

# SENATE BILL REPORT

## SB 5933

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As Reported by Senate Committee On:  
Health Care, May 2, 2017

**Title:** An act relating to the acquisition of marijuana seeds for qualifying patients and designated providers who hold a recognition card and have been entered into the medical marijuana authorization database.

**Brief Description:** Concerning the acquisition of marijuana seeds for certain qualifying patients and designated providers.

**Sponsors:** Senator Rivers.

**Brief History:**

**Committee Activity:** Health Care: 5/02/17, 5/02/17 [DP, DNP, w/oRec].

**Brief Summary of Bill**

- Permits qualifying patients and designated providers to purchase marijuana seeds only if they have been entered into the medical marijuana authorization database.

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass.

Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer, Assistant Ranking Minority Member; Conway, Fain, Keiser and Mullet.

**Minority Report:** Do not pass.

Signed by Senators O'Ban and Walsh.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Bailey.

**Staff:** Kathleen Buchli (786-7488)

**Background:** Patients who qualify for the medical use of marijuana are those people who have been diagnosed by a health care professional as having a terminal or debilitating

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

medical condition such as cancer, intractable pain, or hepatitis C. Qualifying patients must be authorized by a health care professional for the medical use of marijuana on an authorization form designed by the Department of Health (DOH). Qualifying patients may either grow or obtain marijuana for their own personal medical use or may designate an adult to act as a designated provider to grow or obtain marijuana on behalf of the qualifying patient. The designated provider must also be authorized as such by the health care professional on the DOH-designed authorization form. Qualifying patients and designated providers with an authorization form may grow, for the personal medical use of the qualifying patient, up to four marijuana plants at their residence and possess up to six ounces of useable marijuana produced by those plants.

Qualifying patients or their designated providers who wish to grow more than four marijuana plants for their medical use must register with the Medical Marijuana Authorization Database. Upon registering, patients and providers are provided a recognition card. Qualifying patients and designated providers with recognition cards may grow, for the personal medical use of the qualifying patient, up to 15 marijuana plants at their residence and possess up to 16 ounces of useable marijuana produced by those plants. Before 2017, patients and providers were not authorized to purchase plants, clones, or seeds.

During the 2017 legislative session, the Legislature passed Engrossed Substitute Senate Bill 5131 which, beginning on July 23, 2017, permits qualifying patients and designated providers who hold recognition cards to purchase immature plants or clones from a licensed marijuana producer. This bill also permits qualifying patients and designated providers to purchase marijuana seeds from a licensed marijuana producer but does not limit these purchases to patients and providers who hold recognition cards.

**Summary of Bill:** Qualifying patients and designated providers who have registered with the Medical Marijuana Authorization Database and who hold recognition cards may purchase marijuana seeds from a licensed marijuana producer.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 23, 2017.

**Staff Summary of Public Testimony (First Special Session 2017):** PRO: There have been no breaches to the database. ESSB 5131 was intended to restrict all sales of plants and seeds to people who are in the database. This bill would clarify the intent of that bill and result in permitting producers to only sell plants and seeds to people who are in the database.

CON: This bill is based on the Cole memorandum which is not to be relied upon to create new rights. Requiring people to be on the registry makes them surrender their rights and use of marijuana is still a federal crime. The authorizations are state approved and it is easier to make fraudulent copies of registration cards. Law enforcement has stated that they do not have problems with people with grows of 20 plants or less. We need to ensure that qualified

patients who are not on the registry be able to buy plants or seeds. Most patients in the state are not on the registry and they will continue to be required to purchase seeds and plants from the gray or black market. This puts a premium on seeds outside the system.

**Persons Testifying:** PRO: Senator Ann Rivers, Prime Sponsor; Kristi Weeks, WA Department of Health.

CON: M. Bailey Hirschburg; John Novak, 420leaks.com, Founder.

**Persons Signed In To Testify But Not Testifying:** No one.