
HOUSE BILL 1766

State of Washington 64th Legislature 2015 Regular Session

By Representatives Cody, Schmick, Appleton, and Tharinger

Read first time 01/28/15. Referred to Committee on Health Care & Wellness.

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

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

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

10 (1) The legislature finds that:

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

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

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

20 (iii) Acute or chronic glaucoma;

21 (iv) Crohn's disease; and

1 (v) Some forms of intractable pain.

2 (b) Humanitarian compassion necessitates that the decision to use
3 ((~~cannabis~~)) marijuana by patients with terminal or debilitating
4 medical conditions is a personal, individual decision, based upon
5 their health care professional's professional medical judgment and
6 discretion.

7 (2) Therefore, the legislature intends that:

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

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

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

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

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

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

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

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

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

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

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

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

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

13 (~~(2)~~) (3) "Health care professional," for purposes of this
14 chapter only, means a physician licensed under chapter 18.71 RCW, a
15 physician assistant licensed under chapter 18.71A RCW, an osteopathic
16 physician licensed under chapter 18.57 RCW, an osteopathic
17 physicians' assistant licensed under chapter 18.57A RCW, a naturopath
18 licensed under chapter 18.36A RCW, or an advanced registered nurse
19 practitioner licensed under chapter 18.79 RCW.

20 (~~(3)~~) (4) "Marijuana" has the same meaning as in RCW 69.50.101.

21 (5) "Marijuana-infused products" has the same meaning as in RCW
22 69.50.101.

23 (6) "Medical use of marijuana" means the production, possession,
24 or administration of marijuana, as defined in RCW 69.50.101(~~(4)~~),
25 for the exclusive benefit of a qualifying patient in the treatment of
26 his or her terminal or debilitating (~~(illness)~~) medical condition.

27 (~~(4)~~) (7) "Qualifying patient" means a person who:

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

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

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

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

35 (e) Has been advised by that health care professional that they
36 may benefit from the medical use of marijuana.

37 (~~(5)~~) (8) "Tamper-resistant paper" means paper that meets one
38 or more of the following industry-recognized features:

39 (a) One or more features designed to prevent copying of the
40 paper;

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

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

5 ~~((+6))~~ (9) "Terminal or debilitating medical condition" means a
6 condition severe enough to significantly interfere with the patient's
7 activities of daily living and ability to function, which can be
8 objectively assessed and evaluated and limited to the following:

9 (a) Cancer, human immunodeficiency virus (HIV), multiple
10 sclerosis, epilepsy or other seizure disorder, or spasticity
11 disorders; ~~((e))~~

12 (b) Intractable pain, limited for the purpose of this chapter to
13 mean pain unrelieved by standard medical treatments and medications;
14 ~~((e))~~

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

18 (d) Crohn's disease with debilitating symptoms unrelieved by
19 standard treatments or medications; ~~((e))~~

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

22 (f) Diseases, including anorexia, which result in nausea,
23 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,
24 or spasticity, when these symptoms are unrelieved by standard
25 treatments or medications; ~~((e))~~

26 ~~(g) Any other medical condition duly approved by the Washington~~
27 ~~state medical quality assurance commission in consultation with the~~
28 ~~board of osteopathic medicine and surgery as directed in this~~
29 ~~chapter)).~~

30 ~~((+7))~~ (10) "Useable marijuana" has the same meaning as in RCW
31 69.50.101.

32 (11) "Valid documentation" means:

33 (a) A statement signed and dated by a qualifying patient's health
34 care professional written on tamper-resistant paper, which states
35 that, in the health care professional's professional opinion, the
36 patient may benefit from the medical use of marijuana; and

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

1 **Sec. 3.** RCW 69.51A.025 and 2011 c 181 s 413 are each amended to
2 read as follows:

3 Nothing in this chapter or in the rules adopted to implement it
4 precludes a qualifying patient or designated provider from engaging
5 in the private, unlicensed, noncommercial production, possession,
6 transportation, delivery, or administration of (~~eannabis~~) marijuana
7 for medical use as authorized under RCW 69.51A.040.

8 **Sec. 4.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
9 read as follows:

10 (1) The following acts do not constitute crimes under state law
11 or unprofessional conduct under chapter 18.130 RCW, and a health care
12 professional may not be arrested, searched, prosecuted, disciplined,
13 or subject to other criminal sanctions or civil consequences or
14 liability under state law, or have real or personal property
15 searched, seized, or forfeited pursuant to state law, notwithstanding
16 any other provision of law as long as the health care professional
17 complies with subsection (2) of this section:

18 (a) Advising a patient about the risks and benefits of medical
19 use of (~~eannabis~~) marijuana or that the patient may benefit from
20 the medical use of (~~eannabis~~) marijuana; or

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

27 (2)(a)(~~i~~) A health care professional may only provide a patient
28 with valid documentation authorizing the medical use of (~~eannabis or~~
29 ~~register the patient with the registry established in section 901 of~~
30 ~~this act~~) marijuana if he or she has a newly initiated or existing
31 documented relationship with the patient, as a primary care provider
32 or a specialist, relating to the diagnosis and ongoing treatment or
33 monitoring of the patient's terminal or debilitating medical
34 condition, and only after:

35 (~~i~~) (~~A~~) Completing (~~a~~) an in-person physical examination of
36 the patient as appropriate, based on the patient's condition and age;

37 (~~ii~~) (~~B~~) Documenting the terminal or debilitating medical
38 condition of the patient in the patient's medical record and that the

1 patient may benefit from treatment of this condition or its symptoms
2 with medical use of ~~((cannabis))~~ marijuana;

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

5 ~~((iv))~~ (D) Documenting other measures attempted to treat the
6 terminal or debilitating medical condition that do not involve the
7 medical use of ~~((cannabis))~~ marijuana.

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

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

13 (B) Consult, as medically indicated, with other health care
14 providers who are providing treatment to the patient prior to
15 providing the patient with valid documentation authorizing the
16 medical use of marijuana or a renewal of valid documentation
17 authorizing the medical use of marijuana.

18 (b) A health care professional shall not:

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

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

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

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

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

34 (vi) Hold an economic interest in an enterprise that produces,
35 processes, or dispenses ~~((cannabis))~~ marijuana if the health care
36 professional authorizes the medical use of ~~((cannabis))~~ marijuana.

37 (3) A health care professional:

38 (a) Shall identify the expiration date of the valid documentation
39 issued pursuant to subsection (2)(a) of this section. The expiration
40 date may not be more than one year from the date that the valid

1 documentation was issued. Any renewal of the valid documentation must
2 meet the procedures established under subsection (2)(a) of this
3 section and be performed immediately prior to the issuance of the
4 renewed valid documentation; and

5 (b) May identify the amount of marijuana that is likely needed by
6 the qualifying patient for his or her medical needs. If no
7 recommendations are included when the health care professional issues
8 the valid documentation, the qualifying patient may possess a
9 combination of the following: Three ounces of useable marijuana,
10 forty-eight ounces of marijuana-infused product in solid form, two
11 hundred sixteen ounces of marijuana-infused product in liquid form.
12 The qualifying patient may also grow, in his or her domicile, up to
13 six plants for the personal medical use of the qualifying patient.

14 (4) A violation of any provision of subsection (2) of this
15 section constitutes unprofessional conduct under chapter 18.130 RCW.

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

18 (1) After May 1, 2016, a qualifying patient may receive a
19 qualifying patient recognition card from the department if the
20 qualifying patient:

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

22 (i)(A) The qualifying patient; or

23 (B) If the qualifying patient is less than eighteen years of age,
24 a parent or guardian of the qualifying patient; and

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

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

29 (2) After May 1, 2016, a designated provider may receive a
30 designated provider recognition card from the department if the
31 designated provider:

32 (a) Submits to the department an application signed by the
33 designated provider and the qualifying patient that has made the
34 designation; and

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

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

4 (a) The individual's name;

5 (b) The individual's birth date;

6 (c) The expiration date;

7 (d) The amount of marijuana authorized for the patient as
8 determined by the patient's valid documentation, according to RCW
9 69.51A.030(3)(b); and

10 (e) In the case of a designated provider recognition card, the
11 name of the qualifying patient who the designated provider
12 represents.

13 (4) Qualifying patient recognition cards and designated provider
14 recognition cards expire on the date identified by the health care
15 professional on the valid documentation, which may not exceed one
16 year from the date that the valid documentation was authorized.

17 (5) Qualifying patient recognition cards and designated provider
18 recognition cards are not transferable.

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

21 (1) The department shall establish and maintain a system for
22 safeguarding the records of qualifying patients that have applied for
23 a qualifying patient recognition card under section 5 of this act and
24 designated providers that have applied for a designated provider
25 recognition card under section 5 of this act as secure and
26 confidential.

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

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

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

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

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

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

4 (f) To employees of the department of revenue to the extent
5 necessary to determine applicable exemptions from state and local
6 taxes.

7 **Sec. 7.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
8 read as follows:

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

22 (1)(a) The qualifying patient or designated provider possesses no
23 more than ~~((fifteen cannabis plants and:~~

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

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

27 ~~(iii) A combination of useable cannabis and cannabis product that
28 does not exceed a combined total representing possession and
29 processing of no more than twenty four ounces of useable cannabis))
30 the amount identified on the qualifying patient's or designated
31 provider's recognition card issued under section 5 of this act.~~

32 (b) If a person is both a qualifying patient and a designated
33 provider for another qualifying patient, the person may possess no
34 more than ~~((twice))~~ the sum of the amounts described in (a) of this
35 subsection, whether the plants, useable ~~((cannabis))~~ marijuana, and
36 ~~((cannabis))~~ marijuana product are possessed individually or in
37 combination between the qualifying patient and his or her designated
38 provider;

1 (2) The qualifying patient or designated provider presents his or
2 her ~~((proof of registration with the department of health))~~
3 recognition card issued under section 5 of this act, to any peace
4 officer who questions the patient or provider regarding his or her
5 medical use of ~~((cannabis))~~ marijuana;

6 (3) The qualifying patient or designated provider keeps a copy of
7 his or her ~~((proof of registration with the registry established in
8 section 901))~~ recognition card issued under section 5 of this act and
9 the qualifying patient or designated provider's contact information
10 posted prominently next to any ~~((cannabis))~~ marijuana plants,
11 ~~((cannabis))~~ marijuana products, or useable ~~((cannabis))~~ marijuana
12 located at his or her residence;

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

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

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

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

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

26 **Sec. 8.** RCW 69.51A.043 and 2011 c 181 s 402 are each amended to
27 read as follows:

28 (1) A qualifying patient or designated provider who ~~((is))~~ does
29 not ~~((registered with the registry established in section 901))~~ hold
30 a recognition card issued under section 5 of this act may raise the
31 affirmative defense set forth in subsection (2) of this section, if:

32 (a) The qualifying patient or designated provider presents his or
33 her valid documentation to any peace officer who questions the
34 patient or provider regarding his or her medical use of ~~((cannabis))~~
35 marijuana;

36 (b) The qualifying patient or designated provider possesses no
37 more ~~((cannabis than the limits set forth in RCW 69.51A.040(1))~~
38 marijuana than three ounces of useable marijuana, forty-eight ounces

1 of marijuana-infused product in a solid form, two hundred sixteen
2 ounces of marijuana-infused product in liquid form, or six plants;

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

5 (d) The investigating peace officer does not have probable cause
6 to believe that the qualifying patient or designated provider has
7 committed a felony, or is committing a misdemeanor in the officer's
8 presence, that does not relate to the medical use of ~~((cannabis))~~
9 marijuana; and

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

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

14 (2) A qualifying patient or designated provider who ~~((is))~~ does
15 not ((registered with the registry established in section 901)) hold
16 a recognition card issued under section 5 of this act, but who
17 presents his or her valid documentation to any peace officer who
18 questions the patient or provider regarding his or her medical use of
19 ~~((cannabis))~~ marijuana, may assert an affirmative defense to charges
20 of violations of state law relating to ~~((cannabis))~~ marijuana through
21 proof at trial, by a preponderance of the evidence, that he or she
22 otherwise meets the requirements of RCW 69.51A.040. A qualifying
23 patient or designated provider meeting the conditions of this
24 subsection but possessing more ~~((cannabis))~~ marijuana than the limits
25 set forth in ~~((RCW 69.51A.040(1))~~ subsection (1)(b) of this section
26 may, in the investigating peace officer's discretion, be taken into
27 custody and booked into jail in connection with the investigation of
28 the incident.

29 **Sec. 9.** RCW 69.51A.047 and 2011 c 181 s 406 are each amended to
30 read as follows:

31 A qualifying patient or designated provider who ~~((is not~~
32 ~~registered with the registry established in section 901 of this act~~
33 ~~or))~~ does not present his or her recognition card issued under
34 section 5 of this act or valid documentation to a peace officer who
35 questions the patient or provider regarding his or her medical use of
36 ~~((cannabis))~~ marijuana but is in compliance with all other terms and
37 conditions of this chapter may establish an affirmative defense to
38 charges of violations of state law relating to ~~((cannabis))~~ marijuana
39 through proof at trial, by a preponderance of the evidence, that he

1 or she was a validly authorized qualifying patient or designated
2 provider at the time of the officer's questioning. (~~A qualifying~~
3 ~~patient or designated provider who establishes an affirmative defense~~
4 ~~under the terms of this section may also establish an affirmative~~
5 ~~defense under RCW 69.51A.045.~~)

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

8 (1)(a) The arrest and prosecution protections established in RCW
9 69.51A.040 may not be asserted in a supervision revocation or
10 violation hearing by a person who is supervised by a corrections
11 agency or department, including local governments or jails, that has
12 determined that the terms of this section are inconsistent with and
13 contrary to his or her supervision.

14 (b) The affirmative defenses established in RCW 69.51A.043(~~(~~
15 ~~69.51A.045,~~) and 69.51A.047(~~(, and section 407 of this act)~~) may not
16 be asserted in a supervision revocation or violation hearing by a
17 person who is supervised by a corrections agency or department,
18 including local governments or jails, that has determined that the
19 terms of this section are inconsistent with and contrary to his or
20 her supervision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **Sec. 13.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
5 read as follows:

6 A qualifying patient's medical use of (~~cannabis~~) marijuana as
7 authorized by a health care professional may not be a sole
8 disqualifying factor in determining the patient's suitability for an
9 organ transplant, unless it is shown that this use poses a
10 significant risk of rejection or organ failure. This section does not
11 preclude a health care professional from requiring that a patient
12 abstain from the medical use of (~~cannabis~~) marijuana, for a period
13 of time determined by the health care professional, while waiting for
14 a transplant organ or before the patient undergoes an organ
15 transplant.

16 **Sec. 14.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
17 read as follows:

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

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

27 (1) The department shall convene a work group of representatives
28 of the medical quality assurance commission, board of osteopathic
29 medicine and surgery, the nursing care quality assurance committee,
30 the board of naturopathy, and an association representing physicians
31 to develop practice guidelines for health care professionals to
32 consider when authorizing the medical use of marijuana for patients.
33 The practice guidelines shall address:

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

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

- 1 (c) Dosing criteria related to the medical use of marijuana;
- 2 (d) Developing a treatment plan for patients who may benefit from
3 the medical use of marijuana;
- 4 (e) Communicating with a patient about the medical use of
5 marijuana and other options for treating his or her terminal or
6 debilitating medical condition;
- 7 (f) Maintaining records for patients who have been authorized to
8 use marijuana for medical purposes; and
- 9 (g) Other issues identified by the work group as necessary to
10 provide appropriate care to patients who have been authorized to use
11 marijuana for medical purposes.
- 12 (2) The department shall make the practice guidelines broadly
13 available to health care professionals.

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

16 All valid documentation issued prior to the effective date of
17 this section expires May 1, 2016.

18 **Sec. 17.** RCW 69.51A.900 and 2011 c 181 s 1106 are each amended
19 to read as follows:

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

22 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 69.51A.070 (Addition of medical conditions) and 2007 c
25 371 s 7 & 1999 c 2 s 9;

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

28 (3) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

29 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
30 each repealed, effective May 1, 2016:

31 (1) RCW 69.51A.045 (Possession of cannabis exceeding lawful
32 amount—Affirmative defense) and 2011 c 181 s 405; and

33 (2) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403.

1 NEW SECTION. **Sec. 20.** Sections 7 and 8 of this act take effect
2 May 1, 2016.

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