
HOUSE BILL 1020

State of Washington

64th Legislature

2015 Regular Session

By Representative Appleton

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1 AN ACT Relating to the medical use of cannabis; amending RCW
2 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.047, 69.51A.050,
3 69.51A.055, 69.51A.060, 69.51A.085, and 69.51A.110; adding new
4 sections to chapter 69.51A RCW; creating a new section; repealing RCW
5 69.51A.043; and providing an expiration date.

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

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

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Cannabis" means all parts of the plant *Cannabis*, whether
12 growing or not; the seeds thereof; the resin extracted from any part
13 of the plant; and every compound, manufacture, salt, derivative,
14 mixture, or preparation of the plant, its seeds, or resin. For the
15 purposes of this chapter, "cannabis" does not include the mature
16 stalks of the plant, fiber produced from the stalks, oil or cake made
17 from the seeds of the plant, any other compound, manufacture, salt,
18 derivative, mixture, or preparation of the mature stalks, except the
19 resin extracted therefrom, fiber, oil, or cake, or the sterilized
20 seed of the plant which is incapable of germination. "Cannabis"
21 includes cannabis products and useable cannabis.

1 (2) "Cannabis products" means products that contain cannabis or
2 cannabis extracts, have a measurable THC concentration greater than
3 three-tenths of one percent, and are intended for human consumption
4 or application, including, but not limited to, edible products,
5 tinctures, concentrates, topical creams, salves, and other medical
6 preparations. "Cannabis products" does not include useable cannabis.

7 (3) "Designated provider" means a person who:

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

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

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

14 (d) Is the designated provider to only one patient at any one
15 time; and

16 (e) Is in compliance with the terms and conditions set forth in
17 RCW 69.51A.040.

18 (4) "Dispensary" means the premises and equipment where cannabis
19 is dispensed to qualifying patients and designated providers,
20 including all vehicles and equipment used to transport cannabis from
21 a licensed dispenser to a qualifying patient or designated provider.

22 (5) "Dispense" means the selection, measuring, packaging,
23 labeling, delivery, or retail sale of cannabis by an employee,
24 volunteer, officer, or operator of a licensed dispenser to a
25 qualifying patient or designated provider.

26 ~~((2))~~ (6) "Health care professional," for purposes of this
27 chapter only, means a physician licensed under chapter 18.71 RCW, a
28 physician assistant licensed under chapter 18.71A RCW, an osteopathic
29 physician licensed under chapter 18.57 RCW, an osteopathic
30 physicians' assistant licensed under chapter 18.57A RCW, a naturopath
31 licensed under chapter 18.36A RCW, or an advanced registered nurse
32 practitioner licensed under chapter 18.79 RCW.

33 ~~((3))~~ (7) "Labeling" means all labels or other written,
34 printed, or graphic matter (a) upon any cannabis intended for medical
35 use, or (b) accompanying such cannabis.

36 (8) "Licensed dispenser" means a person or entity with a
37 Washington state business license issued by the department of revenue
38 that dispenses cannabis for medical use to qualifying patients and
39 designated providers.

1 (9) "Licensed processor" means a person or entity with a
2 Washington state business license issued by the department of revenue
3 that processes cannabis for wholesale to a licensed dispenser.

4 (10) "Licensed producer" means a person or entity with a
5 Washington state business license issued by the department of revenue
6 that produces cannabis for wholesale to a licensed processor or a
7 licensed dispenser.

8 (11) "Medical use of ((marijuana)) cannabis" means the
9 manufacture, production, possession, transportation, delivery,
10 dispensing, ingestion, application, or administration of ((marijuana,
11 as defined in RCW 69.50.101(q)) cannabis, for the exclusive benefit
12 of a qualifying patient in the treatment of his or her terminal or
13 debilitating ((illness)) medical condition.

14 ((+4)) (12) "Nonresident" means a person who is temporarily in
15 the state but is not a Washington state resident.

16 (13) "Plant" means an organism having at least three
17 distinguishable and distinct leaves, each leaf being at least three
18 centimeters in diameter, and a readily observable root formation
19 consisting of at least two separate and distinct roots, each being at
20 least two centimeters in length. Multiple stalks emanating from the
21 same root ball or root system is considered part of the same single
22 plant.

23 (14) "Process" means to label, handle, infuse, extract, or
24 otherwise prepare cannabis for medical use.

25 (15) "Processing facility" means the premises and equipment where
26 cannabis products are processed for wholesale, delivery, or
27 transportation to licensed dispensers, including all vehicles and
28 equipment used to transport cannabis products from a licensed
29 processor to a licensed dispenser.

30 (16) "Produce" means to plant, grow, harvest, store, handle,
31 package, or label cannabis for medical use.

32 (17) "Production facility" means the premises and equipment where
33 cannabis is produced for wholesale, delivery, or transportation to
34 licensed dispensers or licensed processors, including all vehicles
35 and equipment used to transport cannabis from a licensed producer to
36 a licensed processor or licensed dispenser.

37 (18) "Qualifying patient" means a person who:

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

39 (b) Has been diagnosed by that health care professional as having
40 a terminal or debilitating medical condition;

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

3 (d) Has been advised by that health care professional about the
4 risks and benefits of the medical use of (~~(marijuana)~~) cannabis; and

5 (e) Has been advised by that health care professional that they
6 may benefit from the medical use of (~~(marijuana)~~) cannabis.

7 (~~(+5)~~) (19) "Tamper-resistant paper" means paper that meets one
8 or more of the following industry-recognized features:

9 (a) One or more features designed to prevent copying of the
10 paper;

11 (b) One or more features designed to prevent the erasure or
12 modification of information on the paper; or

13 (c) One or more features designed to prevent the use of
14 counterfeit valid documentation.

15 (~~(+6)~~) (20) "Terminal or debilitating medical condition" means:

16 (a) Cancer, human immunodeficiency virus (HIV), multiple
17 sclerosis, epilepsy or other seizure disorder, or spasticity
18 disorders; or

19 (b) Intractable pain, limited for the purpose of this chapter to
20 mean pain unrelieved by standard medical treatments and medications;
21 or

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

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

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

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

33 (g) Posttraumatic stress disorder with debilitating symptoms
34 unrelieved by standard treatments or medications; or

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

1 ~~((7))~~ (21) "THC concentration" means percent of
2 tetrahydrocannabinol content per weight or volume of useable cannabis
3 or cannabis product.

4 (22) "Useable cannabis" means dried flowers of the Cannabis plant
5 having a THC concentration greater than three-tenths of one percent.
6 Useable cannabis excludes stems, stalks, leaves, seeds, and roots.
7 For purposes of this subsection, "dried" means containing less than
8 fifteen percent moisture content by weight. "Useable cannabis" does
9 not include cannabis products.

10 (23) "Valid documentation" means:

11 (a) A statement signed and dated by a qualifying patient's health
12 care professional written on tamper-resistant paper, which states
13 that, in the health care professional's professional opinion, the
14 patient may benefit from the medical use of ~~((marijuana))~~ cannabis;
15 and

16 (b) Proof of identity such as a Washington state driver's license
17 or identicard, as defined in RCW 46.20.035.

18 **Sec. 2.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
19 read as follows:

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

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

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

37 (2)(a) A health care professional may only provide a patient with
38 valid documentation authorizing the medical use of cannabis ~~((or~~
39 ~~register the patient with the registry established in section 901 of~~

1 ~~this act~~) if he or she has a newly initiated or existing documented
2 relationship with the patient, as a primary care provider or a
3 specialist, relating to the diagnosis and ongoing treatment or
4 monitoring of the patient's terminal or debilitating medical
5 condition, and only after:

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

8 (ii) Documenting the terminal or debilitating medical condition
9 of the patient in the patient's medical record and that the patient
10 may benefit from treatment of this condition or its symptoms with
11 medical use of cannabis;

12 (iii) Informing the patient of other options for treating the
13 terminal or debilitating medical condition; and

14 (iv) Documenting other measures attempted to treat the terminal
15 or debilitating medical condition that do not involve the medical use
16 of cannabis.

17 (b) A health care professional shall not:

18 (i) Accept, solicit, or offer any form of pecuniary remuneration
19 from or to a licensed dispenser, licensed producer, or licensed
20 processor of cannabis products;

21 (ii) Offer a discount or any other thing of value to a qualifying
22 patient who is a customer of, or agrees to be a customer of, a
23 particular licensed dispenser, licensed producer, or licensed
24 processor of cannabis products;

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

28 (iv) Have a business or practice which consists solely of
29 authorizing the medical use of cannabis;

30 (v) Include any statement or reference, visual or otherwise, on
31 the medical use of cannabis in any advertisement for his or her
32 business or practice; or

33 (vi) Hold an economic interest in an enterprise that produces,
34 processes, or dispenses cannabis if the health care professional
35 authorizes the medical use of cannabis except where a health care
36 professional is performing scientific research, as protected
37 elsewhere in this chapter, that has been approved by the human
38 subjects committee of a public or private research institute located
39 in Washington state.

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

3 **Sec. 3.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
4 read as follows:

5 The medical use of cannabis in accordance with the terms and
6 conditions of this chapter does not constitute a crime and a
7 qualifying patient or designated provider in compliance with the
8 terms and conditions of this chapter may not be arrested, prosecuted,
9 or subject to other criminal sanctions or civil consequences, for
10 possession, manufacture, or delivery of, or for possession with
11 intent to manufacture or deliver, cannabis under state law, or have
12 real or personal property seized or forfeited for possession,
13 manufacture, or delivery of, or for possession with intent to
14 manufacture or deliver, cannabis under state law, and investigating
15 peace officers and law enforcement agencies may not be held civilly
16 liable for failure to seize cannabis in this circumstance, if:

17 (1)(a) The qualifying patient or designated provider possesses no
18 more than fifteen cannabis plants and:

19 (i) No more than twenty-four ounces of useable cannabis;

20 (ii) No more cannabis product than what could reasonably be
21 produced with no more than twenty-four ounces of useable cannabis; or

22 (iii) A combination of useable cannabis and cannabis product that
23 does not exceed a combined total representing possession and
24 processing of no more than twenty-four ounces of useable cannabis.

25 (b) If a person is both a qualifying patient and a designated
26 provider for another qualifying patient, the person may possess no
27 more than twice the amounts described in (a) of this subsection,
28 whether the plants, useable cannabis, and cannabis product are
29 possessed individually or in combination between the qualifying
30 patient and his or her designated provider;

31 (2) The qualifying patient or designated provider presents his or
32 her (~~(proof of registration with the department of health,)~~) valid
33 documentation to any peace officer who questions the patient or
34 provider regarding his or her medical use of cannabis;

35 (3) The qualifying patient or designated provider keeps a copy of
36 his or her (~~(proof of registration with the registry established in~~
37 ~~section 901 of this act))~~ valid documentation and the qualifying
38 patient or designated provider's contact information (~~(posted~~
39 ~~prominently next to))~~ available at all times on the premises where

1 any cannabis plants, cannabis products, or useable cannabis is
2 located (~~at his or her residence~~);

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

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

8 (b) The qualifying patient has converted cannabis produced or
9 obtained for his or her own medical use to the qualifying patient's
10 personal, nonmedical use or benefit; and

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

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

16 **Sec. 4.** RCW 69.51A.047 and 2011 c 181 s 406 are each amended to
17 read as follows:

18 A qualifying patient or designated provider who (~~is not~~
19 ~~registered with the registry established in section 901 of this act~~
20 ~~or~~)) does not present his or her valid documentation to a peace
21 officer who questions the patient or provider regarding his or her
22 medical use of cannabis but is in compliance with all other terms and
23 conditions of this chapter may establish an affirmative defense to
24 charges of violations of state law relating to cannabis through proof
25 at trial, by a preponderance of the evidence, that he or she was a
26 validly authorized qualifying patient or designated provider at the
27 time of the officer's questioning. A qualifying patient or designated
28 provider who establishes an affirmative defense under the terms of
29 this section may also establish an affirmative defense under RCW
30 69.51A.045.

31 **Sec. 5.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to read
32 as follows:

33 (1) The lawful possession or manufacture of medical (~~marijuana~~)
34 cannabis as authorized by this chapter shall not result in the
35 forfeiture or seizure of any real or personal property including, but
36 not limited to, cannabis intended for medical use, items used to
37 facilitate the medical use of cannabis or its production or
38 dispensing for medical use, or proceeds of sales of cannabis for

1 medical use made by licensed producers, licensed processors, or
2 licensed dispensers.

3 (2) No person shall be prosecuted for constructive possession,
4 conspiracy, or any other criminal offense solely for being in the
5 presence or vicinity of medical ((~~marijuana~~)) cannabis or its use as
6 authorized by this chapter.

7 (3) The state shall not be held liable for any deleterious
8 outcomes from the medical use of ((~~marijuana~~)) cannabis by any
9 qualifying patient.

10 **Sec. 6.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
11 read as follows:

12 (1)(a) The arrest and prosecution protections established in RCW
13 69.51A.040 may not be asserted in a supervision revocation or
14 violation hearing by a person who is supervised by a corrections
15 agency or department, including local governments or jails, that has
16 determined that the terms of this section are inconsistent with and
17 contrary to his or her supervision.

18 (b) The affirmative defenses established in RCW ((~~69.51A.043,~~))
19 69.51A.045((~~7~~)) and 69.51A.047((~~7, and section 407 of this act~~)) may
20 not be asserted in a supervision revocation or violation hearing by a
21 person who is supervised by a corrections agency or department,
22 including local governments or jails, that has determined that the
23 terms of this section are inconsistent with and contrary to his or
24 her supervision.

25 (2) The provisions of RCW 69.51A.040, 69.51A.085, and 69.51A.025
26 do not apply to a person who is supervised for a criminal conviction
27 by a corrections agency or department, including local governments or
28 jails, that has determined that the terms of this chapter are
29 inconsistent with and contrary to his or her supervision.

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

37 **Sec. 7.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
38 read as follows:

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

4 (2) Nothing in this chapter establishes a right of care as a
5 covered benefit or requires any state purchased health care as
6 defined in RCW 41.05.011 or other health carrier or health plan as
7 defined in Title 48 RCW to be liable for any claim for reimbursement
8 for the medical use of cannabis. Such entities may enact coverage or
9 noncoverage criteria or related policies for payment or nonpayment of
10 medical cannabis in their sole discretion.

11 (3) Nothing in this chapter requires any health care professional
12 to authorize the medical use of cannabis for a patient.

13 (4) Nothing in this chapter requires any accommodation of any on-
14 site medical use of cannabis in any place of employment, in any
15 school bus or on any school grounds, in any youth center, in any
16 correctional facility, or smoking cannabis in any public place or
17 hotel or motel.

18 (5) Nothing in this chapter authorizes the use of medical
19 cannabis by any person who is subject to the Washington code of
20 military justice in chapter 38.38 RCW.

21 (6) Employers may establish drug-free work policies. Nothing in
22 this chapter requires an accommodation for the medical use of
23 cannabis if an employer has a drug-free work place.

24 (7) It is a class C felony to fraudulently produce any record
25 purporting to be, or tamper with the content of any record for the
26 purpose of having it accepted as, valid documentation (~~under RCW~~
27 ~~69.51A.010(32)(a)~~), or to backdate such documentation to a time
28 earlier than its actual date of execution.

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

36 (9) Notwithstanding the limitations set forth in this section,
37 persons using medical cannabis pursuant to this chapter are entitled
38 to the same rights and protections from civil and criminal liability
39 as users of prescription drugs under Washington state law.

1 **Sec. 8.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to
2 read as follows:

3 (1) Qualifying patients may create and participate in collective
4 gardens for the purpose of producing, processing, transporting, and
5 delivering cannabis for medical use subject to the following
6 conditions:

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

9 (b) A collective garden may contain no more than fifteen plants
10 per patient up to a total of forty-five plants;

11 (c) A collective garden may contain no more than twenty-four
12 ounces of useable cannabis per patient up to a total of seventy-two
13 ounces of useable cannabis;

14 (d) A copy of each qualifying patient's valid documentation (~~(or~~
15 ~~proof of registration with the registry established in section 901 of~~
16 ~~this act, including a copy of the patient's proof of identity,~~) must
17 be available at all times on the premises of the collective garden;
18 and

19 (e) No useable cannabis from the collective garden is delivered
20 to anyone other than one of the qualifying patients participating in
21 the collective garden.

22 (2) For purposes of this section, the creation of a "collective
23 garden" means qualifying patients sharing responsibility for
24 acquiring and supplying the resources required to produce and process
25 cannabis for medical use such as, for example, a location for a
26 collective garden; equipment, supplies, and labor necessary to plant,
27 grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and
28 equipment, supplies, and labor necessary for proper construction,
29 plumbing, wiring, and ventilation of a garden of cannabis plants.

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

32 **Sec. 9.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
33 read as follows:

34 A qualifying patient's medical use of cannabis as authorized by a
35 health care professional may not be a sole disqualifying factor in
36 determining the patient's suitability for an organ transplant(~~(or~~
37 ~~unless it is shown that this use poses a significant risk of~~
38 ~~rejection or organ failure. This section does not preclude a health~~
39 ~~care professional from requiring that a patient abstain from the~~

1 ~~medical use of cannabis, for a period of time determined by the~~
2 ~~health care professional, while waiting for a transplant organ or~~
3 ~~before the patient undergoes an organ transplant)).~~

4 NEW SECTION. **Sec. 10.** RCW 69.51A.043 (Failure to register—
5 Affirmative defense) and 2011 c 181 s 402 are each repealed.

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

8 A nonresident who is duly authorized to engage in the medical use
9 of cannabis under the laws of another state or territory of the
10 United States may raise an affirmative defense to charges of
11 violations of Washington state law relating to cannabis, provided
12 that the nonresident:

13 (1) Possesses no more than fifteen cannabis plants and no more
14 than twenty-four ounces of useable cannabis, no more cannabis product
15 than reasonably could be produced with no more than twenty-four
16 ounces of useable cannabis, or a combination of useable cannabis and
17 cannabis products that does not exceed a combined total representing
18 possession of no more than twenty-four ounces of useable cannabis;

19 (2) Is in compliance with all provisions of this chapter other
20 than requirements relating to being a Washington resident or
21 possessing valid documentation issued by a licensed health care
22 professional in Washington;

23 (3) Presents the documentation of authorization required under
24 the nonresidents' authorizing state or territory's law and proof of
25 identity issued by the authorizing state or territory to any peace
26 officer who questions the nonresident regarding his or her medical
27 use of cannabis; and

28 (4) Does not possess evidence that the nonresident has converted
29 cannabis produced or obtained for his or her medical use for the use
30 or benefit of anyone else.

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

33 (1) Except as provided in subsection (2) of this section, a
34 qualifying patient may not be refused housing or evicted from housing
35 solely as a result of his or her possession or use of cannabis,
36 except that housing providers otherwise permitted to enact and
37 enforce prohibitions against smoking in their housing may apply those

1 prohibitions to smoking cannabis provided that such smoking
2 prohibitions are applied and enforced equally as to the smoking of
3 cannabis and the smoking of all other substances, including without
4 limitation tobacco.

5 (2) Housing programs containing a program component prohibiting
6 the use of drugs or alcohol among its residents are not required to
7 permit the medical use of cannabis among those residents.

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

10 In imposing any criminal sentence, deferred prosecution,
11 stipulated order of continuance, deferred disposition, or
12 dispositional order, any court organized under the laws of Washington
13 state may permit the medical use of cannabis in compliance with the
14 terms of this chapter and exclude it as a possible ground for finding
15 that the offender has violated the conditions or requirements of the
16 sentence, deferred prosecution, stipulated order of continuance,
17 deferred disposition, or dispositional order. This section does not
18 require the accommodation of any medical use of cannabis in any
19 correctional facility or jail.

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

22 Nothing in this chapter or in the rules adopted to implement it
23 precludes a qualifying patient or designated provider from engaging
24 in the private, unlicensed, noncommercial production, possession,
25 transportation, delivery, or administration of cannabis for medical
26 use as authorized under RCW 69.51A.040.

27 NEW SECTION. **Sec. 15.** A new section is added to chapter 69.51A
28 RCW to read as follows:

29 Nothing in this chapter or in the rules adopted to implement it
30 precludes a collective garden from engaging in the private,
31 unlicensed, noncommercial production, possession, transportation,
32 delivery, or administration of cannabis for medical use as authorized
33 under RCW 69.51A.085, provided the collective garden:

- 34 (1) Meets the definition and provisions of RCW 69.51A.085;
35 (2) Does not operate on a commercial basis;
36 (3) Does not engage in any sales;

1 (4) Does not engage in any commercial activity, including any
2 type of advertising; and

3 (5) Does not rotate more than five members of the collective
4 garden within a fifteen-day period.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 69.51A
6 RCW to read as follows:

7 (1) It is not a violation of state criminal or civil law for a
8 licensed dispenser or its employees, members, officers, or operators
9 to distribute, deliver, dispense, transfer, prepare, package,
10 repackage, label, relabel, sell, or possess cannabis for the medical
11 use of its members if all of the following criteria are met:

12 (a) Licensed dispensers must obtain a business license from the
13 department of revenue;

14 (b) Only qualifying patients or their designated providers may
15 become members of a dispensary;

16 (c) Members of a dispensary are not required to provide work as
17 part of their membership;

18 (d) A copy of each member's valid documentation must be available
19 at all times on the premises of the dispensary;

20 (e) No cannabis from the dispensary may be delivered to anyone
21 other than a member of the dispensary;

22 (f) Licensed dispensers must ensure that no cannabis, cannabis
23 paraphernalia, or artistic depictions of cannabis may be viewed from
24 outside the dispensary;

25 (g) Licensed dispensers may hire staff or use member volunteers
26 to assist in the operation of the dispensary;

27 (h) Licensed dispensers may not advertise cannabis for sale to
28 the general public in any manner that promotes or tends to promote
29 the abuse of cannabis. This subsection does not preclude a licensed
30 dispenser from advertising in trade journals or on medical cannabis
31 web sites;

32 (i) Licensed dispensers must keep records of all transactions;

33 (j) Licensed dispensers are prohibited from dispensing cannabis
34 that is labeled in a manner that mimics candy, soda, or other treats
35 attractive to children; and

36 (k) Licensed dispensers may not be located within one thousand
37 feet of an accredited elementary or secondary school, public park, or
38 child care center. A city, town, or county may adopt an ordinance
39 providing for distance requirements that are greater than or less

1 than the distance requirement under this subsection, provided that
2 they do not preclude the possibility of siting a licensed dispenser
3 or dispensary within their jurisdiction. When an accredited
4 elementary or secondary school, public park, or child care center
5 opens within one thousand feet of a licensed dispenser after the
6 lawful establishment of the licensed dispenser, the distance
7 requirement in this subsection shall not apply to the licensed
8 dispenser.

9 (2) Retail sales of medical cannabis shall be subject to the
10 dietary supplements exemption as provided in RCW 82.08.925 pursuant
11 to a physician's valid documentation under this chapter. This
12 exemption shall apply to all forms of medical cannabis sold by a
13 licensed dispenser, but shall not apply to other products sold by a
14 licensed dispenser.

15 (3) The department of health may undertake subsequent rule making
16 for licensed dispensers if necessary. Rules pertaining to the
17 operation of licensed dispensers shall be based upon existing
18 industry standards and best practices for the sale and production of
19 herbal products.

20 (4) A person who knowingly violates a provision of subsection (1)
21 of this section is not entitled to the protections therein.

22 NEW SECTION. **Sec. 17.** A new section is added to chapter 69.51A
23 RCW to read as follows:

24 (1) It is not a violation of state criminal or civil law for
25 licensed producers and their employees, officers, or operators to
26 manufacture, plant, cultivate, grow, harvest, produce, prepare,
27 propagate, process, package, repackage, transport, transfer, deliver,
28 label, relabel, wholesale, or possess cannabis intended for medical
29 use by qualifying patients if all of the following criteria are met:

30 (a) Licensed producers must obtain a business license from the
31 department of revenue;

32 (b) No cannabis from a licensed producer may be delivered to
33 anyone other than a licensed processor or a licensed dispenser;

34 (c) Licensed producers must keep records of all production and
35 delivery;

36 (d) Licensed producers must ensure that no cannabis, cannabis
37 paraphernalia, or artistic depictions of cannabis may be viewed from
38 outside the production facility;

1 (e) Licensed producers may hire staff or use patient volunteers
2 to assist in the operation of the production facility;

3 (f) Licensed producers may not advertise cannabis for sale to the
4 general public in any manner that promotes or tends to promote the
5 abuse of cannabis. This subsection does not preclude a licensed
6 producer from advertising in trade journals or on medical cannabis
7 web sites;

8 (g) Licensed producers are prohibited from distributing cannabis
9 that is labeled in a manner that mimics candy, soda, or other treats
10 attractive to children; and

11 (h) Licensed producers may not be located within one thousand
12 feet of an accredited elementary or secondary school, public park, or
13 child care center. A city, town, or county may adopt an ordinance
14 providing for distance requirements that are greater than or less
15 than the distance requirement under this subsection, provided that
16 they do not preclude the possibility of siting a licensed producer or
17 a production facility within their jurisdiction. When an accredited
18 elementary or secondary school, public park, or child care center
19 opens within one thousand feet of a licensed producer after the
20 lawful establishment of the licensed producer, the distance
21 requirement in this subsection shall not apply to the licensed
22 producer.

23 (2) Transfer, delivery, and wholesale of useable cannabis shall
24 be subject to the dietary supplements exemption as provided in RCW
25 82.08.925 pursuant to a physician's valid documentation under this
26 chapter. This exemption shall apply to all forms of useable cannabis
27 distributed by a licensed producer, but shall not apply to other
28 products sold by a licensed producer.

29 (3) The department of agriculture may undertake subsequent rule
30 making for licensed producers if necessary. Rules pertaining to the
31 operation of licensed producers shall be based upon existing industry
32 standards and best practices for the sale and production of herbal
33 products.

34 (4) A person who knowingly violates a provision of subsection (1)
35 of this section is not entitled to the protections therein.

36 NEW SECTION. **Sec. 18.** A new section is added to chapter 69.51A
37 RCW to read as follows:

38 (1) It is not a violation of state criminal or civil law for
39 licensed processors and their employees, officers, or operators to

1 manufacture, produce, prepare, process, package, repackage,
2 transport, transfer, deliver, label, relabel, sell, or possess
3 cannabis for the medical use of qualifying patients if all of the
4 following criteria are met:

5 (a) Licensed processors must obtain a business license from the
6 department of revenue;

7 (b) No cannabis products from a licensed processor may be
8 delivered to anyone other than a licensed dispenser;

9 (c) Licensed processors must keep a record of all processing and
10 delivery;

11 (d) Licensed processors must ensure that no cannabis, cannabis
12 products, cannabis paraphernalia, or artistic depictions of cannabis
13 may be viewed from outside the processing facility;

14 (e) Licensed processors may hire staff or use patient volunteers
15 to assist in the operation of the processing facility;

16 (f) Licensed processors must follow the basic health and safety
17 standards required of a commercial kitchen;

18 (g) Licensed processors may not advertise cannabis or cannabis
19 products for sale to the general public in any manner that promotes
20 or tends to promote the abuse of cannabis. This subsection does not
21 preclude a licensed processor from advertising in trade journals or
22 on medical cannabis web sites;

23 (h) Licensed processors are prohibited from distributing cannabis
24 that is labeled in a manner that mimics candy, soda, or other treats
25 attractive to children; and

26 (i) Licensed processors may not be located within one thousand
27 feet of an accredited elementary or secondary school, public park, or
28 child care center. A city, town, or county may adopt an ordinance
29 providing for distance requirements that are greater than or less
30 than the distance requirement under this subsection, provided that
31 they do not preclude the possibility of siting a licensed processor
32 or processing facility within their jurisdiction. When an accredited
33 elementary or secondary school, public park, or child care center
34 opens within one thousand feet of a licensed processor after the
35 lawful establishment of the licensed processor, the distance
36 requirement in this subsection shall not apply to the licensed
37 processor.

38 (2) Transfer, delivery, and wholesale of cannabis products shall
39 be subject to the dietary supplements exemption as provided in RCW
40 82.08.925 pursuant to a physician's valid documentation under this

1 chapter. This exemption shall apply to all forms of cannabis products
2 distributed by a licensed processor, but shall not apply to other
3 products sold by a licensed processor.

4 (3) The department of agriculture may undertake subsequent rule
5 making for licensed processors if necessary. Rules pertaining to the
6 operation of licensed processors shall be based upon existing
7 industry standards and best practices for the sale and production of
8 herbal products.

9 (4) A person who knowingly violates a provision of subsection (1)
10 of this section is not entitled to the protections therein.

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

13 A qualifying patient who is under eighteen years of age may
14 possess and administer medical cannabis only if the parent or legal
15 guardian of the minor has signed a written statement affirming that
16 the parent or legal guardian:

17 (1) Understands the terminal or debilitating medical condition of
18 the minor;

19 (2) Understands the potential benefits and potential adverse
20 effects of the use of medical cannabis, generally, and specifically
21 in the case of the minor;

22 (3) Consents to the use of medical cannabis for the treatment of
23 the minor's terminal or debilitating medical condition; and

24 (4) Consents to, or designates another adult to, serve as the
25 designated provider for the minor and controls the acquisition,
26 possession, dosage, and frequency of use of medical cannabis by the
27 minor.

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

30 (1) A work group of at least twelve medical cannabis stakeholders
31 will be appointed by the legislature to study the potential benefits
32 and drawbacks of a voluntary patient registry or uniform
33 identification system compared to the current valid documentation
34 required under this chapter. Any recommendations from the work group
35 must be presented to the legislature by January 1, 2016.

36 (2) This section expires January 1, 2016.

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

3 Qualifying patients, designated providers, members of collective
4 gardens, licensed dispensers, licensed processors, and licensed
5 producers in compliance with all other terms and conditions of this
6 chapter may not be arrested, searched, prosecuted, or subject to
7 other criminal sanctions or civil consequences under state law, or
8 have real or personal property searched, seized, or forfeited
9 pursuant to state law, for such activities, notwithstanding any other
10 provision of law.

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

13 Washington state chartered banks and credit unions may accept
14 deposits from, make loans to, and generally engage in normal business
15 transactions with licensed dispensers, licensed processors, and
16 licensed producers in Washington state.

17 NEW SECTION. **Sec. 23.** This act may be known and cited as the
18 Ric Smith memorial act.

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