

---

**SUBSTITUTE SENATE BILL 5176**

---

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senator Kohl-Welles)

READ FIRST TIME 02/16/01.

1 AN ACT Relating to rules to implement the medical marijuana law;  
2 and amending RCW 69.51A.040.

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

4 **Sec. 1.** RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read  
5 as follows:

6 (1) If charged with a violation of state law relating to marijuana,  
7 any qualifying patient who is engaged in the medical use of marijuana,  
8 or any designated primary caregiver who assists a qualifying patient in  
9 the medical use of marijuana, will be deemed to have established an  
10 affirmative defense to such charges by proof of his or her compliance  
11 with the requirements provided in this chapter. Any person meeting the  
12 requirements appropriate to his or her status under this chapter shall  
13 be considered to have engaged in activities permitted by this chapter  
14 and shall not be penalized in any manner, or denied any right or  
15 privilege, for such actions.

16 (2) The qualifying patient, if eighteen years of age or older,  
17 shall:

18 (a) Meet all criteria for status as a qualifying patient;

1 (b) Possess no more marijuana than is necessary for the patient's  
2 personal, medical use, not exceeding the amount necessary for a sixty-  
3 day supply, as determined in rule by the department of health; and

4 (c) Present his or her valid documentation to any law enforcement  
5 official who questions the patient regarding his or her medical use of  
6 marijuana.

7 (3) The qualifying patient, if under eighteen years of age, shall  
8 comply with subsection (2)(a) and (c) of this section. However, any  
9 possession under subsection (2)(b) of this section, as well as any  
10 production, acquisition, and decision as to dosage and frequency of  
11 use, shall be the responsibility of the parent or legal guardian of the  
12 qualifying patient.

13 (4) The designated primary caregiver shall:

14 (a) Meet all criteria for status as a primary caregiver to a  
15 qualifying patient;

16 (b) Possess, in combination with and as an agent for the qualifying  
17 patient, no more marijuana than is necessary for the patient's  
18 personal, medical use, not exceeding the amount necessary for a sixty-  
19 day supply;

20 (c) Present a copy of the qualifying patient's valid documentation  
21 required by this chapter, as well as evidence of designation to act as  
22 primary caregiver by the patient, to any law enforcement official  
23 requesting such information;

24 (d) Be prohibited from consuming marijuana obtained for the  
25 personal, medical use of the patient for whom the individual is acting  
26 as primary caregiver; and

27 (e) Be the primary caregiver to only one patient at any one time.

28 (5) In adopting rules under subsection (2)(b) of this section, the  
29 department of health shall consider any guidelines established by the  
30 United States department of health and human services in its  
31 administration of the federal investigational new drug program for  
32 medical marijuana.

--- END ---