
SECOND SUBSTITUTE SENATE BILL 5887

State of Washington

63rd Legislature

2014 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Rivers, Tom, and Litzow)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to merging the medical marijuana system with the
2 recreational marijuana system; amending RCW 66.08.012, 69.50.342,
3 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.50.535,
4 69.50.540, 70.47.030, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030,
5 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100,
6 69.51A.110, and 69.51A.120; reenacting and amending RCW 69.50.101;
7 adding new sections to chapter 69.50 RCW; adding a new section to
8 chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding
9 new sections to chapter 69.51A RCW; adding a new section to chapter
10 42.56 RCW; creating a new section; repealing RCW 69.51A.020,
11 69.51A.025, 69.51A.043, 69.51A.047, 69.51A.200, 69.51A.085, 69.51A.090,
12 and 69.51A.140; prescribing penalties; and providing effective dates.

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

14 **Sec. 1.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
15 read as follows:

16 There shall be a board, known as the "Washington state liquor
17 (~~control~~) and cannabis board," consisting of three members, to be
18 appointed by the governor, with the consent of the senate, who shall
19 each be paid an annual salary to be fixed by the governor in accordance

1 with the provisions of RCW 43.03.040. The governor may, in his or her
2 discretion, appoint one of the members as chair of the board, and a
3 majority of the members shall constitute a quorum of the board.

4 **Sec. 2.** RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are
5 each reenacted and amended to read as follows:

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

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

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

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

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

19 (c) (~~("Board")~~) "Commission" means the (~~(state board of)~~) pharmacy
20 quality assurance commission.

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

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

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

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

37 (2) The term does not include:

1 (i) a controlled substance;

2 (ii) a substance for which there is an approved new drug
3 application;

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

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

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

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

14 (h) "Dispense" means the interpretation of a prescription or order
15 for a controlled substance and, pursuant to that prescription or order,
16 the proper selection, measuring, compounding, labeling, or packaging
17 necessary to prepare that prescription or order for 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 in
23 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 use
30 as a component of any article specified in (1), (2), or (3) of this
31 subsection. The term does not include devices or their components,
32 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

1 of a practitioner using computer systems. The term does not include a
2 prescription or refill authorization verbally transmitted by telephone
3 nor a facsimile manually signed by the practitioner.

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

5 (1) that the (~~state board of~~) pharmacy quality assurance
6 commission has found to be and by rule designates as being the
7 principal compound commonly used, or produced primarily for use, in the
8 manufacture of a controlled substance;

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

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

13 (p) "Isomer" means an optical isomer, but in subsection (y)(5) of
14 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the
15 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),
16 and 69.50.210(c) the term includes any positional isomer; and in RCW
17 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
18 positional or geometric isomer.

19 (q) "Lot" means a definite quantity of marijuana, useable
20 marijuana, or marijuana-infused product identified by a lot number,
21 every portion or package of which is uniform within recognized
22 tolerances for the factors that appear in the labeling.

23 (r) "Lot number" shall identify the licensee by business or trade
24 name and Washington state unified business identifier number, and the
25 date of harvest or processing for each lot of marijuana, useable
26 marijuana, or marijuana-infused product.

27 (s) "Manufacture" means the production, preparation, propagation,
28 compounding, conversion, or processing of a controlled substance,
29 either directly or indirectly or by extraction from substances of
30 natural origin, or independently by means of chemical synthesis, or by
31 a combination of extraction and chemical synthesis, and includes any
32 packaging or repackaging of the substance or labeling or relabeling of
33 its container. The term does not include the preparation, compounding,
34 packaging, repackaging, labeling, or relabeling of a controlled
35 substance:

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

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

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

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

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

24 (w) "Marijuana-infused products" means products that contain
25 marijuana or marijuana extracts and are intended for human use. The
26 term "marijuana-infused products" does not include useable marijuana.

27 (x) "Marijuana retailer" means a person licensed by the state
28 liquor (~~control~~) and cannabis board to sell useable marijuana and
29 marijuana-infused products in a retail outlet.

30 (y) "Narcotic drug" means any of the following, whether produced
31 directly or indirectly by extraction from substances of vegetable
32 origin, or independently by means of chemical synthesis, or by a
33 combination of extraction and chemical synthesis:

34 (1) Opium, opium derivative, and any derivative of opium or opium
35 derivative, including their salts, isomers, and salts of isomers,
36 whenever the existence of the salts, isomers, and salts of isomers is
37 possible within the specific chemical designation. The term does not
38 include the isoquinoline alkaloids of opium.

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

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

6 (4) Coca leaves, except coca leaves and extracts of coca leaves
7 from which cocaine, ecgonine, and derivatives or ecgonine or their
8 salts have been removed.

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

10 (6) Cocaine base.

11 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
12 thereof.

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

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

24 (aa) "Opium poppy" means the plant of the species *Papaver*
25 *somniferum* L., except its seeds.

26 (bb) "Person" means individual, corporation, business trust,
27 estate, trust, partnership, association, joint venture, government,
28 governmental subdivision or agency, or any other legal or commercial
29 entity.

30 (cc) "Poppy straw" means all parts, except the seeds, of the opium
31 poppy, after mowing.

32 (dd) "Practitioner" means:

33 (1) A physician under chapter 18.71 RCW; a physician assistant
34 under chapter 18.71A RCW; an osteopathic physician and surgeon under
35 chapter 18.57 RCW; an osteopathic physician assistant under chapter
36 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
37 limitations in RCW 18.57A.040; an optometrist licensed under chapter
38 18.53 RCW who is certified by the optometry board under RCW 18.53.010

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

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

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

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

31 (ff) "Production" includes the manufacturing, planting,
32 cultivating, growing, or harvesting of a controlled substance.

33 (gg) "Retail outlet" means a location licensed by the state liquor
34 (~~control~~) and cannabis board for the retail sale of useable marijuana
35 and marijuana-infused products.

36 (hh) "Secretary" means the secretary of health or the secretary's
37 designee.

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

5 (jj) "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 combined
8 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid
9 in any part of the plant *Cannabis* regardless of moisture content.

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

14 (ll) "Useable marijuana" means dried marijuana flowers. The term
15 "useable marijuana" does not include marijuana-infused products.

16 (mm) "Authorization card" has the meaning provided in RCW
17 69.51A.010.

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

20 (oo) "Health care professional" has the meaning provided in RCW
21 69.51A.010.

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

24 **Sec. 3.** RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No.
25 502) are each amended to read as follows:

26 For the purpose of carrying into effect the provisions of chapter
27 3, Laws of 2013 according to their true intent or of supplying any
28 deficiency therein, the state liquor (~~(control)~~) and cannabis board may
29 adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013
30 as are deemed necessary or advisable. Without limiting the generality
31 of the preceding sentence, the state liquor (~~(control)~~) and cannabis
32 board is empowered to adopt rules regarding the following:

33 (1) The equipment and management of retail outlets and premises
34 where marijuana is produced or processed, and inspection of the retail
35 outlets and premises;

36 (2) The books and records to be created and maintained by

1 licensees, the reports to be made thereon to the state liquor
2 (~~control~~) and cannabis board, and inspection of the books and
3 records;

4 (3) Methods of producing, processing, and packaging marijuana,
5 useable marijuana, and marijuana-infused products; conditions of
6 sanitation; and standards of ingredients, quality, and identity of
7 marijuana, useable marijuana, and marijuana-infused products produced,
8 processed, packaged, or sold by licensees;

9 (4) Security requirements for retail outlets and premises where
10 marijuana is produced or processed, and safety protocols for licensees
11 and their employees;

12 (5) Screening, hiring, training, and supervising employees of
13 licensees;

14 (6) Retail outlet locations and hours of operation;

15 (7) Labeling requirements and restrictions on advertisement of
16 marijuana, useable marijuana, and marijuana-infused products;

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

30 (9) Application, reinstatement, and renewal fees for licenses
31 issued under chapter 3, Laws of 2013, and fees for anything done or
32 permitted to be done under the rules adopted to implement and enforce
33 chapter 3, Laws of 2013;

34 (10) The manner of giving and serving notices required by chapter
35 3, Laws of 2013 or rules adopted to implement or enforce it;

36 (11) Times and periods when, and the manner, methods, and means by
37 which, licensees shall transport and deliver marijuana, useable
38 marijuana, and marijuana-infused products within the state;

1 (12) Identification, seizure, confiscation, destruction, or
2 donation to law enforcement for training purposes of all marijuana,
3 useable marijuana, and marijuana-infused products produced, processed,
4 sold, or offered for sale within this state which do not conform in all
5 respects to the standards prescribed by chapter 3, Laws of 2013 or the
6 rules adopted to implement and enforce it(~~(:—PROVIDED, That nothing in~~
7 ~~chapter 3, Laws of 2013 shall be construed as authorizing the state~~
8 ~~liquor control board to seize, confiscate, destroy, or donate to law~~
9 ~~enforcement marijuana, useable marijuana, or marijuana-infused products~~
10 ~~produced, processed, sold, offered for sale, or possessed in compliance~~
11 ~~with the Washington state medical use of cannabis act,)) or chapter
12 69.51A RCW.~~

13 **Sec. 4.** RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No.
14 502) are each amended to read as follows:

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

19 (1) Licensing of marijuana producers, marijuana processors, and
20 marijuana retailers, including prescribing forms and establishing
21 application, reinstatement, and renewal fees;

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

- 25 (a) Population distribution;
- 26 (b) Security and safety issues; (~~and~~)
- 27 (c) The provision of adequate access to licensed sources of useable
28 marijuana and marijuana-infused products to discourage purchases from
29 the illegal market; and

30 (d) The number of marijuana retail stores holding medical marijuana
31 endorsements necessary to meet the medical needs of qualifying patients
32 and allowing for a number of such stores to be solely medical;

33 (3) Determining how licenses will be allocated to applicants may
34 include a preference for those retailers who are applying for a medical
35 marijuana endorsement and who intend to be solely medical if the state
36 liquor and cannabis board determines that the needs of qualifying
37 patients are not being met by currently licensed marijuana retailers;

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

4 ~~((+4))~~ (5) Determining the maximum quantities of marijuana,
5 useable marijuana, and marijuana-infused products a marijuana processor
6 may have on the premises of a licensed location at any time without
7 violating Washington state law;

8 ~~((+5))~~ (6) Determining the maximum quantities of useable marijuana
9 and marijuana-infused products a marijuana retailer may have on the
10 premises of a retail outlet at any time without violating Washington
11 state law;

12 ~~((+6))~~ (7) In making the determinations required by subsections
13 (3) through ~~((+5))~~ (6) of this section, the state liquor ~~((control))~~
14 and cannabis board shall take into consideration:

15 (a) Security and safety issues;

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

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

22 ~~((+7))~~ (8) Determining the nature, form, and capacity of all
23 containers to be used by licensees to contain marijuana, useable
24 marijuana, and marijuana-infused products, and their labeling
25 requirements, to include but not be limited to:

26 (a) The business or trade name and Washington state unified
27 business identifier number of the licensees that grew, processed, and
28 sold the marijuana, useable marijuana, or marijuana-infused product;

29 (b) Lot numbers of the marijuana, useable marijuana, or marijuana-
30 infused product;

31 (c) THC concentration of the marijuana, useable marijuana, or
32 marijuana-infused product;

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

35 (e) Language required by RCW 69.04.480;

36 ~~((+8))~~ (9) In consultation with the department of agriculture,
37 establishing classes of marijuana, useable marijuana, and marijuana-

1 infused products according to grade, condition, cannabinoid profile,
2 THC concentration, or other qualitative measurements deemed appropriate
3 by the state liquor (~~control~~) and cannabis board;

4 ((+9)) (10) Establishing reasonable time, place, and manner
5 restrictions and requirements regarding advertising of marijuana,
6 useable marijuana, and marijuana-infused products that are not
7 inconsistent with the provisions of this chapter (~~(3, Laws of 2013)~~),
8 taking into consideration:

9 (a) Federal laws relating to marijuana that are applicable within
10 Washington state;

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

13 (c) The inclusion of medically and scientifically accurate
14 information about the health and safety risks posed by marijuana use in
15 the advertising;

16 ((+10)) (11) Specifying and regulating the time and periods when,
17 and the manner, methods, and means by which, licensees shall transport
18 and deliver marijuana, useable marijuana, and marijuana-infused
19 products within the state;

20 ((+11)) (12) In consultation with the department and the
21 department of agriculture, establishing accreditation requirements for
22 testing laboratories used by licensees to demonstrate compliance with
23 standards adopted by the state liquor (~~control~~) and cannabis board,
24 and prescribing methods of producing, processing, and packaging
25 marijuana, useable marijuana, and marijuana-infused products;
26 conditions of sanitation; and standards of ingredients, quality, and
27 identity of marijuana, useable marijuana, and marijuana-infused
28 products produced, processed, packaged, or sold by licensees;

29 ((+12)) (13) Specifying procedures for identifying, seizing,
30 confiscating, destroying, and donating to law enforcement for training
31 purposes all marijuana, useable marijuana, and marijuana-infused
32 products produced, processed, packaged, labeled, or offered for sale in
33 this state that do not conform in all respects to the standards
34 prescribed by this chapter (~~(3, Laws of 2013)~~) or the rules of the
35 state liquor (~~control~~) and cannabis board.

36 **Sec. 5.** RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No.
37 502) are each amended to read as follows:

1 There may be licensed, in no greater number in each of the counties
2 of the state than as the state liquor (~~(control)~~) and cannabis board
3 shall deem advisable, retail outlets established for the purpose of
4 making useable marijuana and marijuana-infused products available for
5 sale to adults aged twenty-one and over and to qualifying patients who
6 hold valid authorization cards and are aged eighteen and older. Retail
7 sale of useable marijuana and marijuana-infused products in accordance
8 with the provisions of this chapter (~~(3, Laws of 2013)~~) and chapter
9 69.51A RCW and the rules adopted to implement and enforce (~~(it)~~) this
10 chapter, by a validly licensed marijuana retailer or retail outlet
11 employee, shall not be a criminal or civil offense under Washington
12 state law.

13 NEW SECTION. Sec. 6. A new section is added to chapter 69.50 RCW
14 to read as follows:

15 (1) A marijuana retailer may apply for an endorsement to sell
16 useable marijuana and marijuana-infused products to:

17 (a) Qualifying patients aged eighteen or older who hold a valid
18 authorization card; and

19 (b) Designated providers aged twenty-one or older who hold a valid
20 authorization card.

21 (2) To be issued an endorsement, a marijuana retailer must:

22 (a) Indicate on its application whether the retailer intends to
23 sell useable marijuana and marijuana-infused products to: (i) Both the
24 recreational markets in compliance with this chapter and the medical
25 market in compliance with chapter 69.51A RCW; or (ii) only the medical
26 market in compliance with chapter 69.51A RCW;

27 (b) Not authorize qualifying patients at the retail location or
28 permit health care professionals to provide authorizations to
29 qualifying patients at the retail location;

30 (c) Carry useable marijuana and marijuana-infused products with a
31 cannabidiol level identified by the department under subsection (3) of
32 this section;

33 (d) Not use labels or market useable marijuana or marijuana-infused
34 products in a way that make them intentionally attractive to minors or
35 recreational users; and

36 (e) Meet other requirements as adopted by rule of the department or
37 the state liquor and cannabis board.

1 (3) The department must adopt rules on requirements for marijuana
2 and marijuana-infused products that may be sold to qualifying patients
3 under an endorsement. These rules must include THC concentration or
4 cannabidiol concentration appropriate for marijuana or marijuana-
5 infused products sold to qualifying patients and that the labels
6 attached to marijuana or marijuana-infused products contain THC
7 concentration and cannabidiol concentration amounts.

8 (4) A marijuana retailer holding an endorsement to sell marijuana
9 to qualifying patients may consult the medical marijuana registry
10 established in section 24 of this act for the sole purpose of
11 confirming the validity of qualifying patient or designated provider
12 authorization cards.

13 **Sec. 7.** RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No.
14 502) are each amended to read as follows:

15 (1) Retail outlets shall sell no products or services other than
16 useable marijuana, marijuana-infused products, or paraphernalia
17 intended for the storage or use of useable marijuana or marijuana-
18 infused products.

19 (2) Except as provided in (a) and (b) of this subsection, licensed
20 marijuana retailers shall not employ persons under twenty-one years of
21 age or allow persons under twenty-one years of age to enter or remain
22 on the premises of a retail outlet.

23 (a) Marijuana retailers that hold a medical marijuana endorsement
24 and are licensed to only sell medical marijuana may allow qualifying
25 patients who hold valid authorization cards and are between the ages of
26 eighteen and twenty-one to enter or remain on the premises and may
27 allow qualifying patients with valid authorization cards under the age
28 of eighteen to enter or remain on the premises if those minor patients
29 are with their parent or guardian who also holds a valid authorization
30 card; and

31 (b) Marijuana retailers that hold a medical marijuana endorsement
32 and are licensed to sell marijuana for both medical and recreational
33 use, may allow qualifying patients aged eighteen years of age or older
34 to enter or remain on the premises of a retail outlet if they possess
35 a valid authorization card.

36 (3) Licensed marijuana retailers shall not display any signage in
37 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 business
4 or trade name. Marijuana retailers who hold a medical marijuana
5 endorsement may so indicate on the sign by adding a green cross to the
6 sign.

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

10 (5) No licensed marijuana retailer or employee of a retail outlet
11 shall open or consume, or allow to be opened or consumed, any useable
12 marijuana or marijuana-infused 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. 8.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No.
18 502) are each amended to read as follows:

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

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

27 (2) Possession of quantities of useable marijuana or marijuana-
28 infused products that do not exceed the maximum amounts established by
29 the state liquor (~~control~~) and cannabis board under RCW
30 69.50.345(~~(+5)~~) (6); (~~and~~)

31 (3) Except as provided in subsection (4) of this section, delivery,
32 distribution, and sale, on the premises of the retail outlet, of any
33 combination of the following amounts of useable marijuana or marijuana-
34 infused product to any person twenty-one years of age or older:

35 (a) One ounce of useable marijuana;

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

1 (c) Seventy-two ounces of marijuana-infused product in liquid form;
2 and

3 (4) Delivery, distribution, and sale, on the premises of the retail
4 outlet holding a medical marijuana endorsement, of any combination of
5 the following amounts of useable marijuana or marijuana-infused product
6 to a qualifying patient holding a valid authorization card who is
7 eighteen years of age or older or a designated provider holding a valid
8 authorization card:

9 (a) Three ounces of useable marijuana;

10 (b) Forty-eight ounces of marijuana-infused product in solid form;

11 (c) Two hundred sixteen ounces of marijuana-infused product in
12 liquid form.

13 **Sec. 9.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.
14 502) are each amended to read as follows:

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

20 (2) Except as provided in RCW 69.50.4014, any person who violates
21 this section is guilty of a class C felony punishable under chapter
22 9A.20 RCW.

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

28 (b) The possession by a qualifying patient or designated provider
29 of useable marijuana, marijuana-infused products, or plants, as that
30 term is defined in RCW 69.51A.010, in accordance with section 21 of
31 this act is not a violation of this section, this chapter, or any other
32 provision of Washington state law.

33 **Sec. 10.** RCW 69.50.535 and 2013 c 3 s 27 (Initiative Measure No.
34 502) are each amended to read as follows:

35 (1) There is levied and collected a marijuana excise tax equal to
36 twenty-five percent of the selling price on each wholesale sale in this

1 state of marijuana by a licensed marijuana producer to a licensed
2 marijuana processor or another licensed marijuana producer. This tax
3 is the obligation of the licensed marijuana producer.

4 (2) There is levied and collected a marijuana excise tax equal to
5 twenty-five percent of the selling price on each wholesale sale in this
6 state of useable marijuana or marijuana-infused product by a licensed
7 marijuana processor to a licensed marijuana retailer. This tax is the
8 obligation of the licensed marijuana processor.

9 (3) Except as provided in subsection (4) of this section, there is
10 levied and collected a marijuana excise tax equal to twenty-five
11 percent of the selling price on each retail sale in this state of
12 useable marijuana and marijuana-infused products. This tax is the
13 obligation of the licensed marijuana retailer, is separate and in
14 addition to general state and local sales and use taxes that apply to
15 retail sales of tangible personal property, and is part of the total
16 retail price to which general state and local sales and use taxes
17 apply.

18 (4) Subsection (3) of this section does not apply to the retail
19 sale of useable marijuana or marijuana-infused products by marijuana
20 retailers who hold medical marijuana endorsements to qualified patients
21 or designated providers who hold authorization cards. The exemption in
22 this subsection applies only if the selling price of the useable
23 marijuana or marijuana-infused product charged to a person holding an
24 authorization card is reduced by at least twenty-five percent, as
25 compared with the selling price of the useable marijuana or marijuana-
26 infused product that is charged to any person not holding an
27 authorization card. If the same product is not sold to persons who do
28 not hold an authorization card, the seller must establish to the
29 satisfaction of the state liquor and cannabis board that the benefit of
30 the exemption provided in this subsection has been passed on to the
31 buyer.

32 (5) All revenues collected from the marijuana excise taxes imposed
33 under subsections (1) through (3) of this section shall be deposited
34 each day in a depository approved by the state treasurer and
35 transferred to the state treasurer to be credited to the dedicated
36 marijuana fund.

37 ((+5)) (6) The state liquor ((control)) and cannabis board shall
38 regularly review the tax levels established under this section and make

1 recommendations to the legislature as appropriate regarding adjustments
2 that would further the goal of discouraging use while undercutting
3 illegal market prices.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.08 RCW
5 to read as follows:

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

7 (a) Beginning July 1, 2015, sales of useable marijuana or
8 marijuana-infused products by marijuana retailers who hold medical
9 marijuana endorsements under section 6 of this act to qualifying
10 patients or designated providers who hold authorization cards; or

11 (b) Until July 30, 2016, the sales of useable marijuana or
12 marijuana-infused products by collective gardens under RCW 69.51A.085.

13 (2) For the purposes of this section, the terms "useable
14 marijuana," "marijuana-infused products," and "marijuana retailers"
15 have the meaning provided in RCW 69.50.101 and the terms "qualifying
16 patients," "designated providers," and "authorization card" have the
17 meaning provided in RCW 69.51A.010.

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 82.12 RCW
19 to read as follows:

20 (1) The provisions of this chapter shall not apply to use of
21 useable marijuana or marijuana-infused products by:

22 (a) Until July 30, 2016, sales of useable marijuana or marijuana-
23 infused products by collective gardens under RCW 69.51A.085;

24 (b) Beginning July 1, 2015, qualifying patients or designated
25 providers who hold authorization cards; or

26 (c) Beginning July 1, 2015, marijuana retailers who hold a medical
27 marijuana endorsement under chapter 69.50 RCW with respect to useable
28 marijuana or marijuana-infused products if such marijuana or product is
29 provided at no charge to a qualifying patient or designated provider
30 who holds an authorization card.

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

1 **Sec. 13.** RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No.
2 502) are each amended to read as follows:

3 All marijuana excise taxes collected from sales of marijuana,
4 useable marijuana, and marijuana-infused products under RCW 69.50.535,
5 and the license fees, penalties, and forfeitures derived under chapter
6 3, Laws of 2013 from marijuana producer, marijuana processor, and
7 marijuana retailer licenses shall every three months be disbursed by
8 the state liquor (~~(control)~~) and cannabis board as follows:

9 (1)(a) Fifteen percent of the excise tax collected from marijuana
10 retailers under RCW 69.50.535(3) to counties, distributed in the manner
11 described in section 15 of this act; and

12 (b) Fifteen percent of the excise tax collected from marijuana
13 retailers under RCW 69.50.535(3) to incorporated cities and towns,
14 distributed in the manner described in section 15 of this act;

15 (2) One hundred twenty-five thousand dollars to the department of
16 social and health services to design and administer the Washington
17 state healthy youth survey, analyze the collected data, and produce
18 reports, in collaboration with the office of the superintendent of
19 public instruction, department of health, department of commerce,
20 family policy council, and state liquor (~~(control)~~) and cannabis board.
21 The survey shall be conducted at least every two years and include
22 questions regarding, but not necessarily limited to, academic
23 achievement, age at time of substance use initiation, antisocial
24 behavior of friends, attitudes toward antisocial behavior, attitudes
25 toward substance use, laws and community norms regarding antisocial
26 behavior, family conflict, family management, parental attitudes toward
27 substance use, peer rewarding of antisocial behavior, perceived risk of
28 substance use, and rebelliousness. Funds disbursed under this
29 subsection may be used to expand administration of the healthy youth
30 survey to student populations attending institutions of higher
31 education in Washington;

32 (~~(+2)~~) (3) Fifty thousand dollars to the department of social and
33 health services for the purpose of contracting with the Washington
34 state institute for public policy to conduct the cost-benefit
35 evaluation and produce the reports described in RCW 69.50.550. This
36 appropriation shall end after production of the final report required
37 by RCW 69.50.550;

1 ~~((3))~~ (4) Five thousand dollars to the University of Washington
2 alcohol and drug abuse institute for the creation, maintenance, and
3 timely updating of web-based public education materials providing
4 medically and scientifically accurate information about the health and
5 safety risks posed by marijuana use;

6 ~~((4))~~ (5) An amount not exceeding one million two hundred fifty
7 thousand dollars to the state liquor ~~((control))~~ and cannabis board as
8 is necessary for administration of chapter 3, Laws of 2013;

9 ~~((5))~~ (6) Of the funds remaining after the disbursements
10 identified in subsections ~~((1))~~ (2) through ~~((4))~~ (5) of this
11 section:

12 (a) Fifteen percent to the department of social and health services
13 division of behavioral health and recovery for implementation and
14 maintenance of programs and practices aimed at the prevention or
15 reduction of maladaptive substance use, substance-use disorder,
16 substance abuse or substance dependence, as these terms are defined in
17 the Diagnostic and Statistical Manual of Mental Disorders, among middle
18 school and high school age students, whether as an explicit goal of a
19 given program or practice or as a consistently corresponding effect of
20 its implementation; PROVIDED, That:

21 (i) Of the funds disbursed under (a) of this subsection, at least
22 eighty-five percent must be directed to evidence-based and cost-
23 beneficial programs and practices that produce objectively measurable
24 results; and

25 (ii) Up to fifteen percent of the funds disbursed under (a) of this
26 subsection may be directed to research-based and emerging best
27 practices or promising practices.

28 In deciding which programs and practices to fund, the secretary of
29 the department of social and health services shall consult, at least
30 annually, with the University of Washington's social development
31 research group and the University of Washington's alcohol and drug
32 abuse institute;

33 (b) Ten percent to the department of health for the creation,
34 implementation, operation, and management of a marijuana education and
35 public health program that contains the following:

36 (i) A marijuana use public health hotline that provides referrals
37 to substance abuse treatment providers, utilizes evidence-based or

1 research-based public health approaches to minimizing the harms
2 associated with marijuana use, and does not solely advocate an
3 abstinence-only approach;

4 (ii) A grants program for local health departments or other local
5 community agencies that supports development and implementation of
6 coordinated intervention strategies for the prevention and reduction of
7 marijuana use by youth; and

8 (iii) Media-based education campaigns across television, internet,
9 radio, print, and out-of-home advertising, separately targeting youth
10 and adults, that provide medically and scientifically accurate
11 information about the health and safety risks posed by marijuana use;

12 (c) Six-tenths of one percent to the University of Washington and
13 four-tenths of one percent to Washington State University for research
14 on the short and long-term effects of marijuana use, to include but not
15 be limited to formal and informal methods for estimating and measuring
16 intoxication and impairment, and for the dissemination of such
17 research;

18 (d) Fifty percent to the ((state)) basic health ((plan-trust))
19 services account to be administered by the ((Washington basic health
20 plan administrator)) health care authority and used ((as provided under
21 chapter 70.47 RCW)) to fund low-income health care services and mental
22 health services;

23 (e) Five percent to the Washington state health care authority to
24 be expended exclusively through contracts with community health centers
25 to provide primary health and dental care services, migrant health
26 services, and maternity health care services as provided under RCW
27 41.05.220;

28 (f) Three-tenths of one percent to the office of the superintendent
29 of public instruction to fund grants to building bridges programs under
30 chapter 28A.175 RCW; and

31 (g) The remainder to the general fund.

32 **Sec. 14.** RCW 70.47.030 and 2004 c 192 s 2 are each amended to read
33 as follows:

34 ((+1)) The basic health ((plan-trust)) services account is hereby
35 established in the state treasury. Any nongeneral fund-state funds
36 collected for this program shall be deposited in the basic health plan
37 ((trust)) services account and may be expended without further

1 appropriation. Moneys in the account shall be used exclusively for
2 (~~the purposes of this chapter, including payments to participating~~
3 ~~managed health care systems on behalf of enrollees in the plan and~~
4 ~~payment of costs of administering the plan.~~

5 ~~During the 1995-97 fiscal biennium, the legislature may transfer~~
6 ~~funds from the basic health plan trust account to the state general~~
7 ~~fund.~~

8 ~~(2) The basic health plan subscription account is created in the~~
9 ~~custody of the state treasurer. All receipts from amounts due from or~~
10 ~~on behalf of nonsubsidized enrollees and health coverage tax credit~~
11 ~~eligible enrollees shall be deposited into the account. Funds in the~~
12 ~~account shall be used exclusively for the purposes of this chapter,~~
13 ~~including payments to participating managed health care systems on~~
14 ~~behalf of nonsubsidized enrollees and health coverage tax credit~~
15 ~~eligible enrollees in the plan and payment of costs of administering~~
16 ~~the plan. The account is subject to allotment procedures under chapter~~
17 ~~43.88 RCW, but no appropriation is required for expenditures.~~

18 ~~(3) The administrator shall take every precaution to see that none~~
19 ~~of the funds in the separate accounts created in this section or that~~
20 ~~any premiums paid either by subsidized or nonsubsidized enrollees are~~
21 ~~commingled in any way, except that the administrator may combine funds~~
22 ~~designated for administration of the plan into a single administrative~~
23 ~~account)) the health care authority to provide funding for low-income~~
24 ~~health care services and mental health care services.~~

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

27 (1) With respect to the distribution of funds to the counties under
28 RCW 69.50.540, the computations for distribution must be made by the
29 state liquor and cannabis board as follows:

30 (a) The share coming to each county must be based on the number of
31 marijuana producers, marijuana processors, and marijuana retailers in
32 the county, with counties with the highest number of such licensees
33 receiving a proportionally higher share than those counties with fewer
34 licensees;

35 (b) The state liquor and cannabis board must annually review the
36 distribution of funds provided in (a) of this subsection.

1 (2) With respect to the distribution of funds to incorporated
2 cities or towns, the computations for distribution must be made by the
3 state liquor and cannabis board as follows:

4 (a) The share coming to each city or town must be based on the
5 number of marijuana producers, marijuana processors, and marijuana
6 retailers in the city or town, with cities or towns with the highest
7 number of such licensees receiving a proportionally higher share than
8 those cities or towns with fewer licensees;

9 (b) The state liquor and cannabis board must annually review the
10 distribution of funds provided in (a) of this subsection.

11 **Sec. 16.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to
12 read as follows:

13 The University of Washington and Washington State University may
14 conduct scientific research on the efficacy and safety of administering
15 ((cannabis)) marijuana as part of medical treatment. As part of this
16 research, the University of Washington and Washington State University
17 may develop and conduct studies to ascertain the general medical safety
18 and efficacy of ((cannabis)) marijuana and may develop medical
19 guidelines for the appropriate administration and use of ((cannabis))
20 marijuana.

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

23 (1) The legislature finds that:

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

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

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

33 (iii) Acute or chronic glaucoma;

34 (iv) Crohn's disease; and

35 (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 their
4 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 compliance with this chapter:

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

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

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

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

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

35 **Sec. 18.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
36 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 patient;

10 ((~~(c)~~)) (b) Has been entered into the medical marijuana registry as
11 being the designated provider to a qualifying patient, who must also be
12 entered in the registry, and may only provide medical marijuana to that
13 qualifying patient;

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

17 (d) Is in compliance with this chapter; and

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

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

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

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

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

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

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

37 ((~~(d)~~)) (iv) Has been advised by that health care professional
38 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))~~ he or she may benefit from the medical use of marijuana; and
3 (vi) Is otherwise in compliance with the terms and conditions
4 established in this chapter.

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

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

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

13 ~~(b) One or more features designed to prevent the erasure or~~
14 ~~modification of information on the paper; or~~

15 ~~(c) One or more features designed to prevent the use of counterfeit~~
16 ~~valid documentation.~~

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

18 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,
19 epilepsy or other seizure disorder, or spasticity disorders; ~~((or))~~

20 (b) Intractable pain, limited for the purpose of this chapter to
21 mean pain unrelieved by standard medical treatments and medications;
22 ~~((or))~~

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

26 (d) Crohn's disease with debilitating symptoms unrelieved by
27 standard treatments or medications; ~~((or))~~

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

30 (f) Diseases, including anorexia, which result in nausea, vomiting,
31 wasting, appetite loss, cramping, seizures, muscle spasms, or
32 spasticity, when these symptoms are unrelieved by standard treatments
33 or medications; or

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

37 ~~((7) "Valid documentation" means:~~

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

5 ~~(b) Proof of identity such as a Washington state driver's license~~
6 ~~or identicard, as defined in RCW 46.20.035.)~~ (6) "Authorization card"
7 means a card issued by the department to qualifying patients whose
8 health care professionals have entered them into the department's
9 medical marijuana registry.

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

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

12 (9) "Marijuana processor" has the meaning provided in RCW
13 69.50.101.

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

16 (11) "Marijuana retailer" has the meaning provided in RCW
17 69.50.101.

18 (12) "Marijuana-infused products" has the meaning provided in RCW
19 69.50.101.

20 (13) "Medical marijuana registry" means the secure and confidential
21 registry of qualifying patients and designated providers established in
22 section 24 of this act.

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

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

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

7 (16) "THC concentration" has the meaning provided in RCW 69.50.101.

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

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

11 The department, in consultation with health care professionals,
12 must adopt rules defining the terms "terminal or debilitating medical
13 condition" and "intractable pain" as used in RCW 69.51A.010. The rules
14 adopted must assist a health care professional in determining, through
15 an objective assessment and evaluation, that the terminal or
16 debilitating medical condition is severe enough to significantly
17 interfere with the qualifying patient's activities of daily living and
18 his or her ability to function.

19 **Sec. 20.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
20 read as follows:

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

29 (a) Advising a patient about the risks and benefits of medical use
30 of ~~((cannabis))~~ marijuana or that the patient may benefit from the
31 medical use of ~~((cannabis))~~ marijuana; or

32 (b) ~~((Providing))~~ Registering a patient meeting the criteria
33 established under RCW 69.51A.010 ~~((+26) with valid documentation))~~ (4)
34 with the medical marijuana registry, based upon the health care
35 professional's assessment of the patient's medical history and current
36 medical condition, ~~((where such use is))~~ if the health care

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

5 (2)(a) A health care professional may only (~~provide a patient with~~
6 ~~valid documentation authorizing the medical use of cannabis or~~)
7 register the patient with the medical marijuana registry established in
8 section ((901)) 24 of this act if he or she has a (~~newly initiated or~~
9 ~~existing~~) documented relationship with the patient, as a primary care
10 provider or a specialist, relating to the diagnosis and ongoing
11 treatment or monitoring of the patient's terminal or debilitating
12 medical condition, and only after:

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

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

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

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

26 (b) A health care professional shall not:

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

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

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

1 (iv) Have a business or practice which consists (~~solely~~)
2 primarily of authorizing the medical use of (~~cannabis~~) marijuana.
3 However, the health care professional's business or practice must have
4 a permanent physical location;

5 (v) Include any statement or reference, visual or otherwise, on the
6 medical use of (~~cannabis~~) marijuana in any advertisement for his or
7 her business or practice; or

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

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

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

15 (1) As part of registering a qualifying patient or designated
16 provider in the medical marijuana registry, the health care
17 professional may include recommendations on the amount of marijuana
18 that is likely needed by the qualifying patient for his or her medical
19 needs and in accordance with subsection (2) of this section. If no
20 recommendations are included at point of registration, the qualifying
21 patient or designated provider may purchase at a marijuana retailer
22 that holds a medical marijuana endorsement a combination of the
23 following: Three ounces of useable marijuana; forty-eight ounces of
24 marijuana-infused product in solid form; or two hundred sixteen ounces
25 of marijuana-infused product in liquid form. The qualifying patient or
26 designated provider may also grow, in his or her domicile, up to six
27 plants, three flowering and three nonflowering, for the personal
28 medical use of the qualifying patient. If plants are grown for the
29 qualifying patient, the patient may possess as much useable marijuana
30 as can be produced by three plants.

31 (2) If a health care professional determines that the medical needs
32 of a patient exceed the amounts provided for in subsection (1) of this
33 section, the health care professional may recommend a greater amount
34 for the personal medical use of the patient but not to exceed eight
35 ounces of useable marijuana or fifteen plants. This amount must be
36 entered into the registry at point of registration of the qualifying
37 patient or designated provider.

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

3 (1) The department shall convene a work group of representatives of
4 the medical quality assurance commission, board of osteopathic medicine
5 and surgery, the nursing care quality assurance commission, the board
6 of naturopathy, and representatives of the medical marijuana community
7 including patients, attorneys, and health care professionals, to
8 develop practice guidelines for health care professionals to consider
9 when authorizing the medical use of marijuana for patients. The
10 representatives of the medical marijuana community must be appointed by
11 the governor. The practice guidelines shall address:

12 (a) Conditions that may benefit from the medical use of marijuana;

13 (b) Assessing a patient to determine if he or she has a
14 debilitating condition or intractable pain;

15 (c) Conducting an adequate examination of a patient for the need
16 for marijuana for medical use;

17 (d) Dosing criteria related to the medical use of marijuana;

18 (e) Developing a treatment plan for patients who may benefit from
19 the medical use of marijuana;

20 (f) Communicating with a patient about the medical use of marijuana
21 and other options for treating his or her terminal or debilitating
22 medical condition;

23 (g) Maintaining records for patients who have been authorized to
24 use marijuana for medical purposes; and

25 (h) Other issues identified by the work group as necessary to
26 provide appropriate care to patients who have been authorized to use
27 marijuana for medical purposes.

28 (2) The department shall make the practice guidelines broadly
29 available to health care professionals.

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

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

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

36 (b) The parent or guardian acts as the designated provider for the

1 minor and has sole control over the minor's medical marijuana.
2 However, the minor may possess up to the amount of medical marijuana
3 that is necessary for his or her next dose; and

4 (c) The minor may not grow plants or purchase marijuana from a
5 marijuana retailer.

6 (2) A health care professional who authorizes the medical use of
7 marijuana by a minor must do so as part of the course of treatment of
8 the minor's terminal or debilitating medical condition. If authorizing
9 a minor for the medical use of marijuana, the health care professional
10 must:

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

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

16 (i) Determine that the minor continues to have a terminal or
17 debilitating medical condition and that the condition benefits from the
18 medical use of marijuana; and

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

22 (c) Enter both the minor and the minor's parent or guardian who is
23 acting as the designated provider in the medical marijuana registry.

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

26 (1) By July 1, 2015, the department must adopt rules for the
27 creation, implementation, maintenance, and timely upgrading of a secure
28 and confidential medical marijuana registry that allows:

29 (a) A health care professional to register a qualifying patient or
30 designated provider and include the amount of useable marijuana,
31 marijuana-infused products, or plants for which the qualifying patient
32 is authorized under section 21 of this act;

33 (b) A law enforcement officer to confirm the authorization card of
34 a qualifying patient or designated provider;

35 (c) A marijuana retailer holding a medical marijuana endorsement to
36 confirm the authorization card of a qualifying patient;

1 (d) The state liquor and cannabis board to verify tax exemptions
2 under RCW 69.50.535;

3 (e) The department of revenue to verify tax exemptions under
4 chapters 82.08 and 82.12 RCW;

5 (f) The department and the health care professional's disciplining
6 authorities to monitor registrations and ensure compliance with this
7 chapter by their licensees; and

8 (g) Registrations to expire one year after entry into the registry.

9 (2) A qualifying patient and his or her designated provider, if
10 any, must be placed in the medical marijuana registry by the qualifying
11 patient's health care professional. After a qualifying patient or
12 designated provider is placed in the medical marijuana registry, the
13 department must issue an authorization card. The authorization card
14 must be developed by the department and include:

15 (a) The qualifying patient or designated provider's name;

16 (b) For designated providers, the name of the qualifying patient
17 for whom the provider is assisting;

18 (c) The amount of useable marijuana, marijuana-infused products, or
19 plant for which the qualifying patient is authorized under section 21
20 of this act;

21 (d) The effective date and expiration date of the authorization
22 card;

23 (e) The name of the health care professional who registered the
24 qualifying patient or designated provider; and

25 (f) Additional security features as necessary to ensure the
26 validity of the authorization card.

27 (3) Authorization cards are valid for one year from the date the
28 health care professional registers the qualifying patient or designated
29 provider in the medical marijuana registry. Qualifying patients may
30 not be reentered into the medical marijuana registry until they have
31 been reexamined by a health care professional and determined to meet
32 the definition of qualifying patient. After reexamination, the health
33 care professional must reenter the qualifying patient or designated
34 provider into the medical marijuana registry and a new authorization
35 card will then be issued by the department in accordance with
36 department rules. The department must adopt rules on replacing lost or
37 stolen authorization cards.

1 (4) The department must adopt rules for removing qualifying
2 patients and designated providers from the medical marijuana registry
3 upon expiration of the authorization card as well as a method for
4 permitting qualifying patients and designated providers to remove their
5 names from the medical marijuana registry before expiration and for
6 health care professionals to remove qualifying patients and designated
7 providers from the medical marijuana registry before expiration if the
8 patient or provider no longer qualifies for the medical use of
9 marijuana. The department must retain registry records for at least
10 five calendar years to permit the state liquor and cannabis board and
11 the department of revenue to verify eligibility for tax exemptions.

12 (5) During development of the medical marijuana registry, the
13 department of health shall consult with stakeholders and persons with
14 relevant expertise to include, but not be limited to, qualifying
15 patients, designated providers, health care professionals, state and
16 local law enforcement agencies, and the University of Washington
17 computer science and engineering security and privacy research lab.

18 (6) The medical marijuana registry must meet the following
19 requirements:

20 (a) Any personally identifiable information included in the
21 registry must be nonreversible, pursuant to definitions and standards
22 set forth by the national institute of standards and technology;

23 (b) Any personally identifiable information included in the
24 registry must not be susceptible to linkage by use of data external to
25 the registry;

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

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

33 (7)(a) Personally identifiable information of qualifying patients
34 and designated providers included in the medical marijuana registry is
35 confidential and exempt from public disclosure, inspection, or copying
36 under chapter 42.56 RCW.

37 (b) Information contained in the medical marijuana registry may be

1 released in aggregate form, with all personally identifying information
2 redacted, for the purpose of statistical analysis and oversight of
3 agency performance and actions.

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

6 Records in the medical marijuana registry established in section 24
7 of this act containing names and other personally identifiable
8 information of qualifying patients and designated providers are exempt
9 from disclosure under this chapter.

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

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

25 (1)~~((a))~~ The qualifying patient or designated provider holds a
26 valid authorization card and possesses no more than ~~((fifteen-cannabis~~
27 ~~plants and:~~

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

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

31 ~~(iii) A combination of useable cannabis and cannabis product that~~
32 ~~does not exceed a combined total representing possession and processing~~
33 ~~of no more than twenty four ounces of useable cannabis.~~

34 ~~(b) If a person is both a qualifying patient and a designated~~
35 ~~provider for another qualifying patient, the person may possess no more~~
36 ~~than twice the amounts described in (a) of this subsection, whether the~~

1 ~~plants, useable cannabis, and cannabis product are possessed~~
2 ~~individually or in combination between the qualifying patient and his~~
3 ~~or her designated provider)) the amount of useable marijuana or~~
4 ~~marijuana-infused products authorized under section 21 of this act;~~

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

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

16 (4) The investigating ~~((peace))~~ law enforcement officer does not
17 possess evidence that:

18 (a) The designated provider has converted ~~((cannabis))~~ marijuana
19 produced or obtained for the qualifying patient for his or her own
20 personal use or benefit; or

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

25 (5) The investigating ~~((peace))~~ law enforcement officer does not
26 possess evidence that the designated provider has served as a
27 designated provider to more than one qualifying patient within a
28 fifteen-day period~~((; and~~

29 ~~((6) The investigating peace officer has not observed evidence of~~
30 ~~any of the circumstances identified in section 901(4) of this act)).~~

31 **Sec. 27.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
32 read as follows:

33 (1) A qualifying patient or designated provider in possession of
34 ~~((cannabis))~~ plants, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~
35 marijuana-infused products exceeding the limits set forth in ~~((RCW~~
36 ~~69.51A.040(1))~~ section 21 of this act but otherwise in compliance with
37 all other terms and conditions of this chapter may establish an

1 affirmative defense to charges of violations of state law relating to
2 ~~((cannabis))~~ marijuana through proof at trial, by a preponderance of
3 the evidence, that the qualifying patient's necessary medical use
4 exceeds the amounts set forth in RCW 69.51A.040~~((+1))~~.

5 (2) An investigating ~~((peace))~~ law enforcement officer may seize
6 ~~((cannabis))~~ plants, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~
7 marijuana-infused products exceeding the amounts set forth in ~~((RCW~~
8 ~~69.51A.040(1):—PROVIDED, That))~~ section 21 of this act. In the case
9 of ~~((cannabis))~~ plants, the qualifying patient or designated provider
10 shall be allowed to select the plants that will remain at the location.
11 The officer and his or her law enforcement agency may not be held
12 civilly liable for failure to seize ~~((cannabis))~~ marijuana in this
13 circumstance.

14 **Sec. 28.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
15 read as follows:

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

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

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

33 ~~((+3) A person may not be licensed as a licensed producer, licensed~~
34 ~~processor of cannabis products, or a licensed dispenser under section~~
35 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~
36 ~~conviction by a corrections agency or department, including local~~

1 ~~governments or jails, that has determined that licensure is~~
2 ~~inconsistent with and contrary to his or her supervision.))~~

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

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

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

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

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

25 (5) Nothing in this chapter authorizes the possession or use of
26 marijuana or marijuana-infused products on federal property.

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

30 ~~((+6))~~ (7) Employers may establish drug-free work policies.
31 Nothing in this chapter requires an accommodation for the medical use
32 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

33 ~~((7) It is a class C felony to fraudulently produce any record~~
34 ~~purporting to be, or tamper with the content of any record for the~~
35 ~~purpose of having it accepted as, valid documentation under RCW~~
36 ~~69.51A.010(32)(a), or to backdate such documentation to a time earlier~~
37 ~~than its actual date of execution.))~~

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

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

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

11 (a) To produce an authorization card or to tamper with an
12 authorization card for the purpose of having it accepted by a marijuana
13 retailer in order to purchase marijuana as a medical marijuana patient
14 or to grow marijuana plants in accordance with section 21 of this act;

15 (b) If a person is a designated provider to a qualifying patient,
16 to sell, donate, or otherwise use the marijuana produced or obtained
17 for the qualifying patient for the designated provider's own personal
18 use or benefit; or

19 (c) If the person is a qualifying patient, to sell, donate, or
20 otherwise supply marijuana produced or obtained by the qualifying
21 patient to another person.

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

25 **Sec. 31.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
26 read as follows:

27 The Washington state medical quality assurance commission in
28 consultation with the board of osteopathic medicine and surgery, or
29 other appropriate agency as designated by the governor, shall accept
30 for consideration petitions submitted to add terminal or debilitating
31 conditions to those included in this chapter. In considering such
32 petitions, the Washington state medical quality assurance commission in
33 consultation with the board of osteopathic medicine and surgery shall
34 include public notice of, and an opportunity to comment in a public
35 hearing upon, such petitions. The Washington state medical quality
36 assurance commission in consultation with the board of osteopathic

1 medicine and surgery may make a preliminary finding of good cause
2 before the public hearing and shall, after hearing, approve or deny
3 such petitions within ~~((one))~~ two hundred ~~((eighty))~~ ten days of
4 submission. The approval or denial of such a petition shall be
5 considered a final agency action, subject to judicial review.

6 **Sec. 32.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
7 read as follows:

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

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

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

26 **Sec. 33.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
27 read as follows:

28 A qualifying patient's medical use of ~~((cannabis))~~ marijuana as
29 authorized by a health care professional may not be a sole
30 disqualifying factor in determining the patient's suitability for an
31 organ transplant, unless it is shown that this use poses a significant
32 risk of rejection or organ failure. This section does not preclude a
33 health care professional from requiring that a patient abstain from the
34 medical use of ~~((cannabis))~~ marijuana, for a period of time determined
35 by the health care professional, while waiting for a transplant organ
36 or before the patient undergoes an organ transplant.

1 **Sec. 34.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
2 read as follows:

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

10 NEW SECTION. **Sec. 35.** All references to the Washington state
11 liquor control board must be construed as referring to the Washington
12 state liquor and cannabis board. The code reviser must prepare
13 legislation for the 2015 legislative session changing all references
14 from the Washington state liquor control board to the Washington state
15 liquor and cannabis board.

16 NEW SECTION. **Sec. 36.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
19 & 1999 c 2 s 3;

20 (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW
21 69.51A.040) and 2011 c 181 s 413;

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

24 (4) RCW 69.51A.047 (Failure to register or present valid
25 documentation--Affirmative defense) and 2011 c 181 s 406;

26 (5) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001; and

27 (6) RCW 69.51A.090 (Applicability of valid documentation
28 definition) and 2010 c 284 s 5.

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

31 (1) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403; and

32 (2) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and
33 enforce requirements) and 2011 c 181 s 1102.

1 NEW SECTION. **Sec. 38.** Sections 3, 5, 6 through 10, 18, 20, 21,
2 23, 26, 27, 29, 30, and 32 of this act take effect July 1, 2015.

3 NEW SECTION. **Sec. 39.** Section 37 of this act takes effect July
4 30, 2016.

--- END ---