

# HOUSE BILL REPORT

## ESHB 1094

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### As Amended by the Senate

**Title:** An act relating to establishing compassionate care renewals for medical marijuana qualifying patients.

**Brief Description:** Establishing compassionate care renewals for medical marijuana qualifying patients.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Blake and Walsh).

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 1/25/19, 2/1/19 [DPS].

##### **Floor Activity:**

Passed House: 3/12/19, 87-9.

Senate Amended.

Passed Senate: 4/15/19, 44-1.

#### **Brief Summary of Engrossed Substitute Bill**

- Exempts a qualifying patient from the requirement to be physically present and have a photograph taken when seeking to renew registration in the Medical Marijuana Authorization Database and a recognition card if a health care professional finds that it would likely result in a severe hardship to the qualifying patient.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Davis, Harris, Jinkins, Maycumber, Riccelli, Robinson, Stonier, Thai and Tharinger.

**Minority Report:** Do not pass. Signed by 1 member: Representative Chambers.

**Staff:** Chris Blake (786-7392).

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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.*

**Background:**

Marijuana is classified as a Schedule I substance under the Controlled Substances Act. Under federal law, the manufacture, possession, or distribution of Schedule I substances is a criminal offense.

Since 1998 Washington law has allowed qualifying patients to use limited amounts of marijuana for medicinal purposes. A qualifying patient is a person who is the patient of a health care professional who has diagnosed the patient as having a terminal or debilitating medical condition. A health care professional may issue an authorization to a patient to use marijuana for medical purposes if the health care professional has completed an in-person examination of the patient, documented the patient's terminal or debilitating medical condition, advised the patient about the risks and benefits of using marijuana for medical purposes, and advised the patient that he or she may benefit from the medical use of marijuana. An authorization expires after one year for adult qualifying patients and after six months for qualifying patients under 18 years old. An in-person physical examination is also required to renew an authorization.

An authorization from a health care provider allows a qualifying patient or his or her designated provider to possess defined amounts of useable marijuana and plants. Qualifying patients and designated providers may register in the Medical Marijuana Authorization Database (Authorization Database) and receive a recognition card to allow them to possess additional quantities of marijuana and plants, receive arrest protection, and receive an exemption from sales tax on marijuana purchases.

To be entered in the Authorization Database and receive a recognition card, a qualifying patient or designated provider must bring the authorization from the health care professional to a marijuana retailer with a medical marijuana endorsement. At that time, the retailer enters the person into the Authorization Database and provides the qualifying patient or designated provider with a recognition card that includes a picture taken at the time of registration. Registration in the Authorization Database and the recognition card are valid for the same length of time as the authorization from the health care professional and may be renewed upon reexamination by a health care professional and the issuance of a new authorization.

**Summary of Engrossed Substitute Bill:**

A health care professional may indicate on a qualifying patient's authorization for the medical use of marijuana that the person qualifies for a compassionate care renewal. A compassionate care renewal allows a designated provider to renew a qualifying patient's registration in the Medical Marijuana Authorization Database (Authorization Database) and recognition card without the need for the qualifying patient to be physically present at a marijuana retailer or to have a photograph taken. The compassionate care option applies if a health care professional determines that requiring the qualifying patient to renew a registration in person would likely result in severe hardship to the qualifying patient because of a physical or emotional condition.

The policy related to compassionate care renewals begins November 1, 2019; however, the Department of Health may adopt rules to implement compassionate care renewals and streamline administrative functions.

Expired provisions are eliminated related to: (1) health care professionals reporting the number of authorizations issued for the medical use of marijuana; and (2) the Department of Health reporting on the cost of the Authorization Database.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment exempts a qualifying patient from the requirement to have an in-person physical examination when seeking to renew a medical marijuana authorization if a health care professional finds that an in-person examination would likely result in a severe hardship to the qualifying patient and a physical examination is performed with telemedicine technology.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a bill from a constituent with a child who has received an authorization, but because of medical and emotional difficulties it has been challenging to get a renewal. This bill tries to facilitate the renewal process for people with medical and emotional difficulties.

(Opposed) None.

**Persons Testifying:** Representative Blake, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.