

SSB 5035 - H COMM AMD

By Committee on Health Care & Wellness

NOT ADOPTED 04/06/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** The legislature finds that the process
4 for approval of investigational drugs, biological products, and
5 devices in the United States protects future patients from premature,
6 ineffective, and unsafe medications and treatments over time, but the
7 process often takes many years. Patients who have a terminal illness
8 do not have the luxury of waiting until an investigational drug,
9 biological product, or device receives final approval from the United
10 States food and drug administration. The legislature further finds
11 that patients who have a terminal illness should be permitted to
12 pursue the preservation of their own lives by accessing available
13 investigational drugs, biological products, and devices. The use of
14 available investigational drugs, biological products, and devices is
15 a decision that should be made by the patient with a terminal illness
16 in consultation with the patient's health care provider so that the
17 decision to use an investigational drug, biological product, or
18 device is made with full awareness of the potential risks, benefits,
19 and consequences to the patient and the patient's family.

20 The legislature, therefore, intends to allow terminally ill
21 patients to use potentially lifesaving investigational drugs,
22 biological products, and devices.

23 NEW SECTION. **Sec. 2.** The definitions in this section apply
24 throughout this chapter unless the context clearly requires
25 otherwise.

26 (1) "Eligible patient" means an individual who meets the
27 requirements of section 4 of this act.

28 (2) "Health care facility" means a clinic, nursing home,
29 laboratory, office, or similar place where a health care provider
30 provides health care to patients.

1 (3) "Hospital" means a health care institution licensed under
2 chapter 70.41, 71.12, or 72.23 RCW.

3 (4) "Investigational product" means a drug, biological product,
4 or device that has successfully completed phase one and is currently
5 in a subsequent phase of a clinical trial approved by the United
6 States food and drug administration assessing the safety of the drug,
7 biological product, or device under section 505 of the federal food,
8 drug, and cosmetic act, 21 U.S.C. Sec. 355.

9 (5) "Issuer" means any state purchased health care programs under
10 chapter 41.05 or 74.09 RCW, a disability insurer regulated under
11 chapter 48.20 or 48.21 RCW, a health care service contractor as
12 defined in RCW 48.44.010, or a health maintenance organization as
13 defined in RCW 48.46.020.

14 (6) "Manufacturer" means a person or other entity engaged in the
15 manufacture or distribution of drugs, biological products, or
16 devices.

17 (7) "Physician" means a physician licensed under chapter 18.71
18 RCW or an osteopathic physician and surgeon licensed under chapter
19 18.57 RCW.

20 (8) "Serious or immediately life-threatening disease or
21 condition" means a stage of disease in which there is reasonable
22 likelihood that death will occur within six months or in which
23 premature death is likely without early treatment.

24 NEW SECTION. **Sec. 3.** (1) An eligible patient and his or her
25 treating physician may request that a manufacturer make an
26 investigational product available for treatment of the patient. The
27 request must include a copy of the written informed consent form
28 described in section 5 of this act and an explanation of why the
29 treating physician believes the investigational product may help the
30 patient.

31 (2) Upon receipt of the request and the written informed consent
32 form, the manufacturer may, but is not required to, make the
33 investigational product available for treatment of the eligible
34 patient. Prior to making the investigational product available, the
35 manufacturer shall enter into an agreement with the treating
36 physician and the eligible patient providing that the manufacturer
37 will transfer the investigational product to the physician and the
38 physician will use the investigational product to treat the eligible
39 patient.

1 NEW SECTION. **Sec. 4.** A patient is eligible to request access to
2 and be treated with an investigational product if:

3 (1) The patient is eighteen years of age or older;

4 (2) The patient is a resident of this state;

5 (3) The patient's treating physician attests to the fact that the
6 patient has a serious or immediately life-threatening disease or
7 condition;

8 (4) The patient acknowledges having been informed by the treating
9 physician of all other treatment options currently approved by the
10 United States food and drug administration;

11 (5) The patient's treating physician recommends that the patient
12 be treated with an investigational product;

13 (6) The patient is unable to participate in a clinical trial for
14 the investigational product because the patient's physician has
15 contacted one or more clinical trials or researchers in the
16 physician's practice area and has determined, using the physician's
17 professional judgment, that there are no clinical trials reasonably
18 available for the patient to participate in, that the patient would
19 not qualify for a clinical trial, or that delay in waiting to join a
20 clinical trial would risk further harm to the patient; and

21 (7) In accordance with section 5 of this act, the patient has
22 provided written informed consent for the use of the investigational
23 product, or, if the patient lacks the capacity to consent, the
24 patient's legally authorized representative has provided written
25 informed consent on behalf of the patient.

26 NEW SECTION. **Sec. 5.** (1) Prior to treatment of the eligible
27 patient with an investigational product, the treating physician shall
28 obtain written informed consent, consistent with the requirements of
29 RCW 7.70.060(1), and signed by the eligible patient or, if the
30 patient lacks the capacity to consent, his or her legally authorized
31 representative.

32 (2) Information provided in order to obtain the informed consent
33 must, to the extent possible, include the following:

34 (a) That the patient has been diagnosed with a serious or
35 immediately life-threatening disease or condition and explains the
36 currently approved products and treatments for the disease or
37 condition from which the eligible patient suffers;

38 (b) That all currently approved and conventionally recognized
39 treatments are unlikely to prolong the eligible patient's life;

1 (c) Clear identification of the investigational product that the
2 eligible patient seeks to use;

3 (d) The potentially best and worst outcomes of using the
4 investigational product and a realistic description of the most
5 likely outcome. This description must include the possibility that
6 new, unanticipated, different, or worse symptoms may result and that
7 death could be hastened by the proposed treatment. The description
8 must be based on the physician's knowledge of the proposed treatment
9 in conjunction with an awareness of the eligible patient's condition;

10 (e) That the eligible patient's health benefit plan is not
11 obligated to pay for the investigational product or any harm caused
12 to the eligible patient by the investigational product, unless
13 otherwise specifically required to do so by law or contract, and that
14 in order to receive the investigational product the patient may be
15 required to pay the costs of administering the investigational
16 product; and

17 (f) That the eligible patient is liable for all expenses
18 consequent to the use of the investigational product, except as
19 otherwise provided in the eligible patient's health benefit plan or a
20 contract between the eligible patient and the manufacturer of the
21 investigational product.

22 (3) The document must be signed and dated by the eligible
23 patient's treating physician and witnessed in writing by at least one
24 adult.

25 NEW SECTION. **Sec. 6.** (1) An issuer may, but is not required to,
26 provide coverage for the cost or the administration of an
27 investigational product provided to an eligible patient pursuant to
28 this chapter.

29 (2)(a) An issuer may deny coverage to an eligible patient who is
30 treated with an investigational product for harm to the eligible
31 patient caused by the investigational product and is not required to
32 cover the costs associated with receiving the investigational product
33 or the costs demonstrated to be associated with an adverse effect
34 that is a result of receiving the investigational product.

35 (b) Except as stated in (a) of this subsection, an issuer may not
36 deny coverage to an eligible patient for: (i) The eligible patient's
37 serious or immediately life-threatening disease or condition; (ii)
38 benefits that accrued before the day on which the eligible patient
39 was treated with an investigational product; or (iii) palliative or

1 hospice care for an eligible patient who was previously treated with
2 an investigational product but who is no longer being treated with an
3 investigational product.

4 NEW SECTION. **Sec. 7.** A hospital or health care facility:

5 (1) May, but is not required to, allow a health care practitioner
6 who is privileged to practice or who is employed at the hospital or
7 health care facility to treat, administer, or provide an
8 investigational product to an eligible patient under this chapter;

9 (2) May establish a policy regarding treating, administering, or
10 providing investigational products under this chapter; and

11 (3) Is not obligated to pay for the investigational product or
12 any harm caused to the eligible patient by the product, or any care
13 that is necessary as a result of the use of the investigational
14 product, including under chapter 70.170 RCW.

15 NEW SECTION. **Sec. 8.** (1) This act does not create a private
16 right of action.

17 (2) A health care practitioner does not commit unprofessional
18 conduct under RCW 18.130.180 and does not violate the applicable
19 standard of care by:

20 (a) Obtaining an investigational product pursuant to this
21 chapter;

22 (b) Refusing to recommend, request, prescribe, or otherwise
23 provide an investigational product pursuant to this chapter;

24 (c) Administering an investigational product to an eligible
25 patient pursuant to this chapter; or

26 (d) Treating an eligible patient with an investigational product
27 pursuant to this chapter.

28 (3) The following persons and entities are immune from civil or
29 criminal liability and administrative actions arising out of
30 treatment of an eligible patient with an investigational product,
31 other than acts or omissions constituting gross negligence or willful
32 or wanton misconduct:

33 (a) A health care practitioner who recommends or requests an
34 investigational product for an eligible patient in compliance with
35 this chapter;

36 (b) A health care practitioner who refuses to recommend or
37 request an investigational product for a patient seeking access to an
38 investigational product;

1 (c) A manufacturer that provides an investigational product to a
2 health care practitioner in compliance with this chapter;

3 (d) A hospital or health care facility where an investigational
4 product is either administered or provided to an eligible patient in
5 compliance with this chapter; and

6 (e) A hospital or health care facility does not allow a health
7 care practitioner to provide treatment with an investigational
8 product or enforces a policy it has adopted regarding treating,
9 administering, or providing care with an investigational product.

10 NEW SECTION. **Sec. 9.** The pharmacy quality assurance commission
11 may adopt rules necessary to implement this chapter.

12 **Sec. 10.** RCW 69.04.570 and 2012 c 117 s 338 are each amended to
13 read as follows:

14 Except as permitted by chapter 69.--- RCW (the new chapter
15 created in section 12 of this act), no person shall introduce or
16 deliver for introduction into intrastate commerce any new drug which
17 is subject to section 505 of the federal act unless an application
18 with respect to such drug has become effective thereunder. No person
19 shall introduce or deliver for introduction into intrastate commerce
20 any new drug which is not subject to section 505 of the federal act,
21 unless (1) it has been found, by appropriate tests, that such drug is
22 not unsafe for use under the conditions prescribed, recommended, or
23 suggested in the labeling thereof; and (2) an application has been
24 filed under this section of this chapter with respect to such drug:
25 PROVIDED, That the requirement of subsection (2) of this section
26 shall not apply to any drug introduced into intrastate commerce at
27 any time prior to the enactment of this chapter or introduced into
28 interstate commerce at any time prior to the enactment of the federal
29 act: PROVIDED FURTHER, That if the director finds that the
30 requirement of subsection (2) of this section as applied to any drug
31 or class of drugs, is not necessary for the protection of the public
32 health, he or she shall promulgate regulations of exemption
33 accordingly.

34 **Sec. 11.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each
35 reenacted and amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

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

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

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

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

12 (c) "CBD concentration" has the meaning provided in RCW
13 69.51A.010.

14 (d) "Commission" means the pharmacy quality assurance commission.

15 (e) "Controlled substance" means a drug, substance, or immediate
16 precursor included in Schedules I through V as set forth in federal
17 or state laws, or federal or commission rules.

18 (f)(1) "Controlled substance analog" means a substance the
19 chemical structure of which is substantially similar to the chemical
20 structure of a controlled substance in Schedule I or II and:

21 (i) that has a stimulant, depressant, or hallucinogenic effect on
22 the central nervous system substantially similar to the stimulant,
23 depressant, or hallucinogenic effect on the central nervous system of
24 a controlled substance included in Schedule I or II; or

25 (ii) with respect to a particular individual, that the individual
26 represents or intends to have a stimulant, depressant, or
27 hallucinogenic effect on the central nervous system substantially
28 similar to the stimulant, depressant, or hallucinogenic effect on the
29 central nervous system of a controlled substance included in Schedule
30 I or II.

31 (2) The term does not include:

32 (i) a controlled substance;

33 (ii) a substance for which there is an approved new drug
34 application;

35 (iii) a substance with respect to which an exemption is in effect
36 for investigational use by a particular person under section 505 of
37 the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or
38 chapter 69.--- RCW (the new chapter created in section 12 of this
39 act) to the extent conduct with respect to the substance is pursuant
40 to the exemption; or

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

4 (g) "Deliver" or "delivery((τ))" means the actual or constructive
5 transfer from one person to another of a substance, whether or not
6 there is an agency relationship.

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

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

10 (j) "Dispense" means the interpretation of a prescription or
11 order for a controlled substance and, pursuant to that prescription
12 or order, the proper selection, measuring, compounding, labeling, or
13 packaging necessary to prepare that prescription or order for
14 delivery.

15 (k) "Dispenser" means a practitioner who dispenses.

16 (l) "Distribute" means to deliver other than by administering or
17 dispensing a controlled substance.

18 (m) "Distributor" means a person who distributes.

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

30 (o) "Drug enforcement administration" means the drug enforcement
31 administration in the United States Department of Justice, or its
32 successor agency.

33 (p) "Electronic communication of prescription information" means
34 the transmission of a prescription or refill authorization for a drug
35 of a practitioner using computer systems. The term does not include a
36 prescription or refill authorization verbally transmitted by
37 telephone nor a facsimile manually signed by the practitioner.

38 (q) "Immediate precursor" means a substance:

1 (1) that the commission has found to be and by rule designates as
2 being the principal compound commonly used, or produced primarily for
3 use, in the manufacture of a controlled substance;

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

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

8 (r) "Isomer" means an optical isomer, but in subsection (dd)(5)
9 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
10 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
11 (42), and 69.50.210(c) the term includes any positional isomer; and
12 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
13 includes any positional or geometric isomer.

14 (s) "Lot" means a definite quantity of marijuana, marijuana
15 concentrates, useable marijuana, or marijuana-infused product
16 identified by a lot number, every portion or package of which is
17 uniform within recognized tolerances for the factors that appear in
18 the labeling.

19 (t) "Lot number" must identify the licensee by business or trade
20 name and Washington state unified business identifier number, and the
21 date of harvest or processing for each lot of marijuana, marijuana
22 concentrates, useable marijuana, or marijuana-infused product.

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

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

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

39 (v) "Marijuana" or "marihuana" means all parts of the plant
40 *Cannabis*, whether growing or not, with a THC concentration greater

1 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
2 extracted from any part of the plant; and every compound,
3 manufacture, salt, derivative, mixture, or preparation of the plant,
4 its seeds or resin. The term does not include the mature stalks of
5 the plant, fiber produced from the stalks, oil or cake made from the
6 seeds of the plant, any other compound, manufacture, salt,
7 derivative, mixture, or preparation of the mature stalks (except the
8 resin extracted therefrom), fiber, oil, or cake, or the sterilized
9 seed of the plant which is incapable of germination.

10 (w) "Marijuana concentrates" means products consisting wholly or
11 in part of the resin extracted from any part of the plant *Cannabis*
12 and having a THC concentration greater than ten percent.

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

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

23 (z) "Marijuana products" means useable marijuana, marijuana
24 concentrates, and marijuana-infused products as defined in this
25 section.

26 (aa) "Marijuana researcher" means a person licensed by the state
27 liquor and cannabis board to produce, process, and possess marijuana
28 for the purposes of conducting research on marijuana and marijuana-
29 derived drug products.

30 (bb) "Marijuana retailer" means a person licensed by the state
31 liquor and cannabis board to sell marijuana concentrates, useable
32 marijuana, and marijuana-infused products in a retail outlet.

33 (cc) "Marijuana-infused products" means products that contain
34 marijuana or marijuana extracts, are intended for human use, are
35 derived from marijuana as defined in subsection (v) of this section,
36 and have a THC concentration no greater than ten percent. The term
37 "marijuana-infused products" does not include either useable
38 marijuana or marijuana concentrates.

39 (dd) "Narcotic drug" means any of the following, whether produced
40 directly or indirectly by extraction from substances of vegetable

1 origin, or independently by means of chemical synthesis, or by a
2 combination of extraction and chemical synthesis:

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

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

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

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

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

18 (6) Cocaine base.

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

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

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

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

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

38 (hh) "Plant" has the meaning provided in RCW 69.51A.010.

39 (ii) "Poppy straw" means all parts, except the seeds, of the
40 opium poppy, after mowing.

1 (jj) "Practitioner" means:

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

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

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

35 (kk) "Prescription" means an order for controlled substances
36 issued by a practitioner duly authorized by law or rule in the state
37 of Washington to prescribe controlled substances within the scope of
38 his or her professional practice for a legitimate medical purpose.

39 (ll) "Production" includes the manufacturing, planting,
40 cultivating, growing, or harvesting of a controlled substance.

1 (mm) "Qualifying patient" has the meaning provided in RCW
2 69.51A.010.

3 (nn) "Recognition card" has the meaning provided in RCW
4 69.51A.010.

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

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

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

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

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

25 (tt) "Useable marijuana" means dried marijuana flowers. The term
26 "useable marijuana" does not include either marijuana-infused
27 products or marijuana concentrates.

28 NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act
29 constitute a new chapter in Title 69 RCW.

30 NEW SECTION. **Sec. 13.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected."

34 Correct the title.

EFFECT: Establishes protection from unprofessional conduct for
health care practitioners who refuse to recommend, request,
prescribe, or provide an investigational product.

Expands the immunity from civil, criminal, and administrative actions for health care practitioners who refuse to recommend or request an investigational product by removing the limitation on the practitioner's denial being based on a belief that there are more effective treatments or the treatment is not likely to be effective.

--- END ---