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**HOUSE BILL 1094**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Sawyer, Kirby, Stonier, Condotta, Appleton, Farrell, Frame, Macri, and Kloba

AN ACT Relating to medical marijuana qualifying patients and their employers; and amending RCW 69.51A.060.

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

**Sec.**  RCW 69.51A.060 and 2015 c 70 s 31 are each amended to read as follows:

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

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

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

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana ((~~in any place of employment,~~)) in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking marijuana in any public place or hotel or motel. However, a school may permit a minor who meets the requirements of RCW 69.51A.220 to consume marijuana on school grounds. Such use must be in accordance with school policy relating to medication use on school grounds.

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

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

(7) ((~~Employers may establish drug-free work policies. Nothing in this chapter requires an accommodation for the medical use of marijuana if an employer has a drug-free workplace~~)) (a) An employer may not refuse to hire a qualifying patient, discharge or bar a qualifying patient from employment, or discriminate against a qualifying patient in compensation or in other terms and conditions of employment because of the qualifying patient's:

(i) Status as a qualifying patient; or

(ii) Positive drug test for marijuana components or metabolites.

(b) The provisions of this subsection (7) do not apply:

(i) In any case in which the qualifying patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment; or

(ii) If compliance with this subsection (7) would cause an employer to lose a monetary or licensing-related benefit under federal law.

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

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