

FINAL BILL REPORT

ESHB 1094

C 203 L 19
Synopsis as Enacted

Brief Description: Establishing compassionate care renewals for medical marijuana qualifying patients.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Blake and Walsh).

House Committee on Health Care & Wellness
Senate Committee on Labor & Commerce
Senate Committee on Ways & Means

Background:

Marijuana is classified as a Schedule I substance under the Controlled Substances Act. Under federal law, the manufacture, possession, or distribution of Schedule I substances is a criminal offense.

Since 1998 Washington law has allowed qualifying patients to use limited amounts of marijuana for medicinal purposes. A qualifying patient is a person who is the patient of a health care professional who has diagnosed the patient as having a terminal or debilitating medical condition. A health care professional may issue an authorization to a patient to use marijuana for medical purposes if the health care professional has completed an in-person examination of the patient, documented the patient's terminal or debilitating medical condition, advised the patient about the risks and benefits of using marijuana for medical purposes, and advised the patient that he or she may benefit from the medical use of marijuana. An authorization expires after one year for adult qualifying patients and after six months for qualifying patients under 18 years old. An in-person physical examination is also required to renew an authorization.

An authorization from a health care provider allows a qualifying patient or his or her designated provider to possess defined amounts of useable marijuana and plants. Qualifying patients and designated providers may register in the Medical Marijuana Authorization Database (Authorization Database) and receive a recognition card to allow them to possess additional quantities of marijuana and plants, receive arrest protection, and receive an exemption from sales tax on marijuana purchases.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

To be entered in the Authorization Database and receive a recognition card, a qualifying patient or designated provider must bring the authorization from the health care professional to a marijuana retailer with a medical marijuana endorsement. At that time, the retailer enters the person into the Authorization Database and provides the qualifying patient or designated provider with a recognition card that includes a picture taken at the time of registration. Registration in the Authorization Database and the recognition card are valid for the same length of time as the authorization from the health care professional and may be renewed upon reexamination by a health care professional and the issuance of a new authorization.

Summary:

A qualifying patient who seeks to either renew a medical marijuana authorization or registration in the Medical Marijuana Authorization Database (Authorization Database) and recognition card may be exempted from in-person renewal activities if a health care professional has found that it would likely result in severe hardship to the qualifying patient because of a physical or emotional condition. For the renewal of a medical marijuana authorization, following an initial in-person physical examination of the qualifying patient, the health care professional may conduct subsequent physical examinations for purposes of renewal through the use of telemedicine technology. For the renewal of a qualifying patient's registration in the Authorization Database and recognition card, the qualifying patient's designated provider may renew the qualifying patient without the need for the qualifying patient to be physically present at a marijuana retailer or to have a photograph taken.

The policy related to compassionate care renewals begins November 1, 2019; however, the Department of Health may adopt rules to implement compassionate care renewals and streamline administrative functions.

Votes on Final Passage:

House	87	9	
Senate	44	1	(Senate amended)
House	86	9	(House concurred)

Effective: July 28, 2018