28 or civil consequences for possession, manufacture, or delivery of, or
29 for possession with intent to manufacture or deliver, cannabis under
30 state law, or have real or personal property searched, seized, or
31 forfeited for possession, manufacture, or delivery of, or for
32 possession with intent to manufacture or deliver, cannabis under state
33 law, and investigating peace officers and law enforcement agencies
34 may not be held civilly liable for failure to seize cannabis in this
circumstance, if:

1 (1)(a) The qualifying patient or designated provider possesses no
2 more than fifteen cannabis plants and:

3 (i) No more than twenty-four ounces of useable cannabis;

4 (ii) No more cannabis product than what could reasonably be
5 produced with no more than twenty-four ounces of useable cannabis; or

6 (iii) A combination of useable cannabis and cannabis product that
7 does not exceed a combined total representing possession and
8 processing of no more than twenty-four ounces of useable cannabis.

9 (b) If a person is both a qualifying patient and a designated
10 provider for another qualifying patient, the person may possess no
11 more than twice the amounts described in (a) of this subsection,
12 whether the plants, useable cannabis, and cannabis product are
13 possessed individually or in combination between the qualifying
14 patient and his or her designated provider;

15 (2) The qualifying patient or designated provider presents his or
16 her proof of registration with the department of health, to any peace
17 officer who questions the patient or provider regarding his or her
18 medical use of cannabis;

19 (3) The qualifying patient or designated provider keeps a copy of
20 his or her proof of registration with the registry established in
21 section 901 of this act and the qualifying patient or designated
22 provider's contact information posted prominently next to any cannabis
23 plants, cannabis products, or useable cannabis located at his or her
24 residence;

25 (4) The investigating peace officer does not possess evidence that
26 the designated provider has converted cannabis produced or obtained
27 for the qualifying patient for his or her own personal use or benefit;
28 and

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

32
33 NEW SECTION. Sec. 402. (1) A qualifying patient or designated
34 provider who is not registered with the registry established in

1 section 901 of this act may not be taken into custody or booked into
2 jail on the grounds of his or her medical use of cannabis prior to
3 conviction, and may raise the affirmative defense set forth in
4 subsection (2) of this section, if:

5 (a) The qualifying patient or designated provider presents his or
6 her valid documentation to any peace officer who questions the patient
7 or provider regarding his or her medical use of cannabis;

8 (b) The qualifying patient or designated provider possesses no
9 more cannabis than the limits set forth in RCW 69.51A.040(1);

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

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

16 (e) No outstanding warrant for arrest exists for the qualifying
17 patient or designated provider.

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

30
31 NEW SECTION. **Sec. 403.** (1) A qualifying patient may revoke his
32 or her designation of a specific provider and designate a different
33 provider at any time. A revocation of designation must be in writing,
34 signed and dated. The protections of this chapter cease to apply to a

1 person who has served as a designated provider to a qualifying patient
2 seventy-two hours after receipt of that patient's revocation of his or
3 her designation.

4 (2) A person may stop serving as a designated provider to a given
5 qualifying patient at any time. However, that person may not begin
6 serving as a designated provider to a different qualifying patient
7 until fifteen days have elapsed from the date the last qualifying
8 patient designated him or her to serve as a provider.

9
10 NEW SECTION. **Sec. 404.** A qualifying patient or designated
11 provider in possession of cannabis plants, useable cannabis, or
12 cannabis product exceeding the limits set forth in RCW 69.51A.040(1)
13 but otherwise in compliance with all other terms and conditions of
14 this chapter may establish an affirmative defense to charges of
15 violations of state law relating to cannabis through proof at trial,
16 by a preponderance of the evidence, that the qualifying patient's
17 necessary medical use exceeds the amounts set forth in RCW
18 69.51A.040(1). An investigating peace officer may seize cannabis
19 plants, useable cannabis, or cannabis product exceeding the amounts
20 set forth in RCW 69.51A.040(1): PROVIDED, That in the case of
21 cannabis plants, the qualifying patient or designated provider shall
22 be allowed to select the plants that will remain at the location. The
23 officer and his or her law enforcement agency may not be held civilly
24 liable for failure to seize cannabis in this circumstance.

25
26 NEW SECTION. **Sec. 405.** A qualifying patient or designated
27 provider who is not registered with the registry established in
28 section 901 of this act or does not present his or her valid
29 documentation to a peace officer who questions the patient or provider
30 regarding his or her medical use of cannabis but is in compliance with
31 all other terms and conditions of this chapter may establish an
32 affirmative defense to charges of violations of state law relating to
33 cannabis through proof at trial, by a preponderance of the evidence,
34 that he or she was a validly authorized qualifying patient or

1 designated provider at the time of the officer's questioning. A
2 qualifying patient or designated provider who establishes an
3 affirmative defense under the terms of this section may also establish
4 an affirmative defense under section 405 of this act.

5
6 NEW SECTION. **Sec. 406.** A nonresident who is duly authorized to
7 engage in the medical use of cannabis under the laws of another state
8 or territory of the United States may raise an affirmative defense to
9 charges of violations of Washington state law relating to cannabis,
10 provided that the nonresident:

11 (1) Possesses no more than fifteen cannabis plants and no more
12 than twenty-four ounces of useable cannabis, no more cannabis product
13 than reasonably could be produced with no more than twenty-four ounces
14 of useable cannabis, or a combination of useable cannabis and cannabis
15 product that does not exceed a combined total representing possession
16 and processing of no more than twenty-four ounces of useable cannabis;

17 (2) Is in compliance with all provisions of this chapter other
18 than requirements relating to being a Washington resident or
19 possessing valid documentation issued by a licensed health care
20 professional in Washington; and

21 (3) Presents the documentation of authorization required under the
22 nonresident's authorizing state or territory's law and proof of
23 identity issued by the authorizing state or territory to any peace
24 officer who questions the nonresident regarding his or her medical use
25 of cannabis.

26
27 NEW SECTION. **Sec. 407.** A qualifying patient's medical use of
28 cannabis as authorized by a health care professional may not be a sole
29 disqualifying factor in determining the patient's suitability for an
30 organ transplant, unless it is shown that this use poses a significant
31 risk of rejection or organ failure. This section does not preclude a
32 health care professional from requiring that a patient abstain from
33 the medical use of cannabis, for a period of time determined by the
34

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

3
4 NEW SECTION. **Sec. 408.** A qualifying patient or designated
5 provider may not have his or her parental rights or residential time
6 with a child restricted solely due to his or her medical use of
7 cannabis in compliance with the terms of this chapter absent written
8 findings supported by evidence that such use has resulted in a long-
9 term impairment that interferes with the performance of parenting
10 functions as defined under RCW 26.09.004.

11
12 NEW SECTION. **Sec. 409.** (1) Except as provided in subsection (2)
13 of this section, a qualifying patient may not be refused housing or
14 evicted from housing solely as a result of his or her possession or
15 use of useable cannabis or cannabis products except that housing
16 providers otherwise permitted to enact and enforce prohibitions
17 against smoking in their housing may apply those prohibitions to
18 smoking cannabis provided that such smoking prohibitions are applied
19 and enforced equally as to the smoking of cannabis and the smoking of
20 all other substances, including without limitation tobacco.

21 (2) Housing programs containing a program component prohibiting
22 the use of drugs or alcohol among its residents are not required to
23 permit the medical use of cannabis among those residents.

24
25 NEW SECTION. **Sec. 410.** In imposing any criminal sentence,
26 deferred prosecution, stipulated order of continuance, deferred
27 disposition, or dispositional order, any court organized under the
28 laws of Washington state may permit the medical use of cannabis in
29 compliance with the terms of this chapter and exclude it as a possible
30 ground for finding that the offender has violated the conditions or
31 requirements of the sentence, deferred prosecution, stipulated order
32 of continuance, deferred disposition, or dispositional order. This
33 section does not require the accommodation of any medical use of
34 cannabis in any correctional facility or jail.

1 subsection does not apply to licensed dispensers or their employees,
2 members, officers, or directors displaying cannabis to customers on
3 their licensed premises as long as such displays are not visible to
4 members of the public standing or passing outside the premises.

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

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

16 (4) Nothing in this chapter requires any accommodation of any on-
17 site medical use of (~~marijuana~~) cannabis in any place of employment,
18 in any school bus or on any school grounds, in any youth center, in
19 any correctional facility, or smoking (~~medical marijuana~~) cannabis
20 in any public place (~~as that term is defined in RCW 70.160.020~~)).

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

24 (6) Employers may establish drug-free work policies. Nothing in
25 this chapter requires an accommodation for the medical use of cannabis
26 if an employer has a drug-free work place.

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

32 (~~(+6)~~) (8) No person shall be entitled to claim the (~~affirmative~~
33 ~~defense provided in RCW 69.51A.040~~) protection from search, arrest,
34 and prosecution under RCW 69.51A.040 or protection from search and

1 arrest and the affirmative defense under section 402 of this act for
2 engaging in the medical use of ((marijuana)) cannabis in a way that
3 endangers the health or well-being of any person through the use of a
4 motorized vehicle on a street, road, or highway, including violations
5 of RCW 46.61.502 or 46.61.504, or equivalent local ordinances.

6
7 **PART VI**

8 **CANNABIS PRODUCTION FACILITIES AND CANNABIS PRODUCT PROCESSING**

9 **FACILITIES**

10
11 NEW SECTION. **Sec. 601.** The department of agriculture shall
12 establish a program for producing and processing cannabis for
13 medical use.

14 (2) The department of agriculture shall operate production
15 facilities and processing facilities in compliance with the terms of
16 this chapter and rules adopted to enforce and carry out its
17 purposes.

18 (3) The department of agriculture and its employees may conduct
19 those activities necessary to produce cannabis for medical use,
20 including, manufacturing, planting, cultivating, growing,
21 harvesting, producing, preparing, propagating, processing,
22 packaging, repackaging, transporting, transferring, delivering,
23 labeling, relabeling, wholesaling, or possessing cannabis intended
24 for medical use by qualifying patients, including seeds, seedlings,
25 cuttings, plants, and useable cannabis, and may not be arrested,
26 searched, prosecuted, or subject to other criminal sanctions or
27 civil consequences under state law, or have real or personal
28 property searched, seized, or forfeited pursuant to state law, for
29 such activities, notwithstanding any other provision of law.

30 (4) The department of agriculture and its employees may conduct
31 those activities necessary to process cannabis for medical use
32 including possessing useable cannabis and manufacture, producing,
33 preparing, processing, packaging, repackaging, transporting,
34 transferring, delivering, labeling, relabeling, wholesaling, or

1 possessing cannabis products intended for medical use by qualifying
2 patients, and may not be arrested, searched, prosecuted, or subject
3 to other criminal sanctions or civil consequences under state law,
4 or have real or personal property searched, seized, or forfeited
5 pursuant to state law, for such activities, notwithstanding any
6 other provision of law.

7

8 NEW SECTION. **Sec. 602.** The director shall:

9 (1) Administer and carry out the provisions of this chapter
10 relating to producing cannabis and processing cannabis products, and
11 rules adopted under this chapter;

12 (2) Employ such professional, technical, security, secretarial,
13 clerical, and other assistants as may be necessary to effectively
14 administer this chapter;

15 (3) Enter into agreements with the commissioner of public lands
16 to designate state-owned property appropriate for the production and
17 processing of cannabis for medical use and to lease those properties
18 and locate production facilities and processing facilities on those
19 sites. If the director determines that there is not adequate state-
20 owned property, he or she may acquire property and facilities
21 necessary to produce and process adequate quantities of cannabis for
22 medical use to the needs of qualifying patients in Washington; and

23 (5) Enter into agreements with the department of health to
24 deliver cannabis for medical use to department of health operated
25 dispensing facilities and to receive reimbursement from the
26 department of health for costs associated with the administration of
27 cannabis production and processing programs under this chapter.

28

29 NEW SECTION. **Sec. 603.** (1) On a schedule determined by the
30 department of agriculture, representative samples of cannabis produced
31 or processed shall be submitted to a cannabis analysis laboratory for
32 grade, condition, cannabinoid profile, THC concentration, other
33 qualitative measurements of cannabis intended for medical use, and
34 other inspection standards determined by the department of

1 agriculture. Any samples remaining after testing must be destroyed by
2 the laboratory or returned to department of agriculture.

3 (2) The cannabis analysis laboratory must submit copies of the
4 results of this inspection and testing to the department of
5 agriculture on a form developed by the department.

6 (3) If a representative sample of cannabis tested under this
7 section has a THC concentration of three-tenths of one percent or
8 less, the lot of cannabis the sample was taken from may not be sold
9 for medical use and must be destroyed or sold to a manufacturer of
10 hemp products.

11 (4) The department of agriculture may contract with a cannabis
12 analysis laboratory to conduct independent inspection and testing of
13 cannabis samples to verify testing results provided under this
14 section.

15

16 NEW SECTION. **Sec. 604.** The director may adopt rules on:

17 (1) Facility standards, including scales, for all production
18 facilities and processing facilities;

19 (2) Measurements for cannabis intended for medical use, including
20 grade, condition, cannabinoid profile, THC concentration, other
21 qualitative measurements, and other inspection standards for cannabis
22 intended for medical use; and

23 (3) Methods to identify cannabis intended for medical use so that
24 such cannabis may be readily identified if stolen or removed in
25 violation of the provisions of this chapter from a production facility
26 or processing facility, or if otherwise unlawfully transported.

27

28 NEW SECTION. **Sec. 605.** (1) By January 1, 2013, taking into
29 consideration, but not being limited by, the security requirements
30 described in 21 C.F.R. Sec. 1301.71-1301.76, the director shall adopt
31 rules:

32 (a) On the inspection or grading and certification of grade,
33 grading factors, condition, cannabinoid profile, THC concentration, or
34 other qualitative measurement of cannabis intended for medical use

1 that must be used by cannabis analysis laboratories in section 603 of
2 this act;

3 (b) Fixing the sizes, dimensions, and safety and security features
4 required of containers to be used for packing, handling, or storing
5 cannabis intended for medical use;

6 (c) Establishing labeling requirements for cannabis intended for
7 medical use including, but not limited to:

8 (i) The identification of the production facility that produced
9 the cannabis;

10 (ii) THC concentration; and

11 (iii) Information on whether the cannabis was grown using organic,
12 inorganic, or synthetic fertilizers;

13 (d) Establishing requirements for transportation of cannabis
14 intended for medical use from production facilities to processing
15 facilities and dispensing facilities;

16 (e) Establishing security requirements for production facilities
17 and processing facilities. These security requirements must consider
18 the safety of the employees as well as the safety of the community
19 surrounding production facilities and processing facilities;

20 (2) During the rule-making process, the department of agriculture
21 shall consult with stakeholders and persons with relevant expertise,
22 to include but not be limited to qualifying patients, designated
23 providers, health care professionals, state and local law enforcement
24 agencies, and the department of health.

25
26 NEW SECTION. **Sec. 606.** (1) The director shall maintain complete
27 records at all times with respect to all cannabis produced, processed,
28 weighed, tested, stored, shipped, or sold at each production facility
29 or processing facility. The director shall adopt rules specifying the
30 minimum recordkeeping requirements necessary to comply with this
31 section.

32 (2) The property, books, records, accounts, papers, and
33 proceedings of every production facility and processing facility shall
34 be subject to inspection by the state auditor's office at any time

1 during ordinary business hours. Production facilities and processing
2 facilities shall maintain adequate records and systems for the filing
3 and accounting of crop production, product manufacturing and
4 processing, records of weights and measurements, product testing,
5 receipts, canceled receipts, other documents, and transactions
6 necessary or common to the medical cannabis industry.

7 (3) The director shall report information to the state auditor's
8 office at such times and as may be reasonably required by the state
9 auditor for the necessary operation of a sound, reasonable, and
10 efficient cannabis production and processing program for the
11 protection of the health and welfare of qualifying patients and the
12 preservation and accountability of the program as a system only to be
13 accessed by patients.

14 (4) The state auditor may request that the director:

15 (a) Submit his or her books, papers, or property to lawful
16 inspection or audit;

17 (b) Submit required laboratory results, reports, or documents; or

18 (c) Furnish the state auditor's office with requested information.

19
20 NEW SECTION. **Sec. 607.** (1) Production facilities and processing
21 facilities may not sell or deliver cannabis to any person other than a
22 cannabis analysis laboratory, production facility, processing
23 facility, dispensing facility, or law enforcement officer except as
24 provided by court order.

25
26 **PART VII**

27 **CANNABIS DISPENSING FACILITIES**

28
29 NEW SECTION. **Sec. 701.** (1) The department of health shall
30 establish a program for dispensing cannabis medical use.

31 (2) The department of health shall operate dispensing facilities
32 in compliance with the terms of this chapter and rules adopted to
33 enforce and carry out its purposes.

34

1 (3) The department of health and its employees may conduct those
2 activities necessary to dispense cannabis for medical use, including
3 delivering, distributing, dispensing, transferring, preparing,
4 packaging, repackaging, labeling, relabeling, selling at retail, or
5 possessing cannabis intended for medical use by qualifying patients,
6 including seeds, seedlings, cuttings, plants, useable cannabis, and
7 cannabis products, and may not be arrested, searched, prosecuted, or
8 subject to other criminal sanctions or civil consequences under state
9 law, or have real or personal property searched, seized, or forfeited
10 pursuant to state law, for such activities, notwithstanding any other
11 provision of law.

12

13 NEW SECTION. Sec. 702. The secretary shall:

14 (1) Administer and carry out the provisions of this chapter
15 relating to dispensing cannabis and cannabis products, and rules
16 adopted under this chapter;

17 (2) Employ such professional, technical, security, secretarial,
18 clerical, and other assistants as may be necessary to effectively
19 administer this chapter;

20 (3) Acquire property and facilities necessary to dispense adequate
21 quantities of cannabis for medical use to the needs of qualifying
22 patients in Washington. The secretary may enter into agreements with
23 other agencies that maintain publicly-operated properties to locate
24 dispensing facilities;

25 (4) Enter into agreements with the department of agriculture to
26 receive supplies of cannabis for medical use for sale at department of
27 health operated facilities and to reimburse the department of
28 agriculture for its costs associated with administering its cannabis
29 production and processing program under this chapter; and

30 (5) Establish prices for cannabis and cannabis products for sale
31 to qualifying patients and designated providers at a sufficient level
32 to defray the costs of the department of health and the department of
33 agriculture for administering the programs established in this
34 chapter.

1 NEW SECTION. **Sec. 703.** (1) By January 1, 2013, taking into
2 consideration the security requirements described in 21 C.F.R.
3 1301.71- 1301.76, the secretary of health shall adopt rules:

4 (a) Establishing requirements for the dispensing facilities,
5 setting forth standards for the number and siting determinations;

6 (b) Establishing recordkeeping requirements for dispensing
7 facilities;

8 (c) Fixing the sizes and dimensions of containers to be used for
9 dispensing cannabis for medical use;

10 (d) Establishing safety standards for containers to be used for
11 dispensing cannabis for medical use;

12 (e) Establishing cannabis storage requirements, including security
13 requirements;

14 (f) Establishing cannabis labeling requirements, to include
15 information on whether the cannabis was grown using organic,
16 inorganic, or synthetic fertilizers;

17 (g) Establishing physical standards for cannabis dispensing
18 facilities;

19 (h) Establishing maximum amounts of cannabis and cannabis products
20 that may be kept at one time at a dispensing facility. In determining
21 maximum amounts, the secretary must consider the security of the
22 dispensing facility and the surrounding community;

23 (i) Establishing physical standards for sanitary conditions for
24 dispensing facilities;

25 (j) Establishing physical and sanitation standards for cannabis
26 dispensing equipment; and

27 (k) Enforcing and carrying out the provisions of this section and
28 the rules adopted to carry out its purposes.

29 (2) During the rule-making process, the department of health shall
30 consult with stakeholders and persons with relevant expertise, to
31 include but not be limited to qualifying patients, designated
32 providers, health care professionals, state and local law enforcement
33 agencies, and the department of agriculture.

34

1 NEW SECTION. **Sec. 704.** A dispensing facility may not sell
2 cannabis received from any person other than a production facility or
3 processing facility operated by the department of agriculture, or sell
4 or deliver cannabis to any person other than a qualifying patient,
5 designated provider, or law enforcement officer except as provided by
6 court order. Before selling or providing cannabis to a qualifying
7 patient or designated provider, dispensing facility must confirm that
8 the patient qualifies for the medical use of cannabis by contacting
9 that patient's health care professional.

10

11 NEW SECTION. **Sec. 705.** The secretary shall authorize orders for
12 cannabis for medical use from the department of agriculture.

13

14 NEW SECTION. **Sec. 706.** (1) The secretary shall maintain complete
15 records at all times with respect to all cannabis dispensed, received,
16 or sold at each dispensing facility. The secretary shall adopt rules
17 specifying the minimum recordkeeping requirements necessary to comply
18 with this section.

19 (2) The property, books, records, accounts, papers, and
20 proceedings of every dispensing facility shall be subject to
21 inspection by the state auditor's office at any time during ordinary
22 business hours. Dispensing facilities shall maintain adequate records
23 and systems for the filing and accounting of cannabis and cannabis
24 product stock, records of weights and measurements, product testing,
25 receipts, canceled receipts, other documents, and transactions
26 necessary or common to the medical cannabis industry.

27 (3) The secretary shall report information to the state auditor's
28 office at such times and as may be reasonably required by the state
29 auditor for the necessary operation of a sound, reasonable, and
30 efficient cannabis dispensing program for the protection of the health
31 and welfare of qualifying patients and the preservation and
32 accountability of the program as a system only to be accessed by
33 patients.

34 (4) The state auditor may request that the secretary:

1 (a) Submit his or her books, papers, or property to lawful
2 inspection or audit;

3 (b) Submit required laboratory results, reports, or documents; or

4 (c) Furnish the state auditor's office with requested information.
5

6 NEW SECTION. **Sec. 707.** The local public health and safety account
7 is created in the state treasury. All receipts from the sales taxes
8 raised at dispensing facilities from the sale of cannabis or cannabis
9 products for medical use must be deposited into the account. Moneys
10 in the account may only be spent after appropriation. Expenditures
11 from the account may be used only for local public health and public
12 safety activities. Each month the state treasurer shall distribute
13 fifty percent of all amounts raised to local health jurisdictions for
14 public health purposes in proportion to the number of residents in the
15 jurisdiction as a part of the state population as a whole and fifty
16 percent of all amounts raised to counties for law enforcement purposes
17 in proportion to the number of residents in the county as a part of
18 the state population as a whole.

19
20 **PART VIII**

21 **PROVISIONS APPLICABLE TO ALL PRODUCTION FACILITIES, PROCESSING**
22 **FACILITIES, AND DISPENSING FACILITIES**
23

24 NEW SECTION. **Sec. 801.** All weighing and measuring instruments
25 and devices used by production facilities, processing facilities, and
26 dispensing facilities shall comply with the requirements set forth in
27 chapter 19.94 RCW.
28

29 NEW SECTION. **Sec. 802.** All cannabis for medical use shall be
30 produced and processed by the department of agriculture and dispensed
31 by the department of health. Qualifying patients and designated
32 providers may not obtain cannabis for medical use from a source other
33 than a dispensing facility established pursuant to this chapter.
34 Qualifying patients and designated providers must maintain the

1 receipts of all purchases of cannabis for medical use for a two year
2 period.

3
4 NEW SECTION. **Sec. 803.** (1) Neither the department of agriculture
5 nor the department of health may advertise cannabis for sale to the
6 general public in any manner that promotes or tends to promote the use
7 or abuse of cannabis. For the purposes of this subsection, displaying
8 cannabis, including artistic depictions of cannabis, is considered to
9 promote or to tend to promote the use or abuse of cannabis.

10 (2) No broadcast television licensee, radio broadcast licensee,
11 newspaper, magazine, advertising agency, or agency or medium for the
12 dissemination of an advertisement, except the licensed producer,
13 processor of cannabis products, or dispenser to which the
14 advertisement relates, is subject to the penalties of this section by
15 reason of dissemination of advertising in good faith without knowledge
16 that the advertising promotes or tends to promote the use or abuse of
17 cannabis.

18
19 **PART IX**

20 **SECURE REGISTRATION OF QUALIFYING PATIENTS AND DESIGNATED PROVIDERS**

21
22 NEW SECTION. **Sec. 901.** (1) By January 1, 2013, the department of
23 health shall, in consultation with the department of agriculture,
24 adopt rules for the creation, implementation, maintenance, and timely
25 upgrading of a secure and confidential registration system that allows
26 a peace officer to verify at any time whether a health care
27 professional has registered a person who has been contacted by that
28 peace officer and has provided that peace officer information
29 necessary to verify his or her registration as either a qualifying
30 patient or a designated provider.

31 (2) Before seeking a search warrant or arrest warrant, a peace
32 officer investigating a cannabis-related incident must make reasonable
33 efforts to ascertain whether the location or person under
34 investigation is registered in the registration system, and include

1 the results of this inquiry in the affidavit submitted in support of
2 the application for the warrant. This requirement does not apply to
3 investigations in which the peace officer has observed evidence of any
4 of the following circumstances:

5 (a) An apparent for profit operation that is not a licensed
6 producer, processor of cannabis products, or dispenser;

7 (b) Theft of electrical power;

8 (c) Other illegal drugs at the premises;

9 (d) Frequent and numerous short-term visits over an extended
10 period that are consistent with commercial activity, if the subject of
11 the investigation is not a licensed dispenser;

12 (e) Violent crime or other demonstrated dangers to the community;

13 (f) Probable cause to believe the subject of the investigation has
14 committed a felony, or a misdemeanor in the officer's presence, that
15 does not relate to cannabis; or

16 (g) An outstanding arrest warrant for the subject of the
17 investigation.

18 (3) Law enforcement may access the registration system only in
19 connection with a specific, legitimate criminal investigation
20 regarding cannabis.

21 (4) Registration in the system shall be optional for qualifying
22 patients and designated providers, not mandatory, and registrations
23 are valid for one year, except that qualifying patients must be able
24 to remove themselves from the registry at any time. The department of
25 health must adopt rules providing for registration renewals.

26 (5) Fees, including renewal fees, for qualifying patients and
27 designated providers participating in the registration system shall be
28 limited to the cost to the state of implementing, maintaining, and
29 enforcing the provisions of this section and the rules adopted to
30 carry out its purposes. The fee shall also include any costs for the
31 department of health to disseminate information to employees of state
32 and local law enforcement agencies relating to the dissemination of
33 log records regarding such requests for information to the subjects of
34

1 those requests. No fee may be charged to local law enforcement
2 agencies for accessing the registry.

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

9 (7) The registration system shall meet the following requirements:

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

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

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

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

25 (8) The registration system shall maintain a log of each
26 verification query submitted by a peace officer, including the peace
27 officer's name, agency, and identification number, for a period of no
28 less than three years from the date of the query. Personally
29 identifiable information of qualifying patients and designated
30 providers included in the log shall be confidential and exempt from
31 public disclosure, inspection, or copying under chapter 42.56 RCW:
32 PROVIDED, That:

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

1 (i) Authorized employees of the department of agriculture and the
2 department of health as necessary to perform official duties of either
3 department; or

4 (ii) Authorized employees of state or local law enforcement
5 agencies, only as necessary to verify that the person or location is a
6 qualifying patient or designated provider and only after the inquiring
7 employee has provided adequate identification. Authorized employees
8 who obtain personally identifiable information under this subsection
9 may not release or use the information for any purpose other than
10 verification that a person or location is a qualifying patient or
11 designated provider;

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

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

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

22 (9) This section does not prohibit a department of agriculture
23 employee or a department of health employee from contacting state or
24 local law enforcement for assistance during an emergency or while
25 performing his or her duties under this chapter.

26 (10) Fees collected under this section must be deposited into the
27 health professions account under RCW 43.70.320.

28
29 **PART X**
30 **EVALUATION**

31
32 NEW SECTION. **Sec. 1001.** (1) By July 1, 2014, the Washington
33 state institute for public policy shall, within available funds,
34

1 conduct a cost-benefit evaluation of the implementation of this act
2 and the rules adopted to carry out its purposes.

3 (2) The evaluation of the implementation of this act and the rules
4 adopted to carry out its purposes shall include, but not necessarily
5 be limited to, consideration of the following factors:

6 (a) Qualifying patients' access to an adequate source of cannabis
7 for medical use;

8 (b) Qualifying patients' access to a safe source of cannabis for
9 medical use;

10 (c) Qualifying patients' access to a consistent source of cannabis
11 for medical use;

12 (d) Qualifying patients' access to a secure source of cannabis for
13 medical use;

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

16 (f) Diversion of cannabis intended for medical use to nonmedical
17 uses;

18 (g) Incidents of home invasion burglaries, robberies, and other
19 violent and property crimes associated with qualifying patients
20 accessing cannabis for medical use;

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

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

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

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

33

34

1 (2) The provisions of RCW 69.51A.040 and sections 403 and 413 of
2 this act do not apply to a person who is supervised for a criminal
3 conviction by a corrections agency or department that has determined
4 that the terms of this chapter are inconsistent with and contrary to
5 his or her supervision.

6 (3) A person may not be licensed as a licensed producer, licensed
7 processor of cannabis products, or a licensed dispenser under section
8 601, 602, or 701 of this act if he or she is supervised for a criminal
9 conviction by a corrections agency or department that has determined
10 that licensure is inconsistent with and contrary to his or her
11 supervision.

12
13 **Sec. 1104.** RCW 69.51A.900 and 1999 c 2 s 1 are each amended to
14 read as follows:

15 This chapter may be known and cited as the Washington state
16 medical use of (~~marijuana~~) cannabis act.

17
18 **PART XII**

19 **MISCELLANEOUS**

20
21 NEW SECTION. **Sec. 1201.** RCW 69.51A.080 (Adoption of rules by the
22 department of health--Sixty-day supply for qualifying patients) and
23 2007 c 371 s 8 are each repealed.

24
25 NEW SECTION. **Sec. 1202.** Sections 402 through 411, 413, 601
26 through 607, 701 through 706, 801 through 803, 901, 1001, and 1101
27 through 1104 of this act are each added to chapter 69.51A RCW.

28
29 NEW SECTION. **Sec. 1203.** Section 1002 of this act takes effect
30 January 1, 2013.

31
32 Correct the title."
33
--

EFFECT: Removes all authority for the Department of Health (DOH) and the Department of Agriculture (DOA) to license producers, processors, and dispensers of cannabis for medical use. Removes the authority for qualifying patients and designated providers to establish collective gardens and to produce cannabis for medical use privately.

Authorizes DOH and DOA to produce, process, and dispense all cannabis for medical use in Washington. Requires all purchases of cannabis for medical use to be conducted through the DOH operated dispensing facilities. Directs DOH to establish prices for cannabis for medical use for sale at dispensing facilities at a price that is sufficient to defray the costs to DOH and DOA for administering their production, processing, and dispensing facilities. Directs DOH and DOA to coordinate the delivery and receipt of supplies of cannabis for medical use and the reimbursement for costs associated for program operations. Authorizes DOH to acquire property and facilities to dispense cannabis for medical use, including agreements with other public agencies for locating dispensing facilities on their properties. Authorizes DOA to enter into agreements with the Commissioner of Public Lands to designate state-owned property for the production and processing of cannabis for medical use and to lease those lands. Authorizes the purchase of private property and facilities if there are inadequate state-owned properties. Requires the State Auditor's Office to audit and inspect the records of DOH and DOA relating to the production facilities, processing facilities, and dispensing facilities that they operate.

Requires qualifying patients and designated providers to maintain receipts of purchases of cannabis for medical use for at least two years.

States the Legislature's intent to maintain access to medical cannabis for patients while protecting those who grow, distribute, and consume medical cannabis by establishing a controlled system for conducting these activities.

Establishes the Local Public Health and Safety Account which consists of receipts from taxes raised at dispensing facilities. Distributes, based on population, half of the funds to local health jurisdictions for public health purposes and the other half of the funds to counties for law enforcement purposes.

--- END ---