
HOUSE BILL 1395

State of Washington

60th Legislature

2007 Regular Session

By Representatives Appleton, Hankins, Darneille, Skinner, Morrell, Hunt, Walsh, Williams, Schual-Berke, Cody, Kenney, Moeller, Hasegawa, Upthegrove, Ormsby, Chase and Santos

Read first time 01/18/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to out-of-state physicians recommending medical
2 marijuana for patients facing terminal or debilitating medical
3 conditions; amending RCW 69.51A.010; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Washington is just one of nine states that
6 authorize the use of marijuana for medical purposes. Qualified doctors
7 in these states may recommend marijuana for their patients who are
8 suffering from particular diseases and conditions such as cancers,
9 human immunodeficiency virus (HIV), multiple sclerosis, glaucoma, and
10 pain that cannot be treated by traditional medical treatments.
11 Washington's restriction on recognizing recommendations from doctors
12 from these other states denies patients the right to exercise these
13 laws while seeking advice from a qualified doctor of their choice.
14 Washington patients facing terminal or debilitating medical conditions
15 must have access to the most appropriate care available to guide their
16 choices of care and treatment, whether in this state or other states
17 with appropriate safeguards.

1 **Sec. 2.** RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Medical use of marijuana" means the production, possession, or
6 administration of marijuana, as defined in RCW 69.50.101(q), for the
7 exclusive benefit of a qualifying patient in the treatment of his or
8 her terminal or debilitating illness.

9 (2) "Primary caregiver" means a person who:

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

11 (b) Is responsible for the housing, health, or care of the patient;

12 (c) Has been designated in writing by a patient to perform the
13 duties of primary caregiver under this chapter.

14 (3) "Qualifying patient" means a person who:

15 (a) Is a patient of (i) a physician licensed under chapter 18.71 or
16 18.57 RCW, or (ii) a physician who is licensed in another state that
17 authorizes physicians to advise or recommend the medical use of
18 marijuana for individuals with a condition similar to that of the
19 patient and who had been actively practicing medicine in that state at
20 the time of the advice or recommendation;

21 (b) Has been diagnosed by ~~((that))~~ a physician as having a terminal
22 or debilitating medical condition;

23 (c) Is a resident of the state of Washington at the time of such
24 diagnosis;

25 (d) Has been advised by ~~((that))~~ the physician identified in (a) of
26 this subsection about the risks and benefits of the medical use of
27 marijuana; and

28 (e) Has been advised by ~~((that))~~ the physician identified in (a) of
29 this subsection that ~~((they))~~ he or she may benefit from the medical
30 use of marijuana.

31 (4) "Terminal or debilitating medical condition" means:

32 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,
33 epilepsy or other seizure disorder, or spasticity disorders; or

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

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

1 (d) Any other medical condition duly approved by the Washington
2 state medical quality assurance (~~(board-[commission])~~) commission as
3 directed in this chapter.

4 (5) "Valid documentation" means:

5 (a) A statement signed by a qualifying patient's physician, or a
6 copy of the qualifying patient's pertinent medical records, which
7 states that, in the physician's professional opinion, the potential
8 benefits of the medical use of marijuana would likely outweigh the
9 health risks for a particular qualifying patient; and

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

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