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**SUBSTITUTE SENATE BILL 6178**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Senate Health Care (originally sponsored by Senators Kohl-Welles, Litzow, Keiser, Pedersen, Cleveland, and Kline)

READ FIRST TIME 01/27/14.

1       AN ACT Relating to aligning the medical marijuana system with the  
2 recreational marijuana system; amending RCW 69.50.331, 69.50.342,  
3 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.50.535,  
4 69.50.540, 70.47.030, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030,  
5 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100,  
6 69.51A.110, 69.51A.120, and 69.51A.200; reenacting and amending RCW  
7 69.50.101; adding a new section to chapter 69.50 RCW; adding new  
8 sections to chapter 69.51A RCW; adding a new section to chapter 42.56  
9 RCW; creating a new section; repealing RCW 69.51A.020, 69.51A.025,  
10 69.51A.043, 69.51A.047, 69.51A.140, and 69.51A.085; prescribing  
11 penalties; and providing effective dates.

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

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

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

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

1 (1) a practitioner authorized to prescribe (or, by the  
2 practitioner's authorized agent); or  
3 (2) the patient or research subject at the direction and in the  
4 presence of the practitioner.  
5 (b) "Agent" means an authorized person who acts on behalf of or at  
6 the direction of a manufacturer, distributor, or dispenser. It does  
7 not include a common or contract carrier, public warehouseperson, or  
8 employee of the carrier or warehouseperson.  
9 (c) (~~"Board"~~) "Commission" means the (~~(state board of)~~) pharmacy  
10 quality assurance commission.  
11 (d) "Controlled substance" means a drug, substance, or immediate  
12 precursor included in Schedules I through V as set forth in federal or  
13 state laws, or federal or (~~board~~) commission rules.  
14 (e)(1) "Controlled substance analog" means a substance the chemical  
15 structure of which is substantially similar to the chemical structure  
16 of a controlled substance in Schedule I or II and:  
17 (i) that has a stimulant, depressant, or hallucinogenic effect on  
18 the central nervous system substantially similar to the stimulant,  
19 depressant, or hallucinogenic effect on the central nervous system of  
20 a controlled substance included in Schedule I or II; or  
21 (ii) with respect to a particular individual, that the individual  
22 represents or intends to have a stimulant, depressant, or  
23 hallucinogenic effect on the central nervous system substantially  
24 similar to the stimulant, depressant, or hallucinogenic effect on the  
25 central nervous system of a controlled substance included in Schedule  
26 I or II.  
27 (2) The term does not include:  
28 (i) a controlled substance;  
29 (ii) a substance for which there is an approved new drug  
30 application;  
31 (iii) a substance with respect to which an exemption is in effect  
32 for investigational use by a particular person under Section 505 of the  
33 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent  
34 conduct with respect to the substance is pursuant to the exemption; or  
35 (iv) any substance to the extent not intended for human consumption  
36 before an exemption takes effect with respect to the substance.  
37 (f) "Deliver" or "delivery," means the actual or constructive

1 transfer from one person to another of a substance, whether or not  
2 there is an agency relationship.

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

4 (h) "Dispense" means the interpretation of a prescription or order  
5 for a controlled substance and, pursuant to that prescription or order,  
6 the proper selection, measuring, compounding, labeling, or packaging  
7 necessary to prepare that prescription or order for delivery.

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

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

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

12 (l) "Drug" means (1) a controlled substance recognized as a drug in  
13 the official United States pharmacopoeia/national formulary or the  
14 official homeopathic pharmacopoeia of the United States, or any  
15 supplement to them; (2) controlled substances intended for use in the  
16 diagnosis, cure, mitigation, treatment, or prevention of disease in  
17 individuals or animals; (3) controlled substances (other than food)  
18 intended to affect the structure or any function of the body of  
19 individuals or animals; and (4) controlled substances intended for use  
20 as a component of any article specified in (1), (2), or (3) of this  
21 subsection. The term does not include devices or their components,  
22 parts, or accessories.

23 (m) "Drug enforcement administration" means the drug enforcement  
24 administration in the United States Department of Justice, or its  
25 successor agency.

26 (n) "Electronic communication of prescription information" means  
27 the transmission of a prescription or refill authorization for a drug  
28 of a practitioner using computer systems. The term does not include a  
29 prescription or refill authorization verbally transmitted by telephone  
30 nor a facsimile manually signed by the practitioner.

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

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

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

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

3 (p) "Isomer" means an optical isomer, but in subsection (y)(5) of  
4 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the  
5 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),  
6 and 69.50.210(c) the term includes any positional isomer; and in RCW  
7 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any  
8 positional or geometric isomer.

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

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

17 (s) "Manufacture" means the production, preparation, propagation,  
18 compounding, conversion, or processing of a controlled substance,  
19 either directly or indirectly or by extraction from substances of  
20 natural origin, or independently by means of chemical synthesis, or by  
21 a combination of extraction and chemical synthesis, and includes any  
22 packaging or repackaging of the substance or labeling or relabeling of  
23 its container. The term does not include the preparation, compounding,  
24 packaging, repackaging, labeling, or relabeling of a controlled  
25 substance:

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

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

32 (t) "Marijuana" or "marihuana" means all parts of the plant  
33 Cannabis, whether growing or not, with a THC concentration greater than  
34 0.3 percent on a dry weight basis; the seeds thereof; the resin  
35 extracted from any part of the plant; and every compound, manufacture,  
36 salt, derivative, mixture, or preparation of the plant, its seeds or  
37 resin. The term does not include the mature stalks of the plant, fiber  
38 produced from the stalks, oil or cake made from the seeds of the plant,

1 any other compound, manufacture, salt, derivative, mixture, or  
2 preparation of the mature stalks (except the resin extracted  
3 therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
4 which is incapable of germination.

5 (u) "Marijuana processor" means a person licensed by the state  
6 liquor control board to process marijuana into useable marijuana and  
7 marijuana-infused products, package and label useable marijuana and  
8 marijuana-infused products for sale in retail outlets, and sell useable  
9 marijuana and marijuana-infused products at wholesale to marijuana  
10 retailers.

11 (v) "Marijuana producer" means a person licensed by the state  
12 liquor control board to produce and sell marijuana at wholesale to  
13 marijuana processors and other marijuana producers.

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

17 (x) "Marijuana retailer" means a person licensed by the state  
18 liquor control board to sell useable marijuana and marijuana-infused  
19 products in a retail outlet.

20 (y) "Narcotic drug" means any of the following, whether produced  
21 directly or indirectly by extraction from substances of vegetable  
22 origin, or independently by means of chemical synthesis, or by a  
23 combination of extraction and chemical synthesis:

24 (1) Opium, opium derivative, and any derivative of opium or opium  
25 derivative, including their salts, isomers, and salts of isomers,  
26 whenever the existence of the salts, isomers, and salts of isomers is  
27 possible within the specific chemical designation. The term does not  
28 include the isoquinoline alkaloids of opium.

29 (2) Synthetic opiate and any derivative of synthetic opiate,  
30 including their isomers, esters, ethers, salts, and salts of isomers,  
31 esters, and ethers, whenever the existence of the isomers, esters,  
32 ethers, and salts is possible within the specific chemical designation.

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

34 (4) Coca leaves, except coca leaves and extracts of coca leaves  
35 from which cocaine, ecgonine, and derivatives or ecgonine or their  
36 salts have been removed.

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

38 (6) Cocaine base.

1 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
2 thereof.

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

5 (z) "Opiate" means any substance having an addiction-forming or  
6 addiction-sustaining liability similar to morphine or being capable of  
7 conversion into a drug having addiction-forming or addiction-sustaining  
8 liability. The term includes opium, substances derived from opium  
9 (opium derivatives), and synthetic opiates. The term does not include,  
10 unless specifically designated as controlled under RCW 69.50.201, the  
11 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
12 (dextromethorphan). The term includes the racemic and levorotatory  
13 forms of dextromethorphan.

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

16 (bb) "Person" means individual, corporation, business trust,  
17 estate, trust, partnership, association, joint venture, government,  
18 governmental subdivision or agency, or any other legal or commercial  
19 entity.

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

22 (dd) "Practitioner" means:

23 (1) A physician under chapter 18.71 RCW; a physician assistant  
24 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
25 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
26 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
27 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
28 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
29 subject to any limitations in RCW 18.53.010; a dentist under chapter  
30 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
31 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
32 registered nurse practitioner, or licensed practical nurse under  
33 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
34 who is licensed under RCW 18.36A.030 subject to any limitations in RCW  
35 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
36 investigator under this chapter, licensed, registered or otherwise  
37 permitted insofar as is consistent with those licensing laws to

1 distribute, dispense, conduct research with respect to or administer a  
2 controlled substance in the course of their professional practice or  
3 research in this state.

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

8 (3) A physician licensed to practice medicine and surgery, a  
9 physician licensed to practice osteopathic medicine and surgery, a  
10 dentist licensed to practice dentistry, a podiatric physician and  
11 surgeon licensed to practice podiatric medicine and surgery, a licensed  
12 physician assistant or a licensed osteopathic physician assistant  
13 specifically approved to prescribe controlled substances by his or her  
14 state's medical quality assurance commission or equivalent and his or  
15 her supervising physician, an advanced registered nurse practitioner  
16 licensed to prescribe controlled substances, or a veterinarian licensed  
17 to practice veterinary medicine in any state of the United States.

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

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

24 (gg) "Retail outlet" means a location licensed by the state liquor  
25 control board for the retail sale of useable marijuana and marijuana-  
26 infused products.

27 (hh) "Secretary" means the secretary of health or the secretary's  
28 designee.

29 (ii) "State," unless the context otherwise requires, means a state  
30 of the United States, the District of Columbia, the Commonwealth of  
31 Puerto Rico, or a territory or insular possession subject to the  
32 jurisdiction of the United States.

33 (jj) "THC concentration" means percent of delta-9  
34 tetrahydrocannabinol content per dry weight of any part of the plant  
35 *Cannabis*, or per volume or weight of marijuana product, or the combined  
36 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid  
37 in any part of the plant *Cannabis* regardless of moisture content.

1 (kk) "Ultimate user" means an individual who lawfully possesses a  
2 controlled substance for the individual's own use or for the use of a  
3 member of the individual's household or for administering to an animal  
4 owned by the individual or by a member of the individual's household.

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

7 (mm) "Verification card" has the meaning provided in RCW  
8 69.51A.010.

9 (nn) "Designated provider" has the meaning provided in RCW  
10 69.51A.010.

11 (oo) "Health care professional" has the meaning provided in RCW  
12 69.51A.010.

13 (pp) "Qualifying patient" has the meaning provided in RCW  
14 69.51A.010.

15 **Sec. 2.** RCW 69.50.331 and 2013 c 3 s 6 (Initiative Measure No.  
16 502) are each amended to read as follows:

17 (1) For the purpose of considering any application for a license to  
18 produce, process, or sell marijuana, or for the renewal of a license to  
19 produce, process, or sell marijuana, the state liquor control board may  
20 cause an inspection of the premises to be made, and may inquire into  
21 all matters in connection with the construction and operation of the  
22 premises. For the purpose of reviewing any application for a license  
23 and for considering the denial, suspension, revocation, or renewal or  
24 denial thereof, of any license, the state liquor control board may  
25 consider any prior criminal conduct of the applicant including an  
26 administrative violation history record with the state liquor control  
27 board and a criminal history record information check. The state  
28 liquor control board may submit the criminal history record information  
29 check to the Washington state patrol and to the identification division  
30 of the federal bureau of investigation in order that these agencies may  
31 search their records for prior arrests and convictions of the  
32 individual or individuals who filled out the forms. The state liquor  
33 control board shall require fingerprinting of any applicant whose  
34 criminal history record information check is submitted to the federal  
35 bureau of investigation. The provisions of RCW 9.95.240 and of chapter  
36 9.96A RCW shall not apply to these cases. Subject to the provisions of  
37 this section, the state liquor control board may, in its discretion,



1 grant or deny the renewal or license applied for. Denial may be based  
2 on, without limitation, the existence of chronic illegal activity  
3 documented in objections submitted pursuant to subsections (7)(c) and  
4 (9) of this section. Authority to approve an uncontested or unopposed  
5 license may be granted by the state liquor control board to any staff  
6 member the board designates in writing. Conditions for granting this  
7 authority shall be adopted by rule. No license of any kind may be  
8 issued to:

9 (a) A person under the age of twenty-one years;

10 (b) A person doing business as a sole proprietor who has not  
11 lawfully resided in the state for at least three months prior to  
12 applying to receive a license;

13 (c) A partnership, employee cooperative, association, nonprofit  
14 corporation, or corporation unless formed under the laws of this state,  
15 and unless all of the members thereof are qualified to obtain a license  
16 as provided in this section; or

17 (d) A person whose place of business is conducted by a manager or  
18 agent, unless the manager or agent possesses the same qualifications  
19 required of the licensee.

20 (2)(a) The state liquor control board may, in its discretion,  
21 subject to the provisions of RCW 69.50.334, suspend or cancel any  
22 license; and all protections of the licensee from criminal or civil  
23 sanctions under state law for producing, processing, or selling  
24 marijuana, useable marijuana, or marijuana-infused products thereunder  
25 shall be suspended or terminated, as the case may be.

26 (b) The state liquor control board shall immediately suspend the  
27 license of a person who has been certified pursuant to RCW 74.20A.320  
28 by the department of social and health services as a person who is not  
29 in compliance with a support order. If the person has continued to  
30 meet all other requirements for reinstatement during the suspension,  
31 reissuance of the license shall be automatic upon the state liquor  
32 control board's receipt of a release issued by the department of social  
33 and health services stating that the licensee is in compliance with the  
34 order.

35 (c) The state liquor control board may request the appointment of  
36 administrative law judges under chapter 34.12 RCW who shall have power  
37 to administer oaths, issue subpoenas for the attendance of witnesses  
38 and the production of papers, books, accounts, documents, and

1 testimony, examine witnesses, and to receive testimony in any inquiry,  
2 investigation, hearing, or proceeding in any part of the state, under  
3 rules and regulations the state liquor control board may adopt.

4 (d) Witnesses shall be allowed fees and mileage each way to and  
5 from any inquiry, investigation, hearing, or proceeding at the rate  
6 authorized by RCW 34.05.446. Fees need not be paid in advance of  
7 appearance of witnesses to testify or to produce books, records, or  
8 other legal evidence.

9 (e) In case of disobedience of any person to comply with the order  
10 of the state liquor control board or a subpoena issued by the state  
11 liquor control board, or any of its members, or administrative law  
12 judges, or on the refusal of a witness to testify to any matter  
13 regarding which he or she may be lawfully interrogated, the judge of  
14 the superior court of the county in which the person resides, on  
15 application of any member of the board or administrative law judge,  
16 shall compel obedience by contempt proceedings, as in the case of  
17 disobedience of the requirements of a subpoena issued from said court  
18 or a refusal to testify therein.

19 (3) Upon receipt of notice of the suspension or cancellation of a  
20 license, the licensee shall forthwith deliver up the license to the  
21 state liquor control board. Where the license has been suspended only,  
22 the state liquor control board shall return the license to the licensee  
23 at the expiration or termination of the period of suspension. The  
24 state liquor control board shall notify all other licensees in the  
25 county where the subject licensee has its premises of the suspension or  
26 cancellation of the license; and no other licensee or employee of  
27 another licensee may allow or cause any marijuana, useable marijuana,  
28 or marijuana-infused products to be delivered to or for any person at  
29 the premises of the subject licensee.

30 (4) Every license issued under chapter 3, Laws of 2013 shall be  
31 subject to all conditions and restrictions imposed by chapter 3, Laws  
32 of 2013 or by rules adopted by the state liquor control board to  
33 implement and enforce chapter 3, Laws of 2013. All conditions and  
34 restrictions imposed by the state liquor control board in the issuance  
35 of an individual license shall be listed on the face of the individual  
36 license along with the trade name, address, and expiration date.

37 (5) Every licensee shall post and keep posted its license, or  
38 licenses, in a conspicuous place on the premises.

1 (6) No licensee shall employ any person under the age of twenty-one  
2 years.

3 (7)(a) Before the state liquor control board issues a new or  
4 renewed license to an applicant it shall give notice of the application  
5 to the chief executive officer of the incorporated city or town, if the  
6 application is for a license within an incorporated city or town, or to  
7 the county legislative authority, if the application is for a license  
8 outside the boundaries of incorporated cities or towns.

9 (b) The incorporated city or town through the official or employee  
10 selected by it, or the county legislative authority or the official or  
11 employee selected by it, shall have the right to file with the state  
12 liquor control board within twenty days after the date of transmittal  
13 of the notice for applications, or at least thirty days prior to the  
14 expiration date for renewals, written objections against the applicant  
15 or against the premises for which the new or renewed license is asked.  
16 The state liquor control board may extend the time period for  
17 submitting written objections.

18 (c) The written objections shall include a statement of all facts  
19 upon which the objections are based, and in case written objections are  
20 filed, the city or town or county legislative authority may request,  
21 and the state liquor control board may in its discretion hold, a  
22 hearing subject to the applicable provisions of Title 34 RCW. If the  
23 state liquor control board makes an initial decision to deny a license  
24 or renewal based on the written objections of an incorporated city or  
25 town or county legislative authority, the applicant may request a  
26 hearing subject to the applicable provisions of Title 34 RCW. If a  
27 hearing is held at the request of the applicant, state liquor control  
28 board representatives shall present and defend the state liquor control  
29 board's initial decision to deny a license or renewal.

30 (d) Upon the granting of a license under this title the state  
31 liquor control board shall send written notification to the chief  
32 executive officer of the incorporated city or town in which the license  
33 is granted, or to the county legislative authority if the license is  
34 granted outside the boundaries of incorporated cities or towns.

35 (8) The state liquor control board shall not issue a license for  
36 any premises within one thousand feet of the perimeter of the grounds  
37 of any elementary or secondary school, playground, recreation center or

1 facility, (~~child care center,~~) or public park, (~~public transit~~  
2 ~~center, or library,~~) or any game arcade admission to which is not  
3 restricted to persons aged twenty-one years or older.

4 (9) In determining whether to grant or deny a license or renewal of  
5 any license, the state liquor control board shall give substantial  
6 weight to objections from an incorporated city or town or county  
7 legislative authority based upon chronic illegal activity associated  
8 with the applicant's operations of the premises proposed to be licensed  
9 or the applicant's operation of any other licensed premises, or the  
10 conduct of the applicant's patrons inside or outside the licensed  
11 premises. "Chronic illegal activity" means (a) a pervasive pattern of  
12 activity that threatens the public health, safety, and welfare of the  
13 city, town, or county including, but not limited to, open container  
14 violations, assaults, disturbances, disorderly conduct, or other  
15 criminal law violations, or as documented in crime statistics, police  
16 reports, emergency medical response data, calls for service, field  
17 data, or similar records of a law enforcement agency for the city,  
18 town, county, or any other municipal corporation or any state agency;  
19 or (b) an unreasonably high number of citations for violations of RCW  
20 46.61.502 associated with the applicant's or licensee's operation of  
21 any licensed premises as indicated by the reported statements given to  
22 law enforcement upon arrest.

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

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

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

35 (2) The books and records to be created and maintained by  
36 licensees, the reports to be made thereon to the state liquor control  
37 board, and inspection of the books and records;

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

6 (4) Security requirements for retail outlets and premises where  
7 marijuana is produced or processed, and safety protocols for licensees  
8 and their employees;

9 (5) Screening, hiring, training, and supervising employees of  
10 licensees;

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

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

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

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

31 (10) The manner of giving and serving notices required by chapter  
32 3, Laws of 2013 or rules adopted to implement or enforce it;

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

36 (12) Identification, seizure, confiscation, destruction, or  
37 donation to law enforcement for training purposes of all marijuana,  
38 useable marijuana, and marijuana-infused products produced, processed,

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

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

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

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

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

22 (a) Population distribution;

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

24 (c) The provision of adequate access to licensed sources of useable  
25 marijuana and marijuana-infused products to discourage purchases from  
26 the illegal market; and

27 (d) The needs of qualifying patients;

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

31 (4) Determining the maximum quantities of marijuana, useable  
32 marijuana, and marijuana-infused products a marijuana processor may  
33 have on the premises of a licensed location at any time without  
34 violating Washington state law;

35 (5) Determining the maximum quantities of useable marijuana and  
36 marijuana-infused products a marijuana retailer may have on the

1 premises of a retail outlet at any time without violating Washington  
2 state law;

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

6 (a) Security and safety issues;

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

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

13 (7) Determining the nature, form, and capacity of all containers to  
14 be used by licensees to contain marijuana, useable marijuana, and  
15 marijuana-infused products, and their labeling requirements, to include  
16 but not be limited to:

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

20 (b) Lot numbers of the marijuana, useable marijuana, or marijuana-  
21 infused product;

22 (c) THC concentration of the marijuana, useable marijuana, or  
23 marijuana-infused product;

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

26 (e) Language required by RCW 69.04.480;

27 (8) In consultation with the department of agriculture,  
28 establishing classes of marijuana, useable marijuana, and marijuana-  
29 infused products according to grade, condition, cannabinoid profile,  
30 THC concentration, or other qualitative measurements deemed appropriate  
31 by the state liquor control board;

32 (9) Establishing reasonable time, place, and manner restrictions  
33 and requirements regarding advertising of marijuana, useable marijuana,  
34 and marijuana-infused products that are not inconsistent with the  
35 provisions of this chapter ((3, ~~Laws of 2013~~)), taking into  
36 consideration:

37 (a) Federal laws relating to marijuana that are applicable within  
38 Washington state;

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

3 (c) The inclusion of medically and scientifically accurate  
4 information about the health and safety risks posed by marijuana use in  
5 the advertising;

6 (10) Specifying and regulating the time and periods when, and the  
7 manner, methods, and means by which, licensees shall transport and  
8 deliver marijuana, useable marijuana, and marijuana-infused products  
9 within the state;

10 (11) In consultation with the department and the department of  
11 agriculture, establishing accreditation requirements for testing  
12 laboratories used by licensees to demonstrate compliance with standards  
13 adopted by the state liquor control board, and prescribing methods of  
14 producing, processing, and packaging marijuana, useable marijuana, and  
15 marijuana-infused products; conditions of sanitation; and standards of  
16 ingredients, quality, and identity of marijuana, useable marijuana, and  
17 marijuana-infused products produced, processed, packaged, or sold by  
18 licensees;

19 (12) Specifying procedures for identifying, seizing, confiscating,  
20 destroying, and donating to law enforcement for training purposes all  
21 marijuana, useable marijuana, and marijuana-infused products produced,  
22 processed, packaged, labeled, or offered for sale in this state that do  
23 not conform in all respects to the standards prescribed by this chapter  
24 (~~(3, Laws of 2013)~~) or the rules of the state liquor control board.

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

27 There may be licensed, in no greater number in each of the counties  
28 of the state than as the state liquor control board shall deem  
29 advisable, retail outlets established for the purpose of making useable  
30 marijuana and marijuana-infused products available for sale to adults  
31 aged twenty-one and over and for qualifying patients aged eighteen and  
32 older under RCW 69.50.357. Retail sale of useable marijuana and  
33 marijuana-infused products in accordance with the provisions of this  
34 chapter (~~(3, Laws of 2013)~~) and chapter 69.51A RCW and the rules  
35 adopted to implement and enforce (~~(it)~~) this chapter, by a validly  
36 licensed marijuana retailer or retail outlet employee, shall not be a  
37 criminal or civil offense under Washington state law.



1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 69.50 RCW  
2 to read as follows:

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

5            (a) Qualifying patients aged eighteen or older who hold a valid  
6 verification card; and

7            (b) Designated providers aged twenty-one or older who hold a valid  
8 verification card.

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

10           (a) Be in compliance with this chapter and chapter 69.51A RCW;

11           (b) Ensure that there is one employee or volunteer on the premises  
12 during business hours who has demonstrated experience and education  
13 relating to the medical use of marijuana and who is able to provide  
14 assistance to qualifying patients in the medical use of marijuana;

15           (c) Not authorize qualifying patients at the retail location or  
16 permit health care professionals to provide authorizations to  
17 qualifying patients at the retail location;

18           (d) Carry useable marijuana and marijuana-infused products with a  
19 cannabidiol level identified by the department under subsection (3) of  
20 this section;

21           (e) Not use labels or market useable marijuana or marijuana-infused  
22 products in a way that make them intentionally attractive to minors or  
23 recreational users; and

24           (f) Meet other requirements as adopted by rule of the department or  
25 the state liquor control board.

26        (3) The department must adopt rules on requirements for marijuana  
27 and marijuana-infused products that may be sold to qualifying patients  
28 under an endorsement. These rules must include THC concentration or  
29 cannabidiol concentration appropriate for marijuana or marijuana-  
30 infused products sold to qualifying patients and that the labels  
31 attached to marijuana or marijuana-infused products contain THC  
32 concentration and cannabidiol concentration amounts.

33        (4) A marijuana retailer holding an endorsement to sell marijuana  
34 to qualifying patients may consult the medical marijuana verification  
35 program established in section 20 of this act for the sole purpose of  
36 confirming the validity of qualifying patient or designated provider  
37 verification cards.

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

3           (1) Retail outlets shall sell no products or services other than  
4 useable marijuana, marijuana-infused products, or paraphernalia  
5 intended for the storage or use of useable marijuana or marijuana-  
6 infused products.

7           (2) Licensed marijuana retailers shall not employ persons under  
8 twenty-one years of age or allow persons under twenty-one years of age  
9 to enter or remain on the premises of a retail outlet. However,  
10 marijuana retailers holding a medical marijuana endorsement may allow  
11 qualifying patients aged eighteen years of age or older to enter or  
12 remain on the premises of a retail outlet if they possess a valid  
13 verification card.

14           (3) Licensed marijuana retailers shall not display any signage in  
15 a window, on a door, or on the outside of the premises of a retail  
16 outlet that is visible to the general public from a public right-of-  
17 way, other than a single sign no larger than one thousand six hundred  
18 square inches identifying the retail outlet by the licensee's business  
19 or trade name.

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

23           (5) No licensed marijuana retailer or employee of a retail outlet  
24 shall open or consume, or allow to be opened or consumed, any useable  
25 marijuana or marijuana-infused product on the outlet premises.

26           (6) The state liquor control board shall fine a licensee one  
27 thousand dollars for each violation of any subsection of this section.  
28 Fines collected under this section must be deposited into the dedicated  
29 marijuana fund created under RCW 69.50.530.

30           **Sec. 8.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No.  
31 502) are each amended to read as follows:

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

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

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

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

11 (a) One ounce of useable marijuana;

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

13 (c) Seventy-two ounces of marijuana-infused product in liquid form;

14 and

15 (4) Delivery, distribution, and sale, on the premises of the retail  
16 outlet holding a medical marijuana endorsement, of any combination of  
17 the following amounts of useable marijuana or marijuana-infused product  
18 to a qualifying patient holding a valid verification card who is  
19 eighteen years of age or older or a designated provider holding a valid  
20 verification card:

21 (a) Three ounces of useable marijuana;

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

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

25 **Sec. 9.** 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 useable marijuana or marijuana-infused products in amounts

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

4 (b) The possession by a qualifying patient or designated provider  
5 of useable marijuana, marijuana-infused products, or plants, as that  
6 term is defined in RCW 69.51A.010, in accordance with section 17 of  
7 this act is not a violation of this section, this chapter, or any other  
8 provision of Washington state law.

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

11 (1) There is levied and collected a marijuana excise tax equal to  
12 twenty-five percent of the selling price on each wholesale sale in this  
13 state of marijuana by a licensed marijuana producer to a licensed  
14 marijuana processor or another licensed marijuana producer. This tax  
15 is the obligation of the licensed marijuana producer.

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

21 (3) Except as provided in subsection (4) of this section, there is  
22 levied and collected a marijuana excise tax equal to twenty-five  
23 percent of the selling price on each retail sale in this state of  
24 useable marijuana and marijuana-infused products. This tax is the  
25 obligation of the licensed marijuana retailer, is separate and in  
26 addition to general state and local sales and use taxes that apply to  
27 retail sales of tangible personal property, and is part of the total  
28 retail price to which general state and local sales and use taxes  
29 apply.

30 (4) Subsection (3) of this section does not apply to the retail  
31 sale of useable marijuana or marijuana-infused products by marijuana  
32 retailers who hold medical marijuana endorsements to qualified patients  
33 or designated providers who hold verification cards. The exemption in  
34 this subsection applies only if the selling price of the useable  
35 marijuana or marijuana-infused product charged to a person holding an  
36 authorization card is reduced by at least twenty-five percent, as  
37 compared with the selling price of the useable marijuana or marijuana-

1 infused product that is charged to any person not holding an  
2 authorization card. If the same product is not sold to persons who do  
3 not hold an authorization card, the seller must establish to the  
4 satisfaction of the substance control board that the benefit of the  
5 exemption provided in this subsection has been passed on to the buyer.

6 (5) All revenues collected from the marijuana excise taxes imposed  
7 under subsections (1) through (3) of this section shall be deposited  
8 each day in a depository approved by the state treasurer and  
9 transferred to the state treasurer to be credited to the dedicated  
10 marijuana fund.

11 ~~((+5))~~ (6) The state liquor control board shall regularly review  
12 the tax levels established under this section and make recommendations  
13 to the legislature as appropriate regarding adjustments that would  
14 further the goal of discouraging use while undercutting illegal market  
15 prices.

16 **Sec. 11.** RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No.  
17 502) are each amended to read as follows:

18 All marijuana excise taxes collected from sales of marijuana,  
19 useable marijuana, and marijuana-infused products under RCW 69.50.535,  
20 and the license fees, penalties, and forfeitures derived under chapter  
21 3, Laws of 2013 from marijuana producer, marijuana processor, and  
22 marijuana retailer licenses shall every three months be disbursed by  
23 the state liquor control board as follows:

24 (1) One hundred twenty-five thousand dollars to the department of  
25 social and health services to design and administer the Washington  
26 state healthy youth survey, analyze the collected data, and produce  
27 reports, in collaboration with the office of the superintendent of  
28 public instruction, department of health, department of commerce,  
29 family policy council, and state liquor control board. The survey  
30 shall be conducted at least every two years and include questions  
31 regarding, but not necessarily limited to, academic achievement, age at  
32 time of substance use initiation, antisocial behavior of friends,  
33 attitudes toward antisocial behavior, attitudes toward substance use,  
34 laws and community norms regarding antisocial behavior, family  
35 conflict, family management, parental attitudes toward substance use,  
36 peer rewarding of antisocial behavior, perceived risk of substance use,

1 and rebelliousness. Funds disbursed under this subsection may be used  
2 to expand administration of the healthy youth survey to student  
3 populations attending institutions of higher education in Washington;

4 (2) Fifty thousand dollars to the department of social and health  
5 services for the purpose of contracting with the Washington state  
6 institute for public policy to conduct the cost-benefit evaluation and  
7 produce the reports described in RCW 69.50.550. This appropriation  
8 shall end after production of the final report required by RCW  
9 69.50.550;

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

15 (4) An amount not exceeding one million two hundred fifty thousand  
16 dollars to the state liquor control board as is necessary for  
17 administration of chapter 3, Laws of 2013;

18 (5) Of the funds remaining after the disbursements identified in  
19 subsections (1) through (4) of this section:

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

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

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

36 In deciding which programs and practices to fund, the secretary of  
37 the department of social and health services shall consult, at least

1 annually, with the University of Washington's social development  
2 research group and the University of Washington's alcohol and drug  
3 abuse institute;

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

7 (i) A marijuana use public health hotline that provides referrals  
8 to substance abuse treatment providers, utilizes evidence-based or  
9 research-based public health approaches to minimizing the harms  
10 associated with marijuana use, and does not solely advocate an  
11 abstinence-only approach;

12 (ii) A grants program for local health departments or other local  
13 community agencies that supports development and implementation of  
14 coordinated intervention strategies for the prevention and reduction of  
15 marijuana use by youth; and

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

20 (c) Six-tenths of one percent to the University of Washington and  
21 four-tenths of one percent to Washington State University for research  
22 on the short and long-term effects of marijuana use, to include but not  
23 be limited to formal and informal methods for estimating and measuring  
24 intoxication and impairment, and for the dissemination of such  
25 research;

26 (d) Fifty percent to the ((state)) basic health ((plan-trust))  
27 services account to be administered by the ((Washington basic health  
28 plan administrator)) health care authority and used ((as provided under  
29 chapter 70.47 RCW)) to fund low-income health care services and mental  
30 health services;

31 (e) Five percent to the Washington state health care authority to  
32 be expended exclusively through contracts with community health centers  
33 to provide primary health and dental care services, migrant health  
34 services, and maternity health care services as provided under RCW  
35 41.05.220;

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

1 (g) The remainder to the general fund.

2 **Sec. 12.** RCW 70.47.030 and 2004 c 192 s 2 are each amended to read  
3 as follows:

4 ~~((1))~~ The basic health ~~((plan trust))~~ services account is hereby  
5 established in the state treasury. Any nongeneral fund-state funds  
6 collected for this program shall be deposited in the basic health plan  
7 ~~((trust))~~ services account and may be expended without further  
8 appropriation. Moneys in the account shall be used exclusively for the  
9 ~~((purposes of this chapter, including payments to participating managed  
10 health care systems on behalf of enrollees in the plan and payment of  
11 costs of administering the plan.~~

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

15 ~~(2) The basic health plan subscription account is created in the  
16 custody of the state treasurer. All receipts from amounts due from or  
17 on behalf of nonsubsidized enrollees and health coverage tax credit  
18 eligible enrollees shall be deposited into the account. Funds in the  
19 account shall be used exclusively for the purposes of this chapter,  
20 including payments to participating managed health care systems on  
21 behalf of nonsubsidized enrollees and health coverage tax credit  
22 eligible enrollees in the plan and payment of costs of administering  
23 the plan. The account is subject to allotment procedures under chapter  
24 43.88 RCW, but no appropriation is required for expenditures.~~

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

32 **Sec. 13.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to  
33 read as follows:

34 The University of Washington and Washington State University may  
35 conduct scientific research on the efficacy and safety of administering  
36 ~~((cannabis))~~ marijuana as part of medical treatment. As part of this



1 research, the University of Washington and Washington State University  
2 may develop and conduct studies to ascertain the general medical safety  
3 and efficacy of ((~~cannabis~~)) marijuana and may develop medical  
4 guidelines for the appropriate administration and use of ((~~cannabis~~))  
5 marijuana.

6 **Sec. 14.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to  
7 read as follows:

8 (1) The legislature finds that:

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

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

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

18 (iii) Acute or chronic glaucoma;

19 (iv) Crohn's disease; and

20 (v) Some forms of intractable pain.

21 (b) Humanitarian compassion necessitates that the decision to use  
22 ((~~cannabis~~)) marijuana by patients with terminal or debilitating  
23 medical conditions is a personal, individual decision, based upon their  
24 health care professional's professional medical judgment and  
25 discretion.

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

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

34 (b) Persons who act as designated providers to such patients shall  
35 also not be arrested, prosecuted, or subject to other criminal  
36 sanctions or civil consequences under state law, notwithstanding any

1 other provision of law, based solely on their assisting with the  
2 medical use of ~~((cannabis))~~ marijuana; and

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

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

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

19 **Sec. 15.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to  
20 read as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

23 (1) "Designated provider" means a person who ~~((÷~~  
24 ~~(+))~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((÷~~  
25 ~~(+))~~ and:

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

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

30 ~~((+))~~ (b) Has been entered into the medical marijuana  
31 verification program as being the designated provider to a qualifying  
32 patient, who must also be entered in the verification program, and may  
33 only provide medical marijuana to that qualifying patient;

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

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

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

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

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

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

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

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

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

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

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

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

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

31       (5) "Tamper-resistant ~~((paper))~~ document" means ~~((paper))~~ a  
32 document that meets one or more of the following industry-recognized  
33 features:

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

36       (b) One or more features designed to prevent the erasure or  
37 modification of information on the ~~((paper))~~ document; or

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

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

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

9 (b) Intractable pain, limited for the purpose of this chapter to  
10 mean pain unrelieved by standard medical treatments and medications and  
11 which significantly interferes with the patient's activities of daily  
12 living and the ability to function; ((~~or~~))

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

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

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

20 (f) Diseases, including anorexia, which result in nausea, vomiting,  
21 wasting, appetite loss, cramping, seizures, muscle spasms, or  
22 spasticity, when these symptoms are unrelieved by standard treatments  
23 or medications; or

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

27 (7) "Valid documentation" means:

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

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

34 (8) "Verification card" means a card issued by the department to  
35 qualifying patients whose health care professionals have entered them  
36 into the department's medical marijuana verification program.

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

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

1       (11) "Marijuana processor" has the meaning provided in RCW  
2 69.50.101.

3       (12) "Marijuana producer" has the meaning provided in RCW  
4 69.50.101.

5       (13) "Marijuana retailer" has the meaning provided in RCW  
6 69.50.101.

7       (14) "Marijuana-infused products" has the meaning provided in RCW  
8 69.50.101.

9       (15) "Medical marijuana verification program" means a secure and  
10 confidential program that issues verification cards to qualifying  
11 patients and designated providers as provided in section 20 of this  
12 act.

13       (16) "Plant" means a marijuana plant having at least three  
14 distinguishable and distinct leaves, each leaf being at least three  
15 centimeters in diameter, and a readily observable root formation  
16 consisting of at least two separate and distinct roots, each being at  
17 least two centimeters in length. Multiple stalks emanating from the  
18 same root ball or root system is considered part of the same single  
19 plant.

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

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

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

1       **Sec. 16.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to  
2 read as follows:

3       (1) The following acts do not constitute crimes under state law or  
4 unprofessional conduct under chapter 18.130 RCW, and a health care  
5 professional may not be arrested, searched, prosecuted, disciplined, or  
6 subject to other criminal sanctions or civil consequences or liability  
7 under state law, or have real or personal property searched, seized, or  
8 forfeited pursuant to state law, notwithstanding any other provision of  
9 law as long as the health care professional complies with subsection  
10 (2) of this section:

11       (a) Advising a patient about the risks and benefits of medical use  
12 of ~~((cannabis))~~ marijuana or that the patient may benefit from the  
13 medical use of ~~((cannabis))~~ marijuana; or

14       (b) Providing a patient meeting the criteria established under RCW  
15 69.51A.010~~((+26))~~ (4) with valid documentation or adding a patient to  
16 the medical marijuana verification program, based upon the health care  
17 professional's assessment of the patient's medical history and current  
18 medical condition, ~~((where such use is))~~ if the health care  
19 professional has complied with this chapter and he or she determines  
20 within a professional standard of care or in the individual health care  
21 professional's medical judgment the qualifying patient may benefit from  
22 use of medical marijuana.

23       (2)(a) A health care professional may only provide a patient with  
24 valid documentation authorizing the medical use of ~~((cannabis))~~  
25 marijuana or ~~((register))~~ add the patient ~~((with))~~ in the ~~((registry))~~  
26 medical marijuana verification program established in section ~~((901))~~  
27 20 of this act if he or she has a ~~((newly initiated or existing))~~  
28 documented relationship with the patient, as a primary care provider or  
29 a specialist, relating to the diagnosis and ongoing treatment or  
30 monitoring of the patient's terminal or debilitating medical condition,  
31 and only after:

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

34       (ii) Documenting the terminal or debilitating medical condition of  
35 the patient in the patient's medical record and that the patient may  
36 benefit from treatment of this condition or its symptoms with medical  
37 use of ~~((cannabis))~~ marijuana;

1 (iii) Informing the patient of other options for treating the  
2 terminal or debilitating medical condition and documenting in the  
3 patient's medical record that the patient has received this  
4 information; and

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

8 (b) A health care professional shall not:

9 (i) Accept, solicit, or offer any form of pecuniary remuneration  
10 from or to a ((~~licensed dispenser, licensed producer, or licensed~~  
11 ~~processor of cannabis products~~)) marijuana retailer, marijuana  
12 processor, or marijuana producer;

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

17 (iii) Examine or offer to examine a patient for purposes of  
18 diagnosing a terminal or debilitating medical condition at a location  
19 where ((~~cannabis~~)) marijuana is produced, processed, or ((~~dispensed~~))  
20 sold;

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

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

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

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

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

35 (1) As part of entering a qualifying patient or designated provider  
36 in the medical marijuana verification program, the health care  
37 professional may include recommendations on the amount of marijuana

1 that is likely needed by the qualifying patient for his or her medical  
2 needs and in accordance with subsection (2) of this section. If no  
3 recommendations are included at point of entry, the qualifying patient  
4 or designated provider may purchase at a marijuana retailer that holds  
5 a medical marijuana endorsement a combination of the following: Three  
6 ounces of useable marijuana; forty-eight ounces of marijuana-infused  
7 product in solid form; or two hundred sixteen ounces of marijuana-  
8 infused product in liquid form. The qualifying patient or designated  
9 provider may also grow, in his or her domicile, up to six plants, three  
10 flowering and three nonflowering, for the personal medical use of the  
11 qualifying patient. If plants are grown for the qualifying patient,  
12 the patient may possess as much useable marijuana as can be produced by  
13 three plants.

14 (2) If a health care professional determines that the medical needs  
15 of a patient exceed the amounts provided for in subsection (1) of this  
16 section, the health care professional may recommend a greater amount  
17 for the personal medical use of the patient but not to exceed eight  
18 ounces of useable marijuana or fifteen plants. When the qualifying  
19 patient or designated provider is entered into the program, this amount  
20 must also be entered.

21 NEW SECTION. **Sec. 18.** A new section is added to chapter 69.51A  
22 RCW to read as follows:

23 (1) The department must convene a work group of representatives of  
24 the University of Washington, the Washington State University, medical  
25 quality assurance commission, the board of osteopathic medicine and  
26 surgery, the nursing care quality assurance commission, the board of  
27 naturopathy, and persons able to demonstrate through experience or  
28 education expertise in the medical use of marijuana to develop  
29 evidence-based practice guidelines for health care professionals to  
30 consider when authorizing the medical use of marijuana. The practice  
31 guidelines must consider any medical guidelines developed by the  
32 University of Washington and Washington State University under RCW  
33 28B.20.502 and address:

- 34 (a) Conditions that may benefit from the medical use of marijuana;  
35 (b) Assessing a patient to determine if he or she has a  
36 debilitating condition or intractable pain;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) Determine that the minor continues to have a terminal or  
2 debilitating medical condition and that the condition benefits from the  
3 medical use of marijuana; and

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

7 (c) Enter both the minor and the minor's parent or guardian who is  
8 acting as the designated provider in the medical marijuana verification  
9 program.

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

12 (1) By January 1, 2015, the department must adopt rules for the  
13 creation, implementation, maintenance, and timely upgrading of a secure  
14 and confidential medical marijuana verification program for the limited  
15 purpose of allowing:

16 (a) A health care professional to enter a qualifying patient or  
17 designated provider;

18 (b) A law enforcement officer to confirm the verification card of  
19 a qualifying patient or designated provider;

20 (c) A marijuana retailer holding a medical marijuana endorsement to  
21 confirm the verification card of a qualifying patient;

22 (d) The substance control board to verify tax exemptions under RCW  
23 69.50.535;

24 (e) The department and the health care professional's disciplining  
25 authorities to monitor entries and ensure compliance with this chapter  
26 by their licensees; and

27 (f) Entries to expire one year after entered into the program.

28 (2) Rules adopted by the department under subsection (1) of this  
29 section must ensure that the qualifying patient or designated provider  
30 provide the minimum amount of personally identifying information  
31 necessary to be able to carry out the purposes of subsection (1) of  
32 this section.

33 (3) A qualifying patient and his or her designated provider, if  
34 any, must be placed in the medical marijuana verification program by  
35 the qualifying patient's health care professional. After a qualifying  
36 patient or designated provider is placed in the medical marijuana

1 verification program, the department must issue a verification card.  
2 The verification card must be developed by the department and include:  
3 (a) The qualifying patient or designated provider's name;  
4 (b) For designated providers, the name of the qualifying patient  
5 for whom the provider is assisting;  
6 (c) The effective date and expiration date of the verification  
7 card;  
8 (d) The name of the health care professional who authorized the  
9 qualifying patient or designated provider for the medical use of  
10 marijuana; and  
11 (e) Additional security features as necessary to ensure the  
12 validity of the verification card.

13 (4) Verification cards are valid for one year from the date the  
14 health care professional enters the qualifying patient or designated  
15 provider in the medical marijuana verification program. Qualifying  
16 patients may not be reentered into the medical marijuana verification  
17 program until they have been reexamined by a health care professional  
18 and determined to meet the definition of qualifying patient. After  
19 reexamination, the health care professional must reenter the qualifying  
20 patient or designated provider into the medical marijuana verification  
21 program and a new verification card will then be issued by the  
22 department in accordance with department rules. The department must  
23 adopt rules on replacing lost or stolen verification cards.

24 (5) The department must adopt rules for removing qualifying  
25 patients and designated providers from the medical marijuana  
26 verification program upon expiration of the verification card as well  
27 as a method for permitting qualifying patients and designated providers  
28 to remove their names from the medical marijuana verification program  
29 before expiration. The department must retain program records for at  
30 least five calendar years to permit the substance control board to  
31 verify eligibility for tax exemptions.

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

1 (7) The medical marijuana verification program must meet the  
2 following requirements:

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

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

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

13 (d) The program 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 (8)(a) Personally identifiable information of qualifying patients  
17 and designated providers included in the medical marijuana verification  
18 program is confidential and exempt from public disclosure, inspection,  
19 or copying under chapter 42.56 RCW.

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

24 NEW SECTION. **Sec. 21.** A new section is added to chapter 42.56 RCW  
25 to read as follows:

26 Records in the medical marijuana verification program established  
27 in section 20 of this act containing names and other personally  
28 identifiable information of qualifying patients and designated  
29 providers are exempt from disclosure under this chapter.

30 **Sec. 22.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
31 read as follows:

32 The medical use of (~~cannabis~~) marijuana in accordance with the  
33 terms and conditions of this chapter does not constitute a crime and a  
34 qualifying patient or designated provider in compliance with the terms  
35 and conditions of this chapter may not be arrested, prosecuted, or  
36 subject to other criminal sanctions or civil consequences, for

1 possession, manufacture, or delivery of, or for possession with intent  
2 to manufacture or deliver, ~~((cannabis))~~ marijuana under state law, or  
3 have real or personal property seized or forfeited for possession,  
4 manufacture, or delivery of, or for possession with intent to  
5 manufacture or deliver, ~~((cannabis))~~ marijuana under state law, and  
6 investigating ~~((peace))~~ law enforcement officers and ~~((law~~  
7 ~~enforcement))~~ agencies may not be held civilly liable for failure to  
8 seize ~~((cannabis))~~ marijuana in this circumstance, if:

9 (1)~~((+))~~ The qualifying patient or designated provider holds a  
10 valid verification card and possesses no more ~~((than fifteen cannabis~~  
11 ~~plants and:~~

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

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

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

18 ~~(b) If a person is both a qualifying patient and a designated~~  
19 ~~provider for another qualifying patient, the person may possess no more~~  
20 ~~than twice the amounts described in (a) of this subsection, whether the~~  
21 ~~plants, useable cannabis, and cannabis product are possessed~~  
22 ~~individually or in combination between the qualifying patient and his~~  
23 ~~or her designated provider)) useable marijuana or marijuana-infused~~  
24 ~~products than the amount authorized under section 17 of this act;~~

25 (2) The qualifying patient or designated provider presents his or  
26 her ~~((proof of registration with the department of health,))~~  
27 verification card to any ~~((peace))~~ law enforcement officer who  
28 questions the patient or provider regarding his or her medical use of  
29 ~~((cannabis))~~ marijuana;

30 (3) The qualifying patient or designated provider keeps a copy of  
31 his or her ~~((proof of registration with the registry established in~~  
32 ~~section 901 of this act))~~ verification card and the qualifying patient  
33 or designated provider's contact information posted prominently next to  
34 any ~~((cannabis))~~ plants, ~~((cannabis))~~ marijuana-infused products, or  
35 useable ~~((cannabis))~~ marijuana located at his or her residence;

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

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

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

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

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

14 **Sec. 23.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to  
15 read as follows:

16 (1)(a) A qualifying patient holding valid documentation in  
17 possession of plants, useable marijuana, or marijuana-infused products  
18 exceeding the limits set forth in RCW 69.50.360(3) but otherwise in  
19 compliance with the terms and conditions of this chapter may establish  
20 an affirmative defense to charges of violations of state law relating  
21 to marijuana through proof at trial, by a preponderance of the  
22 evidence, that the qualifying patient has been authorized by a health  
23 care professional for the medical use of marijuana and that the  
24 qualifying patient meets the requirements of RCW 69.51A.010(4).

25 (b) An investigating law enforcement officer may seize plants,  
26 useable marijuana, or marijuana-infused products exceeding the amounts  
27 set forth in RCW 69.50.360(3). The officer and his or her law  
28 enforcement agency may not be held civilly liable for failure to seize  
29 marijuana in this circumstance.

30 (2)(a) A qualifying patient or designated provider in possession of  
31 (~~(cannabis)~~) plants, useable (~~(cannabis)~~) marijuana, or (~~(cannabis)~~)  
32 marijuana-infused products exceeding the limits set forth in (~~(RCW~~  
33 ~~69.51A.040(1))~~) section 17 of this act but otherwise in compliance with  
34 all other terms and conditions of this chapter may establish an  
35 affirmative defense to charges of violations of state law relating to  
36 (~~(cannabis)~~) marijuana through proof at trial, by a preponderance of

1 the evidence, that the qualifying patient's necessary medical use  
2 exceeds the amounts set forth in ((RCW 69.51A.040(1))) section 17 of  
3 this act.

4 (b) An investigating ((peace)) law enforcement officer may seize  
5 ((cannabis)) plants, useable ((cannabis)) marijuana, or ((cannabis))  
6 marijuana-infused products exceeding the amounts set forth in ((RCW  
7 69.51A.040(1):—PROVIDED, That)) section 17 of this act. In the case  
8 of ((cannabis)) plants, the qualifying patient or designated provider  
9 shall be allowed to select the plants that will remain at the location.  
10 The officer and his or her law enforcement agency may not be held  
11 civilly liable for failure to seize ((cannabis)) marijuana in this  
12 circumstance.

13 **Sec. 24.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to  
14 read as follows:

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

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

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

32 ((3) A person may not be licensed as a licensed producer, licensed  
33 processor of cannabis products, or a licensed dispenser under section  
34 601, 602, or 701 of this act if he or she is supervised for a criminal  
35 conviction by a corrections agency or department, including local  
36 governments or jails, that has determined that licensure is  
37 inconsistent with and contrary to his or her supervision.))

1       **Sec. 25.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to  
2 read as follows:

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

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

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

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

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

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

28       ~~((+6))~~ (7) Employers may establish drug-free work policies.  
29 Nothing in this chapter requires an accommodation for the medical use  
30 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

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

36       (8) No person shall be entitled to claim the protection from arrest  
37 and prosecution under RCW 69.51A.040 ~~((or the affirmative defense under~~  
38 ~~RCW 69.51A.043))~~ for engaging in the medical use of ~~((cannabis))~~



1 marijuana in a way that endangers the health or well-being of any  
2 person through the use of a motorized vehicle on a street, road, or  
3 highway, including violations of RCW 46.61.502 or 46.61.504, or  
4 equivalent local ordinances.

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

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

8 (a) To produce any record purporting to be, or tamper with the  
9 content of any record for the purpose of having it accepted as, valid  
10 documentation under RCW 69.51A.010(7) or to backdate such documentation  
11 to a time earlier than its actual date of execution;

12 (b) To produce a verification card or to tamper with a verification  
13 card for the purpose of having it accepted by a marijuana retailer in  
14 order to purchase marijuana as a medical marijuana patient or to grow  
15 marijuana plants in accordance with section 17 of this act;

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

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

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

26 **Sec. 27.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to  
27 read as follows:

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

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

7 **Sec. 28.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to  
8 read as follows:

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

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

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

27 **Sec. 29.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to  
28 read as follows:

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

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

3 **Sec. 30.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to  
4 read as follows:

5 A qualifying patient or designated provider may not have his or her  
6 parental rights or residential time with a child restricted solely due  
7 to his or her medical use of (~~cannabis~~) marijuana in compliance with  
8 the terms of this chapter absent written findings supported by evidence  
9 that such use has resulted in a long-term impairment that interferes  
10 with the performance of parenting functions as defined under RCW  
11 26.09.004.

12 **Sec. 31.** RCW 69.51A.200 and 2011 c 181 s 1001 are each amended to  
13 read as follows:

14 (1) By July 1, (~~2014~~) 2016, the Washington state institute for  
15 public policy shall, within available funds, conduct a cost-benefit  
16 evaluation of the implementation of (~~chapter 181, Laws of 2011~~) this  
17 act and the rules adopted to carry out its purposes.

18 (2) The evaluation of the implementation of (~~chapter 181, Laws of~~  
19 ~~2011~~) this act and the rules adopted to carry out its purposes shall  
20 include, but not necessarily be limited to, consideration of the  
21 following factors:

22 (a) Qualifying patients' access to (~~an~~) a safe, adequate,  
23 consistent, and secure source of (~~cannabis~~) marijuana for medical  
24 use;

25 (~~Qualifying patients' access to a safe source of cannabis for~~  
26 ~~medical use;~~

27 (~~Qualifying patients' access to a consistent source of cannabis~~  
28 ~~for medical use;~~

29 (~~Qualifying patients' access to a secure source of cannabis for~~  
30 ~~medical use;~~

31 (~~Qualifying patients' and designated providers' contact with~~  
32 ~~law enforcement and involvement in the criminal justice system;~~

33 (~~Diversion of~~) (c) Diversion of (~~cannabis~~) marijuana intended for  
34 medical use to nonmedical uses;

35 (~~Incidents of home invasion burglaries, robberies, and~~

1 other violent and property crimes associated with qualifying patients  
2 (~~(accessing cannabis)~~) growing plants for their medical use;

3 ~~((+h))~~ (e) Whether there are health care professionals who  
4 (~~(make)~~) enter a disproportionately high amount of (~~(authorizations)~~)  
5 qualifying patients or designated providers in the medical marijuana  
6 verification program in comparison to the health care professional  
7 community at large;

8 ~~((+i))~~ (f) Whether there are indications of health care  
9 professionals in violation of RCW 69.51A.030; (~~(and~~

10 ~~(+j))~~ (g) Whether the health care professionals (~~(making~~  
11 ~~authorizations)~~) entering qualifying patients and designated providers  
12 in the medical marijuana verification program reside in this state or  
13 out of this state; and

14 (h) What are other states' experiences with permitting qualifying  
15 patients or designated providers to grow in their own homes and what  
16 are the plant limits in those states.

17 (3) For purposes of facilitating this evaluation, the  
18 department(~~(s)~~) of health and (~~(agriculture)~~) the liquor control board  
19 will make available to the Washington state institute for public policy  
20 requested data, and any other data either department may consider  
21 relevant, from which all personally identifiable information has been  
22 redacted.

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

25 All valid documentation issued prior to the effective date of this  
26 section expires January 1, 2015.

27 NEW SECTION. Sec. 33. A new section is added to chapter 69.51A  
28 RCW to read as follows:

29 Neither this chapter nor chapter 69.50 RCW prohibits a health care  
30 professional from selling or donating products that have a THC  
31 concentration of less than .3%.

32 NEW SECTION. Sec. 34. By January 1, 2016, the liquor control  
33 board, in conjunction with the department of health, must report to the  
34 legislature on the following:

1 (1) The number of medical marijuana endorsements issued by the  
2 liquor control board;

3 (2) The number of purchases made by qualifying patients or  
4 designated providers at marijuana retailers holding medical marijuana  
5 endorsements and the types of products purchased, including the THC  
6 concentration of such products;

7 (3) The location of marijuana retailers holding medical marijuana  
8 endorsements and their proximity to other marijuana retailers;

9 (4) Whether there is a need for retail locations that are licensed  
10 to only sell medical marijuana to qualifying patients or designated  
11 providers;

12 (5) The experience of qualifying patients and designated providers  
13 in purchasing marijuana for their medical use from marijuana retailers  
14 holding medical marijuana endorsements, including whether they are able  
15 to purchase products that meet their medical needs;

16 (6) Any recommendations either agency has to improve qualifying  
17 patient and designated provider access to medical marijuana, if  
18 necessary.

19 NEW SECTION. **Sec. 35.** The following acts or parts of acts are  
20 each repealed:

21 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103  
22 & 1999 c 2 s 3;

23 (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW  
24 69.51A.040) and 2011 c 181 s 413;

25 (3) RCW 69.51A.043 (Failure to register--Affirmative defense) and  
26 2011 c 181 s 402;

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

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

31 NEW SECTION. **Sec. 36.** RCW 69.51A.085 (Collective gardens) and  
32 2011 c 181 s 403 are each repealed.

33 NEW SECTION. **Sec. 37.** Sections 1, 6 through 10, 15, 16, 22, 23,  
34 25, 26, and 28 of this act take effect January 1, 2015.

1        NEW SECTION.   **Sec. 38.**   Section 36 of this act takes effect July 1,  
2   2015.

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