
SENATE BILL 5771

State of Washington

56th Legislature

1999 Regular Session

By Senators Hargrove, Long, Heavey, Zarelli and Johnson

Read first time 02/08/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to clarifying administration and enforcement of
2 medical marijuana regulations; amending RCW 69.51A.040 and 69.51A.060;
3 adding a new section to chapter 69.51A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to clarify the
6 administration and enforcement of Initiative 692. The legislature does
7 not intend this act in any way to change or restrict the policy of the
8 people of Washington as expressed by their enactment of the measure.
9 The purpose of this act is to reinforce the legitimate medical
10 decisions made by physicians, primary caregivers, and qualifying
11 patients through adoption of necessary clarifying amendments. These
12 amendments are intended to reduce the opportunities for people who
13 would not otherwise qualify for protections under Initiative 692 to use
14 its terms to abuse controlled substances. Such abuse frustrates the
15 intent of the people and threatens the integrity of the initiative
16 process.

17 **Sec. 2.** RCW 69.51A.040 and 1999 c 2 s 5 (Initiative Measure No.
18 692) are each amended to read as follows:

1 (1) If charged with a violation of state law relating to marijuana,
2 any qualifying patient who is engaged in the medical use of marijuana,
3 or any designated primary caregiver who assists a qualifying patient in
4 the medical use of marijuana, will be deemed to have established an
5 affirmative defense to such charges by proof of his or her compliance
6 with the requirements provided in this chapter. Any person meeting the
7 requirements appropriate to his or her status under this chapter shall
8 be considered to have engaged in activities permitted by this chapter
9 and shall not be penalized in any manner, or denied any right or
10 privilege, for such actions.

11 (2) The qualifying patient, if eighteen years of age or older,
12 shall:

13 (a) Meet all criteria for status as a qualifying patient;

14 (b) Possess no more marijuana than is necessary for the patient's
15 personal, medical use, not exceeding the amount necessary for a sixty-
16 day supply; and

17 (c) Have in his or her immediate possession and present his or her
18 valid documentation to any law enforcement official who questions the
19 patient regarding his or her medical use of marijuana.

20 (3) The qualifying patient, if under eighteen years of age, shall
21 comply with subsection (2)(a) and (c) of this section. However, any
22 possession under subsection (2)(b) of this section, as well as any
23 production, acquisition, and decision as to dosage and frequency of
24 use, shall be the responsibility of the parent or legal guardian of the
25 qualifying patient.

26 (4) The designated primary caregiver shall:

27 (a) Meet all criteria for status as a primary caregiver to a
28 qualifying patient;

29 (b) Possess, in combination with and as an agent for the qualifying
30 patient, no more marijuana than is necessary for the patient's
31 personal, medical use, not exceeding the amount necessary for a sixty-
32 day supply;

33 (c) Have in his or her immediate possession and present a copy of
34 the qualifying patient's valid documentation required by this chapter,
35 as well as evidence of designation to act as primary caregiver by the
36 patient, to any law enforcement official requesting such information;

37 (d) Be prohibited from consuming marijuana obtained for the
38 personal, medical use of the patient for whom the individual is acting
39 as primary caregiver; and

1 (e) Be the primary caregiver to only one patient at any one time.

2 NEW SECTION. Sec. 3. A new section is added to chapter 69.51A RCW
3 to read as follows:

4 (1) For the purposes of RCW 69.51A.040, "valid documentation"
5 consists of a completed form prepared by the physician in substantially
6 the following form:

7 "(a)
8 Physician's Name Physician's Address Physician's Office
9 Telephone

10 (b)
11 Primary Care- Primary Care- Primary Care-
12 giver's Name giver's Address giver's Daytime
13 Telephone

14 (c)
15 Date of Initial Documentation
16 from Physician under RCW 69.51A.030

17 (d)
18
19 Dosage Recommendation by Physician

20 (e)
21
22 Maximum Quantity Legally Possessed
23 Considering Dosage and 60-Day Limitation

24 (f)
25 Physician's Signature Date of Signature"

26 (2) The physician must file a copy of the completed form specified
27 in subsection (1) of this section with the medical quality assurance
28 commission within seven days of the date that the physician provided
29 the qualifying patient with valid documentation under RCW 69.51A.030.
30 The commission must make the information available to law enforcement
31 agencies upon request for the purpose of investigating violations of
32 this chapter.

33 (3) Each qualifying patient must sign a release in order to obtain
34 the valid documentation from the physician that grants permission to
35 disclose the information to law enforcement agencies.

1 **Sec. 4.** RCW 69.51A.060 and 1999 c 2 s 8 (Initiative Measure No.
2 692) are each amended to read as follows:

3 (1) It (~~shall be~~) is a misdemeanor to use or display medical
4 marijuana in a manner or place which is open to the view of the general
5 public.

6 (2) Nothing in this chapter requires any health insurance provider
7 to be liable for any claim for reimbursement for the medical use of
8 marijuana.

9 (3) Nothing in this chapter requires any physician to authorize the
10 use of medical marijuana for a patient.

11 (4) Nothing in this chapter requires any accommodation of any
12 medical use of marijuana in any place of employment, in any school bus
13 or on any school grounds, or in any youth center. Nothing in this act
14 prohibits an employer from removing an employee from his or her duties
15 when the employee poses a safety risk or is unable to perform his or
16 her duties due to use of marijuana under this chapter.

17 (5) It is a class C felony to fraudulently produce any record
18 purporting to be, or tamper with the content of any record for the
19 purpose of having it accepted as, valid documentation under RCW
20 69.51A.010(5)(a).

21 (6) (~~No person shall be entitled to claim the affirmative defense~~
22 ~~provided in RCW 69.51A.040 for engaging in the medical use of marijuana~~
23 ~~in a way that endangers the health or well-being of any person through~~
24 ~~the use of a motorized vehicle on a street, road, or highway.)) Nothing
25 in this act is a defense against any infraction, violation, or offense
26 specified in chapter 46.20, 46.25, or 46.61 RCW, or RCW 88.12.025, or
27 any equivalent local ordinance.~~

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