
HOUSE BILL 1094

State of Washington 65th Legislature 2017 Regular Session

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

Read first time 01/11/17. Referred to Committee on Labor & Workplace
Standards.

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

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

4 **Sec. 1.** RCW 69.51A.060 and 2015 c 70 s 31 are each amended to
5 read as follows:

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

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

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

18 (4) Nothing in this chapter requires any accommodation of any on-
19 site medical use of marijuana (~~(in any place of employment,)~~) in any
20 school bus or on any school grounds, in any youth center, in any
21 correctional facility, or smoking marijuana in any public place or

1 hotel or motel. However, a school may permit a minor who meets the
2 requirements of RCW 69.51A.220 to consume marijuana on school
3 grounds. Such use must be in accordance with school policy relating
4 to medication use on school grounds.

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

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

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

18 (i) Status as a qualifying patient; or

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

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

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

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

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

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