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HOUSE BILL 2471

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State of Washington                      65th Legislature                      2018 Regular Session

By Representatives Kirby, Sawyer, Condotta, and Macri

Read first time 01/10/18.      Referred to Committee on Commerce & Gaming.

1            AN ACT Relating to establishing state preemption of local  
2 government regulation of medical marijuana cooperatives; amending RCW  
3 69.51A.250; and adding a new section to chapter 69.51A RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 69.51A  
6 RCW to read as follows:

7            The state of Washington fully occupies and preempts the entire  
8 field of regulating medical marijuana cooperatives authorized under  
9 RCW 69.51A.250. The state of Washington has sole authority to enact  
10 regulatory provisions regarding medical marijuana cooperatives, and  
11 cities, towns, and counties are prohibited from enacting regulations  
12 pertaining to such cooperatives absent an express grant of authority  
13 from the state.

14            **Sec. 2.** RCW 69.51A.250 and 2017 c 317 s 8 are each amended to  
15 read as follows:

16            (1) Qualifying patients or designated providers may form a  
17 cooperative and share responsibility for acquiring and supplying the  
18 resources needed to produce and process marijuana only for the  
19 medical use of members of the cooperative. No more than four  
20 qualifying patients or designated providers may become members of a

1 cooperative under this section and all members must hold valid  
2 recognition cards. All members of the cooperative must be at least  
3 twenty-one years old. The designated provider of a qualifying patient  
4 who is under twenty-one years old may be a member of a cooperative on  
5 the qualifying patient's behalf. All plants grown in the cooperative  
6 must be from an immature plant or clone purchased from a licensed  
7 marijuana producer as defined in RCW 69.50.101. Cooperatives may also  
8 purchase marijuana seeds from a licensed marijuana producer.

9 (2) Qualifying patients and designated providers who wish to form  
10 a cooperative must register the location with the state liquor and  
11 cannabis board and this is the only location where cooperative  
12 members may grow or process marijuana. This registration must include  
13 the names of all participating members and copies of each  
14 participant's recognition card. Only qualifying patients or  
15 designated providers registered with the state liquor and cannabis  
16 board in association with the location may participate in growing or  
17 receive useable marijuana or marijuana-infused products grown at that  
18 location.

19 (3) No cooperative may be located in any of the following areas:

20 (a) Within one mile of a marijuana retailer; or

21 (b) Within the smaller of either:

22 (i) One thousand feet of the perimeter of the grounds of any  
23 elementary or secondary school, playground, recreation center or  
24 facility, child care center, public park, public transit center,  
25 library, or any game arcade that admission to which is not restricted  
26 to persons aged twenty-one years or older; or

27 (ii) The area restricted by ordinance, if the cooperative is  
28 located in a city, county, or town that has passed an ordinance  
29 pursuant to RCW 69.50.331(8)((~~+~~~~or~~

30 ~~(c) Where prohibited by a city, town, or county zoning~~  
31 ~~provision)).~~

32 (4) The state liquor and cannabis board must deny the  
33 registration of any cooperative if the location does not comply with  
34 the requirements set forth in subsection (3) of this section.

35 (5) If a qualifying patient or designated provider no longer  
36 participates in growing at the location, he or she must notify the  
37 state liquor and cannabis board within fifteen days of the date the  
38 qualifying patient or designated provider ceases participation. The  
39 state liquor and cannabis board must remove his or her name from  
40 connection to the cooperative. Additional qualifying patients or

1 designated providers may not join the cooperative until sixty days  
2 have passed since the date on which the last qualifying patient or  
3 designated provider notifies the state liquor and cannabis board that  
4 he or she no longer participates in that cooperative.

5 (6) Qualifying patients or designated providers who participate  
6 in a cooperative under this section:

7 (a) May grow up to the total amount of plants for which each  
8 participating member is authorized on their recognition cards, up to  
9 a maximum of sixty plants. At the location, the qualifying patients  
10 or designated providers may possess the amount of useable marijuana  
11 that can be produced with the number of plants permitted under this  
12 subsection, but no more than seventy-two ounces;

13 (b) May only participate in one cooperative;

14 (c) May only grow plants in the cooperative and if he or she  
15 grows plants in the cooperative may not grow plants elsewhere;

16 (d) Must provide assistance in growing plants. A monetary  
17 contribution or donation is not to be considered assistance under  
18 this section. Participants must provide nonmonetary resources and  
19 labor in order to participate; and

20 (e) May not sell, donate, or otherwise provide marijuana,  
21 marijuana concentrates, useable marijuana, or marijuana-infused  
22 products to a person who is not participating under this section.

23 (7) The location of the cooperative must be the domicile of one  
24 of the participants. Only one cooperative may be located per property  
25 tax parcel. A copy of each participant's recognition card must be  
26 kept at the location at all times.

27 (8) The state liquor and cannabis board may adopt rules to  
28 implement this section including:

29 (a) Any security requirements necessary to ensure the safety of  
30 the cooperative and to reduce the risk of diversion from the  
31 cooperative;

32 (b) A seed to sale traceability model that is similar to the seed  
33 to sale traceability model used by licensees that will allow the  
34 state liquor and cannabis board to track all marijuana grown in a  
35 cooperative.

36 (9) The state liquor and cannabis board or law enforcement may  
37 inspect a cooperative registered under this section to ensure members  
38 are in compliance with this section. The state liquor and cannabis

1 board must adopt rules on reasonable inspection hours and reasons for  
2 inspections.

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