

2SSB 5052 - H AMD 338

By Representative Cody

ADOPTED AS AMENDED 4/10/2015

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the  
4 cannabis patient protection act.

5 NEW SECTION. **Sec. 2.** The legislature finds that since voters  
6 approved Initiative Measure No. 692 in 1998, it has been the public  
7 policy of the state to permit the medical use of marijuana. Between  
8 1998 and the present day, there have been multiple legislative  
9 attempts to clarify what is meant by the medical use of marijuana and  
10 to ensure qualifying patients have a safe, consistent, and adequate  
11 source of marijuana for their medical needs.

12 The legislature further finds that qualifying patients are people  
13 with serious medical conditions and have been responsible for finding  
14 their own source of marijuana for their own personal medical use.  
15 Either by growing it themselves, designating someone to grow for  
16 them, or participating in collective gardens, patients have developed  
17 methods of access in spite of continued federal opposition to the  
18 medical use of marijuana. In a time when access itself was an issue  
19 and no safe, consistent source of marijuana was available, this  
20 unregulated system was permitted by the state to ensure some, albeit  
21 limited, access to marijuana for medical use. Also permitted were  
22 personal possession limits of fifteen plants and twenty-four ounces  
23 of useable marijuana, which was deemed to be the amount of marijuana  
24 needed for a sixty-day supply. In a time when supply was not  
25 consistent, this amount of marijuana was necessary to ensure patients  
26 would be able to address their immediate medical needs.

27 The legislature further finds that while possession amounts are  
28 provided in statute, these do not amount to protection from arrest  
29 and prosecution for patients. In fact, patients in compliance with  
30 state law are not provided arrest protection. They may be arrested  
31 and their only remedy is to assert an affirmative defense at trial  
32 that they are in compliance with the law and have a medical need. Too

1 many patients using marijuana for medical purposes today do not know  
2 this; many falsely believe they cannot be arrested so long as their  
3 health care provider has authorized them for the medical use of  
4 marijuana.

5 The legislature further finds that in 2012 voters passed  
6 Initiative Measure No. 502 which permitted the recreational use of  
7 marijuana. For the first time in our nation's history, marijuana  
8 would be regulated, taxed, and sold for recreational consumption.  
9 Initiative Measure No. 502 provides for strict regulation on the  
10 production, processing, and distribution of marijuana. Under  
11 Initiative Measure No. 502, marijuana is trackable from seed to sale  
12 and may only be sold or grown under license. Marijuana must be tested  
13 for impurities and purchasers of marijuana must be informed of the  
14 THC level in the marijuana. Since its passage, two hundred fifty  
15 producer/processor licenses and sixty-three retail licenses have been  
16 issued, covering the majority of the state. With the current product  
17 canopy exceeding 2.9 million square feet, and retailers in place, the  
18 state now has a system of safe, consistent, and adequate access to  
19 marijuana; the marketplace is not the same marketplace envisioned by  
20 the voters in 1998. While medical needs remain, the state is in the  
21 untenable position of having a recreational product that is tested  
22 and subject to production standards that ensure safe access for  
23 recreational users. No such standards exist for medical users and,  
24 consequently, the very people originally meant to be helped through  
25 the medical use of marijuana do not know if their product has been  
26 tested for molds, do not know where their marijuana has been grown,  
27 have no certainty in the level of THC or CBD in their products, and  
28 have no assurances that their products have been handled through  
29 quality assurance measures. It is not the public policy of the state  
30 to allow qualifying patients to only have access to products that may  
31 be endangering their health.

32 The legislature, therefore, intends to adopt a comprehensive act  
33 that uses the regulations in place for the recreational market to  
34 provide regulation for the medical use of marijuana. It intends to  
35 ensure that patients retain their ability to grow their own marijuana  
36 for their own medical use and it intends to ensure that patients have  
37 the ability to possess more marijuana-infused products, useable  
38 marijuana, and marijuana concentrates than what is available to a  
39 nonmedical user. It further intends that medical specific regulations  
40 be adopted as needed and under consultation of the departments of

1 health and agriculture so that safe handling practices will be  
2 adopted and so that testing standards for medical products meet or  
3 exceed those standards in use in the recreational market.

4 The legislature further intends that the costs associated with  
5 implementing and administering the medical marijuana authorization  
6 database shall be financed from the health professions account and  
7 that these funds shall be restored to the health professions account  
8 through future appropriations using funds derived from the dedicated  
9 marijuana account.

10 **Sec. 3.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to  
11 read as follows:

12 There shall be a board, known as the "Washington state liquor  
13 (~~control~~) and cannabis board," consisting of three members, to be  
14 appointed by the governor, with the consent of the senate, who shall  
15 each be paid an annual salary to be fixed by the governor in  
16 accordance with the provisions of RCW 43.03.040. The governor may, in  
17 his or her discretion, appoint one of the members as chair of the  
18 board, and a majority of the members shall constitute a quorum of the  
19 board.

20 **Sec. 4.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to  
21 read as follows:

22 Unless the context clearly requires otherwise, definitions of  
23 terms shall be as indicated where used in this chapter:

24 (a) "Administer" means to apply a controlled substance, whether  
25 by injection, inhalation, ingestion, or any other means, directly to  
26 the body of a patient or research subject by:

27 (1) a practitioner authorized to prescribe (or, by the  
28 practitioner's authorized agent); or

29 (2) the patient or research subject at the direction and in the  
30 presence of the practitioner.

31 (b) "Agent" means an authorized person who acts on behalf of or  
32 at the direction of a manufacturer, distributor, or dispenser. It  
33 does not include a common or contract carrier, public  
34 warehouseperson, or employee of the carrier or warehouseperson.

35 (c) "Commission" means the pharmacy quality assurance commission.

36 (d) "Controlled substance" means a drug, substance, or immediate  
37 precursor included in Schedules I through V as set forth in federal  
38 or state laws, or federal or commission rules.

1 (e)(1) "Controlled substance analog" means a substance the  
2 chemical structure of which is substantially similar to the chemical  
3 structure of a controlled substance in Schedule I or II and:

4 (i) that has a stimulant, depressant, or hallucinogenic effect on  
5 the central nervous system substantially similar to the stimulant,  
6 depressant, or hallucinogenic effect on the central nervous system of  
7 a controlled substance included in Schedule I or II; or

8 (ii) with respect to a particular individual, that the individual  
9 represents or intends to have a stimulant, depressant, or  
10 hallucinogenic effect on the central nervous system substantially  
11 similar to the stimulant, depressant, or hallucinogenic effect on the  
12 central nervous system of a controlled substance included in Schedule  
13 I or II.

14 (2) The term does not include:

15 (i) a controlled substance;

16 (ii) a substance for which there is an approved new drug  
17 application;

18 (iii) a substance with respect to which an exemption is in effect  
19 for investigational use by a particular person under Section 505 of  
20 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the  
21 extent conduct with respect to the substance is pursuant to the  
22 exemption; or

23 (iv) any substance to the extent not intended for human  
24 consumption before an exemption takes effect with respect to the  
25 substance.

26 (f) "Deliver" or "delivery," means the actual or constructive  
27 transfer from one person to another of a substance, whether or not  
28 there is an agency relationship.

29 (g) "Department" means the department of health.

30 (h) "Dispense" means the interpretation of a prescription or  
31 order for a controlled substance and, pursuant to that prescription  
32 or order, the proper selection, measuring, compounding, labeling, or  
33 packaging necessary to prepare that prescription or order for  
34 delivery.

35 (i) "Dispenser" means a practitioner who dispenses.

36 (j) "Distribute" means to deliver other than by administering or  
37 dispensing a controlled substance.

38 (k) "Distributor" means a person who distributes.

39 (l) "Drug" means (1) a controlled substance recognized as a drug  
40 in the official United States pharmacopoeia/national formulary or the

1 official homeopathic pharmacopoeia of the United States, or any  
2 supplement to them; (2) controlled substances intended for use in the  
3 diagnosis, cure, mitigation, treatment, or prevention of disease in  
4 individuals or animals; (3) controlled substances (other than food)  
5 intended to affect the structure or any function of the body of  
6 individuals or animals; and (4) controlled substances intended for  
7 use as a component of any article specified in (1), (2), or (3) of  
8 this subsection. The term does not include devices or their  
9 components, parts, or accessories.

10 (m) "Drug enforcement administration" means the drug enforcement  
11 administration in the United States Department of Justice, or its  
12 successor agency.

13 (n) "Electronic communication of prescription information" means  
14 the transmission of a prescription or refill authorization for a drug  
15 of a practitioner using computer systems. The term does not include a  
16 prescription or refill authorization verbally transmitted by  
17 telephone nor a facsimile manually signed by the practitioner.

18 (o) "Immediate precursor" means a substance:

19 (1) that the commission has found to be and by rule designates as  
20 being the principal compound commonly used, or produced primarily for  
21 use, in the manufacture of a controlled substance;

22 (2) that is an immediate chemical intermediary used or likely to  
23 be used in the manufacture of a controlled substance; and

24 (3) the control of which is necessary to prevent, curtail, or  
25 limit the manufacture of the controlled substance.

26 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of  
27 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
28 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
29 (42), and 69.50.210(c) the term includes any positional isomer; and  
30 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
31 includes any positional or geometric isomer.

32 (q) "Lot" means a definite quantity of marijuana, marijuana  
33 concentrates, useable marijuana, or marijuana-infused product  
34 identified by a lot number, every portion or package of which is  
35 uniform within recognized tolerances for the factors that appear in  
36 the labeling.

37 (r) "Lot number" shall identify the licensee by business or trade  
38 name and Washington state unified business identifier number, and the  
39 date of harvest or processing for each lot of marijuana, marijuana  
40 concentrates, useable marijuana, or marijuana-infused product.

1 (s) "Manufacture" means the production, preparation, propagation,  
2 compounding, conversion, or processing of a controlled substance,  
3 either directly or indirectly or by extraction from substances of  
4 natural origin, or independently by means of chemical synthesis, or  
5 by a combination of extraction and chemical synthesis, and includes  
6 any packaging or repackaging of the substance or labeling or  
7 relabeling of its container. The term does not include the  
8 preparation, compounding, packaging, repackaging, labeling, or  
9 relabeling of a controlled substance:

10 (1) by a practitioner as an incident to the practitioner's  
11 administering or dispensing of a controlled substance in the course  
12 of the practitioner's professional practice; or

13 (2) by a practitioner, or by the practitioner's authorized agent  
14 under the practitioner's supervision, for the purpose of, or as an  
15 incident to, research, teaching, or chemical analysis and not for  
16 sale.

17 (t) "Marijuana" or "marihuana" means all parts of the plant  
18 *Cannabis*, whether growing or not, with a THC concentration greater  
19 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
20 extracted from any part of the plant; and every compound,  
21 manufacture, salt, derivative, mixture, or preparation of the plant,  
22 its seeds or resin. The term does not include the mature stalks of  
23 the plant, fiber produced from the stalks, oil or cake made from the  
24 seeds of the plant, any other compound, manufacture, salt,  
25 derivative, mixture, or preparation of the mature stalks (except the  
26 resin extracted therefrom), fiber, oil, or cake, or the sterilized  
27 seed of the plant which is incapable of germination.

28 (u) "Marijuana concentrates" means products consisting wholly or  
29 in part of the resin extracted from any part of the plant *Cannabis*  
30 and having a THC concentration greater than sixty percent.

31 (v) "Marijuana processor" means a person licensed by the state  
32 liquor (~~control~~) and cannabis board to process marijuana into  
33 marijuana concentrates, useable marijuana, and marijuana-infused  
34 products, package and label marijuana concentrates, useable  
35 marijuana, and marijuana-infused products for sale in retail outlets,  
36 and sell marijuana concentrates, useable marijuana, and marijuana-  
37 infused products at wholesale to marijuana retailers.

38 (w) "Marijuana producer" means a person licensed by the state  
39 liquor (~~control~~) and cannabis board to produce and sell marijuana  
40 at wholesale to marijuana processors and other marijuana producers.

1 (x) "Marijuana-infused products" means products that contain  
2 marijuana or marijuana extracts, are intended for human use, and have  
3 a THC concentration greater than 0.3 percent and no greater than  
4 sixty percent. The term "marijuana-infused products" does not include  
5 either useable marijuana or marijuana concentrates.

6 (y) "Marijuana retailer" means a person licensed by the state  
7 liquor (~~control~~) and cannabis board to sell marijuana concentrates,  
8 useable marijuana, and marijuana-infused products in a retail outlet.

9 (z) "Narcotic drug" means any of the following, whether produced  
10 directly or indirectly by extraction from substances of vegetable  
11 origin, or independently by means of chemical synthesis, or by a  
12 combination of extraction and chemical synthesis:

13 (1) Opium, opium derivative, and any derivative of opium or opium  
14 derivative, including their salts, isomers, and salts of isomers,  
15 whenever the existence of the salts, isomers, and salts of isomers is  
16 possible within the specific chemical designation. The term does not  
17 include the isoquinoline alkaloids of opium.

18 (2) Synthetic opiate and any derivative of synthetic opiate,  
19 including their isomers, esters, ethers, salts, and salts of isomers,  
20 esters, and ethers, whenever the existence of the isomers, esters,  
21 ethers, and salts is possible within the specific chemical  
22 designation.

23 (3) Poppy straw and concentrate of poppy straw.

24 (4) Coca leaves, except coca leaves and extracts of coca leaves  
25 from which cocaine, ecgonine, and derivatives or ecgonine or their  
26 salts have been removed.

27 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

28 (6) Cocaine base.

29 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
30 thereof.

31 (8) Any compound, mixture, or preparation containing any quantity  
32 of any substance referred to in subparagraphs (1) through (7).

33 (aa) "Opiate" means any substance having an addiction-forming or  
34 addiction-sustaining liability similar to morphine or being capable  
35 of conversion into a drug having addiction-forming or addiction-  
36 sustaining liability. The term includes opium, substances derived  
37 from opium (opium derivatives), and synthetic opiates. The term does  
38 not include, unless specifically designated as controlled under RCW  
39 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan

1 and its salts (dextromethorphan). The term includes the racemic and  
2 levorotatory forms of dextromethorphan.

3 (bb) "Opium poppy" means the plant of the species *Papaver*  
4 *somniferum* L., except its seeds.

5 (cc) "Person" means individual, corporation, business trust,  
6 estate, trust, partnership, association, joint venture, government,  
7 governmental subdivision or agency, or any other legal or commercial  
8 entity.

9 (dd) "Poppy straw" means all parts, except the seeds, of the  
10 opium poppy, after mowing.

11 (ee) "Practitioner" means:

12 (1) A physician under chapter 18.71 RCW; a physician assistant  
13 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
14 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
15 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
16 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
17 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
18 subject to any limitations in RCW 18.53.010; a dentist under chapter  
19 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
20 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
21 registered nurse practitioner, or licensed practical nurse under  
22 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
23 who is licensed under RCW 18.36A.030 subject to any limitations in  
24 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
25 investigator under this chapter, licensed, registered or otherwise  
26 permitted insofar as is consistent with those licensing laws to  
27 distribute, dispense, conduct research with respect to or administer  
28 a controlled substance in the course of their professional practice  
29 or research in this state.

30 (2) A pharmacy, hospital or other institution licensed,  
31 registered, or otherwise permitted to distribute, dispense, conduct  
32 research with respect to or to administer a controlled substance in  
33 the course of professional practice or research in this state.

34 (3) A physician licensed to practice medicine and surgery, a  
35 physician licensed to practice osteopathic medicine and surgery, a  
36 dentist licensed to practice dentistry, a podiatric physician and  
37 surgeon licensed to practice podiatric medicine and surgery, a  
38 licensed physician assistant or a licensed osteopathic physician  
39 assistant specifically approved to prescribe controlled substances by  
40 his or her state's medical quality assurance commission or equivalent

1 and his or her supervising physician, an advanced registered nurse  
2 practitioner licensed to prescribe controlled substances, or a  
3 veterinarian licensed to practice veterinary medicine in any state of  
4 the United States.

5 (ff) "Prescription" means an order for controlled substances  
6 issued by a practitioner duly authorized by law or rule in the state  
7 of Washington to prescribe controlled substances within the scope of  
8 his or her professional practice for a legitimate medical purpose.

9 (gg) "Production" includes the manufacturing, planting,  
10 cultivating, growing, or harvesting of a controlled substance.

11 (hh) "Retail outlet" means a location licensed by the state  
12 liquor ~~((control))~~ and cannabis board for the retail sale of  
13 marijuana concentrates, useable marijuana, and marijuana-infused  
14 products.

15 (ii) "Secretary" means the secretary of health or the secretary's  
16 designee.

17 (jj) "State," unless the context otherwise requires, means a  
18 state of the United States, the District of Columbia, the  
19 Commonwealth of Puerto Rico, or a territory or insular possession  
20 subject to the jurisdiction of the United States.

21 (kk) "THC concentration" means percent of delta-9  
22 tetrahydrocannabinol content per dry weight of any part of the plant  
23 *Cannabis*, or per volume or weight of marijuana product, or the  
24 combined percent of delta-9 tetrahydrocannabinol and  
25 tetrahydrocannabinolic acid in any part of the plant *Cannabis*  
26 regardless of moisture content.

27 (ll) "Ultimate user" means an individual who lawfully possesses a  
28 controlled substance for the individual's own use or for the use of a  
29 member of the individual's household or for administering to an  
30 animal owned by the individual or by a member of the individual's  
31 household.

32 (mm) "Useable marijuana" means dried marijuana flowers. The term  
33 "useable marijuana" does not include either marijuana-infused  
34 products or marijuana concentrates.

35 (nn) "Designated provider" has the meaning provided in RCW  
36 69.51A.010.

37 (oo) "Qualifying patient" has the meaning provided in RCW  
38 69.51A.010.

39 (pp) "CBD concentration" has the meaning provided in RCW  
40 69.51A.010.

1 (qq) "Plant" has the meaning provided in RCW 69.51A.010.

2 (rr) "Recognition card" has the meaning provided in RCW  
3 69.51A.010.

4 **Sec. 5.** RCW 69.50.325 and 2014 c 192 s 2 are each amended to  
5 read as follows:

6 (1) There shall be a marijuana producer's license to produce  
7 marijuana for sale at wholesale to marijuana processors and other  
8 marijuana producers, regulated by the state liquor ~~((control))~~ and  
9 cannabis board and subject to annual renewal. The production,  
10 possession, delivery, distribution, and sale of marijuana in  
11 accordance with the provisions of this chapter ~~((3, Laws of 2013))~~  
12 and the rules adopted to implement and enforce it, by a validly  
13 licensed marijuana producer, shall not be a criminal or civil offense  
14 under Washington state law. Every marijuana producer's license shall  
15 be issued in the name of the applicant, shall specify the location at  
16 which the marijuana producer intends to operate, which must be within  
17 the state of Washington, and the holder thereof shall not allow any  
18 other person to use the license. The application fee for a marijuana  
19 producer's license shall be two hundred fifty dollars. The annual fee  
20 for issuance and renewal of a marijuana producer's license shall be  
21 one thousand dollars. A separate license shall be required for each  
22 location at which a marijuana producer intends to produce marijuana.

23 (2) There shall be a marijuana processor's license to process,  
24 package, and label marijuana concentrates, useable marijuana, and  
25 marijuana-infused products for sale at wholesale to marijuana  
26 processors and marijuana retailers, regulated by the state liquor  
27 ~~((control))~~ and cannabis board and subject to annual renewal. The  
28 processing, packaging, possession, delivery, distribution, and sale  
29 of marijuana, useable marijuana, marijuana-infused products, and  
30 marijuana concentrates in accordance with the provisions of this  
31 chapter ~~((3, Laws of 2013))~~ and chapter 69.51A RCW and the rules  
32 adopted to implement and enforce ~~((it))~~ these chapters, by a validly  
33 licensed marijuana processor, shall not be a criminal or civil  
34 offense under Washington state law. Every marijuana processor's  
35 license shall be issued in the name of the applicant, shall specify  
36 the location at which the licensee intends to operate, which must be  
37 within the state of Washington, and the holder thereof shall not  
38 allow any other person to use the license. The application fee for a  
39 marijuana processor's license shall be two hundred fifty dollars. The

1 annual fee for issuance and renewal of a marijuana processor's  
2 license shall be one thousand dollars. A separate license shall be  
3 required for each location at which a marijuana processor intends to  
4 process marijuana.

5 (3) There shall be a marijuana retailer's license to sell  
6 marijuana concentrates, useable marijuana, and marijuana-infused  
7 products at retail in retail outlets, regulated by the state liquor  
8 (~~control~~) and cannabis board and subject to annual renewal. The  
9 possession, delivery, distribution, and sale of marijuana  
10 concentrates, useable marijuana, and marijuana-infused products in  
11 accordance with the provisions of this chapter (~~(3, Laws of 2013)~~)  
12 and the rules adopted to implement and enforce it, by a validly  
13 licensed marijuana retailer, shall not be a criminal or civil offense  
14 under Washington state law. Every marijuana retailer's license shall  
15 be issued in the name of the applicant, shall specify the location of  
16 the retail outlet the licensee intends to operate, which must be  
17 within the state of Washington, and the holder thereof shall not  
18 allow any other person to use the license. The application fee for a  
19 marijuana retailer's license shall be two hundred fifty dollars. The  
20 annual fee for issuance and renewal of a marijuana retailer's license  
21 shall be one thousand dollars. A separate license shall be required  
22 for each location at which a marijuana retailer intends to sell  
23 marijuana concentrates, useable marijuana, and marijuana-infused  
24 products.

25 **Sec. 6.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read  
26 as follows:

27 (1) For the purpose of considering any application for a license  
28 to produce, process, or sell marijuana, or for the renewal of a  
29 license to produce, process, or sell marijuana, the state liquor  
30 (~~control~~) and cannabis board must conduct a comprehensive, fair,  
31 and impartial evaluation of the applications timely received.

32 (a) The state liquor and cannabis board must develop a  
33 competitive, merit-based application process that includes, at a  
34 minimum, the opportunity for an applicant to demonstrate experience  
35 and qualifications in the marijuana industry. The state liquor and  
36 cannabis board shall give preference between competing applications  
37 in the licensing process to applicants that have the following  
38 experience and qualifications, in the following order of priority:

1 (i) First priority is given to applicants who applied to the  
2 state liquor and cannabis board for a marijuana retailer license  
3 prior to July 1, 2014;

4 (ii) Second priority is given to applicants who operated or were  
5 employed by a collective garden before January 1, 2013, had a state  
6 business license and a municipal business license, as applicable in  
7 the relevant jurisdiction, and had a history of paying all applicable  
8 state taxes and fees; and

9 (iii) Third priority shall be given to all other applicants who  
10 do not have the experience and qualifications identified in (a)(i)  
11 and (ii) of this subsection.

12 (b) The state liquor and cannabis board may cause an inspection  
13 of the premises to be made, and may inquire into all matters in  
14 connection with the construction and operation of the premises. For  
15 the purpose of reviewing any application for a license and for  
16 considering the denial, suspension, revocation, or renewal or denial  
17 thereof, of any license, the state liquor ~~((control))~~ and cannabis  
18 board may consider any prior criminal conduct of the applicant  
19 including an administrative violation history record with the state  
20 liquor ~~((control))~~ and cannabis board and a criminal history record  
21 information check. The state liquor ~~((control))~~ and cannabis board  
22 may submit the criminal history record information check to the  
23 Washington state patrol and to the identification division of the  
24 federal bureau of investigation in order that these agencies may  
25 search their records for prior arrests and convictions of the  
26 individual or individuals who filled out the forms. The state liquor  
27 ~~((control))~~ and cannabis board shall require fingerprinting of any  
28 applicant whose criminal history record information check is  
29 submitted to the federal bureau of investigation. The provisions of  
30 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.  
31 Subject to the provisions of this section, the state liquor  
32 ~~((control))~~ and cannabis board may, in its discretion, grant or deny  
33 the renewal or license applied for. Denial may be based on, without  
34 limitation, the existence of chronic illegal activity documented in  
35 objections submitted pursuant to subsections (7)(c) and (9) of this  
36 section. Authority to approve an uncontested or unopposed license may  
37 be granted by the state liquor ~~((control))~~ and cannabis board to any  
38 staff member the board designates in writing. Conditions for granting  
39 this authority shall be adopted by rule.

40 (c) No license of any kind may be issued to:

1       (~~(a)~~) (i) A person under the age of twenty-one years;

2       (~~(b)~~) (ii) A person doing business as a sole proprietor who has  
3 not lawfully resided in the state for at least three months prior to  
4 applying to receive a license;

5       (~~(c)~~) (iii) A partnership, employee cooperative, association,  
6 nonprofit corporation, or corporation unless formed under the laws of  
7 this state, and unless all of the members thereof are qualified to  
8 obtain a license as provided in this section; or

9       (~~(d)~~) (iv) A person whose place of business is conducted by a  
10 manager or agent, unless the manager or agent possesses the same  
11 qualifications required of the licensee.

12       (2)(a) The state liquor (~~control~~) and cannabis board may, in  
13 its discretion, subject to the provisions of RCW 69.50.334, suspend  
14 or cancel any license; and all protections of the licensee from  
15 criminal or civil sanctions under state law for producing,  
16 processing, or selling marijuana, useable marijuana, or marijuana-  
17 infused products thereunder shall be suspended or terminated, as the  
18 case may be.

19       (b) The state liquor (~~control~~) and cannabis board shall  
20 immediately suspend the license of a person who has been certified  
21 pursuant to RCW 74.20A.320 by the department of social and health  
22 services as a person who is not in compliance with a support order.  
23 If the person has continued to meet all other requirements for  
24 reinstatement during the suspension, reissuance of the license shall  
25 be automatic upon the state liquor (~~control~~) and cannabis board's  
26 receipt of a release issued by the department of social and health  
27 services stating that the licensee is in compliance with the order.

28       (c) The state liquor (~~control~~) and cannabis board may request  
29 the appointment of administrative law judges under chapter 34.12 RCW  
30 who shall have power to administer oaths, issue subpoenas for the  
31 attendance of witnesses and the production of papers, books,  
32 accounts, documents, and testimony, examine witnesses, and to receive  
33 testimony in any inquiry, investigation, hearing, or proceeding in  
34 any part of the state, under rules and regulations the state liquor  
35 (~~control~~) and cannabis board may adopt.

36       (d) Witnesses shall be allowed fees and mileage each way to and  
37 from any inquiry, investigation, hearing, or proceeding at the rate  
38 authorized by RCW 34.05.446. Fees need not be paid in advance of  
39 appearance of witnesses to testify or to produce books, records, or  
40 other legal evidence.

1 (e) In case of disobedience of any person to comply with the  
2 order of the state liquor (~~(control)~~) and cannabis board or a  
3 subpoena issued by the state liquor (~~(control)~~) and cannabis board,  
4 or any of its members, or administrative law judges, or on the  
5 refusal of a witness to testify to any matter regarding which he or  
6 she may be lawfully interrogated, the judge of the superior court of  
7 the county in which the person resides, on application of any member  
8 of the board or administrative law judge, shall compel obedience by  
9 contempt proceedings, as in the case of disobedience of the  
10 requirements of a subpoena issued from said court or a refusal to  
11 testify therein.

12 (3) Upon receipt of notice of the suspension or cancellation of a  
13 license, the licensee shall forthwith deliver up the license to the  
14 state liquor (~~(control)~~) and cannabis board. Where the license has  
15 been suspended only, the state liquor (~~(control)~~) and cannabis board  
16 shall return the license to the licensee at the expiration or  
17 termination of the period of suspension. The state liquor (~~(control)~~)  
18 and cannabis board shall notify all other licensees in the county  
19 where the subject licensee has its premises of the suspension or  
20 cancellation of the license; and no other licensee or employee of  
21 another licensee may allow or cause any marijuana, useable marijuana,  
22 or marijuana-infused products to be delivered to or for any person at  
23 the premises of the subject licensee.

24 (4) Every license issued under chapter 3, Laws of 2013 shall be  
25 subject to all conditions and restrictions imposed by chapter 3, Laws  
26 of 2013 or by rules adopted by the state liquor (~~(control)~~) and  
27 cannabis board to implement and enforce chapter 3, Laws of 2013. All  
28 conditions and restrictions imposed by the state liquor (~~(control)~~)  
29 and cannabis board in the issuance of an individual license shall be  
30 listed on the face of the individual license along with the trade  
31 name, address, and expiration date.

32 (5) Every licensee shall post and keep posted its license, or  
33 licenses, in a conspicuous place on the premises.

34 (6) No licensee shall employ any person under the age of twenty-  
35 one years.

36 (7)(a) Before the state liquor (~~(control)~~) and cannabis board  
37 issues a new or renewed license to an applicant it shall give notice  
38 of the application to the chief executive officer of the incorporated  
39 city or town, if the application is for a license within an  
40 incorporated city or town, or to the county legislative authority, if

1 the application is for a license outside the boundaries of  
2 incorporated cities or towns.

3 (b) The incorporated city or town through the official or  
4 employee selected by it, or the county legislative authority or the  
5 official or employee selected by it, shall have the right to file  
6 with the state liquor (~~control~~) and cannabis board within twenty  
7 days after the date of transmittal of the notice for applications, or  
8 at least thirty days prior to the expiration date for renewals,  
9 written objections against the applicant or against the premises for  
10 which the new or renewed license is asked. The state liquor  
11 (~~control~~) and cannabis board may extend the time period for  
12 submitting written objections.

13 (c) The written objections shall include a statement of all facts  
14 upon which the objections are based, and in case written objections  
15 are filed, the city or town or county legislative authority may  
16 request, and the state liquor (~~control~~) and cannabis board may in  
17 its discretion hold, a hearing subject to the applicable provisions  
18 of Title 34 RCW. If the state liquor (~~control~~) and cannabis board  
19 makes an initial decision to deny a license or renewal based on the  
20 written objections of an incorporated city or town or county  
21 legislative authority, the applicant may request a hearing subject to  
22 the applicable provisions of Title 34 RCW. If a hearing is held at  
23 the request of the applicant, state liquor (~~control~~) and cannabis  
24 board representatives shall present and defend the state liquor  
25 (~~control~~) and cannabis board's initial decision to deny a license  
26 or renewal.

27 (d) Upon the granting of a license under this title the state  
28 liquor (~~control~~) and cannabis board shall send written notification  
29 to the chief executive officer of the incorporated city or town in  
30 which the license is granted, or to the county legislative authority  
31 if the license is granted outside the boundaries of incorporated  
32 cities or towns.

33 (8) The state liquor (~~control~~) and cannabis board shall not  
34 issue a license for any premises within one thousand feet of the  
35 perimeter of the grounds of any elementary or secondary school,  
36 playground, recreation center or facility, child care center, public  
37 park, public transit center, or library, or any game arcade admission  
38 to which is not restricted to persons aged twenty-one years or older.

39 (9) In determining whether to grant or deny a license or renewal  
40 of any license, the state liquor (~~control~~) and cannabis board shall

1 give substantial weight to objections from an incorporated city or  
2 town or county legislative authority based upon chronic illegal  
3 activity associated with the applicant's operations of the premises  
4 proposed to be licensed or the applicant's operation of any other  
5 licensed premises, or the conduct of the applicant's patrons inside  
6 or outside the licensed premises. "Chronic illegal activity" means  
7 (a) a pervasive pattern of activity that threatens the public health,  
8 safety, and welfare of the city, town, or county including, but not  
9 limited to, open container violations, assaults, disturbances,  
10 disorderly conduct, or other criminal law violations, or as  
11 documented in crime statistics, police reports, emergency medical  
12 response data, calls for service, field data, or similar records of a  
13 law enforcement agency for the city, town, county, or any other  
14 municipal corporation or any state agency; or (b) an unreasonably  
15 high number of citations for violations of RCW 46.61.502 associated  
16 with the applicant's or licensee's operation of any licensed premises  
17 as indicated by the reported statements given to law enforcement upon  
18 arrest.

19 **Sec. 7.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to read  
20 as follows:

21 (1) For the purpose of carrying into effect the provisions of  
22 chapter 3, Laws of 2013 according to their true intent or of  
23 supplying any deficiency therein, the state liquor (~~control~~) and  
24 cannabis board may adopt rules not inconsistent with the spirit of  
25 chapter 3, Laws of 2013 as are deemed necessary or advisable. Without  
26 limiting the generality of the preceding sentence, the state liquor  
27 (~~control~~) and cannabis board is empowered to adopt rules regarding  
28 the following:

29 ~~((1))~~ (a) The equipment and management of retail outlets and  
30 premises where marijuana is produced or processed, and inspection of  
31 the retail outlets and premises where marijuana is produced or  
32 processed;

33 ~~((2))~~ (b) The books and records to be created and maintained by  
34 licensees, the reports to be made thereon to the state liquor  
35 (~~control~~) and cannabis board, and inspection of the books and  
36 records;

37 ~~((3))~~ (c) Methods of producing, processing, and packaging  
38 marijuana, useable marijuana, marijuana concentrates, and marijuana-  
39 infused products; conditions of sanitation; safe handling

1 requirements; approved pesticides and pesticide testing requirements;  
2 and standards of ingredients, quality, and identity of marijuana,  
3 useable marijuana, marijuana concentrates, and marijuana-infused  
4 products produced, processed, packaged, or sold by licensees;

5 ((+4)) (d) Security requirements for retail outlets and premises  
6 where marijuana is produced or processed, and safety protocols for  
7 licensees and their employees;

8 ((+5)) (e) Screening, hiring, training, and supervising  
9 employees of licensees;

10 ((+6)) (f) Retail outlet locations and hours of operation;

11 ((+7)) (g) Labeling requirements and restrictions on  
12 advertisement of marijuana, useable marijuana, marijuana  
13 concentrates, and marijuana-infused products for sale in retail  
14 outlets;

15 ((+8)) (h) Forms to be used for purposes of this chapter ((~~3,~~  
16 ~~Laws of 2013~~)) and chapter 69.51A RCW or the rules adopted to  
17 implement and enforce ((~~it~~)) these chapters, the terms and conditions  
18 to be contained in licenses issued under this chapter ((~~3,~~ ~~Laws of~~  
19 ~~2013~~)) and chapter 69.51A RCW, and the qualifications for receiving a  
20 license issued under this chapter ((~~3,~~ ~~Laws of~~ ~~2013~~)) and chapter  
21 69.51A RCW, including a criminal history record information check.  
22 The state liquor ((~~control~~)) and cannabis board may submit any  
23 criminal history record information check to the Washington state  
24 patrol and to the identification division of the federal bureau of  
25 investigation in order that these agencies may search their records  
26 for prior arrests and convictions of the individual or individuals  
27 who filled out the forms. The state liquor ((~~control~~)) and cannabis  
28 board shall require fingerprinting of any applicant whose criminal  
29 history record information check is submitted to the federal bureau  
30 of investigation;

31 ((+9)) (i) Application, reinstatement, and renewal fees for  
32 licenses issued under this chapter ((~~3,~~ ~~Laws of~~ ~~2013~~)) and chapter  
33 69.51A RCW, and fees for anything done or permitted to be done under  
34 the rules adopted to implement and enforce this chapter ((~~3,~~ ~~Laws of~~  
35 ~~2013~~)) and chapter 69.51A RCW;

36 ((+10)) (j) The manner of giving and serving notices required by  
37 this chapter ((~~3,~~ ~~Laws of~~ ~~2013~~)) and chapter 69.51A RCW or rules  
38 adopted to implement or enforce ((~~it~~)) these chapters;

39 ((+11)) (k) Times and periods when, and the manner, methods, and  
40 means by which, licensees shall transport and deliver marijuana,

1 marijuana concentrates, useable marijuana, and marijuana-infused  
2 products within the state;

3 ~~((12))~~ (1) Identification, seizure, confiscation, destruction,  
4 or donation to law enforcement for training purposes of all  
5 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
6 infused products produced, processed, sold, or offered for sale  
7 within this state which do not conform in all respects to the  
8 standards prescribed by this chapter ~~((3, Laws of 2013))~~ or chapter  
9 69.51A RCW or the rules adopted to implement and enforce ~~((it-~~  
10 ~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed~~  
11 ~~as authorizing the state liquor control board to seize, confiscate,~~  
12 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~  
13 ~~or marijuana-infused products produced, processed, sold, offered for~~  
14 ~~sale, or possessed in compliance with the Washington state medical~~  
15 ~~use of cannabis act, chapter 69.51A RCW))~~ these chapters.

16 (2) Rules adopted on retail outlets holding medical marijuana  
17 endorsements must be adopted in coordination and consultation with  
18 the department.

19 **Sec. 8.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to read  
20 as follows:

21 The state liquor ~~((control))~~ and cannabis board, subject to the  
22 provisions of this chapter ~~((3, Laws of 2013))~~, must adopt rules ~~((by~~  
23 ~~December 1, 2013,))~~ that establish the procedures and criteria  
24 necessary to implement the following:

25 (1) Licensing of marijuana producers, marijuana processors, and  
26 marijuana retailers, including prescribing forms and establishing  
27 application, reinstatement, and renewal fees.

28 (a) Application forms for marijuana producers must request the  
29 applicant to state whether the applicant intends to produce marijuana  
30 for sale by marijuana retailers holding medical marijuana  
31 endorsements and the amount of or percentage of canopy the applicant  
32 intends to commit to growing plants determined by the department  
33 under section 10 of this act to be of a THC concentration, CBD  
34 concentration, or THC to CBD ratio appropriate for marijuana  
35 concentrates, useable marijuana, or marijuana-infused products sold  
36 to qualifying patients.

37 (b) The state liquor and cannabis board must reconsider and  
38 increase limits on the amount of square feet permitted to be in  
39 production on the effective date of this section and increase the

1 percentage of production space for those marijuana producers who  
2 intend to grow plants for marijuana retailers holding medical  
3 marijuana endorsements if the marijuana producer designates the  
4 increased production space to plants determined by the department  
5 under section 10 of this act to be of a THC concentration, CBD  
6 concentration, or THC to CBD ratio appropriate for marijuana  
7 concentrates, useable marijuana, or marijuana-infused products to be  
8 sold to qualifying patients. If current marijuana producers do not  
9 use all the increased production space, the state liquor and cannabis  
10 board may reopen the license period for new marijuana producer  
11 license applicants but only to those marijuana producers who agree to  
12 grow plants for marijuana retailers holding medical marijuana  
13 endorsements. Priority in licensing must be given to marijuana  
14 producer license applicants who have an application pending on the  
15 effective date of this section but who are not yet licensed and then  
16 to new marijuana producer license applicants. After January 1, 2017,  
17 any reconsideration of the limits on the amount of square feet  
18 permitted to be in production to meet the medical needs of qualifying  
19 patients must consider information contained in the medical marijuana  
20 authorization database established in section 21 of this act;

21 (2) Determining, in consultation with the office of financial  
22 management, the maximum number of retail outlets that may be licensed  
23 in each county, taking into consideration:

24 (a) Population distribution;

25 (b) Security and safety issues; (~~and~~)

26 (c) The provision of adequate access to licensed sources of  
27 marijuana concentrates, useable marijuana, and marijuana-infused  
28 products to discourage purchases from the illegal market; and

29 (d) The number of retail outlets holding medical marijuana  
30 endorsements necessary to meet the medical needs of qualifying  
31 patients. The state liquor and cannabis board must reconsider and  
32 increase the maximum number of retail outlets it established before  
33 the effective date of this section and allow for a new license  
34 application period and a greater number of retail outlets to be  
35 permitted in order to accommodate the medical needs of qualifying  
36 patients and designated providers. After January 1, 2017, any  
37 reconsideration of the maximum number of retail outlets needed to  
38 meet the medical needs of qualifying patients must consider  
39 information contained in the medical marijuana authorization database  
40 established in section 21 of this act;

1 (3) Determining the maximum quantity of marijuana a marijuana  
2 producer may have on the premises of a licensed location at any time  
3 without violating Washington state law;

4 (4) Determining the maximum quantities of marijuana, marijuana  
5 concentrates, useable marijuana, and marijuana-infused products a  
6 marijuana processor may have on the premises of a licensed location  
7 at any time without violating Washington state law;

8 (5) Determining the maximum quantities of marijuana concentrates,  
9 useable marijuana, and marijuana-infused products a marijuana  
10 retailer may have on the premises of a retail outlet at any time  
11 without violating Washington state law;

12 (6) In making the determinations required by (~~subsections (3)~~  
13 ~~through (5) of~~) this section, the state liquor (~~control~~) and  
14 cannabis board shall take into consideration:

15 (a) Security and safety issues;

16 (b) The provision of adequate access to licensed sources of  
17 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
18 infused products to discourage purchases from the illegal market; and

19 (c) Economies of scale, and their impact on licensees' ability to  
20 both comply with regulatory requirements and undercut illegal market  
21 prices;

22 (7) Determining the nature, form, and capacity of all containers  
23 to be used by licensees to contain marijuana, marijuana concentrates,  
24 useable marijuana, and marijuana-infused products, and their labeling  
25 requirements, to include but not be limited to:

26 (a) The business or trade name and Washington state unified  
27 business identifier number of the licensees that (~~grow~~)  
28 processed(~~ed~~) and sold the marijuana, marijuana concentrates,  
29 useable marijuana, or marijuana-infused product;

30 (b) Lot numbers of the marijuana, marijuana concentrates, useable  
31 marijuana, or marijuana-infused product;

32 (c) THC concentration and CBD concentration of the marijuana,  
33 marijuana concentrates, useable marijuana, or marijuana-infused  
34 product;

35 (d) Medically and scientifically accurate information about the  
36 health and safety risks posed by marijuana use; and

37 (e) Language required by RCW 69.04.480;

38 (8) In consultation with the department of agriculture and the  
39 department, establishing classes of marijuana, marijuana  
40 concentrates, useable marijuana, and marijuana-infused products

1 according to grade, condition, cannabinoid profile, THC  
2 concentration, CBD concentration, or other qualitative measurements  
3 deemed appropriate by the state liquor (~~control~~) and cannabis  
4 board;

5 (9) Establishing reasonable time, place, and manner restrictions  
6 and requirements regarding advertising of marijuana, marijuana  
7 concentrates, useable marijuana, and marijuana-infused products that  
8 are not inconsistent with the provisions of this chapter (~~(3, Laws of~~  
9 ~~2013)~~), taking into consideration:

10 (a) Federal laws relating to marijuana that are applicable within  
11 Washington state;

12 (b) Minimizing exposure of people under twenty-one years of age  
13 to the advertising; (~~and~~)

14 (c) The inclusion of medically and scientifically accurate  
15 information about the health and safety risks posed by marijuana use  
16 in the advertising; and

17 (d) Ensuring that retail outlets with medical marijuana  
18 endorsements may advertise themselves as medical retail outlets;

19 (10) Specifying and regulating the time and periods when, and the  
20 manner, methods, and means by which, licensees shall transport and  
21 deliver marijuana, marijuana concentrates, useable marijuana, and  
22 marijuana-infused products within the state;

23 (11) In consultation with the department and the department of  
24 agriculture, establishing accreditation requirements for testing  
25 laboratories used by licensees to demonstrate compliance with  
26 standards adopted by the state liquor (~~control~~) and cannabis board,  
27 and prescribing methods of producing, processing, and packaging  
28 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
29 infused products; conditions of sanitation; and standards of  
30 ingredients, quality, and identity of marijuana, marijuana  
31 concentrates, useable marijuana, and marijuana-infused products  
32 produced, processed, packaged, or sold by licensees;

33 (12) Specifying procedures for identifying, seizing,  
34 confiscating, destroying, and donating to law enforcement for  
35 training purposes all marijuana, marijuana concentrates, useable  
36 marijuana, and marijuana-infused products produced, processed,  
37 packaged, labeled, or offered for sale in this state that do not  
38 conform in all respects to the standards prescribed by this chapter  
39 (~~(3, Laws of 2013)~~) or the rules of the state liquor (~~control~~) and  
40 cannabis board.

1       **Sec. 9.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to  
2 read as follows:

3       There may be licensed, in no greater number in each of the  
4 counties of the state than as the state liquor (~~control~~) and  
5 cannabis board shall deem advisable, retail outlets established for  
6 the purpose of making marijuana concentrates, useable marijuana, and  
7 marijuana-infused products available for sale to adults aged twenty-  
8 one and over. Retail sale of marijuana concentrates, useable  
9 marijuana, and marijuana-infused products in accordance with the  
10 provisions of this chapter (~~(3, Laws of 2013)~~) and the rules adopted  
11 to implement and enforce it, by a validly licensed marijuana retailer  
12 or retail outlet employee, shall not be a criminal or civil offense  
13 under Washington state law.

14       NEW SECTION.   **Sec. 10.** A new section is added to chapter 69.50  
15 RCW to read as follows:

16       (1) A medical marijuana endorsement to a marijuana retail license  
17 is hereby established to permit a marijuana retailer to sell  
18 marijuana for medical use to qualifying patients and designated  
19 providers. This endorsement also permits such retailers to provide  
20 marijuana at no charge, at their discretion, to qualifying patients  
21 and designated providers.

22       (2) An applicant may apply for a medical marijuana endorsement  
23 concurrently with an application for a marijuana retail license.

24       (3) To be issued an endorsement, a marijuana retailer must:

25       (a) Not authorize the medical use of marijuana for qualifying  
26 patients at the retail outlet or permit health care professionals to  
27 authorize the medical use of marijuana for qualifying patients at the  
28 retail outlet;

29       (b) Carry marijuana concentrates and marijuana-infused products  
30 identified by the department under subsection (4) of this section;

31       (c) Not use labels or market marijuana concentrates, useable  
32 marijuana, or marijuana-infused products in a way that make them  
33 intentionally attractive to minors;

34       (d) Demonstrate the ability to enter qualifying patients and  
35 designated providers in the medical marijuana authorization database  
36 established in section 21 of this act and issue recognition cards and  
37 agree to enter qualifying patients and designated providers into the  
38 database and issue recognition cards in compliance with department  
39 standards;

1 (e) Keep copies of the qualifying patient's or designated  
2 provider's recognition card, or keep equivalent records as required  
3 by rule of the state liquor and cannabis board or the department of  
4 revenue to document the validity of tax exempt sales; and

5 (f) Meet other requirements as adopted by rule of the department  
6 or the state liquor and cannabis board.

7 (4) The department, in conjunction with the state liquor and  
8 cannabis board, must adopt rules on requirements for marijuana  
9 concentrates, useable marijuana, and marijuana-infused products that  
10 may be sold, or provided at no charge, to qualifying patients or  
11 designated providers at a retail outlet holding a medical marijuana  
12 endorsement. These rules must include:

13 (a) THC concentration, CBD concentration, or low THC, high CBD  
14 ratios appropriate for marijuana concentrates, useable marijuana, or  
15 marijuana-infused products sold to qualifying patients or designated  
16 providers;

17 (b) Labeling requirements including that the labels attached to  
18 marijuana concentrates, useable marijuana, or marijuana-infused  
19 products contain THC concentration, CBD concentration, and THC to CBD  
20 ratios;

21 (c) Other product requirements, including any additional mold,  
22 fungus, or pesticide testing requirements, or limitations to the  
23 types of solvents that may be used in marijuana processing that the  
24 department deems necessary to address the medical needs of qualifying  
25 patients;

26 (d) Safe handling requirements for marijuana concentrates,  
27 useable marijuana, or marijuana-infused products; and

28 (e) Training requirements for employees.

29 (5) A marijuana retailer holding an endorsement to sell marijuana  
30 to qualifying patients or designated providers must train its  
31 employees on:

32 (a) Procedures regarding the recognition of valid authorizations  
33 and the use of equipment to enter qualifying patients and designated  
34 providers into the medical marijuana authorization database;

35 (b) Recognition of valid recognition cards; and

36 (c) Recognition of strains, varieties, THC concentration, CBD  
37 concentration, and THC to CBD ratios of marijuana concentrates,  
38 useable marijuana, and marijuana-infused products, available for sale  
39 when assisting qualifying patients and designated providers at the  
40 retail outlet.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 69.50  
2    RCW to read as follows:

3        A marijuana retailer or a marijuana retailer holding a medical  
4    marijuana endorsement may sell products with a THC concentration of  
5    0.3 percent or less. Marijuana retailers holding a medical marijuana  
6    endorsement may also provide these products at no charge to  
7    qualifying patients or designated providers.

8        **Sec. 12.**    RCW 69.50.357 and 2014 c 192 s 4 are each amended to  
9    read as follows:

10       (1) Retail outlets shall sell no products or services other than  
11    marijuana concentrates, useable marijuana, marijuana-infused  
12    products, or paraphernalia intended for the storage or use of  
13    marijuana concentrates, useable marijuana, or marijuana-infused  
14    products.

15       (2) Licensed marijuana retailers shall not employ persons under  
16    twenty-one years of age or allow persons under twenty-one years of  
17    age to enter or remain on the premises of a retail outlet. However,  
18    qualifying patients between eighteen and twenty-one years of age with  
19    a recognition card may enter and remain on the premises of a retail  
20    outlet holding a medical marijuana endorsement and may purchase  
21    products for their personal medical use. Qualifying patients who are  
22    under the age of eighteen with a recognition card and who accompany  
23    their designated providers may enter and remain on the premises of a  
24    retail outlet holding a medical marijuana endorsement, but may not  
25    purchase products for their personal medical use.

26       (3)(a) Licensed marijuana retailers must ensure that all  
27    employees are trained on the rules adopted to implement this chapter,  
28    identification of persons under the age of twenty-one, and other  
29    requirements adopted by the state liquor and cannabis board to ensure  
30    that persons under the age of twenty-one are not permitted to enter  
31    or remain on the premises of a retail outlet.

32       (b) Licensed marijuana retailers with a medical marijuana  
33    endorsement must ensure that all employees are trained on the  
34    subjects required by (a) of this subsection as well as identification  
35    of authorizations and recognition cards. Employees must also be  
36    trained to permit qualifying patients who hold recognition cards and  
37    are between the ages of eighteen and twenty-one to enter the premises  
38    and purchase marijuana for their personal medical use and to permit  
39    qualifying patients who are under the age of eighteen with a

1 recognition card to enter the premises if accompanied by their  
2 designated providers.

3 (4) Licensed marijuana retailers shall not display any signage in  
4 a window, on a door, or on the outside of the premises of a retail  
5 outlet that is visible to the general public from a public right-of-  
6 way, other than a single sign no larger than one thousand six hundred  
7 square inches identifying the retail outlet by the licensee's  
8 business or trade name. Retail outlets that hold medical marijuana  
9 endorsements may include this information on signage.

10 ((+4)) (5) Licensed marijuana retailers shall not display  
11 marijuana concentrates, useable marijuana, or marijuana-infused  
12 products in a manner that is visible to the general public from a  
13 public right-of-way.

14 ((+5)) (6) No licensed marijuana retailer or employee of a  
15 retail outlet shall open or consume, or allow to be opened or  
16 consumed, any marijuana concentrates, useable marijuana, or  
17 marijuana-infused product on the outlet premises.

18 ((+6)) (7) The state liquor ~~((control))~~ and cannabis board shall  
19 fine a licensee one thousand dollars for each violation of any  
20 subsection of this section. Fines collected under this section must  
21 be deposited into the dedicated marijuana fund created under RCW  
22 69.50.530.

23 **Sec. 13.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to  
24 read as follows:

25 The following acts, when performed by a validly licensed  
26 marijuana retailer or employee of a validly licensed retail outlet in  
27 compliance with rules adopted by the state liquor ~~((control))~~ and  
28 cannabis board to implement and enforce chapter 3, Laws of 2013,  
29 shall not constitute criminal or civil offenses under Washington  
30 state law:

31 (1) Purchase and receipt of marijuana concentrates, useable  
32 marijuana, or marijuana-infused products that have been properly  
33 packaged and labeled from a marijuana processor validly licensed  
34 under this chapter ~~((3, Laws of 2013))~~;

35 (2) Possession of quantities of marijuana concentrates, useable  
36 marijuana, or marijuana-infused products that do not exceed the  
37 maximum amounts established by the state liquor ~~((control))~~ and  
38 cannabis board under RCW 69.50.345(5); and

1 (3) Delivery, distribution, and sale, on the premises of the  
2 retail outlet, of any combination of the following amounts of  
3 marijuana concentrates, useable marijuana, or marijuana-infused  
4 product to any person twenty-one years of age or older:

5 (a) One ounce of useable marijuana;

6 (b) Sixteen ounces of marijuana-infused product in solid form;

7 (c) Seventy-two ounces of marijuana-infused product in liquid  
8 form; or

9 (d) Seven grams of marijuana concentrate.

10 **Sec. 14.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to  
11 read as follows:

12 (1) It is unlawful for any person to possess a controlled  
13 substance unless the substance was obtained directly from, or  
14 pursuant to, a valid prescription or order of a practitioner while  
15 acting in the course of his or her professional practice, or except  
16 as otherwise authorized by this chapter.

17 (2) Except as provided in RCW 69.50.4014, any person who violates  
18 this section is guilty of a class C felony punishable under chapter  
19 9A.20 RCW.

20 (3) The possession, by a person twenty-one years of age or older,  
21 of useable marijuana or marijuana-infused products in amounts that do  
22 not exceed those set forth in RCW 69.50.360(3) is not a violation of  
23 this section, this chapter, or any other provision of Washington  
24 state law.

25 (4) The possession by a qualifying patient or designated provider  
26 of marijuana concentrates, useable marijuana, marijuana-infused  
27 products, or plants in accordance with chapter 69.51A RCW is not a  
28 violation of this section, this chapter, or any other provision of  
29 Washington state law.

30 NEW SECTION. **Sec. 15.** A new section is added to chapter 69.50  
31 RCW to read as follows:

32 (1) Nothing in this chapter permits anyone other than a validly  
33 licensed marijuana processor to use butane or other explosive gases  
34 to extract or separate resin from marijuana or to produce or process  
35 any form of marijuana concentrates or marijuana-infused products that  
36 include marijuana concentrates not purchased from a validly licensed  
37 marijuana retailer as an ingredient. The extraction or separation of  
38 resin from marijuana, the processing of marijuana concentrates, and

1 the processing of marijuana-infused products that include marijuana  
2 concentrates not purchased from a validly licensed marijuana retailer  
3 as an ingredient by any person other than a validly licensed  
4 marijuana processor each constitute manufacture of marijuana in  
5 violation of RCW 69.50.401. Cooking oil, butter, and other  
6 nonexplosive home cooking substances may be used to make marijuana  
7 extracts for noncommercial personal use.

8 (2) Except for the use of butane, the state liquor and cannabis  
9 board may not enforce this section until it has adopted the rules  
10 required by section 28 of this act.

11 **Sec. 16.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to  
12 read as follows:

13 (1) The legislature finds that:

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

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

21 (ii) Severe muscle spasms associated with multiple sclerosis,  
22 epilepsy, and other seizure and spasticity disorders;

23 (iii) Acute or chronic glaucoma;

24 (iv) Crohn's disease; and

25 (v) Some forms of intractable pain.

26 (b) Humanitarian compassion necessitates that the decision to use  
27 ((cannabis)) marijuana by patients with terminal or debilitating  
28 medical conditions is a personal, individual decision, based upon  
29 their health care professional's professional medical judgment and  
30 discretion.

31 (2) Therefore, the legislature intends that, so long as such  
32 activities are in strict compliance with this chapter:

33 (a) Qualifying patients with terminal or debilitating medical  
34 conditions who, in the judgment of their health care professionals,  
35 may benefit from the medical use of ((cannabis)) marijuana, shall not  
36 be arrested, prosecuted, or subject to other criminal sanctions or  
37 civil consequences under state law based solely on their medical use  
38 of ((cannabis)) marijuana, notwithstanding any other provision of  
39 law;

1 (b) Persons who act as designated providers to such patients  
2 shall also not be arrested, prosecuted, or subject to other criminal  
3 sanctions or civil consequences under state law, notwithstanding any  
4 other provision of law, based solely on their assisting with the  
5 medical use of ~~((cannabis))~~ marijuana; and

6 (c) Health care professionals shall also not be arrested,  
7 prosecuted, or subject to other criminal sanctions or civil  
8 consequences under state law for the proper authorization of medical  
9 use of ~~((cannabis))~~ marijuana by qualifying patients for whom, in the  
10 health care professional's professional judgment, the medical use of  
11 ~~((cannabis))~~ marijuana may prove beneficial.

12 (3) Nothing in this chapter establishes the medical necessity or  
13 medical appropriateness of ~~((cannabis))~~ marijuana for treating  
14 terminal or debilitating medical conditions as defined in RCW  
15 69.51A.010.

16 (4) Nothing in this chapter diminishes the authority of  
17 correctional agencies and departments, including local governments or  
18 jails, to establish a procedure for determining when the use of  
19 ~~((cannabis))~~ marijuana would impact community safety or the effective  
20 supervision of those on active supervision for a criminal conviction,  
21 nor does it create the right to any accommodation of any medical use  
22 of ~~((cannabis))~~ marijuana in any correctional facility or jail.

23 **Sec. 17.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to  
24 read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Designated provider" means a person who ~~((+~~  
28 ~~(a))~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((+~~  
29 ~~(b))~~ and:

30 (a)(i) Is the parent or guardian of a qualifying patient who is  
31 under the age of eighteen and beginning July 1, 2016, holds a  
32 recognition card; or

33 (ii) Has been designated in writing by a qualifying patient to  
34 serve as ((a)) the designated provider ((under this chapter)) for  
35 that patient;

36 (b)(i) Has an authorization from the qualifying patient's health  
37 care professional; or

38 (ii) Beginning July 1, 2016:

1 (A) Has been entered into the medical marijuana authorization  
2 database as being the designated provider to a qualifying patient;  
3 and

4 (B) Has been provided a recognition card;

5 (c) Is prohibited from consuming marijuana obtained for the  
6 personal, medical use of the qualifying patient for whom the  
7 individual is acting as designated provider; (~~and~~)

8 (d) Provides marijuana to only the qualifying patient that has  
9 designated him or her;

10 (e) Is in compliance with the terms and conditions of this  
11 chapter; and

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

14 (2) "Health care professional," for purposes of this chapter  
15 only, means a physician licensed under chapter 18.71 RCW, a physician  
16 assistant licensed under chapter 18.71A RCW, an osteopathic physician  
17 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  
20 practitioner licensed under chapter 18.79 RCW.

21 (3) "Medical use of marijuana" means the manufacture, production,  
22 possession, transportation, delivery, ingestion, application, or  
23 administration of marijuana(~~, as defined in RCW 69.50.101(q),~~) for  
24 the exclusive benefit of a qualifying patient in the treatment of his  
25 or her terminal or debilitating (~~illness~~) medical condition.

26 (4) "Qualifying patient" means a person who:

27 (a)(i) Is a patient of a health care professional;

28 (~~(b)~~) (ii) Has been diagnosed by that health care professional  
29 as having a terminal or debilitating medical condition;

30 (~~(c)~~) (iii) Is a resident of the state of Washington at the  
31 time of such diagnosis;

32 (~~(d)~~) (iv) Has been advised by that health care professional  
33 about the risks and benefits of the medical use of marijuana; (~~and~~

34 ~~(e)~~) (v) Has been advised by that health care professional that  
35 they may benefit from the medical use of marijuana;

36 (vi)(A) Has an authorization from his or her health care  
37 professional; or

38 (B) Beginning July 1, 2016, has been entered into the medical  
39 marijuana authorization database and has been provided a recognition  
40 card; and

1 (vii) Is otherwise in compliance with the terms and conditions  
2 established in this chapter.

3 (b) "Qualifying patient" does not include a person who is  
4 actively being supervised for a criminal conviction by a corrections  
5 agency or department that has determined that the terms of this  
6 chapter are inconsistent with and contrary to his or her supervision  
7 and all related processes and procedures related to that supervision.

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

10 (a) One or more features designed to prevent copying of the  
11 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  
15 counterfeit (~~valid documentation~~) authorization.

16 (6) "Terminal or debilitating medical condition" means a  
17 condition severe enough to significantly interfere with the patient's  
18 activities of daily living and ability to function, which can be  
19 objectively assessed and evaluated and limited to the following:

20 (a) Cancer, human immunodeficiency virus (HIV), multiple  
21 sclerosis, epilepsy or other seizure disorder, or spasticity  
22 disorders; (~~or~~)

23 (b) Intractable pain, limited for the purpose of this chapter to  
24 mean pain unrelieved by standard medical treatments and medications;  
25 (~~or~~)

26 (c) Glaucoma, either acute or chronic, limited for the purpose of  
27 this chapter to mean increased intraocular pressure unrelieved by  
28 standard treatments and medications; (~~or~~)

29 (d) Crohn's disease with debilitating symptoms unrelieved by  
30 standard treatments or medications; (~~or~~)

31 (e) Hepatitis C with debilitating nausea or intractable pain  
32 unrelieved by standard treatments or medications; (~~or~~)

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

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

1           (7)   (~~"Valid documentation"~~)   (a)   Until   July   1,   2016,  
2 "authorization" means:

3           (~~(a)~~)   (i)   A   statement   signed   and   dated   by   a   qualifying  
4 patient's health care professional written on tamper-resistant paper,  
5 which states that, in the health care professional's professional  
6 opinion, the patient may benefit from the medical use of marijuana;  
7 and

8           (~~(b)~~)   (ii)   Proof   of   identity   such   as   a   Washington   state  
9 driver's license or identicard, as defined in RCW 46.20.035.

10           (b)   Beginning   July   1,   2016,   "authorization"   means   a   form  
11 developed by the department that is completed and signed by a  
12 qualifying patient's health care professional and printed on tamper-  
13 resistant paper.

14           (c)   An   authorization   is   not   a   prescription   as   defined   in   RCW  
15 69.50.101.

16           (8)   "Recognition card" means a card issued to qualifying patients  
17 and designated providers by a marijuana retailer with a medical  
18 marijuana endorsement that has entered them into the medical  
19 marijuana authorization database.

20           (9)   "CBD concentration" means the percent of cannabidiol content  
21 per dry weight of any part of the plant *Cannabis*, or per volume or  
22 weight of marijuana product.

23           (10) "Department" means the department of health.

24           (11) "Marijuana" has the meaning provided in RCW 69.50.101.

25           (12) "Marijuana concentrates" has the meaning provided in RCW  
26 69.50.101.

27           (13) "Marijuana processor" has the meaning provided in RCW  
28 69.50.101.

29           (14) "Marijuana producer" has the meaning provided in RCW  
30 69.50.101.

31           (15) "Marijuana retailer" has the meaning provided in RCW  
32 69.50.101.

33           (16) "Marijuana retailer with a medical marijuana endorsement"  
34 means a marijuana retailer that has been issued a medical marijuana  
35 endorsement by the state liquor and cannabis board pursuant to  
36 section 10 of this act.

37           (17) "Marijuana-infused products" has the meaning provided in RCW  
38 69.50.101.

39           (18) "Medical marijuana authorization database" means the secure  
40 and confidential database established in section 21 of this act.

1 (19) "Plant" means a marijuana plant having at least three  
2 distinguishable and distinct leaves, each leaf being at least three  
3 centimeters in diameter, and a readily observable root formation  
4 consisting of at least two separate and distinct roots, each being at  
5 least two centimeters in length. Multiple stalks emanating from the  
6 same root ball or root system is considered part of the same single  
7 plant.

8 (20) "Retail outlet" has the meaning provided in RCW 69.50.101.

9 (21) "Secretary" means the secretary of the department of health.

10 (22) "THC concentration" has the meaning provided in RCW  
11 69.50.101.

12 (23) "Useable marijuana" has the meaning provided in RCW  
13 69.50.101.

14 (24) "Low THC, high CBD" means products determined by the  
15 department to have a low THC, high CBD ratio under section 10 of this  
16 act. Low THC, high CBD products must be inhalable, ingestible, or  
17 absorbable.

18 (25) "Public place" has the meaning provided in RCW 70.160.020.

19 (26) "Housing unit" means a house, an apartment, a mobile home, a  
20 group of rooms, or a single room that is occupied as separate living  
21 quarters, in which the occupants live and eat separately from any  
22 other persons in the building, and which have direct access from the  
23 outside of the building or through a common hall.

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

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

34 (a) Advising a patient about the risks and benefits of medical  
35 use of ~~((cannabis))~~ marijuana or that the patient may benefit from  
36 the medical use of ~~((cannabis))~~ marijuana; or

37 (b) Providing a patient or designated provider meeting the  
38 criteria established under RCW 69.51A.010~~((+26+))~~ with ~~((valid~~  
39 ~~documentation))~~ an authorization, based upon the health care

1 professional's assessment of the patient's medical history and  
2 current medical condition, ~~((where such use is))~~ if the health care  
3 professional has complied with this chapter and he or she determines  
4 within a professional standard of care or in the individual health  
5 care professional's medical judgment the qualifying patient may  
6 benefit from the medical use of marijuana.

7 (2)(a) A health care professional may ~~((only))~~ provide a  
8 qualifying patient or that patient's designated provider with ~~((valid~~  
9 ~~documentation authorizing))~~ an authorization for the medical use of  
10 ~~((cannabis or register the patient with the registry established in~~  
11 ~~section 901 of this act if he or she has a newly initiated or~~  
12 ~~existing documented relationship with the patient, as a primary care~~  
13 ~~provider or a specialist, relating to the diagnosis and ongoing~~  
14 ~~treatment or monitoring of the patient's terminal or debilitating~~  
15 ~~medical condition, and only after:~~

16 ~~(i) Completing a))~~ marijuana in accordance with this section.

17 (b) In order to authorize for the medical use of marijuana under  
18 (a) of this subsection, the health care professional must:

19 (i) Have a documented relationship with the patient, as a  
20 principal care provider or a specialist, relating to the diagnosis  
21 and ongoing treatment or monitoring of the patient's terminal or  
22 debilitating medical condition;

23 (ii) Complete an in-person physical examination of the patient  
24 ~~((as appropriate, based on the patient's condition and age));~~

25 ~~((ii) Documenting))~~ (iii) Document the terminal or debilitating  
26 medical condition of the patient in the patient's medical record and  
27 that the patient may benefit from treatment of this condition or its  
28 symptoms with medical use of ~~((cannabis))~~ marijuana;

29 ~~((iii) Informing))~~ (iv) Inform the patient of other options for  
30 treating the terminal or debilitating medical condition and  
31 documenting in the patient's medical record that the patient has  
32 received this information; ~~((and~~

33 ~~(iv) Documenting))~~ (v) Document in the patient's medical record  
34 other measures attempted to treat the terminal or debilitating  
35 medical condition that do not involve the medical use of ~~((cannabis))~~  
36 marijuana; and

37 (vi) Complete an authorization on forms developed by the  
38 department, in accordance with subsection (3) of this section.

39 ~~((b))~~ (c) For a qualifying patient eighteen years of age or  
40 older, an authorization expires one year after its issuance. For a

1 qualifying patient less than eighteen years of age, an authorization  
2 expires six months after its issuance. An authorization may be  
3 renewed upon completion of an in-person physical examination and  
4 compliance with the other requirements of (b) of this subsection.

5 (d) A health care professional shall not:

6 (i) Accept, solicit, or offer any form of pecuniary remuneration  
7 from or to a (~~licensed dispenser, licensed producer, or licensed~~  
8 ~~processor of cannabis products~~) marijuana retailer, marijuana  
9 processor, or marijuana producer;

10 (ii) Offer a discount or any other thing of value to a qualifying  
11 patient who is a customer of, or agrees to be a customer of, a  
12 particular (~~licensed dispenser, licensed producer, or licensed~~  
13 ~~processor of cannabis products~~) marijuana retailer;

14 (iii) Examine or offer to examine a patient for purposes of  
15 diagnosing a terminal or debilitating medical condition at a location  
16 where (~~cannabis~~) marijuana is produced, processed, or (~~dispensed~~)  
17 sold;

18 (iv) Have a business or practice which consists (~~solely~~)  
19 primarily of authorizing the medical use of (~~cannabis~~) marijuana or  
20 authorize the medical use of marijuana at any location other than his  
21 or her practice's permanent physical location;

22 (v) (~~Include any statement or reference, visual or otherwise, on~~  
23 ~~the medical use of cannabis in any advertisement for his or her~~  
24 ~~business or practice~~) Except as provided in section 35 of this act,  
25 sell, or provide at no charge, marijuana concentrates, marijuana-  
26 infused products, or useable marijuana to a qualifying patient or  
27 designated provider; or

28 (vi) Hold an economic interest in an enterprise that produces,  
29 processes, or (~~dispenses cannabis~~) sells marijuana if the health  
30 care professional authorizes the medical use of (~~cannabis~~)  
31 marijuana.

32 (3) (~~A violation of any provision of subsection (2) of this~~  
33 ~~section constitutes unprofessional conduct under chapter 18.130~~  
34 ~~RCW.~~) The department shall develop the form for the health care  
35 professional to use as an authorization for qualifying patients and  
36 designated providers. The form shall include the qualifying patient's  
37 or designated provider's name, address, and date of birth; the health  
38 care professional's name, address, and license number; the amount of  
39 marijuana recommended for the qualifying patient; a telephone number  
40 where the authorization can be verified during normal business hours;

1 the dates of issuance and expiration; and a statement that an  
2 authorization does not provide protection from arrest unless the  
3 qualifying patient or designated provider is also entered in the  
4 medical marijuana authorization database and holds a recognition  
5 card.

6 (4) Until July 1, 2016, a health care professional who, within a  
7 single calendar month, authorizes the medical use of marijuana to  
8 more than thirty patients must report the number of authorizations  
9 issued.

10 (5) The appropriate health professions disciplining authority may  
11 inspect or request patient records to confirm compliance with this  
12 section. The health care professional must provide access to or  
13 produce documents, records, or other items that are within his or her  
14 possession or control within twenty-one calendar days of service of a  
15 request by the health professions disciplining authority. If the  
16 twenty-one calendar day limit results in a hardship upon the health  
17 care professional, he or she may request, for good cause, an  
18 extension not to exceed thirty additional calendar days. Failure to  
19 produce the documents, records, or other items shall result in  
20 citations and fines issued consistent with RCW 18.130.230. Failure to  
21 otherwise comply with the requirements of this section shall be  
22 considered unprofessional conduct and subject to sanctions under  
23 chapter 18.130 RCW.

24 (6) After a health care professional authorizes a qualifying  
25 patient for the medical use of marijuana, he or she may discuss with  
26 the qualifying patient how to use marijuana and the types of products  
27 the qualifying patient should seek from a retail outlet.

28 NEW SECTION. Sec. 19. A new section is added to chapter 69.51A  
29 RCW to read as follows:

30 As part of authorizing a qualifying patient or designated  
31 provider, the health care professional may include recommendations on  
32 the amount of marijuana that is likely needed by the qualifying  
33 patient for his or her medical needs and in accordance with this  
34 section.

35 (1) If the health care professional does not include  
36 recommendations on the qualifying patient's or designated provider's  
37 authorization, the marijuana retailer with a medical marijuana  
38 endorsement, when adding the qualifying patient or designated  
39 provider to the medical marijuana authorization database, shall enter

1 into the database that the qualifying patient or designated provider  
2 may purchase or obtain at a retail outlet holding a medical marijuana  
3 endorsement a combination of the following: Forty-eight ounces of  
4 marijuana-infused product in solid form; three ounces of useable  
5 marijuana; two hundred sixteen ounces of marijuana-infused product in  
6 liquid form; or twenty-one grams of marijuana concentrates. The  
7 qualifying patient or designated provider may also grow, in his or  
8 her domicile, up to six plants for the personal medical use of the  
9 qualifying patient and possess up to eight ounces of useable  
10 marijuana produced from his or her plants. These amounts shall be  
11 specified on the recognition card that is issued to the qualifying  
12 patient or designated provider.

13 (2) If the health care professional determines that the medical  
14 needs of a qualifying patient exceed the amounts provided for in  
15 subsection (1) of this section, the health care professional must  
16 specify on the authorization that it is recommended that the patient  
17 be allowed to grow, in his or her domicile, up to fifteen plants for  
18 the personal medical use of the patient. A patient so authorized may  
19 possess up to sixteen ounces of useable marijuana in his or her  
20 domicile. The number of plants must be entered into the medical  
21 marijuana authorization database by the marijuana retailer with a  
22 medical marijuana endorsement and specified on the recognition card  
23 that is issued to the qualifying patient or designated provider.

24 (3) If a qualifying patient or designated provider with an  
25 authorization from a health care professional has not been entered  
26 into the medical marijuana authorization database, he or she may not  
27 receive a recognition card and may only purchase at a retail outlet,  
28 whether it holds a medical marijuana endorsement or not, the amounts  
29 established in RCW 69.50.360. In addition the qualifying patient or  
30 the designated provider may grow, in his or her domicile, up to four  
31 plants for the personal medical use of the qualifying patient and  
32 possess up to six ounces of useable marijuana in his or her domicile.

33 NEW SECTION. **Sec. 20.** A new section is added to chapter 69.51A  
34 RCW to read as follows:

35 (1) Health care professionals may authorize the medical use of  
36 marijuana for qualifying patients who are under the age of eighteen  
37 if:

1 (a) The minor's parent or guardian participates in the minor's  
2 treatment and agrees to the medical use of marijuana by the minor;  
3 and

4 (b) The parent or guardian acts as the designated provider for  
5 the minor and has sole control over the minor's marijuana.

6 (2) The minor may not grow plants or purchase marijuana-infused  
7 products, useable marijuana, or marijuana concentrates from a  
8 marijuana retailer with a medical marijuana endorsement.

9 (3) Both the minor and the minor's parent or guardian who is  
10 acting as the designated provider must be entered in the medical  
11 marijuana authorization database and hold a recognition card.

12 (4) A health care professional who authorizes the medical use of  
13 marijuana by a minor must do so as part of the course of treatment of  
14 the minor's terminal or debilitating medical condition. If  
15 authorizing a minor for the medical use of marijuana, the health care  
16 professional must:

17 (a) Consult with other health care providers involved in the  
18 minor's treatment, as medically indicated, before authorization or  
19 reauthorization of the medical use of marijuana; and

20 (b) Reexamine the minor at least once every six months or more  
21 frequently as medically indicated. The reexamination must:

22 (i) Determine that the minor continues to have a terminal or  
23 debilitating medical condition and that the condition benefits from  
24 the medical use of marijuana; and

25 (ii) Include a follow-up discussion with the minor's parent or  
26 guardian to ensure the parent or guardian continues to participate in  
27 the treatment of the minor.

28 NEW SECTION. **Sec. 21.** A new section is added to chapter 69.51A  
29 RCW to read as follows:

30 (1) The department must contract with an entity to create,  
31 administer, and maintain a secure and confidential medical marijuana  
32 authorization database that, beginning July 1, 2016, allows:

33 (a) A marijuana retailer with a medical marijuana endorsement to  
34 add a qualifying patient or designated provider and include the  
35 amount of marijuana concentrates, useable marijuana, marijuana-  
36 infused products, or plants for which the qualifying patient is  
37 authorized under section 19 of this act;

38 (b) Persons authorized to prescribe or dispense controlled  
39 substances to access health care information on their patients for

1 the purpose of providing medical or pharmaceutical care for their  
2 patients;

3 (c) A qualifying patient or designated provider to request and  
4 receive his or her own health care information or information on any  
5 person or entity that has queried their name or information;

6 (d) Appropriate local, state, tribal, and federal law enforcement  
7 or prosecutorial officials who are engaged in a bona fide specific  
8 investigation of suspected marijuana-related activity that may be  
9 illegal under Washington state law to confirm the validity of the  
10 recognition card of a qualifying patient or designated provider;

11 (e) A marijuana retailer holding a medical marijuana endorsement  
12 to confirm the validity of the recognition card of a qualifying  
13 patient or designated provider;

14 (f) The department of revenue to verify tax exemptions under  
15 chapters 82.08 and 82.12 RCW;

16 (g) The department and the health care professional's  
17 disciplining authorities to monitor authorizations and ensure  
18 compliance with this chapter and chapter 18.130 RCW by their  
19 licensees; and

20 (h) Authorizations to expire six months or one year after entry  
21 into the medical marijuana authorization database, depending on  
22 whether the authorization is for a minor or an adult.

23 (2) A qualifying patient and his or her designated provider, if  
24 any, may be placed in the medical marijuana authorization database at  
25 a marijuana retailer with a medical marijuana endorsement. After a  
26 qualifying patient or designated provider is placed in the medical  
27 marijuana authorization database, he or she must be provided with a  
28 recognition card that contains identifiers required in subsection (3)  
29 of this section.

30 (3) The recognition card requirements must be developed by the  
31 department in rule and include:

32 (a) A randomly generated and unique identifying number;

33 (b) For designated providers, the unique identifying number of  
34 the qualifying patient whom the provider is assisting;

35 (c) A photograph of the qualifying patient's or designated  
36 provider's face taken by an employee of the marijuana retailer with a  
37 medical marijuana endorsement at the same time that the qualifying  
38 patient or designated provider is being placed in the medical  
39 marijuana authorization database in accordance with rules adopted by  
40 the department;

1 (d) The amount of marijuana concentrates, useable marijuana,  
2 marijuana-infused products, or plants for which the qualifying  
3 patient is authorized under section 19 of this act;

4 (e) The effective date and expiration date of the recognition  
5 card;

6 (f) The name of the health care professional who authorized the  
7 qualifying patient or designated provider; and

8 (g) For the recognition card, additional security features as  
9 necessary to ensure its validity.

10 (4) For qualifying patients who are eighteen years of age or  
11 older and their designated providers, recognition cards are valid for  
12 one year from the date the health care professional issued the  
13 authorization. For qualifying patients who are under the age of  
14 eighteen and their designated providers, recognition cards are valid  
15 for six months from the date the health care professional issued the  
16 authorization. Qualifying patients may not be reentered into the  
17 medical marijuana authorization database until they have been  
18 reexamined by a health care professional and determined to meet the  
19 definition of qualifying patient. After reexamination, a marijuana  
20 retailer with a medical marijuana endorsement must reenter the  
21 qualifying patient or designated provider into the medical marijuana  
22 authorization database and a new recognition card will then be issued  
23 in accordance with department rules.

24 (5) If a recognition card is lost or stolen, a marijuana retailer  
25 with a medical marijuana endorsement, in conjunction with the  
26 database administrator, may issue a new card that will be valid for  
27 six months to one year if the patient is reexamined by a health care  
28 professional and determined to meet the definition of qualifying  
29 patient and depending on whether the patient is under the age of  
30 eighteen or eighteen years of age or older as provided in subsection  
31 (4) of this section. If a reexamination is not performed, the  
32 expiration date of the replacement recognition card must be the same  
33 as the lost or stolen recognition card.

34 (6) The database administrator must remove qualifying patients  
35 and designated providers from the medical marijuana authorization  
36 database upon expiration of the recognition card. Qualifying patients  
37 and designated providers may request to remove themselves from the  
38 medical marijuana authorization database before expiration of a  
39 recognition card and health care professionals may request to remove  
40 qualifying patients and designated providers from the medical

1 marijuana authorization database if the patient or provider no longer  
2 qualifies for the medical use of marijuana. The database  
3 administrator must retain database records for at least five calendar  
4 years to permit the state liquor and cannabis board and the  
5 department of revenue to verify eligibility for tax exemptions.

6 (7) During development of the medical marijuana authorization  
7 database, the database administrator must consult with the  
8 department, stakeholders, and persons with relevant expertise to  
9 include, but not be limited to, qualifying patients, designated  
10 providers, health care professionals, state and local law enforcement  
11 agencies, and the University of Washington computer science and  
12 engineering security and privacy research lab or a certified cyber  
13 security firm, vendor, or service.

14 (8) The medical marijuana authorization database must meet the  
15 following requirements:

16 (a) Any personally identifiable information included in the  
17 database must be nonreversible, pursuant to definitions and standards  
18 set forth by the national institute of standards and technology;

19 (b) Any personally identifiable information included in the  
20 database must not be susceptible to linkage by use of data external  
21 to the database;

22 (c) The database must incorporate current best differential  
23 privacy practices, allowing for maximum accuracy of database queries  
24 while minimizing the chances of identifying the personally  
25 identifiable information included therein; and

26 (d) The database must be upgradable and updated in a timely  
27 fashion to keep current with state of the art privacy and security  
28 standards and practices.

29 (9)(a) Personally identifiable information of qualifying patients  
30 and designated providers included in the medical marijuana  
31 authorization database is confidential and exempt from public  
32 disclosure, inspection, or copying under chapter 42.56 RCW.

33 (b) Information contained in the medical marijuana authorization  
34 database may be released in aggregate form, with all personally  
35 identifying information redacted, for the purpose of statistical  
36 analysis and oversight of agency performance and actions.

37 (c) Information contained in the medical marijuana authorization  
38 database shall not be shared with the federal government or its  
39 agents unless the particular patient or designated provider is

1 convicted in state court for violating this chapter or chapter 69.50  
2 RCW.

3 (10)(a) The department must charge a one dollar fee for each  
4 initial and renewal recognition card issued by a marijuana retailer  
5 with a medical marijuana endorsement. The marijuana retailer with a  
6 medical marijuana endorsement shall collect the fee from the  
7 qualifying patient or designated provider at the time that he or she  
8 is entered into the database and issued a recognition card. The  
9 department shall establish a schedule for marijuana retailers with a  
10 medical marijuana endorsement to remit the fees collected. Fees  
11 collected under this subsection shall be deposited into the health  
12 professions account created under RCW 43.70.320.

13 (b) By November 1, 2016, the department shall report to the  
14 governor and the fiscal committees of both the house of  
15 representatives and the senate regarding the cost of implementation  
16 and administration of the medical marijuana authorization database.  
17 The report must specify amounts from the health professions account  
18 used to finance the establishment and administration of the medical  
19 marijuana authorization database as well as estimates of the  
20 continuing costs associated with operating the medical marijuana  
21 database. The report must also provide initial enrollment figures in  
22 the medical marijuana authorization database and estimates of  
23 expected future enrollment.

24 (11) If the database administrator fails to comply with this  
25 section, the department may cancel any contracts with the database  
26 administrator and contract with another database administrator to  
27 continue administration of the database. A database administrator who  
28 fails to comply with this section is subject to a fine of up to five  
29 thousand dollars in addition to any penalties established in the  
30 contract. Fines collected under this section must be deposited into  
31 the health professions account created under RCW 43.70.320.

32 (12) The department may adopt rules to implement this section.

33 NEW SECTION. **Sec. 22.** A new section is added to chapter 42.56  
34 RCW to read as follows:

35 Records in the medical marijuana authorization database  
36 established in section 21 of this act containing names and other  
37 personally identifiable information of qualifying patients and  
38 designated providers are exempt from disclosure under this chapter.

1        NEW SECTION.    **Sec. 23.**    A new section is added to chapter 69.51A  
2    RCW to read as follows:

3        (1) It is unlawful for a person to knowingly or intentionally:

4        (a) Access the medical marijuana authorization database for any  
5    reason not authorized under section 21 of this act;

6        (b) Disclose any information received from the medical marijuana  
7    authorization database in violation of section 21 of this act  
8    including, but not limited to, qualifying patient or designated  
9    provider names, addresses, or amount of marijuana for which they are  
10   authorized;

11       (c) Produce a recognition card or to tamper with a recognition  
12   card for the purpose of having it accepted by a marijuana retailer  
13   holding a medical marijuana endorsement in order to purchase  
14   marijuana as a qualifying patient or designated provider or to grow  
15   marijuana plants in accordance with this chapter;

16       (d) If a person is a designated provider to a qualifying patient,  
17   sell, donate, or supply marijuana produced or obtained for the  
18   qualifying patient to another person, or use the marijuana produced  
19   or obtained for the qualifying patient for the designated provider's  
20   own personal use or benefit; or

21       (e) If the person is a qualifying patient, sell, donate, or  
22   otherwise supply marijuana produced or obtained by the qualifying  
23   patient to another person.

24       (2) A person who violates this section is guilty of a class C  
25   felony and upon conviction may be imprisoned for not more than two  
26   years, fined not more than two thousand dollars, or both.

27        **Sec. 24.**    RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
28    read as follows:

29        The medical use of (~~cannabis~~) marijuana in accordance with the  
30    terms and conditions of this chapter does not constitute a crime and  
31    a qualifying patient or designated provider in compliance with the  
32    terms and conditions of this chapter may not be arrested, prosecuted,  
33    or subject to other criminal sanctions or civil consequences(~~(7)~~) for  
34    possession, manufacture, or delivery of, or for possession with  
35    intent to manufacture or deliver, (~~cannabis~~) marijuana under state  
36    law, or have real or personal property seized or forfeited for  
37    possession, manufacture, or delivery of, or for possession with  
38    intent to manufacture or deliver, (~~cannabis~~) marijuana under state  
39    law, and investigating (~~peace~~) law enforcement officers and (~~law~~

1 enforcement)) agencies may not be held civilly liable for failure to  
2 seize ((cannabis)) marijuana in this circumstance, if:

3 (1)(a) The qualifying patient or designated provider has been  
4 entered into the medical marijuana authorization database and holds a  
5 valid recognition card and possesses no more than ((fifteen cannabis  
6 plants and:

7 (i) ~~No more than twenty four ounces of useable cannabis;~~

8 (ii) ~~No more cannabis product than what could reasonably be~~  
9 ~~produced with no more than twenty four ounces of useable cannabis; or~~

10 (iii) ~~A combination of useable cannabis and cannabis product that~~  
11 ~~does not exceed a combined total representing possession and~~  
12 ~~processing of no more than twenty four ounces of useable cannabis))~~  
13 the amount of marijuana concentrates, useable marijuana, plants, or  
14 marijuana-infused products authorized under section 19 of this act.

15 ((b)) If a person is both a qualifying patient and a designated  
16 provider for another qualifying patient, the person may possess no  
17 more than twice the amounts described in ((a) of this subsection))  
18 section 19 of this act for the qualifying patient and designated  
19 provider, whether the plants, ((useable cannabis, and cannabis  
20 ~~product~~)) marijuana concentrates, useable marijuana, or marijuana-  
21 infused products are possessed individually or in combination between  
22 the qualifying patient and his or her designated provider;

23 ((2)) (b) The qualifying patient or designated provider  
24 presents his or her ((proof of registration with the department of  
25 ~~health,~~) recognition card to any ((peace)) law enforcement officer  
26 who questions the patient or provider regarding his or her medical  
27 use of ((cannabis)) marijuana;

28 ((3)) (c) The qualifying patient or designated provider keeps a  
29 copy of his or her ((proof of registration with the registry  
30 ~~established in section 901 of this act~~) recognition card and the  
31 qualifying patient or designated provider's contact information  
32 posted prominently next to any ((cannabis)) plants, ((cannabis))  
33 marijuana concentrates, marijuana-infused products, or useable  
34 ((cannabis)) marijuana located at his or her residence;

35 ((4)) (d) The investigating ((peace)) law enforcement officer  
36 does not possess evidence that:

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

1       ~~((b))~~ (ii) The qualifying patient ~~((has converted cannabis~~  
2 ~~produced or obtained for his or her own medical use to the qualifying~~  
3 ~~patient's personal, nonmedical use or benefit))~~ sold, donated, or  
4 supplied marijuana to another person; and

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

9       ~~(6))~~ or

10       (2) The ~~((investigating peace officer has not observed evidence~~  
11 ~~of any of the circumstances identified in section 901(4))~~ qualifying  
12 patient or designated provider participates in a cooperative as  
13 provided in section 26 of this act.

14       **Sec. 25.** RCW 69.51A.043 and 2011 c 181 s 402 are each amended to  
15 read as follows:

16       (1) A qualifying patient or designated provider who has a valid  
17 authorization from his or her health care professional, but is not  
18 ~~((registered with the registry established in section 901 of this~~  
19 ~~act))~~ entered in the medical marijuana authorization database and  
20 does not have a recognition card may raise the affirmative defense  
21 set forth in subsection (2) of this section, if:

22       (a) The qualifying patient or designated provider presents his or  
23 her ~~((valid documentation to any peace))~~ authorization to any law  
24 enforcement officer who questions the patient or provider regarding  
25 his or her medical use of ~~((cannabis))~~ marijuana;

26       (b) The qualifying patient or designated provider possesses no  
27 more ~~((cannabis))~~ marijuana than the limits set forth in ~~((RCW~~  
28 ~~69.51A.040(1))~~ section 19(3) of this act;

29       (c) The qualifying patient or designated provider is in  
30 compliance with all other terms and conditions of this chapter;

31       (d) The investigating ~~((peace))~~ law enforcement officer does not  
32 have probable cause to believe that the qualifying patient or  
33 designated provider has committed a felony, or is committing a  
34 misdemeanor in the officer's presence, that does not relate to the  
35 medical use of ~~((cannabis))~~ marijuana; and

36       (e) No outstanding warrant for arrest exists for the qualifying  
37 patient or designated provider~~((; and~~

38       ~~(f) The investigating peace officer has not observed evidence of~~  
39 ~~any of the circumstances identified in section 901(4) of this act)).~~

1 (2) A qualifying patient or designated provider who is not  
2 (~~registered with the registry established in section 901 of this~~  
3 ~~act~~) entered in the medical marijuana authorization database and  
4 does not have a recognition card, but who presents his or her (~~valid~~  
5 ~~documentation~~) authorization to any (~~peace~~) law enforcement  
6 officer who questions the patient or provider regarding his or her  
7 medical use of (~~cannabis~~) marijuana, may assert an affirmative  
8 defense to charges of violations of state law relating to  
9 (~~cannabis~~) marijuana through proof at trial, by a preponderance of  
10 the evidence, that he or she otherwise meets the requirements of RCW  
11 69.51A.040. A qualifying patient or designated provider meeting the  
12 conditions of this subsection but possessing more (~~cannabis~~)  
13 marijuana than the limits set forth in (~~RCW 69.51A.040(1)~~) section  
14 19(3) of this act may, in the investigating (~~peace~~) law enforcement  
15 officer's discretion, be taken into custody and booked into jail in  
16 connection with the investigation of the incident.

17 NEW SECTION. Sec. 26. A new section is added to chapter 69.51A  
18 RCW to read as follows:

19 (1) Qualifying patients or designated providers may form a  
20 cooperative and share responsibility for acquiring and supplying the  
21 resources needed to produce and process marijuana only for the  
22 medical use of members of the cooperative. No more than four  
23 qualifying patients or designated providers may become members of a  
24 cooperative under this section and all members must hold valid  
25 recognition cards. All members of the cooperative must be at least  
26 twenty-one years old. The designated provider of a qualifying patient  
27 who is under twenty-one years old may be a member of a cooperative on  
28 the qualifying patient's behalf.

29 (2) Cooperatives may not be located within one mile of a  
30 marijuana retailer. People who wish to form a cooperative must  
31 register the location with the state liquor and cannabis board and  
32 this is the only location where cooperative members may grow or  
33 process marijuana. This registration must include the names of all  
34 participating members and copies of each participant's recognition  
35 card. Only qualifying patients or designated providers registered  
36 with the state liquor and cannabis board in association with the  
37 location may participate in growing or receive useable marijuana or  
38 marijuana-infused products grown at that location. The state liquor

1 and cannabis board must deny the registration of any cooperative if  
2 the location is within one mile of a marijuana retailer.

3 (3) If a qualifying patient or designated provider no longer  
4 participates in growing at the location, he or she must notify the  
5 state liquor and cannabis board within fifteen days of the date the  
6 qualifying patient or designated provider ceases participation. The  
7 state liquor and cannabis board must remove his or her name from  
8 connection to the cooperative. Additional qualifying patients or  
9 designated providers may not join the cooperative until sixty days  
10 have passed since the date on which the last qualifying patient or  
11 designated provider notifies the state liquor and cannabis board that  
12 he or she no longer participates in that cooperative.

13 (4) Qualifying patients or designated providers who participate  
14 in a cooperative under this section:

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

21 (b) May only participate in one cooperative;

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

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

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

31 (5) The location of the cooperative must be the domicile of one  
32 of the participants. Only one cooperative may be located per property  
33 tax parcel. A copy of each participant's recognition card must be  
34 kept at the location at all times.

35 (6) The state liquor and cannabis board may adopt rules to  
36 implement this section including:

37 (a) Any security requirements necessary to ensure the safety of  
38 the cooperative and to reduce the risk of diversion from the  
39 cooperative;

1 (b) A seed to sale traceability model that is similar to the seed  
2 to sale traceability model used by licensees that will allow the  
3 state liquor and cannabis board to track all marijuana grown in a  
4 cooperative.

5 (7) The state liquor and cannabis board or law enforcement may  
6 inspect a cooperative registered under this section to ensure members  
7 are in compliance with this section. The state liquor and cannabis  
8 board must adopt rules on reasonable inspection hours and reasons for  
9 inspections.

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

12 (1) Notwithstanding any other provision of this chapter and even  
13 if multiple qualifying patients or designated providers reside in the  
14 same housing unit, no more than fifteen plants may be grown or  
15 located in any one housing unit other than a cooperative established  
16 pursuant to section 26 of this act.

17 (2) Neither the production nor processing of marijuana or  
18 marijuana-infused products pursuant to this section nor the storage  
19 or growing of plants may occur if any portion of such activity can be  
20 readily seen by normal unaided vision or readily smelled from a  
21 public place or the private property of another housing unit.

22 (3) Cities, towns, counties, and other municipalities may create  
23 and enforce civil penalties, including abatement procedures, for the  
24 growing or processing of marijuana and for keeping marijuana plants  
25 beyond or otherwise not in compliance with this section.

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

28 (1) Once the state liquor and cannabis board adopts rules under  
29 subsection (2) of this section, qualifying patients or designated  
30 providers may only extract or separate the resin from marijuana or  
31 produce or process any form of marijuana concentrates or  
32 marijuana-infused products in accordance with those standards.

33 (2) The state liquor and cannabis board must adopt rules  
34 permitting qualifying patients and designated providers to extract or  
35 separate the resin from marijuana using noncombustible methods. The  
36 rules must provide the noncombustible methods permitted and any  
37 restrictions on this practice.

1       **Sec. 29.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to  
2 read as follows:

3       (1) A qualifying patient or designated provider in possession of  
4 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~  
5 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the  
6 limits set forth in ~~((RCW 69.51A.040(1)))~~ this chapter but otherwise  
7 in compliance with all other terms and conditions of this chapter may  
8 establish an affirmative defense to charges of violations of state  
9 law relating to ~~((cannabis))~~ marijuana through proof at trial, by a  
10 preponderance of the evidence, that the qualifying patient's  
11 necessary medical use exceeds the amounts set forth in RCW  
12 69.51A.040(~~((1))~~).

13       (2) An investigating ~~((peace))~~ law enforcement officer may seize  
14 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~  
15 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the  
16 amounts set forth in ~~((RCW 69.51A.040(1): PROVIDED, That))~~ this  
17 chapter. In the case of ~~((cannabis))~~ plants, the qualifying patient  
18 or designated provider shall be allowed to select the plants that  
19 will remain at the location. The officer and his or her law  
20 enforcement agency may not be held civilly liable for failure to  
21 seize ~~((cannabis))~~ marijuana in this circumstance.

22       **Sec. 30.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended  
23 to read as follows:

24       (1)(a) The arrest and prosecution protections established in RCW  
25 69.51A.040 may not be asserted in a supervision revocation or  
26 violation hearing by a person who is supervised by a corrections  
27 agency or department, including local governments or jails, that has  
28 determined that the terms of this section are inconsistent with and  
29 contrary to his or her supervision.

30       (b) The affirmative defenses established in RCW 69.51A.043(~~((7))~~)  
31 and 69.51A.045(~~((7, 69.51A.047, and section 407 of this act))~~) may not  
32 be asserted in a supervision revocation or violation hearing by a  
33 person who is supervised by a corrections agency or department,  
34 including local governments or jails, that has determined that the  
35 terms of this section are inconsistent with and contrary to his or  
36 her supervision.

37       (2) ~~((The provisions of))~~ RCW 69.51A.040(~~((7, 69.51A.085, and~~  
38 ~~69.51A.025 de))~~) does not apply to a person who is supervised for a  
39 criminal conviction by a corrections agency or department, including

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

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

11 **Sec. 31.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to  
12 read as follows:

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

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

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

26 (4) Nothing in this chapter requires any accommodation of any on-  
27 site medical use of ~~((cannabis))~~ marijuana in any place of  
28 employment, in any school bus or on any school grounds, in any youth  
29 center, in any correctional facility, or smoking ~~((cannabis))~~  
30 marijuana in any public place or hotel or motel. However, a school  
31 may permit a minor who meets the requirements of section 20 of this  
32 act to consume marijuana on school grounds. Such use must be in  
33 accordance with school policy relating to medication use on school  
34 grounds.

35 (5) Nothing in this chapter authorizes the possession or use of  
36 marijuana, marijuana concentrates, useable marijuana, or marijuana-  
37 infused products on federal property.

1       ~~((5))~~ (6) Nothing in this chapter authorizes the use of medical  
2 ~~((cannabis))~~ marijuana by any person who is subject to the Washington  
3 code of military justice in chapter 38.38 RCW.

4       ~~((6))~~ (7) Employers may establish drug-free work policies.  
5 Nothing in this chapter requires an accommodation for the medical use  
6 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

7       ~~((7) It is a class C felony to fraudulently produce any record  
8 purporting to be, or tamper with the content of any record for the  
9 purpose of having it accepted as, valid documentation under RCW  
10 69.51A.010(32)(a), or to backdate such documentation to a time  
11 earlier than its actual date of execution.))~~

12       (8) No person shall be entitled to claim the protection from  
13 arrest and prosecution under RCW 69.51A.040 or the affirmative  
14 defense under RCW 69.51A.043 for engaging in the medical use of  
15 ~~((cannabis))~~ marijuana in a way that endangers the health or well-  
16 being of any person through the use of a motorized vehicle on a  
17 street, road, or highway, including violations of RCW 46.61.502 or  
18 46.61.504, or equivalent local ordinances.

19       **Sec. 32.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to  
20 read as follows:

21       (1) Qualifying patients may create and participate in collective  
22 gardens for the purpose of producing, processing, transporting, and  
23 delivering ~~((cannabis))~~ marijuana for medical use subject to the  
24 following conditions:

25       (a) No more than ten qualifying patients may participate in a  
26 single collective garden at any time;

27       (b) No person under the age of twenty-one may participate in a  
28 collective garden or receive marijuana that was produced, processed,  
29 transported, or delivered through a collective garden. A designated  
30 provider for a person who is under the age of twenty-one may  
31 participate in a collective garden on behalf of the person under the  
32 age of twenty-one;

33       (c) A collective garden may contain no more than fifteen plants  
34 per patient up to a total of forty-five plants;

35       ~~((e))~~ (d) A collective garden may contain no more than twenty-  
36 four ounces of useable ~~((cannabis))~~ marijuana per patient up to a  
37 total of seventy-two ounces of useable ~~((cannabis))~~ marijuana;

38       ~~((d))~~ (e) A copy of each qualifying patient's ~~((valid~~  
39 ~~documentation or proof of registration with the registry established~~

1 ~~in section 901 of this act~~) authorization, including a copy of the  
2 patient's proof of identity, must be available at all times on the  
3 premises of the collective garden; and

4 ~~((e))~~ (f) No useable ~~((cannabis))~~ marijuana from the collective  
5 garden is delivered to anyone other than one of the qualifying  
6 patients participating in the collective garden.

7 (2) For purposes of this section, the creation of a "collective  
8 garden" means qualifying patients sharing responsibility for  
9 acquiring and supplying the resources required to produce and process  
10 cannabis for medical use such as, for example, a location for a  
11 collective garden; equipment, supplies, and labor necessary to plant,  
12 grow, and harvest ~~((cannabis; cannabis))~~ marijuana plants, seeds, and  
13 cuttings; and equipment, supplies, and labor necessary for proper  
14 construction, plumbing, wiring, and ventilation of a garden of  
15 ~~((cannabis))~~ marijuana plants.

16 (3) A person who knowingly violates a provision of subsection (1)  
17 of this section is not entitled to the protections of this chapter.

18 NEW SECTION. Sec. 33. A new section is added to chapter 69.50  
19 RCW to read as follows:

20 (1) The state liquor and cannabis board may conduct controlled  
21 purchase programs to determine whether:

22 (a) A marijuana retailer is unlawfully selling marijuana to  
23 persons under the age of twenty-one;

24 (b) A marijuana retailer holding a medical marijuana endorsement  
25 is selling to persons under the age of eighteen or selling to persons  
26 between the ages of eighteen and twenty-one who do not hold valid  
27 recognition cards;

28 (c) Until July 1, 2016, collective gardens under RCW 69.51A.085  
29 are providing marijuana to persons under the age of twenty-one; or

30 (d) A cooperative organized under section 26 of this act is  
31 permitting a person under the age of twenty-one to participate.

32 (2) Every person under the age of twenty-one years who purchases  
33 or attempts to purchase marijuana is guilty of a violation of this  
34 section. This section does not apply to:

35 (a) Persons between the ages of eighteen and twenty-one who hold  
36 valid recognition cards and purchase marijuana at a marijuana retail  
37 outlet holding a medical marijuana endorsement;

38 (b) Persons between the ages of eighteen and twenty-one years who  
39 are participating in a controlled purchase program authorized by the

1 state liquor and cannabis board under rules adopted by the board.  
2 Violations occurring under a private, controlled purchase program  
3 authorized by the state liquor and cannabis board may not be used for  
4 criminal or administrative prosecution.

5 (3) A marijuana retailer who conducts an in-house controlled  
6 purchase program authorized under this section shall provide his or  
7 her employees a written description of the employer's in-house  
8 controlled purchase program. The written description must include  
9 notice of actions an employer may take as a consequence of an  
10 employee's failure to comply with company policies regarding the sale  
11 of marijuana during an in-house controlled purchase program.

12 (4) An in-house controlled purchase program authorized under this  
13 section shall be for the purposes of employee training and employer  
14 self-compliance checks. A marijuana retailer may not terminate an  
15 employee solely for a first-time failure to comply with company  
16 policies regarding the sale of marijuana during an in-house  
17 controlled purchase program authorized under this section.

18 (5) Every person between the ages of eighteen and twenty-one who  
19 is convicted of a violation of this section is guilty of a  
20 misdemeanor punishable as provided by RCW 9A.20.021.

21 **Sec. 34.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to  
22 read as follows:

23 (1) A qualifying patient may revoke his or her designation of a  
24 specific designated provider and designate a different designated  
25 provider at any time. A revocation of designation must be in writing,  
26 signed and dated, and provided to the designated provider and, if  
27 applicable, the medical marijuana authorization database  
28 administrator. The protections of this chapter cease to apply to a  
29 person who has served as a designated provider to a qualifying  
30 patient seventy-two hours after receipt of that patient's revocation  
31 of his or her designation.

32 (2) A person may stop serving as a designated provider to a given  
33 qualifying patient at any time by revoking that designation in  
34 writing, signed and dated, and provided to the qualifying patient  
35 and, if applicable, the medical marijuana authorization database  
36 administrator. However, that person may not begin serving as a  
37 designated provider to a different qualifying patient until fifteen  
38 days have elapsed from the date the last qualifying patient  
39 designated him or her to serve as a provider.

1       (3) The department may adopt rules to implement this section,  
2 including a procedure to remove the name of the designated provider  
3 from the medical marijuana authorization database upon receipt of a  
4 revocation under this section.

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

7       Neither this chapter nor chapter 69.50 RCW prohibits a health  
8 care professional from selling or donating topical, noningestible  
9 products that have a THC concentration of less than .3 percent to  
10 qualifying patients.

11       NEW SECTION. Sec. 36. A new section is added to chapter 69.51A  
12 RCW to read as follows:

13       Employers of a health care professional may not prohibit or limit  
14 the authority of any health care professional to:

15       (1) Advise a patient about the risks and benefits of the medical  
16 use of marijuana or that the patient may benefit from the medical use  
17 of marijuana; or

18       (2) Provide a patient or designated provider meeting the criteria  
19 established under RCW 69.51A.010 with an authorization, based upon  
20 the health care professional's assessment of the patient's medical  
21 history and current medical condition, if the health care  
22 professional has complied with this chapter and he or she determines  
23 within a professional standard of care or in the individual health  
24 care professional's medical judgment the qualifying patient may  
25 benefit from the medical use of marijuana.

26       NEW SECTION. Sec. 37. A new section is added to chapter 69.51A  
27 RCW to read as follows:

28       A medical marijuana consultant certificate is hereby established.

29       (1) In addition to any other authority provided by law, the  
30 secretary of the department may:

31       (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary  
32 to implement this chapter;

33       (b) Establish forms and procedures necessary to administer this  
34 chapter;

35       (c) Approve training or education programs that meet the  
36 requirements of this section and any rules adopted to implement it;

1 (d) Receive criminal history record information that includes  
2 nonconviction information data for any purpose associated with  
3 initial certification or renewal of certification. The secretary  
4 shall require each applicant for initial certification to obtain a  
5 state or federal criminal history record information background check  
6 through the state patrol or the state patrol and the identification  
7 division of the federal bureau of investigation prior to the issuance  
8 of any certificate. The secretary shall specify those situations  
9 where a state background check is inadequate and an applicant must  
10 obtain an electronic fingerprint-based national background check  
11 through the state patrol and federal bureau of investigation.  
12 Situations where a background check is inadequate may include  
13 instances where an applicant has recently lived out-of-state or where  
14 the applicant has a criminal record in Washington;

15 (e) Establish administrative procedures, administrative  
16 requirements, and fees in accordance with RCW 43.70.110 and  
17 43.70.250; and

18 (f) Maintain the official department record of all applicants and  
19 certificate holders.

20 (2) A training or education program approved by the secretary  
21 must include the following topics:

22 (a) The medical conditions that constitute terminal or  
23 debilitating conditions, and the symptoms of those conditions;

24 (b) Short and long-term effects of cannabinoids;

25 (c) Products that may benefit qualifying patients based on the  
26 patient's terminal or debilitating medical condition;

27 (d) Risks and benefits of various routes of administration;

28 (e) Safe handling and storage of useable marijuana, marijuana-  
29 infused products, and marijuana concentrates, including strategies to  
30 reduce access by minors;

31 (f) Demonstrated knowledge of this chapter and the rules adopted  
32 to implement it; and

33 (g) Other subjects deemed necessary and appropriate by the  
34 secretary to ensure medical marijuana consultant certificate holders  
35 are able to provide evidence-based and medically accurate advice on  
36 the medical use of marijuana.

37 (3) Medical marijuana consultant certificates are subject to  
38 annual renewals and continuing education requirements established by  
39 the secretary.

1 (4) The secretary shall have the power to refuse, suspend, or  
2 revoke the certificate of any medical marijuana consultant upon proof  
3 that:

4 (a) The certificate was procured through fraud,  
5 misrepresentation, or deceit;

6 (b) The certificate holder has committed acts in violation of  
7 subsection (6) of this section; or

8 (c) The certificate holder has violated or has permitted any  
9 employee or volunteer to violate any of the laws of this state  
10 relating to drugs or controlled substances or has been convicted of a  
11 felony.

12 In any case of the refusal, suspension, or revocation of a  
13 certificate by the secretary under the provisions of this chapter,  
14 appeal may be taken in accordance with chapter 34.05 RCW, the  
15 administrative procedure act.

16 (5) A medical marijuana consultant may provide the following  
17 services when acting as an owner, employee, or volunteer of a retail  
18 outlet licensed under RCW 69.50.354 and holding a medical marijuana  
19 endorsement under section 10 of this act:

20 (a) Assisting a customer with the selection of products sold at  
21 the retail outlet that may benefit the qualifying patient's terminal  
22 or debilitating medical condition;

23 (b) Describing the risks and benefits of products sold at the  
24 retail outlet;

25 (c) Describing the risks and benefits of methods of  
26 administration of products sold at the retail outlet;

27 (d) Advising a customer about the safe handling and storage of  
28 useable marijuana, marijuana-infused products, and marijuana  
29 concentrates, including strategies to reduce access by minors; and

30 (e) Providing instruction and demonstrations to customers about  
31 proper use and application of useable marijuana, marijuana-infused  
32 products, and marijuana concentrates.

33 (6) Nothing in this section authorizes a medical marijuana  
34 consultant to:

35 (a) Offer or undertake to diagnose or cure any human disease,  
36 ailment, injury, infirmity, deformity, pain, or other condition,  
37 physical or mental, real or imaginary, by use of marijuana or any  
38 other means or instrumentality; or

1 (b) Recommend or suggest modification or elimination of any  
2 course of treatment that does not involve the medical use of  
3 marijuana.

4 (7) Nothing in this section requires an owner, employee, or  
5 volunteer of a retail outlet licensed under RCW 69.50.354 and holding  
6 a medical marijuana endorsement under section 10 of this act to  
7 obtain a medical marijuana consultant certification.

8 (8) Nothing in this section applies to the practice of a health  
9 care profession by individuals who are licensed, certified, or  
10 registered in a profession listed in RCW 18.130.040(2) and who are  
11 performing services within their authorized scope of practice.

12 NEW SECTION. **Sec. 38.** A new section is added to chapter 69.51A  
13 RCW to read as follows:

14 The board of naturopathy, the board of osteopathic medicine and  
15 surgery, the medical quality assurance commission, and the nursing  
16 care quality assurance commission shall develop and approve  
17 continuing education programs related to the use of marijuana for  
18 medical purposes for the health care providers that they each  
19 regulate that are based upon practice guidelines that have been  
20 adopted by each entity.

21 **Sec. 39.** RCW 43.70.320 and 2008 c 134 s 16 are each amended to  
22 read as follows:

23 (1) There is created in the state treasury an account to be known  
24 as the health professions account. All fees received by the  
25 department for health professions licenses, registration,  
26 certifications, renewals, or examinations and the civil penalties  
27 assessed and collected by the department under RCW 18.130.190 shall  
28 be forwarded to the state treasurer who shall credit such moneys to  
29 the health professions account.

30 (2) All expenses incurred in carrying out the health professions  
31 licensing activities of the department and implementing and  
32 administering the medical marijuana authorization database  
33 established in section 21 of this act shall be paid from the account  
34 as authorized by legislative appropriation, except as provided in  
35 subsection (4) of this section. Any residue in the account shall be  
36 accumulated and shall not revert to the general fund at the end of  
37 the biennium.

1 (3) The secretary shall biennially prepare a budget request based  
2 on the anticipated costs of administering the health professions  
3 licensing activities of the department which shall include the  
4 estimated income from health professions fees.

5 (4) The secretary shall, at the request of a board or commission  
6 as applicable, spend unappropriated funds in the health professions  
7 account that are allocated to the requesting board or commission to  
8 meet unanticipated costs of that board or commission when revenues  
9 exceed more than fifteen percent over the department's estimated  
10 six-year spending projections for the requesting board or commission.  
11 Unanticipated costs shall be limited to spending as authorized in  
12 subsection (3) of this section for anticipated costs.

13 NEW SECTION. **Sec. 40.** A new section is added to chapter 82.04  
14 RCW to read as follows:

15 (1) This chapter does not apply to any cooperative in respect to  
16 growing marijuana, or manufacturing marijuana concentrates, useable  
17 marijuana, or marijuana-infused products, as those terms are defined  
18 in RCW 69.50.101.

19 (2) The tax preference authorized in this section is not subject  
20 to the provisions of RCW 82.32.805 and 82.32.808.

21 NEW SECTION. **Sec. 41.** (1) The department of health must develop  
22 recommendations on establishing medical marijuana specialty clinics  
23 that would allow for the authorization and dispensing of marijuana to  
24 patients of health care professionals who work on-site of the clinic  
25 and who are certified by the department of health in the medical use  
26 of marijuana.

27 (2) Recommendations must be reported to the chairs of the health  
28 care committees of both the senate and house of representatives by  
29 December 1, 2015.

30 NEW SECTION. **Sec. 42.** All references to the Washington state  
31 liquor control board must be construed as referring to the Washington  
32 state liquor and cannabis board. The code reviser must prepare  
33 legislation for the 2016 legislative session changing all references  
34 in the Revised Code of Washington from the Washington state liquor  
35 control board to the Washington state liquor and cannabis board.

1        NEW SECTION.    **Sec. 43.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103  
4 & 1999 c 2 s 3;

5        (2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW  
6 69.51A.040) and 2011 c 181 s 413;

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.070 (Addition of medical conditions) and 2007 c  
10 371 s 7 & 1999 c 2 s 9;

11       (5) RCW 69.51A.090 (Applicability of valid documentation  
12 definition) and 2010 c 284 s 5;

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

15       (7) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

16       NEW SECTION.    **Sec. 44.**    RCW 69.51A.085 (Collective gardens) and  
17 2015 c ... s 32 (section 32 of this act) and 2011 c 181 s 403 are  
18 each repealed.

19       NEW SECTION.    **Sec. 45.**    Sections 12, 19, 20, 23 through 26, 31,  
20 35, 40, and 44 of this act take effect July 1, 2016.

21       NEW SECTION.    **Sec. 46.**    Sections 21, 22, 32, and 33 of this act  
22 are necessary for the immediate preservation of the public health, or  
23 safety, or support of the state government and its existing public  
24 institutions, and take effect immediately.

25       NEW SECTION.    **Sec. 47.**    This act takes effect on the dates  
26 provided in sections 45 and 46 of this act if House Bill No. 2136, or  
27 any subsequent version of House Bill No. 2136, is enacted into law by  
28 October 1, 2015."

29       Correct the title.

EFFECT: (1) Establishes an order of priority in the marijuana  
producer, processor, and retailer application process to give first  
priority to applicants that had applied for a marijuana retailer  
license prior to July 1, 2014; second priority to applicants that  
were operating or employed by a collective garden prior to November  
6, 2012, had appropriate business licenses, and had a history of

paying all applicable taxes; and third priority to other applicants who do not meet the qualifications of the first two priority levels.

(2) Requires the state liquor and cannabis board to increase the amount of space that may be used for marijuana production as well as the number of marijuana retail outlets. Requires that after January 1, 2017, reconsiderations of the amount of space for marijuana production and the number of retail outlets that are needed to meet the medical needs of qualifying patients must consider information in the medical marijuana authorization database (database).

(3) Changes the term "authorization card" to "recognition card." Changes the database and recognition card requirements to voluntary options for qualifying patients and designated providers, except it remains mandatory for qualifying patients who are minors and the designated provider of a minor. Applies arrest protections to those who are entered in the database and obtain a recognition card. Provides an affirmative defense to qualifying patients and designated providers who have an authorization, but not a recognition card. Limits the amount of marijuana that a qualifying patient who does not hold a recognition card may possess to the amounts of useable marijuana, marijuana-infused products, and marijuana concentrate as allowed for nonmedical purposes as well as up to four plants and six ounces of useable marijuana.

(4) Switches the responsibility for entering qualifying patients and designated providers into the database and issuing a recognition card from the health care professional to the marijuana retailer with a medical marijuana endorsement.

(5) Replaces the term "valid documentation" with "authorization." Specifies that an authorization is not a prescription. Defines an "authorization" after July 1, 2016, as a form developed by the department of health that is completed and signed by a qualifying patient's health care professional on tamper-proof paper. Requires the department's form for authorizations to include the qualifying patient's or designated provider's name, address, and date of birth; the health care professional's name, address, and license number; the amount of marijuana recommended; a telephone number to verify the authorization; and a statement that the authorization does not provide arrest protection unless the qualifying patient or designated provider is entered in the database and holds a recognition card. Changes the requirement that a health care professional discuss types of marijuana and methods of use with qualifying patients to an option to hold such conversations.

(6) Removes the authority of a minor to hold his or her next dose and requires the parent or guardian of the minor to hold the minor's supply of marijuana.

(7) Limits the prohibition on unlicensed persons extracting marijuana resins to extractions that use butane or other explosive gases. Specifies that the use of cooking oil, butter, and other nonexplosive home cooking substances for extracting marijuana resins for noncommercial use is permitted. Delays the enforcement of the limitation on extracting marijuana resins by unlicensed persons until the state liquor and cannabis board adopts rules for qualifying patients and designated providers to make such extractions, except for extractions using butane.

(8) Adds posttraumatic stress disorder to the list of conditions that qualify under the definition of "terminal or debilitating medical condition." Eliminates the medical quality assurance commission's authority to add new conditions to be considered "terminal or debilitating medical conditions."

(9) Reduces the distance that a cooperative must be from a marijuana retailer from 15 miles to one mile. Specifies that members of a cooperative must be at least 21 years old.

(10) Adds to the authority of medical marijuana consultants, the ability to provide instruction and demonstrations to customers about the proper use and application of marijuana products.

(11) Directs the board of naturopathy, board of osteopathic medicine and surgery, the medical quality assurance commission, and the nursing care quality assurance commission to develop and approve continuing education related to adopted practice guidelines for their regulated health care providers.

(12) Prohibits employers from prohibiting or limiting the authority of any health care professional from advising patients about the medical use of marijuana or providing an authorization to a patient who meets the criteria of a qualifying patient.

(13) Specifies that the fee for entry into the database and issuance of a recognition card is to be collected from the qualifying patient or designated provider by the marijuana retailer with a medical marijuana endorsement, which shall remit the funds to the department. Specifies that health care professionals must provide access to or produce documents, records, or other items to a disciplining authority to the same extent as required by the uniform disciplinary act.

(14) Establishes the fee for a recognition card at one dollar to go into the health professions account. Uses funds from the health professions account for the cost of implementing and administering the database. Directs the department of health to report to the governor and legislative fiscal committees by November 1, 2016, regarding the cost of implementing and administering the database, the amounts from the health professions account used to finance those purposes, and database enrollment figures. Declares the legislature's intent to restore funds to the health professions account with a future appropriation using funds derived from the dedicated marijuana account.

(15) Eliminates the sales tax and use tax exemptions for qualifying patients and designated providers who hold a recognition card.

(16) Makes the act contingent upon the passage of HB 2136.

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