
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2149

State of Washington

63rd Legislature

2014 Regular Session

By House Appropriations (originally sponsored by Representatives Cody, Carlyle, Johnson, Jinkins, Morrell, and Santos)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to medical marijuana; amending RCW 69.51A.005,
2 69.51A.010, 69.51A.020, 69.51A.025, 69.51A.030, 69.51A.040, 69.51A.055,
3 69.51A.060, 69.51A.100, 69.51A.110, 69.51A.120, and 69.51A.900; adding
4 new sections to chapter 69.51A RCW; adding new sections to chapter
5 69.50 RCW; repealing RCW 69.51A.070, 69.51A.200, 69.51A.043,
6 69.51A.045, 69.51A.047, 69.51A.090, 69.51A.085, and 69.51A.140; and
7 providing an effective date.

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

9 **Sec. 1.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
10 read as follows:

11 (1) The legislature finds that:

12 (a) There is medical evidence that some patients with terminal or
13 debilitating medical conditions may, under their health care
14 professional's care, benefit from the medical use of ~~((cannabis))~~
15 marijuana. Some of the conditions for which ~~((cannabis))~~ marijuana
16 appears to be beneficial include, but are not limited to:

17 (i) Nausea, vomiting, and cachexia associated with cancer, HIV-
18 positive status, AIDS, hepatitis C, anorexia, and their treatments;

- 1 (ii) Severe muscle spasms associated with multiple sclerosis,
- 2 epilepsy, and other seizure and spasticity disorders;
- 3 (iii) Acute or chronic glaucoma;
- 4 (iv) Crohn's disease; and
- 5 (v) Some forms of intractable pain.

6 (b) Humanitarian compassion necessitates that the decision to use
7 (~~eannabis~~) marijuana by patients with terminal or debilitating
8 medical conditions is a personal, individual decision, based upon their
9 health care professional's professional medical judgment and
10 discretion.

11 (2) Therefore, the legislature intends that:

12 (a) Qualifying patients with terminal or debilitating medical
13 conditions who, in the judgment of their health care professionals, may
14 benefit from the medical use of (~~eannabis~~) marijuana, shall not be
15 arrested, prosecuted, or subject to other criminal sanctions or civil
16 consequences under state law based solely on their medical use of
17 (~~eannabis~~) marijuana, notwithstanding any other provision of law;

18 (b) Persons who act as designated providers to such patients shall
19 also not be arrested, prosecuted, or subject to other criminal
20 sanctions or civil consequences under state law, notwithstanding any
21 other provision of law, based solely on their assisting with the
22 medical use of (~~eannabis~~) marijuana; and

23 (c) Health care professionals shall also not be arrested,
24 prosecuted, or subject to other criminal sanctions or civil
25 consequences under state law for the proper authorization of medical
26 use of (~~eannabis~~) marijuana by qualifying patients for whom, in the
27 health care professional's professional judgment, the medical use of
28 (~~eannabis~~) marijuana may prove beneficial.

29 (3) Nothing in this chapter establishes the medical necessity or
30 medical appropriateness of (~~eannabis~~) marijuana for treating terminal
31 or debilitating medical conditions as defined in RCW 69.51A.010.

32 (4) Nothing in this chapter diminishes the authority of
33 correctional agencies and departments, including local governments or
34 jails, to establish a procedure for determining when the use of
35 (~~eannabis~~) marijuana would impact community safety or the effective
36 supervision of those on active supervision for a criminal conviction,
37 nor does it create the right to any accommodation of any medical use of
38 (~~eannabis~~) marijuana in any correctional facility or jail.

1 **Sec. 2.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Department" means the department of health.

6 (2) "Designated provider" means a person who:

7 (a) Is eighteen years of age or older;

8 (b) Has been designated in writing by a patient to serve as a
9 designated provider under this chapter;

10 (c) Is prohibited from consuming marijuana obtained for the
11 personal, medical use of the patient for whom the individual is acting
12 as designated provider; and

13 (d) Is the designated provider to only one patient at any one time.

14 (~~(+2)~~) (3) "Health care professional," for purposes of this
15 chapter only, means a physician licensed under chapter 18.71 RCW, a
16 physician assistant licensed under chapter 18.71A RCW, an osteopathic
17 physician licensed under chapter 18.57 RCW, an osteopathic physicians'
18 assistant licensed under chapter 18.57A RCW, a naturopath licensed
19 under chapter 18.36A RCW, or an advanced registered nurse practitioner
20 licensed under chapter 18.79 RCW.

21 (~~(+3)~~) (4) "Marijuana" has the same meaning as in RCW 69.50.101.

22 (5) "Marijuana processor" has the same meaning as in RCW 69.50.101.

23 (6) "Marijuana producer" has the same meaning as in RCW 69.50.101.

24 (7) "Marijuana-infused products" has the same meaning as in RCW
25 69.50.101.

26 (8) "Marijuana retailer" has the same meaning as in RCW 69.50.101.

27 (9) "Medical use of marijuana" means the production, possession, or
28 administration of marijuana, as defined in RCW 69.50.101(~~(+a)~~), for
29 the exclusive benefit of a qualifying patient in the treatment of his
30 or her terminal or debilitating (~~(illness)~~) medical condition.

31 (~~(+4)~~) (10) "Qualifying patient" means a person who:

32 (a) Is a patient of a health care professional;

33 (b) Has been diagnosed by that health care professional as having
34 a terminal or debilitating medical condition or has been directly
35 referred to a health care professional from the principle health care
36 professional treating the patient's terminal or debilitating medical
37 condition;

1 (c) Is a resident of the state of Washington at the time of such
2 diagnosis;

3 (d) Has been advised by ~~((that))~~ a health care professional under
4 (b) of this subsection about the risks and benefits of the medical use
5 of marijuana; and

6 (e) Has been advised by ~~((that))~~ a health care professional under
7 (b) of this subsection that they may benefit from the medical use of
8 marijuana.

9 ~~((+5))~~ (11) "Tamper-resistant paper" means paper that meets one or
10 more of the following industry-recognized features:

- 11 (a) One or more features designed to prevent copying of the paper;
- 12 (b) One or more features designed to prevent the erasure or
13 modification of information on the paper; or
- 14 (c) One or more features designed to prevent the use of counterfeit
15 valid documentation.

16 ~~((+6))~~ (12) "Terminal or debilitating medical condition" means:

- 17 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,
18 epilepsy or other seizure disorder, or spasticity disorders; or
- 19 (b) Intractable pain, limited for the purpose of this chapter to
20 mean pain that can be objectively assessed and evaluated, that is
21 unrelieved by standard medical treatments and medications and of such
22 severity as to significantly interfere with the patient's activities of
23 daily living and ability to function; or
- 24 (c) Glaucoma, either acute or chronic, limited for the purpose of
25 this chapter to mean increased intraocular pressure unrelieved by
26 standard treatments and medications; or

27 (d) Crohn's disease with debilitating symptoms unrelieved by
28 standard treatments or medications; or

29 (e) Hepatitis C with debilitating nausea or intractable pain
30 unrelieved by standard treatments or medications; or

31 (f) Diseases, including anorexia, which result in nausea, vomiting,
32 wasting, appetite loss, cramping, seizures, muscle spasms, or
33 spasticity, when these symptoms are unrelieved by standard treatments
34 or medications ~~((; or~~

35 ~~((g) Any other medical condition duly approved by the Washington
36 state medical quality assurance commission in consultation with the
37 board of osteopathic medicine and surgery as directed in this
38 chapter)).~~

1 (~~(7)~~) (13) "Useable marijuana" has the same meaning as in RCW
2 69.50.101.

3 (14) "Valid documentation" means(~~(+~~
4 ~~(a))~~) A statement signed and dated by a qualifying patient's health
5 care professional written on tamper-resistant paper, which states that,
6 in the health care professional's professional opinion, the patient may
7 benefit from the medical use of marijuana(~~(+and~~
8 ~~(b) Proof of identity such as a Washington state driver's license~~
9 ~~or identicard, as defined in RCW 46.20.035))~~).

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

12 By May 1, 2015, the department shall:

13 (1) Within thirty days of receiving an application, issue a
14 qualifying patient recognition card to any qualifying patient who meets
15 the criteria established under section 4 of this act;

16 (2) Within thirty days of an application, issue a designated
17 provider recognition card to any designated provider who meets the
18 criteria established under section 4 of this act;

19 (3)(a) Adopt application forms for a:
20 (i) Qualifying patient to apply for a qualifying patient
21 recognition card under section 4 of this act; or
22 (ii) Designated provider to apply for a designated provider
23 recognition card under the qualifying patient's authority.

24 (b) The application forms shall, at a minimum, include:
25 (i) The name, address, and date of birth of the qualifying patient
26 and, if appropriate, the qualifying patient's designated provider;
27 (ii) The name, address, and telephone number of the qualifying
28 patient's health care professional who signed the patient's valid
29 documentation;

30 (iii) Any other information that the department determines is
31 necessary to verify the identity of the qualifying patient or
32 designated provider, including unique identifiers such as driver's
33 license information or social security numbers;

34 (4) Adopt procedures for the issuance, annual renewal, and
35 cancellation of a qualifying patient recognition card;

36 (5) Adopt procedures for the issuance and cancellation of a

1 designated provider recognition card to a designated provider.
2 Cancellation may be initiated by the department or at the request of
3 the qualifying patient;

4 (6) Adopt attestation forms and procedures for health care
5 professionals to use in section 5 of this act;

6 (7) Establish and maintain a system for safeguarding the records of
7 individuals applying for or holding qualifying patient recognition
8 cards or designated provider recognition cards;

9 (8) Adopt rules to define the maximum size of marijuana plants
10 authorized under sections 5 and 12 of this act;

11 (9) Adopt rules and guidelines as necessary to implement this
12 chapter.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.51A RCW
14 to read as follows:

15 (1) After May 1, 2015, a qualifying patient may receive a
16 qualifying patient recognition card from the department if the
17 qualifying patient:

18 (a) Submits to the department an application signed by:

- 19 (i)(A) The qualifying patient; or
- 20 (B) If the qualifying patient is less than eighteen years of age,
21 a parent or guardian of the qualifying patient; and

22 (ii) The qualifying patient's health care professional who has
23 signed the patient's valid documentation; and

24 (b) Submits a copy of his or her valid documentation to the
25 department.

26 (2) After May 1, 2015, a designated provider may receive a
27 designated provider recognition card from the department if the
28 designated provider:

29 (a) Submits to the department an application signed by the
30 designated provider and the qualifying patient that has made the
31 designation; and

32 (b) Submits a copy of the qualifying patient recognition card for
33 the qualifying patient that has made the designation or, if the
34 qualifying patient recognition card has not been processed by the
35 department a copy of the qualifying patient's application for a
36 qualifying patient recognition card.

1 (3) At a minimum, a qualifying patient recognition card and a
2 designated provider recognition card must contain the following
3 information on its face:

4 (a) The individual's name;

5 (b) The individual's birth date;

6 (c) The expiration date; and

7 (d) In the case of a designated provider recognition card, the name
8 of the qualifying patient who the designated provider represents.

9 (4) Qualifying patient recognition cards and designated provider
10 recognition cards expire on the date identified by the health care
11 professional on the valid documentation which may not exceed one year
12 from the date that the valid documentation was authorized.

13 (5) Qualifying patient recognition cards and designated provider
14 recognition cards are not transferrable.

15 (6)(a) If a qualifying patient's health care professional has
16 determined that a patient's terminal or debilitating medical condition
17 justifies an extraordinary demand for the possession and purchase of
18 more than three ounces of useable marijuana and more than six marijuana
19 plants, the health care professional may provide the patient with an
20 attestation that meets the requirement of section 5 of this act.

21 (b) The attestation may be submitted with the application for a
22 qualifying patient recognition card or designated provider recognition
23 card or submitted separately during the period that a qualifying
24 patient recognition card or designated provider recognition card is
25 valid. If submitted separately, the department shall invalidate the
26 previous card and issue a new qualifying patient recognition card or
27 designated provider recognition card with the previous expiration date.

28 (c) If the department determines that the conditions of section 5
29 of this act have been met, the qualifying patient recognition card or
30 designated provider recognition card shall note the amount of useable
31 marijuana and marijuana plants authorized for possession or purchase.

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

34 (1)(a) Except as provided in (b) of this subsection, an individual
35 who holds a valid qualifying patient recognition card or a designated
36 provider recognition card pursuant to section 4 of this act may assert

1 the protections available under RCW 69.51A.040 and purchase the amounts
2 approved under that section from a licensed marijuana retailer that
3 holds a medical marijuana endorsement.

4 (b) An individual may possess or purchase an amount in excess of
5 three ounces of useable marijuana or six marijuana plants, but not to
6 exceed an amount of useable marijuana or number of marijuana plants
7 specified by the health care professional in the patient's valid
8 documentation if an extraordinary demand has been approved by the
9 qualifying patient's health care professional in accordance with
10 subsection (2) of this section.

11 (2) A health care professional may authorize the possession or
12 purchase of more than three ounces of useable marijuana for a
13 qualifying patient if the health care professional attests to the
14 department:

15 (a) That he or she is:

16 (i) The principle health care professional treating the patient's
17 terminal or debilitating medical condition that is the basis for the
18 issuance of the valid documentation; or

19 (ii) A health care professional who has examined the patient upon
20 direct referral from the principle health care professional treating
21 the patient's terminal or debilitating medical condition that is the
22 basis for the issuance of the valid documentation;

23 (b) That he or she maintains an ongoing medical relationship with
24 the patient that includes regular visits with the patient at least
25 every three months;

26 (c) That alternatives to marijuana for medical use have been
27 attempted with the qualifying patient and have been unsuccessful and
28 that the use of marijuana in amounts that would allow for possession of
29 less than three ounces of useable marijuana has been attempted and has
30 been unsuccessful; and

31 (d) That he or she maintains documentation of efforts to use
32 alternatives to marijuana for medical use and marijuana in amounts that
33 would allow for possession of less than three ounces of useable
34 marijuana.

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

37 (1) The department shall establish and maintain a system for

1 safeguarding the records of qualifying patients that have applied for
2 a qualifying patient recognition card under section 4 of this act and
3 designated providers that have applied for a designated provider
4 recognition card under section 4 of this act as secure and
5 confidential.

6 (2) Information maintained by the department under this section
7 shall be confidential and not subject to disclosure, except:

8 (a) To a peace officer at any time for purposes of verifying that
9 a person is lawfully in possession of a qualifying patient recognition
10 card or a designated provider recognition card;

11 (b) To appropriate local, state, and federal law enforcement or
12 prosecutorial officials who are engaged in a bona fide specific
13 investigation involving a designated person;

14 (c) To a health care professional licensing, certification, or
15 regulatory agency or entity;

16 (d) In an aggregated form that does not allow for the
17 identification of any individual holder of a qualifying patient
18 recognition card or designated provider recognition card;

19 (e) To persons authorized to prescribe or dispense controlled
20 substances, for the purpose of providing medical or pharmaceutical care
21 for their patients;

22 (f) To employees of the department of revenue to the extent
23 necessary to determine applicable exemptions from state and local
24 taxes; or

25 (g) To employees of the liquor control board to the extent
26 necessary to determine compliance with the requirements of sections 22
27 and 23 of this act.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 69.51A RCW
29 to read as follows:

30 If a qualifying patient is less than eighteen years of age, a
31 parent or guardian of the qualifying patient must:

32 (1) Be named as his or her designated provider and hold a
33 designated provider recognition card to that effect; and

34 (2) Have sole control over the qualifying patient's marijuana,
35 except that the qualifying patient may possess an amount of marijuana
36 that is necessary to fulfill his or her next dose.

1 **Sec. 8.** RCW 69.51A.020 and 2011 c 181 s 103 are each amended to
2 read as follows:

3 Nothing in this chapter shall be construed to supersede Washington
4 state law prohibiting the acquisition, possession, manufacture, sale,
5 or use of ((~~cannabis~~)) marijuana for nonmedical purposes. Criminal
6 penalties created under chapter 181, Laws of 2011 do not preclude the
7 prosecution or punishment for other crimes, including other crimes
8 involving the manufacture or delivery of ((~~cannabis~~)) marijuana for
9 nonmedical purposes.

10 **Sec. 9.** RCW 69.51A.025 and 2011 c 181 s 413 are each amended to
11 read as follows:

12 Nothing in this chapter or in the rules adopted to implement it
13 precludes a qualifying patient or designated provider from engaging in
14 the private, unlicensed, noncommercial production, possession,
15 transportation, delivery, or administration of ((~~cannabis~~)) marijuana
16 for medical use as authorized under RCW 69.51A.040.

17 **Sec. 10.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
18 read as follows:

19 (1) The following acts do not constitute crimes under state law or
20 unprofessional conduct under chapter 18.130 RCW, and a health care
21 professional may not be arrested, searched, prosecuted, disciplined, or
22 subject to other criminal sanctions or civil consequences or liability
23 under state law, or have real or personal property searched, seized, or
24 forfeited pursuant to state law, notwithstanding any other provision of
25 law as long as the health care professional complies with subsection
26 (2) of this section:

27 (a) Advising a patient about the risks and benefits of medical use
28 of ((~~cannabis~~)) marijuana or that the patient may benefit from the
29 medical use of ((~~cannabis~~)) marijuana; or

30 (b) Providing a patient meeting the ((~~criteria established under~~
31 ~~RCW 69.51A.010(26)~~)) definition of a qualifying patient with valid
32 documentation, based upon the health care professional's assessment of
33 the patient's medical history and current medical condition, where such
34 use is within a professional standard of care or in the individual
35 health care professional's medical judgment.

1 (2)(a)(i) A health care professional may only provide a patient
2 with valid documentation authorizing the medical use of ~~((cannabis or~~
3 ~~register the patient with the registry established in section 901 of~~
4 ~~this act))~~ marijuana if he or she has a newly initiated or existing
5 documented relationship with the patient, as a primary care provider or
6 a specialist, relating to the diagnosis and ongoing treatment or
7 monitoring of the patient's terminal or debilitating medical condition,
8 and only after:

9 ~~((+i+))~~ (A) Completing a physical examination of the patient as
10 appropriate, based on the patient's condition and age;

11 ~~((+ii+))~~ (B) Documenting the terminal or debilitating medical
12 condition of the patient in the patient's medical record and that the
13 patient may benefit from treatment of this condition or its symptoms
14 with medical use of ~~((cannabis))~~ marijuana;

15 ~~((+iii+))~~ (C) Informing the patient of other options for treating
16 the terminal or debilitating medical condition; and

17 ~~((+iv+))~~ (D) Documenting other measures attempted to treat the
18 terminal or debilitating medical condition that do not involve the
19 medical use of ~~((cannabis))~~ marijuana.

20 (ii) If a patient is less than eighteen years of age, in addition
21 to the requirement of (a) of this subsection, the health care
22 professional must:

23 (A) Reexamine the patient annually or as frequently as medically
24 indicated and consult with his or her parent or guardian; and

25 (B) Consult, as medically indicated, with other health care
26 providers who are providing treatment to the patient prior to providing
27 the patient with valid documentation authorizing the medical use of
28 marijuana or a renewal of valid documentation authorizing the medical
29 use of marijuana.

30 (b) A health care professional shall not:

31 (i) Accept, solicit, or offer any form of pecuniary remuneration
32 from or to a licensed dispenser, licensed producer, or licensed
33 processor of ~~((cannabis))~~ marijuana products;

34 (ii) Offer a discount or any other thing of value to a qualifying
35 patient who is a customer of, or agrees to be a customer of, a
36 particular licensed dispenser, licensed producer, or licensed processor
37 of ~~((cannabis))~~ marijuana products;

1 (iii) Examine or offer to examine a patient for purposes of
2 diagnosing a terminal or debilitating medical condition at a location
3 where ~~((cannabis))~~ marijuana is produced, processed, or dispensed;

4 (iv) Have a business or practice which consists ~~((solely))~~
5 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana;

6 (v) Include any statement or reference, visual or otherwise, on the
7 medical use of ~~((cannabis))~~ marijuana in any advertisement for his or
8 her business or practice; ~~((or))~~

9 (vi) Hold an economic interest in an enterprise that produces,
10 processes, or dispenses ~~((cannabis))~~ marijuana if the health care
11 professional authorizes the medical use of ~~((cannabis))~~ marijuana;

12 (vii) Provide services related to the issuance of valid
13 documentation in a location other than his or her permanent physical
14 location of business; or

15 (viii) Charge a varying rate for services depending on the amount
16 of marijuana for medical use that is authorized or duration of the
17 expiration date of the authorization.

18 (3) A health care professional shall identify the expiration date
19 of the valid documentation issued pursuant to subsection (2)(a) of this
20 section. The expiration date may not be more than one year from the
21 date that the valid documentation was issued. Any renewal of the valid
22 documentation must meet the procedures established under subsection
23 (2)(a) of this section and be performed immediately prior to the
24 issuance of the renewed valid documentation.

25 (4) A violation of any provision of subsection (2) or (3) of this
26 section constitutes unprofessional conduct under chapter 18.130 RCW.

27 NEW SECTION. Sec. 11. A new section is added to chapter 69.51A
28 RCW to read as follows:

29 (1) The department shall convene a work group of representatives of
30 the medical quality assurance commission, board of osteopathic medicine
31 and surgery, the nursing care quality assurance committee, the board of
32 naturopathy, and an association representing physicians. The work
33 group shall develop practice guidelines for health care professionals
34 to consider when authorizing the medical use of marijuana for patients
35 and consider appropriate training and practice standards for employees
36 of a licensed marijuana retailer that holds a medical marijuana
37 endorsement.

1 (2) The practice guidelines shall address:

2 (a) Assessing a patient to determine if he or she has a
3 debilitating condition or intractable pain;

4 (b) Conducting an adequate examination of a patient for the need
5 for marijuana for medical use;

6 (c) Dosing criteria related to the medical use of marijuana;

7 (d) Developing a treatment plan for patients who may benefit from
8 the medical use of marijuana;

9 (e) Communicating with a patient about the medical use of marijuana
10 and other options for treating his or her terminal or debilitating
11 medical condition;

12 (f) Maintaining records for patients who have been authorized to
13 use marijuana for medical purposes; and

14 (g) Other issues identified by the work group as necessary to
15 provide appropriate care to patients who have been authorized to use
16 marijuana for medical purposes.

17 (3) In developing standards for employees of a licensed marijuana
18 retailer that holds a medical marijuana endorsement, the work group
19 shall identify appropriate practices for advising qualifying patients
20 or designated providers in selecting types of marijuana for their
21 condition, instructing qualifying patients and designated providers on
22 product use, fulfilling orders, and safe handling of products. The
23 work group shall adopt a definition of "medical-grade marijuana" to
24 guide licensed marijuana retailers that hold a medical marijuana
25 endorsement in making decisions in selecting types of marijuana for
26 patients. The recommendations of the work group under this subsection
27 (3) are advisory and do not establish regulatory standards, unless
28 adopted by the liquor control board or the department pursuant to
29 existing authority.

30 (4) The department shall make the practice guidelines and training
31 and practice standards broadly available to health care professionals
32 and employees of licensed marijuana retailers that hold a medical
33 marijuana endorsement.

34 **Sec. 12.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
35 read as follows:

36 The medical use of (~~cannabis~~) marijuana in accordance with the
37 terms and conditions of this chapter does not constitute a crime and a

1 qualifying patient who holds a qualifying patient recognition card or
2 designated provider who holds a designated provider recognition card in
3 compliance with the terms and conditions of this chapter may not be
4 arrested, prosecuted, or subject to other criminal sanctions or civil
5 consequences, for possession, manufacture, or delivery of, or for
6 possession with intent to manufacture or deliver, ~~((cannabis))~~
7 marijuana under state law, or have real or personal property seized or
8 forfeited for possession, manufacture, or delivery of, or for
9 possession with intent to manufacture or deliver, ~~((cannabis))~~
10 marijuana under state law, and investigating peace officers and law
11 enforcement agencies may not be held civilly liable for failure to
12 seize ~~((cannabis))~~ marijuana in this circumstance, if:

13 (1)(a) The qualifying patient or designated provider possesses no
14 more than ~~((fifteen-cannabis))~~ three flowering marijuana plants and
15 three nonflowering marijuana plants or an amount authorized pursuant to
16 section 5 of this act and stated on the individual's qualifying patient
17 recognition card or designated provider recognition card and:

18 (i) No more than ~~((twenty-four))~~ three ounces of useable
19 ~~((cannabis))~~ marijuana or an amount authorized pursuant to section 5 of
20 this act and stated on the individual's qualifying patient recognition
21 card or designated provider recognition card;

22 (ii) No more ~~((cannabis))~~ marijuana product than what could
23 reasonably be produced with no more than ~~((twenty-four))~~ three ounces
24 of useable ~~((cannabis))~~ marijuana or an amount authorized pursuant to
25 section 5 of this act and stated on the individual's qualifying patient
26 recognition card or designated provider recognition card; or

27 (iii) A combination of useable ~~((cannabis))~~ marijuana and
28 ~~((cannabis))~~ marijuana product that does not exceed a combined total
29 representing possession and processing of no more than ~~((twenty-four))~~
30 three ounces of useable ~~((cannabis))~~ marijuana or an amount authorized
31 pursuant to section 5 of this act and stated on the individual's
32 qualifying patient recognition card or designated provider recognition
33 card.

34 (b) The limitations related to the possession of marijuana
35 established under (a) of this subsection also apply as the total
36 possession amount even if a person is both a qualifying patient and a
37 designated provider for another qualifying patient, ~~((the person may~~
38 possess no more than twice the amounts described in (a) of this

1 ~~subsection,~~) whether the plants, useable ((~~cannabis~~)) marijuana, and
2 ((~~cannabis~~)) marijuana product are possessed individually or in
3 combination between the qualifying patient and his or her designated
4 provider;

5 (2) The qualifying patient or designated provider presents his or
6 her ((~~proof-of-registration-with-the-department-of-health~~)) valid
7 qualifying patient recognition card or designated provider recognition
8 card, to any peace officer who questions the patient or provider
9 regarding his or her medical use of ((~~cannabis~~)) marijuana;

10 (3) The qualifying patient or designated provider keeps a copy of
11 his or her ((~~proof-of-registration-with-the-registry-established-in~~
12 ~~section 901 of this act~~)) valid qualifying patient recognition card or
13 designated provider recognition card and the qualifying patient or
14 designated provider's contact information posted prominently next to
15 any ((~~cannabis~~)) marijuana plants, ((~~cannabis~~)) marijuana products, or
16 useable ((~~cannabis~~)) marijuana located at his or her residence;

17 (4) The investigating peace officer does not possess evidence that:

18 (a) The designated provider has converted ((~~cannabis~~)) marijuana
19 produced or obtained for the qualifying patient for his or her own
20 personal use or benefit; or

21 (b) The qualifying patient has converted ((~~cannabis~~)) marijuana
22 produced or obtained for his or her own medical use to the qualifying
23 patient's personal, nonmedical use or benefit; and

24 (5) The investigating peace officer does not possess evidence that
25 the designated provider has served as a designated provider to more
26 than one qualifying patient within a fifteen-day period(~~(; and~~

27 ~~(6) The investigating peace officer has not observed evidence of~~
28 ~~any of the circumstances identified in section 901(4) of this act)).~~

29 NEW SECTION. Sec. 13. A new section is added to chapter 69.51A
30 RCW to read as follows:

31 (1) The department, in collaboration with the state liquor control
32 board, shall report to the governor and the legislature by November 15,
33 2019, regarding the need for qualifying patients and designated
34 providers to be able to possess their own marijuana plants as allowed
35 under RCW 69.51A.040.

36 (2) The report shall:

1 (a) Use records maintained under section 6 of this act to detail
2 the adequacy of the commercial marijuana supply for qualifying patients
3 by describing:

4 (i) The distances between qualifying patients and designated
5 providers and the nearest licensed marijuana retailer with a medical
6 marijuana endorsement;

7 (ii) The number of qualifying patients that may be experiencing
8 hardship in purchasing a safe and adequate supply of marijuana for
9 medical use from a licensed marijuana retailer with a medical marijuana
10 endorsement; and

11 (iii) The extent to which the cost of purchasing marijuana for
12 medical use from a licensed marijuana retailer with a medical marijuana
13 endorsement impedes access to a safe and adequate supply of marijuana
14 for qualifying patients; and

15 (b) Include information compiled from law enforcement officials
16 about the extent to which the authority of qualifying patients and
17 designated providers to possess their own marijuana plants as allowed
18 under RCW 69.51A.040 has been illegally associated with the conversion
19 of marijuana for nonmedical use.

20 **Sec. 14.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
21 read as follows:

22 (1)((~~a~~)) The arrest and prosecution protections established in
23 RCW 69.51A.040 may not be asserted in ((~~a~~)):

24 (a) A pretrial release by a court in a case involving alcohol or
25 drug intoxication or abuse; or

26 (b) A supervision revocation or violation hearing by a person who
27 is supervised by a corrections agency or department, including local
28 governments or jails, that has determined that the terms of this
29 section are inconsistent with and contrary to his or her supervision.

30 ~~((~~b~~)—The—affirmative—defenses—established—in—RCW—69.51A.043,—~~
31 ~~69.51A.045,—69.51A.047,—and section 407 of this act may not be asserted~~
32 ~~in a supervision revocation or violation hearing by a person who is~~
33 ~~supervised by a corrections agency or department,—including local~~
34 ~~governments or jails,—that has determined that the terms of this~~
35 ~~section are inconsistent with and contrary to his or her supervision.))~~

36 (2) The provisions of RCW 69.51A.040, 69.51A.085, and 69.51A.025 do
37 not apply to a person who is supervised for a criminal conviction by a

1 corrections agency or department, including local governments or jails,
2 that has determined that the terms of this chapter are inconsistent
3 with and contrary to his or her supervision.

4 ~~((3) A person may not be licensed as a licensed producer, licensed
5 processor of cannabis products, or a licensed dispenser under section
6 601, 602, or 701 of this act if he or she is supervised for a criminal
7 conviction by a corrections agency or department, including local
8 governments or jails, that has determined that licensure is
9 inconsistent with and contrary to his or her supervision.))~~

10 **Sec. 15.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
11 read as follows:

12 (1) It shall be a class 3 civil infraction to use or display
13 marijuana for medical ~~((cannabis))~~ use in a manner or place which is
14 open to the view of the general public.

15 (2) Nothing in this chapter establishes a right of care as a
16 covered benefit or requires any state purchased health care as defined
17 in RCW 41.05.011 or other health carrier or health plan as defined in
18 Title 48 RCW to be liable for any claim for reimbursement for the
19 medical use of ~~((cannabis))~~ marijuana. Such entities may enact
20 coverage or noncoverage criteria or related policies for payment or
21 nonpayment of marijuana for medical ~~((cannabis))~~ use in their sole
22 discretion.

23 (3) Nothing in this chapter requires any health care professional
24 to authorize the medical use of ~~((cannabis))~~ marijuana for a patient.

25 (4) Nothing in this chapter requires any accommodation of any on-
26 site medical use of ~~((cannabis))~~ marijuana in any place of employment,
27 in any school bus or on any school grounds, in any youth center, in any
28 correctional facility, or smoking ~~((cannabis))~~ marijuana in any public
29 place or hotel or motel.

30 (5) Nothing in this chapter authorizes the ~~((use-of))~~ medical
31 ~~((cannabis))~~ use of marijuana by any person who is subject to the
32 Washington code of military justice in chapter 38.38 RCW.

33 (6) Employers may establish drug-free work policies. Nothing in
34 this chapter requires an accommodation for the medical use of
35 ~~((cannabis))~~ marijuana if an employer has a drug-free work place.

36 (7) It is a class C felony to fraudulently produce any record
37 purporting to be, or tamper with the content of any record for the

1 purpose of having it accepted as, valid documentation (~~(under)~~) as
2 defined in RCW 69.51A.010(~~(+32)(a)~~), or to backdate such documentation
3 to a time earlier than its actual date of execution.

4 (8) No person shall be entitled to claim the protection from arrest
5 and prosecution under RCW 69.51A.040 (~~(or the affirmative defense under~~
6 ~~RCW 69.51A.043)~~) for engaging in the medical use of (~~(cannabis)~~)
7 marijuana in a way that endangers the health or well-being of any
8 person through the use of a motorized vehicle on a street, road, or
9 highway, including violations of RCW 46.61.502 or 46.61.504, or
10 equivalent local ordinances.

11 **Sec. 16.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
12 read as follows:

13 (1) A qualifying patient may revoke his or her designation of a
14 specific provider and designate a different provider at any time in
15 accordance with department procedures. A revocation of designation
16 must be in writing, signed, and dated. The protections of this chapter
17 cease to apply to a person who has served as a designated provider to
18 a qualifying patient seventy-two hours after receipt of that patient's
19 revocation of his or her designation.

20 (2) A person may stop serving as a designated provider to a given
21 qualifying patient at any time. However, that person may not begin
22 serving as a designated provider to a different qualifying patient
23 until fifteen days have elapsed from the date the last qualifying
24 patient designated him or her to serve as a provider.

25 **Sec. 17.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
26 read as follows:

27 A qualifying patient's medical use of (~~(cannabis)~~) marijuana as
28 authorized by a health care professional may not be a sole
29 disqualifying factor in determining the patient's suitability for an
30 organ transplant, unless it is shown that this use poses a significant
31 risk of rejection or organ failure. This section does not preclude a
32 health care professional from requiring that a patient abstain from the
33 medical use of (~~(cannabis)~~) marijuana, for a period of time determined
34 by the health care professional, while waiting for a transplant organ
35 or before the patient undergoes an organ transplant.

1 **Sec. 18.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
2 read as follows:

3 A qualifying patient or designated provider may not have his or her
4 parental rights or residential time with a child restricted solely due
5 to his or her medical use of (~~cannabis~~) marijuana in compliance with
6 the terms of this chapter absent written findings supported by evidence
7 that such use has resulted in a long-term impairment that interferes
8 with the performance of parenting functions as defined under RCW
9 26.09.004.

10 NEW SECTION. **Sec. 19.** A new section is added to chapter 69.51A
11 RCW to read as follows:

12 All valid documentation issued prior to the effective date of this
13 section expires May 1, 2015.

14 **Sec. 20.** RCW 69.51A.900 and 2011 c 181 s 1106 are each amended to
15 read as follows:

16 This chapter may be known and cited as the Washington state medical
17 use of (~~cannabis~~) marijuana act.

18 NEW SECTION. **Sec. 21.** A new section is added to chapter 69.50 RCW
19 to read as follows:

20 (1)(a) After May 1, 2015, any marijuana retailer that is licensed
21 under RCW 69.50.325 may apply to the state liquor control board for a
22 medical marijuana endorsement to sell quantities of useable marijuana
23 and marijuana-infused products up to the amount authorized in RCW
24 69.51A.040 to any individual who holds a qualifying patient recognition
25 card under section 4 of this act or a designated provider recognition
26 card under section 4 of this act.

27 (b) A separate medical marijuana endorsement shall be required for
28 each location at which a marijuana retailer intends to function
29 pursuant to a medical marijuana endorsement.

30 (c) The board shall require that marijuana retailers that hold a
31 medical marijuana endorsement notify the board if the retailer intends
32 to only serve qualifying patients and designated providers or to serve
33 nonmedical customers in addition to qualifying patients and designated
34 providers. No more than five percent of all marijuana retailers that

1 hold a medical marijuana endorsement may be classified as only serving
2 qualifying patients and designated providers.

3 (d) Each medical marijuana endorsement must be renewed annually.
4 The state liquor control board may authorize a one time extension of
5 the renewal date so that the renewal of a medical marijuana endorsement
6 coincides with the renewal of a marijuana retailer license.

7 (e) A medical marijuana endorsement is not transferrable, except to
8 the extent permitted for the transfer of a marijuana retail license
9 under RCW 69.50.339.

10 (2) Applicants for a medical marijuana endorsement must:

11 (a)(i) Hold an active marijuana retailer license issued pursuant to
12 RCW 69.50.325 that is in good standing with the state liquor control
13 board; or

14 (ii) Submit a concurrent application for a new marijuana retailer
15 license and a medical marijuana endorsement; and

16 (b) Pay an annual fee for the issuance or renewal of a medical
17 marijuana endorsement of two hundred dollars.

18 (3)(a) Any cancellation, suspension, condition, or restriction
19 imposed upon the marijuana retail license shall similarly affect the
20 medical marijuana endorsement.

21 (b) When conducting investigations or actions against the license
22 of a marijuana retailer pursuant to RCW 69.50.331 or 69.50.334, the
23 state liquor control board may similarly consider violations of any
24 requirements specifically related to a medical marijuana endorsement.

25 (4) The state liquor control board shall:

26 (a) Adopt rules related to the issuance, denial, suspension, or
27 cancellation of new and renewal medical marijuana endorsements to
28 marijuana retail licenses. In addition, the rules shall address
29 procedures for the consideration of a medical marijuana endorsement
30 submitted concurrently with a marijuana retailer license;

31 (b) Issue, deny, suspend, or cancel new and renewal medical
32 marijuana endorsements as provided in this chapter and the state liquor
33 control board rules;

34 (c) Adopt rules for the general operation of marijuana retailers
35 that hold a medical marijuana endorsement that include requirements to:

36 (i) Verify the identity of a qualifying patient or designated
37 provider;

1 (ii) Label the THC concentration and cannabinoids in marijuana
2 products for sale in the retailer; and

3 (iii) Record sales to qualifying patients and designated providers
4 for purposes of determining applicable exemptions from state and local
5 taxes and compliance with sales amount requirements in section 23 of
6 this act; and

7 (d) Conduct periodic reassessments of the maximum number of retail
8 outlet licenses and adjust the number and geographic distribution to
9 assure that the needs of qualifying patients are being met. When
10 evaluating maximum numbers, the board shall consider the number of
11 retailers that also hold a medical marijuana endorsement. The first
12 reassessment shall be completed no later than March 1, 2015.

13 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.50 RCW
14 to read as follows:

15 (1) Prior to selling marijuana to an individual who holds a
16 qualifying patient recognition card or designated provider recognition
17 card, a licensed marijuana retailer that holds a medical marijuana
18 endorsement under section 21 of this act must verify the identity of
19 the individual and the authenticity of the card according to rules
20 established by the state liquor control board.

21 (2) A licensed marijuana retailer that holds a medical marijuana
22 endorsement under section 21 of this act may not sell or distribute any
23 more marijuana than the amounts permitted in RCW 69.51A.040 to any
24 individual who holds a qualifying patient recognition card or designate
25 provider recognition card. The retail sale of useable marijuana and
26 marijuana-infused products in accordance with the amounts permitted in
27 RCW 69.51A.040 and the rules adopted to implement and enforce it, by a
28 validly licensed marijuana retailer that holds a medical marijuana
29 endorsement or any of its employees, shall not be a criminal or civil
30 offense under Washington state law.

31 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 69.51A.070 (Addition of medical conditions) and 2007 c 371
34 s 7 & 1999 c 2 s 9; and

35 (2) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

1 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
2 each repealed, effective May 1, 2015:

3 (1) RCW 69.51A.043 (Failure to register--Affirmative defense) and
4 2011 c 181 s 402;

5 (2) RCW 69.51A.045 (Possession of cannabis exceeding lawful
6 amount--Affirmative defense) and 2011 c 181 s 405;

7 (3) RCW 69.51A.047 (Failure to register or present valid
8 documentation--Affirmative defense) and 2011 c 181 s 406;

9 (4) RCW 69.51A.090 (Applicability of valid documentation
10 definition) and 2010 c 284 s 5;

11 (5) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403; and

12 (6) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and
13 enforce requirements) and 2011 c 181 s 1102.

14 NEW SECTION. **Sec. 25.** Section 12 of this act takes effect May 1,
15 2015.

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