
ENGROSSED THIRD SUBSTITUTE SENATE BILL 5887

State of Washington

63rd Legislature

2014 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rivers, Tom, and Litzow)

READ FIRST TIME 03/03/14.

1 AN ACT Relating to merging the medical marijuana system with the
2 recreational marijuana system; amending RCW 66.08.012, 69.50.325,
3 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013,
4 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030, 42.56.270, 69.51A.040,
5 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100, 69.51A.110,
6 and 69.51A.120; reenacting and amending RCW 69.50.101; adding new
7 sections to chapter 69.50 RCW; adding a new section to chapter 82.08
8 RCW; adding a new section to chapter 82.12 RCW; adding new sections to
9 chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating
10 new sections; repealing RCW 69.51A.020, 69.51A.025, 69.51A.047,
11 69.51A.090, 69.51A.140, 69.51A.200, 69.51A.085, and 69.51A.043;
12 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, marijuana
20 concentrates, useable marijuana, or marijuana-infused product
21 identified by a lot number, every portion or package of which is
22 uniform within recognized tolerances for the factors that appear in the
23 labeling.

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

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

37 (1) by a practitioner as an incident to the practitioner's

1 administering or dispensing of a controlled substance in the course of
2 the practitioner's professional practice; or

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

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

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

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

27 (w) "Marijuana-infused products" means products that meet all of
28 the following criteria: (i) Contain marijuana (~~or marijuana extracts~~
29 ~~and~~); (ii) are less than fifty percent marijuana; (iii) have a THC
30 concentration greater than 0.3 percent and no greater than twenty
31 percent; and (iv) are intended for human use. The term "marijuana-
32 infused products" does not include useable marijuana or marijuana
33 concentrates.

34 (x) "Marijuana retailer" means a person licensed by the state
35 liquor (~~control~~) and cannabis board to sell marijuana concentrates,
36 useable marijuana, and marijuana-infused products in a retail outlet.

37 (y) "Narcotic drug" means any of the following, whether produced

1 directly or indirectly by extraction from substances of vegetable
2 origin, or independently by means of chemical synthesis, or by a
3 combination of extraction and chemical synthesis:

4 (1) Opium, opium derivative, and any derivative of opium or opium
5 derivative, including their salts, isomers, and salts of isomers,
6 whenever the existence of the salts, isomers, and salts of isomers is
7 possible within the specific chemical designation. The term does not
8 include the isoquinoline alkaloids of opium.

9 (2) Synthetic opiate and any derivative of synthetic opiate,
10 including their isomers, esters, ethers, salts, and salts of isomers,
11 esters, and ethers, whenever the existence of the isomers, esters,
12 ethers, and salts is possible within the specific chemical designation.

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

14 (4) Coca leaves, except coca leaves and extracts of coca leaves
15 from which cocaine, ecgonine, and derivatives or ecgonine or their
16 salts have been removed.

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

18 (6) Cocaine base.

19 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
20 thereof.

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

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

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

34 (bb) "Person" means individual, corporation, business trust,
35 estate, trust, partnership, association, joint venture, government,
36 governmental subdivision or agency, or any other legal or commercial
37 entity.

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

3 (dd) "Practitioner" means:

4 (1) A physician under chapter 18.71 RCW; a physician assistant
5 under chapter 18.71A RCW; an osteopathic physician and surgeon under
6 chapter 18.57 RCW; an osteopathic physician assistant under chapter
7 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
8 limitations in RCW 18.57A.040; an optometrist licensed under chapter
9 18.53 RCW who is certified by the optometry board under RCW 18.53.010
10 subject to any limitations in RCW 18.53.010; a dentist under chapter
11 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
12 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
13 registered nurse practitioner, or licensed practical nurse under
14 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
15 who is licensed under RCW 18.36A.030 subject to any limitations in RCW
16 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
17 investigator under this chapter, licensed, registered or otherwise
18 permitted insofar as is consistent with those licensing laws to
19 distribute, dispense, conduct research with respect to or administer a
20 controlled substance in the course of their professional practice or
21 research in this state.

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

26 (3) A physician licensed to practice medicine and surgery, a
27 physician licensed to practice osteopathic medicine and surgery, a
28 dentist licensed to practice dentistry, a podiatric physician and
29 surgeon licensed to practice podiatric medicine and surgery, a licensed
30 physician assistant or a licensed osteopathic physician assistant
31 specifically approved to prescribe controlled substances by his or her
32 state's medical quality assurance commission or equivalent and his or
33 her supervising physician, an advanced registered nurse practitioner
34 licensed to prescribe controlled substances, or a veterinarian licensed
35 to practice veterinary medicine in any state of the United States.

36 (ee) "Prescription" means an order for controlled substances issued
37 by a practitioner duly authorized by law or rule in the state of

1 Washington to prescribe controlled substances within the scope of his
2 or her professional practice for a legitimate medical purpose.

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

5 (gg) "Retail outlet" means a location licensed by the state liquor
6 (~~control~~) and cannabis board for the retail sale of marijuana
7 concentrates, useable marijuana, and marijuana-infused products.

8 (hh) "Secretary" means the secretary of health or the secretary's
9 designee.

10 (ii) "State," unless the context otherwise requires, means a state
11 of the United States, the District of Columbia, the Commonwealth of
12 Puerto Rico, or a territory or insular possession subject to the
13 jurisdiction of the United States.

14 (jj) "THC concentration" means percent of delta-9
15 tetrahydrocannabinol content per dry weight of any part of the plant
16 *Cannabis*, or per volume or weight of marijuana product, or the combined
17 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid
18 in any part of the plant *Cannabis* regardless of moisture content.

19 (kk) "Ultimate user" means an individual who lawfully possesses a
20 controlled substance for the individual's own use or for the use of a
21 member of the individual's household or for administering to an animal
22 owned by the individual or by a member of the individual's household.

23 (ll) "Useable marijuana" means dried marijuana flowers. The term
24 "useable marijuana" does not include marijuana-infused products or
25 marijuana concentrates.

26 (mm) "Authorization card" has the meaning provided in RCW
27 69.51A.010.

28 (nn) "Designated provider" has the meaning provided in RCW
29 69.51A.010.

30 (oo) "Health care professional" has the meaning provided in RCW
31 69.51A.010.

32 (pp) "Qualifying patient" has the meaning provided in RCW
33 69.51A.010.

34 (qq) "Marijuana concentrates" means products consisting of fifty
35 percent or more of the separated resin, whether crude or purified,
36 obtained from marijuana. The term "marijuana concentrates" does not
37 include useable marijuana or marijuana-infused products.

1 (rr) "CBD concentration" means the percent of cannabidiol content
2 per dry weight of any part of the plant Cannabis, or per volume or
3 weight of marijuana product.

4 **Sec. 3.** RCW 69.50.325 and 2013 c 3 s 4 (Initiative Measure No.
5 502) are each amended to read as follows:

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

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

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

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

25 **Sec. 4.** RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No.
26 502) are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

35 (10) The manner of giving and serving notices required by chapter
36 3, Laws of 2013 or rules adopted to implement or enforce it;

37 (11) Times and periods when, and the manner, methods, and means by

1 which, licensees shall transport and deliver marijuana, marijuana
2 concentrates, useable marijuana, and marijuana-infused products within
3 the state;

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

16 **Sec. 5.** RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No.
17 502) are each amended to read as follows:

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

22 (1) Licensing of marijuana producers, marijuana processors, and
23 marijuana retailers, including prescribing forms and establishing
24 application, reinstatement, and renewal fees. Application forms for
25 marijuana producers must request the applicant to state whether the
26 applicant intends to produce marijuana for sale by marijuana retailers
27 who hold medical marijuana endorsements and the amount of or percentage
28 of canopy the applicant intends to commit to growing plants established
29 to be of a THC concentration, CBD concentration, and THC to CBD ratio
30 appropriate for marijuana concentrates, useable marijuana, or
31 marijuana-infused products sold to qualifying patients;

32 (2) The state liquor and cannabis board must reconsider limits on
33 the amount of square feet permitted to be in production on the
34 effective date of this section and increase the percentage of
35 production space for those marijuana producers who intend to grow
36 plants for marijuana retailers who hold medical marijuana endorsements
37 if the marijuana producer designates the increased production space to

1 plants with a THC to CBD ratio appropriate for marijuana concentrates,
2 useable marijuana, or marijuana-infused products to be sold to
3 qualifying patients. If current marijuana producers do not use all the
4 increased production space, the liquor and cannabis board may reopen
5 the license period for new marijuana producer license applicants but
6 only to those marijuana producers who agree to grow products for
7 medical marijuana endorsed retail outlets. Priority in licensing must
8 be given to marijuana producer license applicants who have an
9 application pending on the effective date of this section but who are
10 not yet licensed and then to new marijuana producer license applicants;

11 (3) Determining, in consultation with the office of financial
12 management, the maximum number of retail outlets that may be licensed
13 in each county, taking into consideration:

14 (a) Population distribution;

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

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

19 (~~(3)~~) and

20 (d) The number of retail outlets holding medical marijuana
21 endorsements necessary to meet the medical needs of qualifying patients
22 and allowing for a number of such locations to be solely medical. The
23 state liquor and cannabis board must reconsider the maximum number of
24 retail outlets it established before the effective date of this section
25 and allow for a new license application period and a greater number of
26 retail outlets to be permitted in order to accommodate the medical
27 needs of qualifying patients and designated providers;

28 (4) Establishing a preference for those marijuana retailers who are
29 applying for a medical marijuana endorsement and who will be selling
30 marijuana concentrates, useable marijuana, and marijuana-infused
31 products to only qualifying patients and designated providers if the
32 state liquor and cannabis board determines that the needs of qualifying
33 patients are not being met by currently licensed marijuana retailers;

34 (5) Determining the maximum quantity of marijuana a marijuana
35 producer may have on the premises of a licensed location at any time
36 without violating Washington state law;

37 (~~(4)~~) (6) Determining the maximum quantities of marijuana,

1 marijuana concentrates, useable marijuana, and marijuana-infused
2 products a marijuana processor may have on the premises of a licensed
3 location at any time without violating Washington state law;

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

8 ~~((+6+))~~ (8) In making the determinations required by subsections
9 ~~((+3+))~~ (2) through ~~((+5+))~~ (7) of this section, the state liquor
10 ~~((control))~~ and cannabis board shall take into consideration:

11 (a) Security and safety issues;

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

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

18 ~~((+7+))~~ (9) Determining the nature, form, and capacity of all
19 containers to be used by licensees to contain marijuana, marijuana
20 concentrates, useable marijuana, and marijuana-infused products, and
21 their labeling requirements, to include but not be limited to:

22 (a) The business or trade name and Washington state unified
23 business identifier number of the licensees that grew, processed, and
24 sold the marijuana, marijuana concentrates, useable marijuana, or
25 marijuana-infused product;

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

28 (c) THC concentration of the marijuana, marijuana concentrates,
29 useable marijuana, or marijuana-infused product;

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

32 (e) Language required by RCW 69.04.480;

33 ~~((+8+))~~ (10) In consultation with the department of agriculture,
34 establishing classes of marijuana, marijuana concentrates, useable
35 marijuana, and marijuana-infused products according to grade,
36 condition, cannabinoid profile, THC concentration, or other qualitative
37 measurements deemed appropriate by the state liquor ~~((control))~~ and
38 cannabis board;

1 (~~(9)~~) (11) Establishing reasonable time, place, and manner
2 restrictions and requirements regarding advertising of marijuana,
3 marijuana concentrates, useable marijuana, and marijuana-infused
4 products that are not inconsistent with the provisions of this chapter
5 (~~(3, Laws of 2013)~~), taking into consideration:

6 (a) Federal laws relating to marijuana that are applicable within
7 Washington state;

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

10 (c) The inclusion of medically and scientifically accurate
11 information about the health and safety risks posed by marijuana use in
12 the advertising;

13 (~~(10)~~) (12) Specifying and regulating the time and periods when,
14 and the manner, methods, and means by which, licensees shall transport
15 and deliver marijuana, marijuana concentrates, useable marijuana, and
16 marijuana-infused products within the state;

17 (~~(11)~~) (13) In consultation with the department and the
18 department of agriculture, establishing accreditation requirements for
19 testing laboratories used by licensees to demonstrate compliance with
20 standards adopted by the state liquor (~~control~~) and cannabis board,
21 and prescribing methods of producing, processing, and packaging
22 marijuana, marijuana concentrates, useable marijuana, and marijuana-
23 infused products; conditions of sanitation; and standards of
24 ingredients, quality, and identity of marijuana, marijuana
25 concentrates, useable marijuana, and marijuana-infused products
26 produced, processed, packaged, or sold by licensees;

27 (~~(12)~~) (14) Specifying procedures for identifying, seizing,
28 confiscating, destroying, and donating to law enforcement for training
29 purposes all marijuana, marijuana concentrates, useable marijuana, and
30 marijuana-infused products produced, processed, packaged, labeled, or
31 offered for sale in this state that do not conform in all respects to
32 the standards prescribed by this chapter (~~(3, Laws of 2013)~~) or the
33 rules of the state liquor (~~control~~) and cannabis board.

34 **Sec. 6.** RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No.
35 502) are each amended to read as follows:

36 There may be licensed, in no greater number in each of the counties
37 of the state than as the state liquor (~~control~~) and cannabis board

1 shall deem advisable, retail outlets established for the purpose of
2 making marijuana concentrates, useable marijuana, and marijuana-infused
3 products available for sale to adults aged twenty-one and over and to
4 qualifying patients who hold valid authorization cards and are aged
5 eighteen and older. Retail sale of marijuana concentrates, useable
6 marijuana, and marijuana-infused products in accordance with the
7 provisions of this chapter ((3, Laws of 2013)) and chapter 69.51A RCW
8 and the rules adopted to implement and enforce ((it)) this chapter, by
9 a validly licensed marijuana retailer or retail outlet employee, shall
10 not be a criminal or civil offense under Washington state law.

11 NEW SECTION. Sec. 7. A new section is added to chapter 69.50 RCW
12 to read as follows:

13 A marijuana retailer and employees of the marijuana retailer may
14 identify the strains, varieties, THC concentration, CBD concentration,
15 and THC to CBD ratios of marijuana concentrates, useable marijuana, and
16 marijuana-infused products, available for sale when assisting
17 qualifying patients and designated providers at the retail outlet.

18 NEW SECTION. Sec. 8. A new section is added to chapter 69.50 RCW
19 to read as follows:

20 (1) A medical marijuana endorsement to a marijuana retail license
21 is hereby established to permit a marijuana retailer to sell marijuana
22 concentrates, useable marijuana, and marijuana-infused products to:

23 (a) Both the recreational market in compliance with this chapter
24 and the medical market in compliance with chapter 69.51A RCW; or

25 (b) Only the medical market in compliance with chapter 69.51A RCW.

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

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

29 (a) Indicate on its application whether the retailer intends to
30 sell marijuana concentrates, useable marijuana, and marijuana-infused
31 products to: (i) Both the recreational markets in compliance with this
32 chapter and the medical market in compliance with chapter 69.51A RCW;
33 or (ii) only the medical market in compliance with chapter 69.51A RCW;

34 (b) Not authorize the medical use of marijuana for qualifying
35 patients at the retail outlet or permit health care professionals to

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

3 (c) Carry marijuana concentrates, useable marijuana, and marijuana-
4 infused products with a CBD concentration and THC to CBD ratio
5 identified by the state liquor and cannabis board under subsection (5)
6 of this section;

7 (d) Not use labels or market marijuana concentrates, useable
8 marijuana, or marijuana-infused products in a way that make them
9 intentionally attractive to minors or recreational users;

10 (e) Keep copies of the qualifying patient's or designated
11 provider's authorization card, or keep equivalent records as required
12 by rule of the state liquor and cannabis board or the department of
13 revenue to document the validity of tax exempt sales under RCW
14 69.50.535; and

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

17 (4) A marijuana retailer holding a medical marijuana endorsement
18 and employees of the retailer may identify the strains, varieties, THC
19 concentration, CBD concentration, and THC to CBD ratios of marijuana
20 concentrates, useable marijuana, and marijuana-infused products,
21 available for sale when assisting qualifying patients and designated
22 providers at the retail outlet. A marijuana retailer holding a medical
23 marijuana endorsement may sell or provide at no charge products with a
24 THC concentration of 0.3 percent or less to qualifying patients or
25 designated providers who possess valid authorization cards.

26 (5)(a) The state liquor and cannabis board must adopt rules on
27 requirements for marijuana concentrates, useable marijuana, and
28 marijuana-infused products that may be sold to qualifying patients
29 under a medical marijuana endorsement. These rules must include:

30 (i) THC concentration, CBD concentration, and THC to CBD ratios
31 appropriate for marijuana concentrates, useable marijuana, or
32 marijuana-infused products sold to qualifying patients;

33 (ii) Labeling requirements including that the labels attached to
34 marijuana concentrates, useable marijuana, or marijuana-infused
35 products contain THC concentration, CBD concentration, and THC to CBD
36 ratios;

37 (iii) The number and type of such products that must be offered at
38 medical marijuana endorsed stores; and

1 (iv) Other product requirements the state liquor and cannabis board
2 determines necessary to address the medical needs of qualifying
3 patients.

4 (b) The state liquor and cannabis board must adopt rules on
5 additional requirements for those retail outlets that intend to sell
6 only to qualifying patients and designated providers under a medical
7 marijuana endorsement.

8 (6) A marijuana retailer holding an endorsement to sell marijuana
9 concentrates, useable marijuana, and marijuana-infused products to
10 qualifying patients may consult the medical marijuana registry
11 established in section 21 of this act for the sole purpose of
12 confirming the validity of qualifying patient or designated provider
13 authorization cards.

14 **Sec. 9.** RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No.
15 502) are each amended to read as follows:

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

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

24 (a) Beginning July 1, 2015, marijuana retailers that hold a medical
25 marijuana endorsement and are licensed to only sell medical marijuana
26 may allow qualifying patients who hold valid authorization cards and
27 are eighteen to twenty-one years of age to enter or remain on the
28 premises and may allow qualifying patients with valid authorization
29 cards under the age of eighteen to enter or remain on the premises if
30 those minor patients are with their parent or guardian who also holds
31 a valid authorization card; and

32 (b) Beginning July 1, 2015, marijuana retailers that hold a medical
33 marijuana endorsement and are licensed to sell marijuana for both
34 medical and recreational use, may allow qualifying patients aged
35 eighteen years of age or older to enter or remain on the premises of a
36 retail outlet if they possess a valid authorization card.

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

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

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

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

22 **Sec. 10.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No.
23 502) are each amended to read as follows:

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

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

33 (2) Possession of quantities of marijuana concentrates, useable
34 marijuana, or marijuana-infused products that do not exceed the maximum
35 amounts established by the state liquor (~~((control))~~) and cannabis board
36 under RCW 69.50.345(~~((+5))~~) (7); (~~((and))~~)

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

6 (a) One ounce of useable marijuana;

7 (b) Sixteen ounces of marijuana-infused product in solid form;
8 ~~((or))~~

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

11 (d) Seven grams of marijuana concentrates; and

12 (4) Beginning July 1, 2015, delivery, distribution, and sale, on
13 the premises of the retail outlet holding a medical marijuana
14 endorsement, of any combination of the following amounts of marijuana
15 concentrates, useable marijuana, or marijuana-infused product to a
16 qualifying patient holding a valid authorization card who is eighteen
17 years of age or older or a designated provider holding a valid
18 authorization card:

19 (a) Three ounces of useable marijuana or as much useable marijuana
20 as is indicated on the authorization card of the patient or provider;

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

22 (c) Two hundred sixteen ounces of marijuana-infused product in
23 liquid form; or

24 (d) Twenty-one grams of marijuana concentrates.

25 **Sec. 11.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.
26 502) are each amended to read as follows:

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

32 (2) Except as provided in RCW 69.50.4014, any person who violates
33 this section is guilty of a class C felony punishable under chapter
34 9A.20 RCW.

35 (3)(a) The possession, by a person twenty-one years of age or
36 older, of marijuana concentrates, useable marijuana, or marijuana-

1 infused products in amounts that do not exceed those set forth in RCW
2 69.50.360(3) is not a violation of this section, this chapter, or any
3 other provision of Washington state law.

4 (b) The possession by a qualifying patient or designated provider
5 of marijuana concentrates, useable marijuana, marijuana-infused
6 products, or plants, as that term is defined in RCW 69.51A.010, in
7 accordance with section 18 or 25 of this act is not a violation of this
8 section, this chapter, or any other provision of Washington state law.

9 **NEW SECTION. Sec. 12.** A new section is added to chapter 82.08 RCW
10 to read as follows:

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

12 (a) Beginning July 1, 2015, sales of marijuana concentrates,
13 useable marijuana, marijuana-infused products, or products containing
14 THC with a THC concentration of 0.3 percent or less by marijuana
15 retailers who hold medical marijuana endorsements under section 8 of
16 this act to qualifying patients or designated providers who hold valid
17 authorization cards; or

18 (b) Until September 1, 2015, sales of marijuana concentrates,
19 useable marijuana, marijuana-infused products, or products containing
20 THC with a THC concentration of 0.3 percent or less by collective
21 gardens under RCW 69.51A.085.

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

26 (3) For the purposes of this section, the terms "THC
27 concentration," "marijuana concentrates," "useable marijuana,"
28 "marijuana-infused products," and "marijuana retailers" have the
29 meaning provided in RCW 69.50.101 and the terms "qualifying patients,"
30 "designated providers," and "authorization card" have the meaning
31 provided in RCW 69.51A.010.

32 **NEW SECTION. Sec. 13.** A new section is added to chapter 82.12 RCW
33 to read as follows:

34 (1) The provisions of this chapter shall not apply to the use of
35 marijuana concentrates, useable marijuana, marijuana-infused products,

1 or products containing THC with a THC concentration of 0.3 percent or
2 less in compliance with chapters 69.50 and 69.51A RCW by:

3 (a) Until September 1, 2015, collective gardens under RCW
4 69.51A.085 and the qualifying patients participating in the collective
5 gardens;

6 (b) Beginning July 1, 2015, qualifying patients or designated
7 providers who hold valid authorization cards; or

8 (c) Beginning July 1, 2015, marijuana retailers who hold a medical
9 marijuana endorsement under chapter 69.50 RCW with respect to marijuana
10 concentrates, useable marijuana, marijuana-infused products, or
11 products containing THC with a THC concentration of 0.3 percent or less
12 if such marijuana or product is provided at no charge to a qualifying
13 patient or designated provider who holds a valid authorization card.
14 Each such retailer providing such marijuana or product at no charge
15 must maintain information establishing eligibility for this exemption
16 in the form and manner required by the department.

17 (2) For the purposes of this section, the terms "THC
18 concentration," "marijuana concentrates," "useable marijuana,"
19 "marijuana-infused products," and "marijuana retailers" have the
20 meaning provided in RCW 69.50.101 and the terms "qualifying patients,"
21 "designated providers," and "authorization card" have the meaning
22 provided in RCW 69.51A.010.

23 **Sec. 14.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to
24 read as follows:

25 The University of Washington and Washington State University may
26 conduct scientific research on the efficacy and safety of administering
27 (~~(cannabis)~~) marijuana as part of medical treatment. As part of this
28 research, the University of Washington and Washington State University
29 may develop and conduct studies to ascertain the general medical safety
30 and efficacy of (~~(cannabis)~~) marijuana and may develop medical
31 guidelines for the appropriate administration and use of (~~(cannabis)~~)
32 marijuana.

33 **Sec. 15.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
34 read as follows:

35 (1) The legislature finds that:

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

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

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

10 (iii) Acute or chronic glaucoma;

11 (iv) Crohn's disease; and

12 (v) Some forms of intractable pain.

13 (b) Humanitarian compassion necessitates that the decision to use
14 ((~~cannabis~~)) marijuana by patients with terminal or debilitating
15 medical conditions is a personal, individual decision, based upon their
16 health care professional's professional medical judgment and
17 discretion.

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

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

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

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

37 (3) Nothing in this chapter establishes the medical necessity or

1 medical appropriateness of (~~cannabis~~) marijuana for treating terminal
2 or debilitating medical conditions as defined in RCW 69.51A.010.

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

10 **Sec. 16.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
11 read as follows:

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

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

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

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

21 (~~(c)~~) (b) Has been entered into the medical marijuana registry as
22 being the designated provider to a qualifying patient and may only
23 provide medical marijuana to that qualifying patient;

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

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

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

29 (2) "Health care professional," for purposes of this chapter only,
30 means a physician licensed under chapter 18.71 RCW, a physician
31 assistant licensed under chapter 18.71A RCW, an osteopathic physician
32 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
33 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
34 18.36A RCW, or an advanced registered nurse practitioner licensed under
35 chapter 18.79 RCW.

36 (3) "Medical use of marijuana" means the manufacture, production,
37 possession, transportation, delivery, ingestion, application, or

1 administration of marijuana(~~(, as defined in RCW 69.50.101(q),~~) for
2 the exclusive benefit of a qualifying patient in the treatment of his
3 or her terminal or debilitating (~~illness~~) medical condition.

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

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

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

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

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

12 ~~(e)~~) (v) Has been advised by that health care professional that
13 (~~they~~) he or she may benefit from the medical use of marijuana;

14 (vi) Has been entered into the medical marijuana registry; and

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

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

22 (5) Until April 1, 2016, "tamper-resistant paper" means paper that
23 meets one or more of the following industry-recognized features:

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

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

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

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

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

35 (b) Intractable pain, limited for the purpose of this chapter to
36 mean pain unrelieved by standard medical treatments and medications;

37 (~~(e)~~)

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

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

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

8 (f) Diseases, including anorexia, which result in nausea, vomiting,
9 wasting, appetite loss, cramping, seizures, muscle spasms, or
10 spasticity, when these symptoms are unrelieved by standard treatments
11 or medications; or

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

15 (7) Until April 1, 2016, "valid documentation" means:

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

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

22 (8) "Authorization card" means a card issued by the department to
23 qualifying patients whose health care professionals have entered them
24 into the department's medical marijuana registry.

25 (9) "Department" means the department of health.

26 (10) "Marijuana" has the meaning provided in RCW 69.50.101.

27 (11) "Marijuana processor" has the meaning provided in RCW
28 69.50.101.

29 (12) "Marijuana producer" has the meaning provided in RCW
30 69.50.101.

31 (13) "Marijuana retailer" has the meaning provided in RCW
32 69.50.101.

33 (14) "Marijuana-infused products" has the meaning provided in RCW
34 69.50.101.

35 (15) "Medical marijuana registry" means the secure and confidential
36 registry of qualifying patients and designated providers established in
37 section 25 of this act.

1 (16) "Plant" means a marijuana plant having at least three
2 distinguishable and distinct leaves, each leaf being at least three
3 centimeters in diameter, and a readily observable root formation
4 consisting of at least two separate and distinct roots, each being at
5 least two centimeters in length. Multiple stalks emanating from the
6 same root ball or root system is considered part of the same single
7 plant.

8 (17) "Public place" includes streets and alleys of incorporated
9 cities and towns; state or county or township highways or roads;
10 buildings and grounds used for school purposes; public dance halls and
11 grounds adjacent thereto; premises where goods and services are offered
12 to the public for retail sale; public buildings, public meeting halls,
13 lobbies, halls and dining rooms of hotels, restaurants, theaters,
14 stores, garages, and filling stations that are open to and are
15 generally used by the public and to which the public is permitted to
16 have unrestricted access; railroad trains, stages, buses, ferries, and
17 other public conveyances of all kinds and character, and the depots,
18 stops, and waiting rooms used in conjunction therewith which are open
19 to unrestricted use and access by the public; publicly owned bathing
20 beaches, parks, or playgrounds; and all other places of like or similar
21 nature to which the general public has unrestricted right of access,
22 and that are generally used by the public.

23 (18) "THC concentration" has the meaning provided in RCW 69.50.101.

24 (19) "Useable marijuana" has the meaning provided in RCW 69.50.101.

25 (20) "Marijuana concentrates" has the meaning provided in RCW
26 69.50.101.

27 (21) "Principal care provider" means the health care professional
28 who is designated by a qualifying patient as being the principal care
29 provider for that patient.

30 **Sec. 17.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
31 read as follows:

32 (1) The following acts do not constitute crimes under state law or
33 unprofessional conduct under chapter 18.130 RCW, and a health care
34 professional may not be arrested, searched, prosecuted, disciplined, or
35 subject to other criminal sanctions or civil consequences or liability
36 under state law, or have real or personal property searched, seized, or

1 forfeited pursuant to state law, notwithstanding any other provision of
2 law as long as the health care professional complies with subsection
3 (2) of this section:

4 (a) Advising a patient about the risks and benefits of medical use
5 of ~~((cannabis))~~ marijuana or that the patient may benefit from the
6 medical use of ~~((cannabis))~~ marijuana or until April 1, 2016, providing
7 a patient with valid documentation; or

8 (b) ~~((Providing))~~ Registering a patient meeting the criteria
9 established under RCW 69.51A.010~~((26) with valid documentation))~~ (4)
10 with the medical marijuana registry, based upon the health care
11 professional's assessment of the patient's medical history and current
12 medical condition, ~~((where such use is))~~ if the health care
13 professional has complied with this chapter and he or she determines
14 within a professional standard of care or in the individual health care
15 professional's medical judgment the qualifying patient may benefit from
16 medical use of marijuana.

17 (2)(a) A health care professional may only ~~((provide a patient with~~
18 ~~valid documentation authorizing the medical use of cannabis or))~~
19 register the patient with the medical marijuana registry established in
20 section ~~((901))~~ 21 of this act if he or she has a ~~((newly initiated or~~
21 ~~existing))~~ documented relationship with the patient, as a ~~((primary))~~
22 principal care provider or a specialist, relating to the diagnosis and
23 ongoing treatment or monitoring of the patient's terminal or
24 debilitating medical condition, and only after:

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

27 (ii) Documenting the terminal or debilitating medical condition of
28 the patient in the patient's medical record and that the patient may
29 benefit from treatment of this condition or its symptoms with medical
30 use of ~~((cannabis))~~ marijuana;

31 (iii) Informing the patient of other options for treating the
32 terminal or debilitating medical condition and documenting in the
33 patient's medical record that the patient has received this
34 information; and

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

38 (b) A health care professional shall not:

1 (i) Accept, solicit, or offer any form of pecuniary remuneration
2 from or to a (~~licensed dispenser, licensed producer, or licensed~~
3 ~~processor of cannabis products~~) marijuana retailer, marijuana
4 processor, or marijuana producer;

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

9 (iii) Examine or offer to examine a patient for purposes of
10 diagnosing a terminal or debilitating medical condition at a location
11 where (~~cannabis~~) marijuana is produced, processed, or (~~dispensed~~)
12 sold;

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

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

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

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

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

27 (1) As part of registering a qualifying patient or designated
28 provider in the medical marijuana registry, the health care
29 professional may include recommendations on the amount of marijuana
30 that is likely needed by the qualifying patient for his or her medical
31 needs and in accordance with subsection (2) of this section. If no
32 recommendations are included at point of registration, the qualifying
33 patient or designated provider may purchase at a marijuana retailer
34 that holds a medical marijuana endorsement a combination of the
35 following: Three ounces of useable marijuana; forty-eight ounces of
36 marijuana-infused product in solid form; two hundred sixteen ounces of
37 marijuana-infused product in liquid form; or twenty-one grams of

1 marijuana concentrates. The qualifying patient or designated provider
2 may also grow, in his or her domicile, up to six plants for the
3 personal medical use of the qualifying patient. If plants are grown
4 for the qualifying patient, the patient or designated provider may
5 possess as much useable marijuana as can be produced by three plants or
6 by the number of plants for which the patient or provider is authorized
7 under subsection (2) of this section.

8 (2) If a health care professional determines that the medical needs
9 of a patient exceed the amounts provided for in subsection (1) of this
10 section, the health care professional may recommend a greater amount of
11 useable marijuana or plants for the personal medical use of the patient
12 but not to exceed eight ounces of useable marijuana or fifteen plants.
13 This amount must be entered into the registry at point of registration
14 of the qualifying patient or designated provider.

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

17 (1) The department shall convene a work group of representatives of
18 the medical quality assurance commission, board of osteopathic medicine
19 and surgery, the nursing care quality assurance commission, the board
20 of naturopathy, and representatives of the medical marijuana community
21 including patients, attorneys, and health care professionals, to
22 develop practice guidelines for health care professionals to consider
23 when authorizing the medical use of marijuana for patients and consider
24 appropriate training and practice standards for employees of a licensed
25 marijuana retailer that holds a medical marijuana endorsement. The
26 representatives of the medical marijuana community must be appointed by
27 the governor. The practice guidelines shall address:

- 28 (a) Conditions that may benefit from the medical use of marijuana;
29 (b) Assessing a patient to determine if he or she has a
30 debilitating condition or intractable pain;
31 (c) Conducting an adequate examination of a patient for the need
32 for marijuana for medical use;
33 (d) Dosing criteria related to the medical use of marijuana;
34 (e) Developing a treatment plan for patients who may benefit from
35 the medical use of marijuana;
36 (f) Communicating with a patient about the medical use of marijuana

1 and other options for treating his or her terminal or debilitating
2 medical condition;

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

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

8 (2) In developing standards for employees of a licensed marijuana
9 retailer that holds a medical marijuana endorsement, the work group
10 shall identify appropriate practices for advising qualifying patients
11 or designated providers in selecting types of marijuana for their
12 condition, instructing qualifying patients and designated providers on
13 product use, fulfilling orders, and safe handling of products. The
14 work group shall adopt a definition of "medical grade marijuana" to
15 guide licensed marijuana retailers that hold a medical marijuana
16 endorsement in making decisions in selecting types of marijuana for
17 patients. The recommendations of the work group under this subsection
18 are advisory and do not establish regulatory standards, unless adopted
19 by the state liquor and cannabis board or the department pursuant to
20 existing authority.

21 (3) The department shall make the practice guidelines and training
22 and practice standards broadly available to health care professionals
23 and employees of licensed marijuana retailers that hold a medical
24 marijuana endorsement.

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

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

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

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

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

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

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

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

11 (i) Determine that the minor continues to have a terminal or
12 debilitating medical condition and that the condition benefits from the
13 medical use of marijuana; and

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

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

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

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

24 (a) A health care professional to register a qualifying patient or
25 designated provider and include the amount of marijuana concentrates,
26 useable marijuana, marijuana-infused products, or plants for which the
27 qualifying patient is authorized under section 18 of this act;

28 (b) Persons authorized to prescribe or dispense controlled
29 substances to access information on their patients for the purpose of
30 providing medical or pharmaceutical care for their patients;

31 (c) A qualifying patient or designated provider to request and
32 receive his or her own information;

33 (d) Appropriate local, state, and federal law enforcement or
34 prosecutorial officials who are engaged in a bona fide specific
35 investigation of suspected marijuana-related activity that is illegal
36 under Washington state law to confirm the validity of the authorization
37 card of a qualifying patient or designated provider;

1 (e) A marijuana retailer holding a medical marijuana endorsement to
2 confirm the validity of the authorization card of a qualifying patient
3 or designated provider;

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

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

9 (h) Registrations to expire one year after entry into the registry.

10 (2) A qualifying patient and his or her designated provider, if
11 any, must be placed in the medical marijuana registry by the qualifying
12 patient's health care professional. After a qualifying patient or
13 designated provider is placed in the medical marijuana registry, he or
14 she must be provided with:

15 (a) A receipt of registration, generated by the registry and
16 available immediately at point of registration; and

17 (b) An authorization card provided by the department, to be mailed
18 to the qualifying patient or designated provider.

19 (3) The receipt of registration is valid for sixty days or until
20 the qualifying patient or designated provider receives an authorization
21 card from the department, whichever comes first. The receipt of
22 registration is to be considered an authorization card for purposes of
23 this chapter.

24 (4) The receipt of registration and authorization card must be
25 developed by the department and include:

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

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

29 (c) A photograph of the qualifying patient or designated provider's
30 face taken by the registering health care professional in accordance
31 with rules adopted by the department;

32 (d) The amount of marijuana concentrates, useable marijuana,
33 marijuana-infused products, or plants for which the qualifying patient
34 is authorized under section 18 or 25 of this act;

35 (e) The effective date and expiration date of the receipt of
36 registration and the authorization card;

37 (f) The name of the health care professional who registered the
38 qualifying patient or designated provider; and

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

3 (5) The department may adopt rules developing an alternative method
4 to having the photograph required by subsection (4)(c) of this section
5 submitted by the health care professional.

6 (6) The department must adopt rules regarding the department's
7 destruction of the photographs of qualifying patients and designated
8 providers immediately upon issuance of the authorization cards.

9 (7) Authorization cards are valid for one year from the date the
10 health care professional registers the qualifying patient or designated
11 provider in the medical marijuana registry. Qualifying patients may
12 not be reentered into the medical marijuana registry until they have
13 been reexamined by a health care professional and determined to meet
14 the definition of qualifying patient. After reexamination, the health
15 care professional must reenter the qualifying patient or designated
16 provider into the medical marijuana registry and a new authorization
17 card will then be issued by the department in accordance with
18 department rules. The department must adopt rules on replacing lost or
19 stolen authorization cards.

20 (8) The department must adopt rules for removing qualifying
21 patients and designated providers from the medical marijuana registry
22 upon expiration of the authorization card as well as a method for
23 permitting qualifying patients and designated providers to remove
24 themselves from the medical marijuana registry before expiration and
25 for health care professionals to remove qualifying patients and
26 designated providers from the medical marijuana registry before
27 expiration if the patient or provider no longer qualifies for the
28 medical use of marijuana. The department must retain registry records
29 for at least five calendar years to permit the state liquor and
30 cannabis board and the department of revenue to verify eligibility for
31 tax exemptions.

32 (9) During development of the medical marijuana registry, the
33 department of health shall consult with stakeholders and persons with
34 relevant expertise to include, but not be limited to, qualifying
35 patients, designated providers, health care professionals, state and
36 local law enforcement agencies, and the University of Washington
37 computer science and engineering security and privacy research lab.

1 (10) The medical marijuana registry must meet the following
2 requirements:

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

6 (b) Any personally identifiable information included in the
7 registry must not be susceptible to linkage by use of data external to
8 the registry;

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

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

16 (11)(a) Personally identifiable information of qualifying patients
17 and designated providers included in the medical marijuana registry is
18 confidential and exempt from public disclosure, inspection, or copying
19 under chapter 42.56 RCW.

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

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

26 Records in the medical marijuana registry established in section 21
27 of this act containing names and other personally identifiable
28 information of qualifying patients and designated providers are exempt
29 from disclosure under this chapter.

30 **Sec. 23.** RCW 42.56.270 and 2013 c 305 s 14 are each amended to
31 read as follows:

32 The following financial, commercial, and proprietary information is
33 exempt from disclosure under this chapter:

34 (1) Valuable formulae, designs, drawings, computer source code or
35 object code, and research data obtained by any agency within five years

1 of the request for disclosure when disclosure would produce private
2 gain and public loss;

3 (2) Financial information supplied by or on behalf of a person,
4 firm, or corporation for the purpose of qualifying to submit a bid or
5 proposal for (a) a ferry system construction or repair contract as
6 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
7 or improvement as required by RCW 47.28.070;

8 (3) Financial and commercial information and records supplied by
9 private persons pertaining to export services provided under chapters
10 43.163 and 53.31 RCW, and by persons pertaining to export projects
11 under RCW 43.23.035;

12 (4) Financial and commercial information and records supplied by
13 businesses or individuals during application for loans or program
14 services provided by chapters 43.325, 43.163, 43.160, 43.330, and
15 43.168 RCW, or during application for economic development loans or
16 program services provided by any local agency;

17 (5) Financial information, business plans, examination reports, and
18 any information produced or obtained in evaluating or examining a
19 business and industrial development corporation organized or seeking
20 certification under chapter 31.24 RCW;

21 (6) Financial and commercial information supplied to the state
22 investment board by any person when the information relates to the
23 investment of public trust or retirement funds and when disclosure
24 would result in loss to such funds or in private loss to the providers
25 of this information;

26 (7) Financial and valuable trade information under RCW 51.36.120;

27 (8) Financial, commercial, operations, and technical and research
28 information and data submitted to or obtained by the clean Washington
29 center in applications for, or delivery of, program services under
30 chapter 70.95H RCW;

31 (9) Financial and commercial information requested by the public
32 stadium authority from any person or organization that leases or uses
33 the stadium and exhibition center as defined in RCW 36.102.010;

34 (10)(a) Financial information, including but not limited to account
35 numbers and values, and other identification numbers supplied by or on
36 behalf of a person, firm, corporation, limited liability company,
37 partnership, or other entity related to an application for a horse

1 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor
2 license, marijuana license, gambling license, or lottery retail
3 license;

4 (b) Internal control documents, independent auditors' reports and
5 financial statements, and supporting documents: (i) Of house-banked
6 social card game licensees required by the gambling commission pursuant
7 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes
8 with an approved tribal/state compact for class III gaming;

9 (11) Proprietary data, trade secrets, or other information that
10 relates to: (a) A vendor's unique methods of conducting business; (b)
11 data unique to the product or services of the vendor; or (c)
12 determining prices or rates to be charged for services, submitted by
13 any vendor to the department of social and health services for purposes
14 of the development, acquisition, or implementation of state purchased
15 health care as defined in RCW 41.05.011;

16 (12)(a) When supplied to and in the records of the department of
17 commerce:

18 (i) Financial and proprietary information collected from any person
19 and provided to the department of commerce pursuant to RCW
20 43.330.050(8); and

21 (ii) Financial or proprietary information collected from any person
22 and provided to the department of commerce or the office of the
23 governor in connection with the siting, recruitment, expansion,
24 retention, or relocation of that person's business and until a siting
25 decision is made, identifying information of any person supplying
26 information under this subsection and the locations being considered
27 for siting, relocation, or expansion of a business;

28 (b) When developed by the department of commerce based on
29 information as described in (a)(i) of this subsection, any work product
30 is not exempt from disclosure;

31 (c) For the purposes of this subsection, "siting decision" means
32 the decision to acquire or not to acquire a site;

33 (d) If there is no written contact for a period of sixty days to
34 the department of commerce from a person connected with siting,
35 recruitment, expansion, retention, or relocation of that person's
36 business, information described in (a)(ii) of this subsection will be
37 available to the public under this chapter;

1 (13) Financial and proprietary information submitted to or obtained
2 by the department of ecology or the authority created under chapter
3 70.95N RCW to implement chapter 70.95N RCW;

4 (14) Financial, commercial, operations, and technical and research
5 information and data submitted to or obtained by the life sciences
6 discovery fund authority in applications for, or delivery of, grants
7 under chapter 43.350 RCW, to the extent that such information, if
8 revealed, would reasonably be expected to result in private loss to the
9 providers of this information;

10 (15) Financial and commercial information provided as evidence to
11 the department of licensing as required by RCW 19.112.110 or
12 19.112.120, except information disclosed in aggregate form that does
13 not permit the identification of information related to individual fuel
14 licensees;

15 (16) Any production records, mineral assessments, and trade secrets
16 submitted by a permit holder, mine operator, or landowner to the
17 department of natural resources under RCW 78.44.085;

18 (17)(a) Farm plans developed by conservation districts, unless
19 permission to release the farm plan is granted by the landowner or
20 operator who requested the plan, or the farm plan is used for the
21 application or issuance of a permit;

22 (b) Farm plans developed under chapter 90.48 RCW and not under the
23 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to
24 RCW 42.56.610 and 90.64.190;

25 (18) Financial, commercial, operations, and technical and research
26 information and data submitted to or obtained by a health sciences and
27 services authority in applications for, or delivery of, grants under
28 RCW 35.104.010 through 35.104.060, to the extent that such information,
29 if revealed, would reasonably be expected to result in private loss to
30 providers of this information;

31 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328
32 that can be identified to a particular business;

33 (20) Financial and commercial information submitted to or obtained
34 by the University of Washington, other than information the university
35 is required to disclose under RCW 28B.20.150, when the information
36 relates to investments in private funds, to the extent that such
37 information, if revealed, would reasonably be expected to result in

1 loss to the University of Washington consolidated endowment fund or to
2 result in private loss to the providers of this information;

3 (21) Financial, commercial, operations, and technical and research
4 information and data submitted to or obtained by innovate Washington in
5 applications for, or delivery of, grants and loans under chapter 43.333
6 RCW, to the extent that such information, if revealed, would reasonably
7 be expected to result in private loss to the providers of this
8 information; and

9 (22) Market share data submitted by a manufacturer under RCW
10 70.95N.190(4).

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

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

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

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

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

32 ~~(iii) A combination of useable cannabis and cannabis product that~~
33 ~~does not exceed a combined total representing possession and processing~~
34 ~~of no more than twenty four ounces of useable cannabis))~~ the amount of
35 marijuana concentrates, useable marijuana, plants, or marijuana-infused
36 products authorized under section 18 or 25 of this act.

1 (b) If a person is both a qualifying patient and a designated
2 provider for another qualifying patient, the person may possess no more
3 than twice the amounts described in (~~((a) of this subsection))~~ section
4 18 of this act, whether the plants, (~~((useable cannabis, and cannabis~~
5 ~~product))~~ marijuana concentrates, useable marijuana, or marijuana-
6 infused products are possessed individually or in combination between
7 the qualifying patient and his or her designated provider;

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

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

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

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

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

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

32 (6) The (~~((investigating peace officer has not observed evidence of~~
33 ~~any of the circumstances identified in section 901(4) of this act))~~)
34 qualifying patient or designated provider participates in a cooperative
35 as provided in section 25 of this act.

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

1 (1) Qualifying patients or designated providers may form a
2 cooperative and share responsibility for acquiring and supplying the
3 resources needed to produce and process marijuana only for: (a) The
4 medical use of members of the cooperative; or (b) medical research. No
5 more than four people may become members of the cooperative under this
6 section and all members must hold valid authorization cards.

7 (2) The location of the cooperative must be registered with the
8 state liquor and cannabis board and this is the only location where
9 cooperative members may grow or process marijuana. This registration
10 must include the names of all participating members and copies of each
11 participant's authorization card. Only qualifying patients or
12 designated providers registered with the state liquor and cannabis
13 board in association with the location may participate in growing or
14 receive useable marijuana or marijuana-infused products grown at that
15 location.

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

26 (4) Qualifying patients or designated providers who grow plants
27 under this section:

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

33 (b) Must provide assistance in growing plants. A monetary
34 contribution or donation is not to be considered assistance under this
35 section. Participants must provide labor in order to participate; and

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

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

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

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

13 **Sec. 26.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
14 read as follows:

15 (1) A qualifying patient or designated provider in possession of
16 ((cannabis)) plants, marijuana concentrates, useable ((cannabis))
17 marijuana, or ((cannabis)) marijuana-infused products exceeding the
18 limits set forth in ((RCW 69.51A.040(1))) section 18 or 25 of this act
19 but otherwise in compliance with all other terms and conditions of this
20 chapter may establish an affirmative defense to charges of violations
21 of state law relating to ((cannabis)) marijuana through proof at trial,
22 by a preponderance of the evidence, that the qualifying patient's
23 necessary medical use exceeds the amounts set forth in RCW
24 69.51A.040((1)).

25 (2) An investigating ((peace)) law enforcement officer may seize
26 ((cannabis)) plants, marijuana concentrates, useable ((cannabis))
27 marijuana, or ((cannabis)) marijuana-infused products exceeding the
28 amounts set forth in ((RCW 69.51A.040(1): PROVIDED, That)) section 18
29 or 25 of this act. In the case of ((cannabis)) plants, the qualifying
30 patient or designated provider shall be allowed to select the plants
31 that will remain at the location. The officer and his or her law
32 enforcement agency may not be held civilly liable for failure to seize
33 ((cannabis)) marijuana in this circumstance.

34 **Sec. 27.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
35 read as follows:

36 (1)(a) The arrest and prosecution protections established in RCW

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

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

12 (2) (~~The provisions of~~) RCW 69.51A.040(~~, 69.51A.085, and~~
13 ~~69.51A.025 do~~) does not apply to a person who is supervised for a
14 criminal conviction by a corrections agency or department, including
15 local governments or jails, that has determined that the terms of this
16 chapter are inconsistent with and contrary to his or her supervision.

17 (~~(3) A person may not be licensed as a licensed producer, licensed~~
18 ~~processor of cannabis products, or a licensed dispenser under section~~
19 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~
20 ~~conviction by a corrections agency or department, including local~~
21 ~~governments or jails, that has determined that licensure is~~
22 ~~inconsistent with and contrary to his or her supervision.~~)

23 **Sec. 28.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
24 read as follows:

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

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

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

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

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

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

15 ~~((+6+))~~ (7) Employers may establish drug-free work policies.
16 Nothing in this chapter requires an accommodation for the medical use
17 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

18 ~~((+7+))~~ (8) Until September 1, 2015, it is a class C felony to
19 fraudulently produce any record purporting to be, or tamper with the
20 content of any record for the purpose of having it accepted as, valid
21 documentation under RCW 69.51A.010~~((+32+)(a+))~~ (7), or to backdate such
22 documentation to a time earlier than its actual date of execution.

23 ~~((+8+))~~ (9) No person shall be entitled to claim the protection
24 from arrest and prosecution under RCW 69.51A.040 ~~((or the affirmative~~
25 ~~defense under RCW 69.51A.043))~~ for engaging in the medical use of
26 ~~((cannabis))~~ marijuana in a way that endangers the health or well-being
27 of any person through the use of a motorized vehicle on a street, road,
28 or highway, including violations of RCW 46.61.502 or 46.61.504, or
29 equivalent local ordinances.

30 NEW SECTION. Sec. 29. A new section is added to chapter 69.51A
31 RCW to read as follows:

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

33 (a) To access the medical marijuana registry for any reason not
34 authorized under section 21 of this act;

35 (b) To disclose any information received from the medical marijuana
36 registry in violation of section 21 of this act including, but not

1 limited to, qualifying patient or designated provider names, addresses,
2 or amount of marijuana for which they are authorized;

3 (c) To produce an authorization card or to tamper with an
4 authorization card for the purpose of having it accepted by a marijuana
5 retailer in order to purchase marijuana as a qualifying patient or
6 designated provider or to grow marijuana plants in accordance with
7 section 18 or 25 of this act;

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

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

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

18 **Sec. 30.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
19 read as follows:

20 The Washington state medical quality assurance commission in
21 consultation with the board of osteopathic medicine and surgery, or
22 other appropriate agency as designated by the governor, shall accept
23 for consideration petitions submitted to add terminal or debilitating
24 conditions to those included in this chapter. In considering such
25 petitions, the Washington state medical quality assurance commission in
26 consultation with the board of osteopathic medicine and surgery shall
27 include public notice of, and an opportunity to comment in a public
28 hearing upon, such petitions. The Washington state medical quality
29 assurance commission in consultation with the board of osteopathic
30 medicine and surgery may make a preliminary finding of good cause
31 before the public hearing and shall, after hearing, approve or deny
32 such petitions within ((one)) two hundred ((~~eighty~~)) ten days of
33 submission. The approval or denial of such a petition shall be
34 considered a final agency action, subject to judicial review.

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

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

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

16 (3) The department may adopt rules to implement this section,
17 including a procedure to remove the name of the designated provider
18 from the medical marijuana registry upon receipt of a revocation under
19 this section.

20 **Sec. 32.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
21 read as follows:

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

31 **Sec. 33.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
32 read as follows:

33 A qualifying patient or designated provider may not have his or her
34 parental rights or residential time with a child restricted solely due
35 to his or her medical use of ((~~cannabis~~)) marijuana in compliance with
36 the terms of this chapter absent written findings supported by evidence

1 that such use has resulted in a long-term impairment that interferes
2 with the performance of parenting functions as defined under RCW
3 26.09.004.

4 NEW SECTION. **Sec. 34.** A new section is added to chapter 69.51A
5 RCW to read as follows:

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

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

12 Valid documentation may not be issued by a health care professional
13 after April 1, 2016. All valid documentation expires April 1, 2016.
14 Until April 1, 2016, qualifying patients and designated providers in
15 possession of valid documentation may establish an affirmative defense
16 to charges of violations of state law relating to marijuana through
17 proof at trial, by a preponderance of evidence, that the qualifying
18 patient has been authorized by a health care professional for the
19 medical use of marijuana, that the qualifying patient meets the
20 requirements of RCW 69.51A.010(4), and that the qualifying patient's
21 necessary medical use exceeds the amounts set forth in RCW 69.50.360.

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

24 A medical marijuana advisory group must be appointed by the
25 governor to advise and assist the state liquor and cannabis board in
26 adopting rules relating to the medical use of marijuana. The advisory
27 group will meet at the call of the state liquor and cannabis board.
28 Membership of the advisory group includes, but is not limited to the
29 following:

30 (1) Three health care professionals who authorize the medical use
31 of marijuana;

32 (2) Two pharmacists, one with compounding experience;

33 (3) One licensed marijuana producer with medical marijuana
34 experience;

35 (4) One licensed marijuana processor with medical marijuana

1 experience;

2 (5) One licensed marijuana retailer with medical marijuana
3 experience; and

4 (6) One qualifying patient.

5 NEW SECTION. **Sec. 37.** (1) The legislature finds marijuana use for
6 qualifying patients is a valid and necessary option health care
7 professionals may recommend for their patients. The legislature
8 further finds that although there is a distinction between recreational
9 and medical use of marijuana, the changing environment for recreational
10 marijuana use in Washington will also affect qualifying patients. The
11 legislature further finds that while recognizing the difference between
12 recreational and medical use of marijuana, it is imperative to develop
13 a single, comprehensive regulatory scheme for marijuana use in the
14 state. Acknowledging that the implementation of this act may result in
15 changes to how qualifying patients access medical marijuana, the
16 legislature intends to ease the transition towards a regulated market
17 and provide a statutory means for a safe, consistent, and secure source
18 of marijuana for qualifying patients. Therefore, the legislature
19 intends to provide qualifying patients a retail sales and use tax
20 exemption on purchases of marijuana for medical use when authorized by
21 a health care professional. Because marijuana is neither a
22 prescription medicine nor an over-the-counter medication, this policy
23 should in no way be construed as precedence for changes in the
24 treatment of prescription medications or over-the-counter medications.

25 (2)(a) This section is the tax preference performance statement for
26 the retail sales and use tax exemptions for marijuana concentrates,
27 useable marijuana, and marijuana-infused products purchased by
28 qualifying patients provided in sections 12 and 13 of this act. The
29 performance statement is only intended to be used for subsequent
30 evaluation of the tax preference. It is not intended to create a
31 private right of action by any party or be used to determine
32 eligibility for preferential tax treatment.

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

35 (c) It is the legislature's specific public policy objective to
36 provide qualifying patients a retail sales and use tax exemption on

1 purchases of marijuana concentrates, useable marijuana, and marijuana-
2 infused products for medical use when authorized by a health care
3 professional and registered with the medical marijuana registry.

4 (d) To measure the effectiveness of the exemption provided in this
5 act in achieving the specific public policy objectives described in (c)
6 of this subsection, the joint legislative audit and review committee
7 must evaluate the actual fiscal impact of the sales and use tax
8 exemption in this act compared to the estimated impact in the fiscal
9 note for this act.

10 NEW SECTION. **Sec. 38.** 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 in
14 the Revised Code of Washington from the Washington state liquor control
15 board to the Washington state liquor and cannabis board.

16 NEW SECTION. **Sec. 39.** 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.047 (Failure to register or present valid
23 documentation--Affirmative defense) and 2011 c 181 s 406;

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

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

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

29 NEW SECTION. **Sec. 40.** RCW 69.51A.085 (Collective gardens) and
30 2011 c 181 s 403, as now existing or hereafter amended, are each
31 repealed, effective September 1, 2015.

32 NEW SECTION. **Sec. 41.** RCW 69.51A.043 (Failure to register--
33 Affirmative defense) and 2011 c 181 s 402, as now existing or hereafter
34 amended, are each repealed, effective September 1, 2015.

1 NEW SECTION. **Sec. 42.** Sections 6, 8, 11, 17, 18, 20, 24 through
2 26, 28, 29, 31, and 39 of this act take effect July 1, 2015.

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