
SENATE BILL 5947

State of Washington

58th Legislature

2003 Regular Session

By Senators Kohl-Welles, McCaslin, Swecker, Thibaudeau, Brandland and Franklin; by request of Lieutenant Governor

Read first time 02/24/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to medical use of marijuana; amending RCW
2 69.51A.040; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature intends to clarify the law
5 on medical marijuana so the lawful use of this substance is not
6 impaired and medical practitioners are able to exercise their best
7 professional judgment in the delivery of medical treatment without any
8 fear of state criminal prosecution. This act is also intended to
9 provide clarification to law enforcement and to all parties in the
10 judicial system.

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

13 (1) If charged with a violation of state law relating to marijuana,
14 any qualifying patient who is engaged in the medical use of marijuana,
15 or any designated primary caregiver who assists a qualifying patient in
16 the medical use of marijuana, will be deemed to have established an
17 affirmative defense to such charges by proof of his or her compliance
18 with the requirements provided in this chapter. Any person meeting the

1 requirements appropriate to his or her status under this chapter shall
2 be considered to have engaged in activities permitted by this chapter
3 and shall not be penalized in any manner, or denied any right or
4 privilege, for such actions.

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

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

8 (b) Possess no more marijuana than is necessary for the patient's
9 personal, medical use, not exceeding the amount necessary for a sixty-
10 day supply, as recommended by the patient's physician; and

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

14 (3) The qualifying patient, if under eighteen years of age, shall
15 comply with subsection (2)(a) and (c) of this section. However, any
16 possession under subsection (2)(b) of this section, as well as any
17 production, acquisition, and decision as to dosage and frequency of use
18 within the recommended limits established by the patient's physician,
19 shall be the responsibility of the parent or legal guardian of the
20 qualifying patient.

21 (4) The designated primary caregiver shall:

22 (a) Meet all criteria for status as a primary caregiver to a
23 qualifying patient;

24 (b) Possess, in combination with and as an agent for the qualifying
25 patient, no more marijuana than is necessary for ~~((the))~~ one patient's
26 personal, medical use, not exceeding the amount necessary for a sixty-
27 day supply, as recommended by the patient's physician;

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

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

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

36 (5) A physician prescribing to a qualified patient under this
37 section must issue to the patient a physician statement on a form that
38 includes, but is not limited to the following:

