

2SSB 5052 - S AMD 17

By Senator Kohl-Welles

NOT ADOPTED 2/13/2015

1 On page 28, beginning on line 24, after "been" strike all  
2 material through "database" on line 25 and insert "provided an  
3 authorization card"

4 On page 29, beginning on line 20, after "been" strike all  
5 material through "database" on line 21, and insert "provided an  
6 authorization card"

7 On page 30, beginning on line 32, after "providers" strike all  
8 material through "database" on line 33 and insert "who have been  
9 approved for a medical marijuana waiver under section 21 of this act"

10 On page 31, line 7, after "marijuana" strike "authorization  
11 database" and insert "waiver"

12 On page 31, beginning on line 7, after "the" strike all material  
13 through "in" on line 8 and insert "application system provided under"

14 Beginning on page 31, line 24, strike all of section 18 and  
15 insert:

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

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

26 ((~~(a)~~)) (1) Advising a patient about the risks and benefits of  
27 medical use of (~~cannabis~~) marijuana or that the patient may benefit  
28 from the medical use of (~~cannabis~~) marijuana; or

29 (~~(b) Providing a patient meeting the criteria established under~~  
30 ~~RCW 69.51A.010(26) with valid documentation, based upon the health~~

1 ~~care professional's assessment of the patient's medical history and~~  
2 ~~current medical condition, where such use is within a professional~~  
3 ~~standard of care or in the individual health care professional's~~  
4 ~~medical judgment.~~

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

13 ~~(i) Completing a physical examination of the patient as~~  
14 ~~appropriate, based on the patient's condition and age;~~

15 ~~(ii) Documenting the terminal or debilitating medical condition~~  
16 ~~of the patient in the patient's medical record and that the patient~~  
17 ~~may benefit from treatment of this condition or its symptoms with~~  
18 ~~medical use of cannabis;~~

19 ~~(iii) Informing the patient of other options for treating the~~  
20 ~~terminal or debilitating medical condition; and~~

21 ~~(iv) Documenting other measures attempted to treat the terminal~~  
22 ~~or debilitating medical condition that do not involve the medical use~~  
23 ~~of cannabis.~~

24 ~~(b) A health care professional shall not:~~

25 ~~(i) Accept, solicit, or offer any form of pecuniary remuneration~~  
26 ~~from or to a licensed dispenser, licensed producer, or licensed~~  
27 ~~processor of cannabis products;~~

28 ~~(ii) Offer a discount or any other thing of value to a qualifying~~  
29 ~~patient who is a customer of, or agrees to be a customer of, a~~  
30 ~~particular licensed dispenser, licensed producer, or licensed~~  
31 ~~processor of cannabis products;~~

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

35 ~~(iv) Have a business or practice which consists solely of~~  
36 ~~authorizing the medical use of cannabis;~~

37 ~~(v) Include any statement or reference, visual or otherwise, on~~  
38 ~~the medical use of cannabis in any advertisement for his or her~~  
39 ~~business or practice; or~~

1       ~~(vi) Hold an economic interest in an enterprise that produces,~~  
2 ~~processes, or dispenses cannabis if the health care professional~~  
3 ~~authorizes the medical use of cannabis.~~

4       ~~(3) A violation of any provision of subsection (2) of this~~  
5 ~~section constitutes unprofessional conduct under chapter 18.130~~  
6 ~~RCW.)~~

7       (2) Confirming with the department that a patient has a terminal  
8 or debilitating medical condition."

9       Correct any internal references accordingly.

10       On page 34, beginning on line 5, strike all of section 19

11       Renumber the remaining sections consecutively and correct any  
12 internal references accordingly.

13       On page 34, line 34, after "may" strike "authorize" and insert  
14 "discuss"

15       On page 35, line 8, after "who" strike "authorizes" and insert  
16 "discusses"

17       On page 35, at the beginning of line 11, strike "authorizing" and  
18 insert "recommending"

19       On page 35, beginning on line 14, after "indicated" strike all  
20 material through "marijuana" on line 15

21       On page 35, line 24, after "(c)" strike "Enter both" and insert  
22 "Recommend that both"

23       On page 35, line 25, after "provider" strike all material through  
24 "database" on line 26 and insert "must seek a medical marijuana  
25 waiver through the department"

26       Beginning on page 35, line 27, strike all of sections 21 through  
27 23 and insert the following:

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

30       (1) A medical marijuana waiver is established to be issued by the  
31 department. The medical marijuana waiver permits a qualifying patient  
32 or his or her designated provider to:

1 (a) Possess and purchase more marijuana concentrates, marijuana-  
2 infused products, plants, or useable marijuana than what is permitted  
3 under RCW 69.50.360 and up to a combination of the following: (i)  
4 Three ounces of useable marijuana; (ii) forty-eight ounces of  
5 marijuana-infused products in solid form; (iii) two hundred sixteen  
6 ounces of marijuana-infused products in liquid form; or (iv) twenty-  
7 one grams of marijuana concentrates. The medical marijuana waiver  
8 also permits the qualifying patient or his or her designated provider  
9 to grow, in his or her domicile, up to six plants for the personal  
10 medical use of the qualifying patient; and

11 (b) Purchase marijuana concentrates, marijuana-infused products,  
12 plants, or useable marijuana without paying sales and use tax.

13 (2) A qualifying patient who is twenty-one years of age or older  
14 and who, after consultation with his or her health care professional,  
15 determines that the amounts of marijuana concentrates, marijuana-  
16 infused products, plants, or useable marijuana permitted under RCW  
17 69.50.360 will not address his or her medical needs may apply to the  
18 department for a medical marijuana waiver.

19 (3) A qualifying patient who is between eighteen and twenty-one  
20 years of age and who, after consultation with his or her health care  
21 professional, determines that he or she wishes to use marijuana for  
22 the treatment of his or her terminal or debilitating medical  
23 condition may apply to the department for a waiver permitting the  
24 patient to purchase marijuana concentrates, marijuana-infused  
25 products, or useable marijuana at a marijuana retailer holding a  
26 medical marijuana endorsement. Unless otherwise specified in the  
27 waiver, the patient may only possess the amounts provided in  
28 subsection (1) of this section. The patient may also apply to possess  
29 up to fifteen plants if more useable marijuana is needed to address  
30 his or her terminal or debilitating medical condition.

31 (4) A parent or guardian of a qualifying patient who is under the  
32 age of eighteen and who, after consultation with the minor's health  
33 care professional, determines that the minor would benefit from the  
34 medical use of marijuana for treatment of the minor's terminal or  
35 debilitating medical condition may apply to the department for a  
36 waiver permitting the parent or guardian to become the designated  
37 provider for the minor. The parent or guardian designated provider  
38 may only possess the amounts provided under subsection (1) of this  
39 section and must have sole control over the minor's marijuana. The  
40 minor may possess up to the amount of marijuana that is necessary for

1 his or her next dose. The minor may not purchase products from a  
2 marijuana retailer, nor may the minor grow plants for his or her  
3 medical use. The parent or guardian may also apply to possess up to  
4 the amounts provided under subsection (3) of this section if the  
5 additional amounts of useable marijuana are required to treat the  
6 minor's terminal or debilitating medical condition.

7 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.51A  
8 RCW to read as follows:

9 (1) The department must develop a medical marijuana waiver  
10 process in order to process and approve or deny waiver applications  
11 submitted under section 21 of this act.

12 (2) The medical marijuana waiver process must include:

13 (a) Development of a waiver application. The application must be  
14 completed by the qualifying patient if there is not a designated  
15 provider or both the designated provider and the qualifying patient  
16 for whom the marijuana will be provided. The application must  
17 include:

18 (i) For qualifying patients, a statement that the applicant has a  
19 terminal or debilitating medical condition as described in RCW  
20 69.50.101 and that he or she has been diagnosed with that condition  
21 by a health care professional;

22 (ii) For designated providers, a statement that the qualifying  
23 patient for whom the applicant intends to provide marijuana has a  
24 terminal or debilitating medical condition as described in RCW  
25 69.50.101 and, in the case of designated providers for people under  
26 the age of eighteen, have discussed the medical use of marijuana with  
27 the diagnosing health care professional;

28 (iii) A statement that the applicant understands that the  
29 department may contact the diagnosing health care professional to  
30 confirm the existence of a terminal or debilitating medical condition  
31 and that no waiver will be issued if the condition is not confirmed  
32 by the health care professional;

33 (iv) If the amount of marijuana needed for the medical use of the  
34 qualifying patient is higher than the amounts listed in section 21(1)  
35 of this act, an option for the qualifying patient to request higher  
36 amounts up to fifteen plants. Higher amounts will not be authorized  
37 unless the health care professional confirms the medical need for  
38 these higher amounts.

1 (b) Development of an authorization card which qualifying  
2 patients and designated providers may use to demonstrate they have  
3 been approved for a medical marijuana waiver. The card must include:

4 (i) The name of the qualifying patient or designated provider who  
5 applied for and was approved for a waiver;

6 (ii) The amount of marijuana concentrates, useable marijuana,  
7 marijuana-infused products, and plants for which the qualifying  
8 patient or designated provider has been authorized;

9 (iii) The expiration date of the authorization card.

10 (3) Approved applicants must be issued a medical marijuana  
11 authorization card. The authorization card:

12 (a) May be provided to law enforcement officers who are engaged  
13 in a bona fide specific investigation of suspected marijuana-related  
14 activity that may be illegal under Washington state law to confirm  
15 the validity of the waiver of the qualifying patient or designated  
16 provider;

17 (b) May be provided to a marijuana retailer holding a medical  
18 marijuana endorsement to confirm the validity of the waiver and to  
19 allow waiver holders to purchase marijuana for their medical use  
20 without paying sales and use taxes;

21 (c) For people over the age of eighteen, is valid for one year  
22 after the date of issuance. For people under the age of eighteen, is  
23 valid for six months after the date of issuance. The waiver card may  
24 not be renewed until the qualifying patient has completed a new  
25 application.

26 NEW SECTION. **Sec. 23.** A new section is added to chapter 42.56  
27 RCW to read as follows:

28 Medical marijuana waiver applications submitted to the department  
29 of health containing names and other personally identifiable  
30 information of qualifying patients and designated providers are  
31 exempt from disclosure under this chapter.

32 NEW SECTION. **Sec. 24.** A new section is added to chapter 69.51A  
33 RCW to read as follows:

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

35 (a) Create or present a medical marijuana authorization card or  
36 to tamper with a medical marijuana authorization card for the  
37 purposes of having it accepted by a marijuana retailer in order to

1 purchase marijuana as a qualifying patient or designated provider or  
2 to grow marijuana;

3 (b) If a person is a designated provider to a qualifying patient,  
4 sell marijuana produced for the qualifying patient to another person;  
5 or

6 (c) If the person is a qualifying patient, sell marijuana  
7 produced by the qualifying patient to another person.

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

11 Renumber the remaining sections consecutively and correct any  
12 internal references accordingly.

13 On page 49, beginning on line 23, after "the" strike all material  
14 through "administrator" on line 24 and insert "department"

15 On page 49, beginning on line 30, after "the" strike all material  
16 through "administrator" on line 31 and insert "department"

17 On page 49, beginning on line 37, after "to" strike all material  
18 through "under" on line 39, and insert "revoke an authorization card  
19 as required by"

EFFECT: Rather than require health care professionals to add  
qualifying patients and designated providers to a third-party  
database, patients and designated providers who qualify for the  
medical use of marijuana may apply to the department of health for a  
waiver.

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