

RCW 69.51A.040 Compliance with chapter—Qualifying patients and designated providers not subject to penalties—Law enforcement not subject to liability. The medical use of cannabis in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, and investigating law enforcement officers and agencies may not be held civilly liable for failure to seize cannabis in this circumstance, if:

(1) (a) (i) The qualifying patient or designated provider has been entered into the medical cannabis authorization database and holds a valid recognition card or the qualifying patient or designated provider holds a valid authorization if the qualifying patient or designated provider has not been entered into the medical cannabis authorization database and has not been issued a recognition card, and the qualifying patient or designated provider possesses no more than the amount of cannabis concentrates, useable cannabis, plants, or cannabis-infused products authorized under RCW 69.51A.210.

(ii) If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in RCW 69.51A.210 for the qualifying patient and designated provider, whether the plants, cannabis concentrates, useable cannabis, or cannabis-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider. However, in accordance with RCW 69.51A.260, no more than 15 plants may be grown or located in any one housing unit other than a cooperative established pursuant to RCW 69.51A.250;

(b) The qualifying patient or designated provider presents his or her recognition card or, if the qualifying patient or designated provider does not have a recognition card, then his or her authorization, to any law enforcement officer who questions the patient or provider regarding his or her medical use of cannabis;

(c) The qualifying patient or designated provider keeps a copy of his or her recognition card if the qualifying patient or designated provider has a recognition card, or keeps a copy of his or her authorization if the qualifying patient or designated provider does not have a recognition card, and keeps a copy of the qualifying patient or designated provider's contact information posted prominently next to any plants, cannabis concentrates, cannabis-infused products, or useable cannabis located at his or her residence;

(d) The investigating law enforcement officer does not possess evidence that:

(i) The designated provider has converted cannabis produced or obtained for the qualifying patient for his or her own personal use or benefit; or

(ii) The qualifying patient sold, donated, or supplied cannabis to another person; and

(e) The designated provider has not served as a designated provider to more than one qualifying patient within a fifteen-day period; or

(2) The qualifying patient or designated provider participates in a cooperative as provided in RCW 69.51A.250. [2023 c 254 § 1; 2022 c 16 § 118; 2015 c 70 § 24; 2011 c 181 § 401; 2007 c 371 § 5; 1999 c 2 § 5 (Initiative Measure No. 692, approved November 3, 1998).]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Effective date—2015 c 70 §§ 12, 19, 20, 23-26, 31, 35, 40, and 49: See note following RCW 69.50.357.

Short title—Findings—Intent—References to Washington state liquor control board—Draft legislation—2015 c 70: See notes following RCW 66.08.012.

Intent—2007 c 371: See note following RCW 69.51A.005.