

WSR 22-18-086

EXPEDITED RULES

DEPARTMENT OF HEALTH

[Filed September 6, 2022, 10:32 a.m.]

Title of Rule and Other Identifying Information: Chapter 246-71 WAC, Medical marijuana authorization database; and chapter 246-72 WAC, Medical marijuana consultant certificate. The department of health (department) is proposing replacing the term "marijuana" with "cannabis" in response to passage of 2SHB 1210 (chapter 16, Laws of 2022). The department is also proposing other clarifying changes, including changing terms such as "gender," citations, and spellings throughout both chapters.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 2SHB 1210 changed the term "marijuana" to "cannabis" in state law. This proposed rule change will update chapters 246-71 and 246-72 WAC to reflect the term "cannabis." The department is proposing this rule change as a part of bill implementation.

The department is proposing other updates are [and] general corrections for accuracy and readability. Additional technical changes not referenced in the bill include removing gender pronouns as well as the requirement to identify gender in the medical marijuana authorization database.

The proposed changes will not affect the intent or meaning of the rule.

Reasons Supporting Proposal: 2SHB 1210 made technical changes to replace the term "marijuana" with "cannabis" throughout RCW. The legislature finds that the use of the term "marijuana" in the United States has discriminatory origins and should be replaced with the more scientifically accurate term "cannabis."

Reasons for removing gender pronouns as well as no longer requiring gender be identified in rule is to ensure the rule language reflects the current state of the authorization database. In addition, left unchanged, requiring gender to be identified is not mandated by statute and would not be something that would result in a violation of law or rule.

This act is technical in nature and no substantive legal changes are intended or implied.

Statutory Authority for Adoption: RCW 69.51A.290 and 69.51A.230.

Statute Being Implemented: RCW 69.51A.290, 69.51A.230; and 2SHB 1210 (chapter 16, Laws of 2022).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Shannon Angell, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-2820.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The department is proposing this rule change as a part of bill implementation. Other proposed changes are clarifying. Changes will not affect the intent or meaning of the rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Shannon Angell, Department of Health, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2820, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY November 7, 2022.

September 6, 2022
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

OTS-3901.1

Chapter 246-71 WAC
MEDICAL ((MARIJUANA)) CANNABIS AUTHORIZATION DATABASE

AMENDATORY SECTION (Amending WSR 19-22-047, filed 11/1/19, effective 11/1/19)

WAC 246-71-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a form developed by the department that is completed and signed by a qualifying patient's health care professional and printed on tamper-resistant paper approved by the Washington pharmacy quality assurance commission.

(2) "Compassionate care renewal" means a renewal of an authorization by a health care practitioner through the use of telemedicine if the health care practitioner determines that requiring the qualifying patient to attend an in-person physical examination would likely result in severe hardship to the qualifying patient because of the qualifying patient's physical or emotional condition. A compassionate care renewal of a qualifying patient's registration and recognition card also allows the qualifying patient's designated provider to renew the qualifying patient's registration in the database and recognition card without the qualifying patient being physically present at a retailer and without a new photograph being taken.

(3) "Consultant" means a person who holds a valid medical ((~~marijuana~~)) cannabis consultant certificate issued by the secretary under chapter 246-72 WAC and who is employed by a retail outlet with a medical ((~~marijuana~~)) cannabis endorsement.

(4) "Credential for access" or "credentials" means information, electronic device, or certificate provided by the department or the

department's designee to a data requestor to electronically access the database. The authentication may include, but is not limited to, a user name, password, or an identification electronic device or certificate.

(5) "Database" means the medical ((~~marijuana~~)) cannabis authorization database established under RCW 69.51A.230.

(6) "Department" means the Washington state department of health.

(7) "Designated provider" has the same meaning as RCW 69.51A.010(4).

(8) "Dispenser" means a person authorized to dispense controlled substances other than ((~~marijuana~~)) cannabis under chapter 69.50 RCW.

(9) "Health care practitioner" or "authorizing health care practitioner," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physician's assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(10) "Official" means an official of a local, state, tribal, or federal law enforcement or prosecutorial agency.

(11) "Prescriber" means a person authorized to prescribe or dispense controlled substances other than ((~~marijuana~~)) cannabis under chapter 69.50 RCW.

(12) "Qualifying patient" or "patient" has the same meaning as RCW 69.51A.010(19).

(13) "Recognition card" means a card issued to qualifying patients and designated providers by a ((~~marijuana~~)) cannabis retailer with a medical ((~~marijuana~~)) cannabis endorsement that has entered them into the medical ((~~marijuana~~)) cannabis authorization database.

(14) "Retail outlet with a medical ((~~marijuana~~)) cannabis endorsement" or "endorsed outlet" means a location licensed by the WSLCB under RCW 69.50.325 for the retail sale of usable ((~~marijuana and marijuana-infused~~)) cannabis and cannabis-infused products to the public, and under RCW 69.50.375 to qualifying patients and designated providers for medical use.

(15) "Telemedicine" has the same meaning as the definition of that term adopted by the authorizing health care practitioner's disciplining authority, whether defined in rule or policy.

(16) "Valid photographic identification" means:

(a) A driver's license or instruction permit issued by any state of the United States or province of Canada. If the patient's driver's license has expired, the patient must also show a valid temporary driver's license with the expired card.

(b) A state identification card issued by any state of the United States or province of Canada.

(c) An official passport issued by any nation.

(d) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(e) A merchant marine identification card issued by the United States Coast Guard.

(f) An enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses.

A recognition card, whether current or expired, does not qualify as valid photographic identification.

(17) "Vendor" means the third-party administrator with whom the department has contracted to operate the database.

(18) "~~(WSCLB-[WSLCB])~~ WSLCB" means the Washington state liquor and cannabis board.

[Statutory Authority: 2019 c 203 and RCW 43.70.040. WSR 19-22-047, § 246-71-010, filed 11/1/19, effective 11/1/19. Statutory Authority: RCW 69.51A.230. WSR 16-11-086, § 246-71-010, filed 5/17/16, effective 6/17/16.]

AMENDATORY SECTION (Amending WSR 19-22-047, filed 11/1/19, effective 11/1/19)

WAC 246-71-020 Adding qualifying patients and designated providers to the database. A qualifying patient or designated provider may take their authorization to an endorsed outlet to be entered into the database.

(1) Only a consultant employed by an endorsed outlet is allowed to enter a qualifying patient's or designated provider's information into the database.

(2) Consultants must register with the department to receive credentials to access the database. The process for registration will be established by the department.

(3) The department shall verify the consultant's identity and certificate status before providing credentials to access the database.

(4) The consultant shall access the database using the credentials issued by the department or the department's designee. If the credentials are lost or missing, or the security of the credentials is compromised, the consultant shall notify the department by telephone and in writing within one business day.

(5) The consultant shall ensure that the authorization form provided is valid, complete, unaltered, and meets all requirements specified in RCW 69.51A.030 and complies with the instructions on the form. "Street address" on the authorization form means the physical address for the person's residence where plants may be grown under RCW 69.51A.210. If any requirement is not met, or the form is altered or incomplete, the person cannot be entered into the database.

(6) The consultant shall verify the identity of every patient age ~~((eighteen))~~ 18 and older and every designated provider by inspecting the patient's or designated provider's valid photographic identification. Except for patients under the age of ~~((eighteen))~~ 18, or qualifying patients renewing under a compassionate care renewal as authorized in RCW 69.51A.030, a person cannot be entered into the database without valid photographic identification.

(7) In the event of an inexact match of names on the identification and the authorization, the consultant shall ensure that the patient or designated provider named on the authorization form is the same person presenting the authorization for entry into the database.

(8) The consultant shall check the database to ensure that a designated provider is not currently associated with a different patient in the database before associating the designated provider with a new patient in the database. If a designated provider is still associated

with a different patient, the consultant cannot enter the designated provider into the database as associated with the new patient.

(9) The consultant shall enter the following information into the database for each patient and designated provider (unless specified below):

(a) The type of valid photographic identification verified and the unique number from the identification;

(b) Full legal name, as it appears on the valid photographic identification, including first name, middle initial, last name, and generational suffixes, if any;

(c) Date of birth;

(d) Actual physical address if different from the address on the identification;

(e) ~~((Gender;~~

~~(f))~~ Name of the authorizing health care practitioner;

~~((g))~~ (f) Authorizing health care practitioner's full license number;

~~((h))~~ (g) Business address of the authorizing health care practitioner;

~~((i))~~ (h) Telephone number of the authorizing health care practitioner, as listed on the authorization form;

~~((j))~~ (i) The patient's qualifying condition(s);

~~((k))~~ (j) For the designated provider only, the patient the designated provider is authorized to assist;

~~((l))~~ (k) The date the authorization was issued;

~~((m))~~ (l) The date the authorization expires; and

~~((n))~~ (m) The number of plants the patient is allowed to grow. If the authorizing health care practitioner does not indicate a specific number, the presumptive number is six plants. The health care practitioner cannot authorize more than ~~((fifteen))~~ 15 plants. An authorization for more than ~~((fifteen))~~ 15 plants is invalid.

(10) All requests for, uses of, and disclosures of information from the database by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

[Statutory Authority: 2019 c 203 and RCW 43.70.040. WSR 19-22-047, § 246-71-020, filed 11/1/19, effective 11/1/19. Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-71-020, filed 3/12/18, effective 4/12/18; WSR 16-11-086, § 246-71-020, filed 5/17/16, effective 6/17/16.]

AMENDATORY SECTION (Amending WSR 19-22-047, filed 11/1/19, effective 11/1/19)

WAC 246-71-030 Renewing qualifying patients and designated providers in the database. (1) Recognition cards expire on the expiration date indicated on the patient's or designated provider's authorization. To be valid, an authorization must expire no later than:

(a) Twelve months after the date it was issued for patients age ~~((eighteen))~~ 18 and over;

(b) Twelve months after the date it was issued for designated providers; or

(c) Six months after the date it was issued for patients under the age of ~~((eighteen))~~ 18.

(2) To renew a recognition card a patient or designated provider must receive a new authorization following reexamination of the patient by a health care practitioner in-person or as authorized for compassionate care renewals as provided in RCW 69.51A.030. The qualifying patient or designated provider may take their new authorization to an endorsed outlet to be entered into the database.

(3) A qualifying patient's designated provider may renew the patient's registration and recognition card in the medical (~~marijuana~~) cannabis authorization database without the physical presence of the qualifying patient at the retailer if the authorization from the health care practitioner indicates that the qualifying patient qualifies for a compassionate care renewal as provided in RCW 69.51A.030. A qualifying patient receiving renewals under compassionate care renewal provisions is exempt from the requirement for a new photograph for the renewal.

(4) The procedures in WAC 246-71-020 must be used to enter the patient's or designated provider's new authorization into the database.

(5) The consultant shall ensure that the information required by WAC 246-71-020(9) is updated and accurate at the time of renewal.

[Statutory Authority: 2019 c 203 and RCW 43.70.040. WSR 19-22-047, § 246-71-030, filed 11/1/19, effective 11/1/19. Statutory Authority: RCW 69.51A.230. WSR 16-11-086, § 246-71-030, filed 5/17/16, effective 6/17/16.]

AMENDATORY SECTION (Amending WSR 19-22-047, filed 11/1/19, effective 11/1/19)

WAC 246-71-040 Requirements for recognition cards. (1) An endorsed outlet must have the following equipment readily available and maintained in good working order:

(a) A computer with internet access and capability of running a supported version of a common web browser;

(b) A digital camera with at least 10 megapixel resolution;

(c) A standard color printer able to print at least 300 dots per inch;

(d) A laminator; and

(e) A solid white, off-white, or light blue backdrop that is free of patterns, objects or textures, to use as the background for each picture.

(2) When issuing a recognition card to a qualifying patient or designated provider, an endorsed outlet must comply with the following requirements:

(a) Only a consultant employed by the endorsed outlet is allowed to print and create a card;

(b) The consultant shall take a picture of the face of the patient or designated provider at the same time they are entered into the database following the process specified by the department. Compassionate care renewals will use the qualifying patient's existing photograph and information retained securely in the database to generate a new recognition card for the patient. The endorsed outlet shall not otherwise retain or use the photograph or patient information for any purpose other than:

- (i) Entering a qualifying patient or designated provider into the database;
- (ii) Issuing a replacement card under WAC 246-71-120; or
- (iii) Issuing a compassionate care renewal.
- (c) The consultant shall create, print the card in full color, permanently laminate the card using a heat process, and issue it to the patient or designated provider following the process specified by the department; and
- (d) The consultant shall return the authorization to the patient or designated provider. The endorsed outlet shall not retain a copy of the authorization.
- (3) The database vendor shall ensure recognition cards contain the following:
 - (a) A randomly generated and unique identification number;
 - (b) The name of the patient or designated provider;
 - (c) For designated providers, the unique identification number of the patient they are assisting;
 - (d) A photograph of the patient or designated provider;
 - (e) The amounts of (~~marijuana~~) cannabis concentrates, usable (~~marijuana, or marijuana-infused~~) cannabis, or cannabis-infused products the patient or designated provider is authorized to purchase or obtain at an endorsed outlet;
 - (f) The number of plants the patient or designated provider is authorized to grow;
 - (g) The effective date and expiration date of the card;
 - (h) The name of the health care professional who issued the authorization; and
 - (i) Additional security features required by the department to ensure the validity of the card.

[Statutory Authority: 2019 c 203 and RCW 43.70.040. WSR 19-22-047, § 246-71-040, filed 11/1/19, effective 11/1/19. Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-71-040, filed 3/12/18, effective 4/12/18; WSR 16-11-086, § 246-71-040, filed 5/17/16, effective 6/17/16.]

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-050 Database access by (~~marijuana~~) cannabis retailers with medical endorsements. Employees of an endorsed outlet may access the database to confirm the validity of a recognition card presented by a patient or designated provider.

(1) An employee of an endorsed outlet must register with the department to receive credentials for access. The registration process shall be established by the department.

(2) The department shall verify the employee's identity and employment status before providing credentials to access the database.

(3) The employee shall access the database using the credentials issued by the department or the department's designee. If the credentials issued are lost or missing, or the security of the credentials is compromised, the employee shall notify the department by telephone and in writing within one business day.

(4) An endorsed outlet owner or manager shall inform the department and the database vendor in writing immediately upon the termination of employment of an employee with access.

(5) All requests for, uses of, and disclosures of information from the database by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

[Statutory Authority: RCW 69.51A.230. WSR 16-11-086, § 246-71-050, filed 5/17/16, effective 6/17/16.]

AMENDATORY SECTION (Amending WSR 16-11-086, filed 5/17/16, effective 6/17/16)

WAC 246-71-080 Database access by local, state, tribal, and federal law enforcement and prosecutorial officials. Officials who are engaged in a bona fide specific investigation of suspected (~~marijuana-related~~) cannabis-related activity that may be illegal under Washington state law may access the database to confirm the validity of the recognition card of a patient or designated provider.

(1) Officials who want access to the database shall register with the department in order to receive credentials for access. The registration process shall be established by the department.

(2) The department or the department's designee shall verify the official's identity and position before providing credentials to access the database.

(3) Officials shall access the database using the credentials issued by the department or the department's designee. If the credentials issued are lost or missing, or the security of the credentials is compromised, the official shall notify the department or its designee by telephone and in writing within one business day.

(4) Officials with an active database account must inform the department and the database vendor in writing immediately when they no longer hold a position as a law enforcement or prosecutorial official.

(5) All requests for, uses of, and disclosures of information from the database by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

[Statutory Authority: RCW 69.51A.230. WSR 16-11-086, § 246-71-080, filed 5/17/16, effective 6/17/16.]

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

WAC 246-71-130 Removal of a qualifying patient or designated provider from the database. (1) The vendor must automatically deactivate patient and designated provider records in the database upon expiration of a recognition card.

(2) Patients and designated providers may request to be deactivated in the database before the expiration of their recognition card using the process established by the department.

(3) The authorizing health care practitioner may request deactivation of a patient or designated provider from the database if the patient no longer qualifies for the medical use of (~~marijuana~~) can-

nabis. This request must be made using the process established by the department.

[Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-71-130, filed 3/12/18, effective 4/12/18; WSR 16-11-086, § 246-71-130, filed 5/17/16, effective 6/17/16.]

OTS-3902.1

Chapter 246-72 WAC
MEDICAL ((MARIJUANA)) CANNABIS CONSULTANT CERTIFICATE

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

WAC 246-72-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Approved training program" means a school, college, or program approved by the secretary that meets the requirements of this chapter.
- (2) "Certificate holder" means a person holding a valid medical ((marijuana)) cannabis consultant certificate issued by the secretary under chapter 69.51A RCW and this chapter.
- (3) "Customer" means any patron of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.
- (4) "Department" means the Washington state department of health.
- (5) "Designated provider" means the same as defined in RCW 69.51A.010.
- (6) "((Marijuana)) Cannabis product" means ((marijuana, marijuana)) cannabis, cannabis concentrates, usable ((marijuana)) cannabis, and ((marijuana-infused)) cannabis-infused products as defined in RCW 69.50.101.
- (7) "Qualifying patient" or "patient" means the same as defined in RCW 69.51A.010.
- (8) "Secretary" means the secretary of the department of health or the secretary's designee.

[Statutory Authority: RCW 69.51A.290. WSR 22-11-015, § 246-72-010, filed 5/9/22, effective 6/9/22; WSR 16-07-086, § 246-72-010, filed 3/17/16, effective 3/18/16.]

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

WAC 246-72-020 Certificate requirements. An applicant for a medical ((marijuana)) cannabis consultant certificate must submit to the department:

- (1) A completed initial application on forms provided by the department;
- (2) Fees required under WAC ((246-72-110)) 246-72-990;
- (3) Certificate of successful completion from an approved training program;
- (4) Proof of being age ((~~twenty-one~~) 21) or older. Acceptable forms of proof are a copy of the applicant's valid driver's license or other government-issued identification card, United States passport, or certified birth certificate;
- (5) Proof of current CPR certification from a course requiring completion of both a written and skills demonstration test; and
- (6) Any other documentation required by the secretary.

[Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-72-020, filed 3/12/18, effective 4/12/18. Statutory Authority: RCW 69.51A.290. WSR 16-07-086, § 246-72-020, filed 3/17/16, effective 3/18/16.]

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

WAC 246-72-030 Practice parameters. (1) A certificate holder may only provide services when acting in the capacity of an owner, employee, or volunteer of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.

- (2) A certificate holder may:
 - (a) Perform regular job duties and business functions including, but not limited to, assisting a customer with the selection of ((~~marijuana~~) cannabis) product and other items sold at the retail outlet;
 - (b) Assist a qualifying patient or designated provider with the following:
 - (i) Selection of ((~~marijuana~~) cannabis) products and other items sold at the retail outlet that may benefit the qualifying patient's terminal or debilitating medical condition;
 - (ii) Understanding the risks and benefits of ((~~marijuana~~) cannabis) products and other items sold at the retail outlet;
 - (iii) Understanding the risks and benefits of methods of administration of ((~~marijuana~~) cannabis) products sold at the retail outlet. Whenever practicable, a certificate holder shall encourage methods of administration other than smoking;
 - (iv) Advice about the safe handling and storage of ((~~marijuana~~) cannabis) products, including strategies to reduce access by minors;
 - (v) Instruction and demonstration about proper use and application of ((~~marijuana~~) cannabis) products; and
 - (vi) Processing the medical ((~~marijuana~~) cannabis) authorization form for the purpose of adding the qualifying patient or designated provider to the database according to WAC 246-71-020.
- (3) When discussing a ((~~marijuana~~) cannabis) product with a qualifying patient or their designated provider, a certificate holder shall refer to the product using the cannabinoid profile labeling required by the Washington state liquor and cannabis board in addition to the represented strain name.
- (4) A certificate holder shall not:
 - (a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condi-

tion, physical or mental, real or imaginary, by use of ((marijuana)) cannabis products or any other means or instrumentality;

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of ((marijuana)) cannabis products;

(c) Solicit or accept any form of remuneration directly or indirectly, overtly or covertly, in cash or any other form in return for recommending a certain product, producer, processor, clinic, or health care practitioner;

(d) Provide medical ((marijuana)) cannabis consultant services at any location other than at retail outlets licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375 for which the certificate holder serves as an owner, employee, or volunteer;

(e) Create their own recognition card pursuant to chapter 246-71 WAC;

(f) Provide free samples of a ((marijuana)) cannabis product to a customer except pursuant to RCW 69.50.375;

(g) Open or allow a customer, including qualifying patients and designated providers to open a ((marijuana)) cannabis product on the premises; or

(h) Consume or allow a customer, including qualifying patients and designated providers, to consume any ((marijuana)) cannabis product on the premises.

[Statutory Authority: RCW 69.51A.290. WSR 22-11-015, § 246-72-030, filed 5/9/22, effective 6/9/22. Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-72-030, filed 3/12/18, effective 4/12/18. Statutory Authority: RCW 69.51A.290. WSR 16-07-086, § 246-72-030, filed 3/17/16, effective 3/18/16.]

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

WAC 246-72-040 Display of certificate. (1) A certificate holder shall display ((his or her)) their certificate in ((his or her)) their principal place of business in a place and manner visible to customers.

(2) A certificate holder who owns, is employed by, or volunteers at more than one business location shall display a duplicate certificate or an unaltered photocopy of ((his or her)) their certificate in each business location in a place and manner visible to customers.

[Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-72-040, filed 3/12/18, effective 4/12/18. Statutory Authority: RCW 69.51A.290. WSR 16-07-086, § 246-72-040, filed 3/17/16, effective 3/18/16.]

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

WAC 246-72-100 Continuing education. (1) A certificate holder must complete a minimum of 10 hours of continuing education each year in order to renew the certificate.

(2) Two of the 10 hours must be successful completion of a two-hour continuing education course offered by the department.

(3) Eight of the 10 continuing education hours may be earned through seminars, lectures, workshops, and professional conferences. Continuing education credits may be earned through in-person, distance learning, or self-study.

(a) Distance learning includes correspondence courses, webinars, audio/video broadcasting, audio/video teleconferencing e-learning, or webcasts.

(b) Self-study includes the use of multimedia devices or the study of books, research materials, ((~~marijuana~~)) cannabis industry tours or other publications. To receive credit for self-study, the credential holder shall draft and provide a one page, single spaced, 12-point font synopsis of what was learned. The time spent writing the synopsis is not reportable. Two hours of credit is allowed per report, and no more than one report may be submitted per reporting period.

(4) (a) Acceptable continuing education topics for the hours required in subsection (3) of this section include:

(i) Washington state laws and rules relating to ((~~marijuana~~)) cannabis;

(ii) Scientific research, studies, or similar information about ((~~marijuana~~)) cannabis;

(iii) Addiction and substance abuse;

(iv) Patient communication skills;

(v) Professional ethics and values;

(vi) Pesticides and chemicals in the context of ((~~marijuana~~)) cannabis agriculture; or

(vii) Qualifying medical conditions.

(b) Continuing education topics may not include:

(i) Business and management courses;

(ii) Health care training unrelated to ((~~marijuana~~)) cannabis; or

(iii) Any topic unrelated to the practice parameters of a medical ((~~marijuana~~)) cannabis consultant.

(5) Continuing education hours may not be carried over from one reporting period to another.

(6) A certificate holder shall provide acceptable documentation of completion of continuing education hours upon request of the secretary or an audit. Acceptable forms of documentation include:

(a) Transcripts;

(b) Certificate of completion;

(c) If applicable for self-study, a type-written essay in accordance with subsection (3)(b) of this section; or

(d) Other formal documentation, which include the following:

(i) Participant's name;

(ii) Course title;

(iii) Course content;

(iv) Date(s) of course;

(v) Course provider's or instructor's name(s); and

(vi) Signature of the program sponsor or course instructor. Distance learning courses and self-study activities outlined in subsection (3)(b) of this section are exempt from the signature requirement.

(7) A certificate holder shall verify compliance by submitting a signed declaration of compliance.

(8) At the secretary's discretion, up to 25 percent of certificate holders may be randomly audited for continuing education compliance after a credential is renewed. If identified for an audit, it is the certificate holder's responsibility to submit documentation of

completed continuing education activities at the time of the audit. Failure to comply with the audit documentation request or failure to supply acceptable documentation within 60 days may result in licensing action, up to and including suspension or revocation of the certificate.

(9) A certificate holder must maintain records of continuing education completion for at least four years.

[Statutory Authority: RCW 69.51A.290. WSR 22-11-015, § 246-72-100, filed 5/9/22, effective 6/9/22; WSR 16-07-086, § 246-72-100, filed 3/17/16, effective 3/18/16.]

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

WAC 246-72-110 Training program requirements. (1) A training program must include:

(a) A minimum of 20 total instruction hours in the following subjects:

(i) A minimum of five hours of instruction on Washington state laws and rules relating to ((marijuana)) cannabis to include, but not be limited to, the following topics:

(A) Qualifying patient and designated provider cannabis home grow laws;

(B) Patient and designated provider ((marijuana)) cannabis purchase and possession limits;

(C) ((Marijuana)) Cannabis product compliance, quality assurance testing, and labeling requirements for recreational and compliant ((marijuana)) cannabis products, including pesticide labeling as defined under chapter 246-70 WAC;

(D) Pesticide use on cannabis products; and

(E) The medical ((marijuana)) cannabis authorization process;

(ii) A minimum of two hours on qualifying conditions and the common symptoms of each;

(iii) A minimum of two hours on the short- and long-term positive and negative effects of cannabinoids;

(iv) A minimum of five hours on products that may benefit qualifying patients based on the patient's condition, any potential contraindications and the risks and benefits of various routes of administration;

(v) A minimum of two hours on safe handling of ((marijuana)) cannabis products, including strategies to reduce access by minors;

(vi) A minimum of two hours on ethics and patient privacy and rights; and

(vii) A minimum of two hours on the risks and warning signs of overuse, abuse and addiction.

(b) An examination comprised of at least five questions for each hour of instruction must be given for each subject. The applicant must pass the examination for each subject with a minimum score of 70 percent. Questions must be randomly selected from a sufficient supply of questions to ensure the validity of the examination. The secretary reserves the right to approve or deny individual questions and answers.

(2) Training may be provided in-person or electronically. If the training is provided electronically, students must have real-time ac-

cess to the instructor during at least half of the instruction hours for each subject.

(3) Instructors must have demonstrated knowledge and experience related to ((marijuana)) cannabis and to the subject matter, and hold:

(a) An active license to practice as a health care professional as defined in RCW 69.51A.010(5). A licensee whose credential is placed under a disciplinary order must request review and secretary approval to begin or continue as an instructor for the approved training program;

(b) An active license to practice law in the state of Washington;

(c) A bachelor's degree or higher from an accredited college or university in:

(i) Agriculture, botany, or horticulture;

(ii) Nursing, provided the instructor also holds an active license to practice as a registered nurse under chapter 18.79 RCW; or

(iii) Any other discipline, provided the intended instructor also submits a curriculum vitae with a written statement which demonstrates at least seven years of experience in the regulated cannabis industry.

(4) An owner, agent, principal, or instructor of a training program shall not have a direct or indirect financial interest in a ((marijuana)) cannabis business licensed by the Washington state liquor and cannabis board under chapter 69.50 RCW.

[Statutory Authority: RCW 69.51A.290. WSR 22-11-015, § 246-72-110, filed 5/9/22, effective 6/9/22. Statutory Authority: RCW 69.51A.230. WSR 18-07-030, § 246-72-110, filed 3/12/18, effective 4/12/18. Statutory Authority: RCW 69.51A.290. WSR 16-07-086, § 246-72-110, filed 3/17/16, effective 3/18/16.]