

SENATE BILL REPORT

SB 5943

As Reported By Senate Committee On:
Health & Long-Term Care, January 30, 2006

Title: An act relating to medical use of marijuana.

Brief Description: Concerning medical use of marijuana.

Sponsors: Senators Kohl-Welles, McCaslin, Thibaudeau, Franklin, Fraser, Kline and Regala.

Brief History:

Committee Activity: Health & Long-Term Care: 1/16/06, 1/30/06 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5943 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen.

Staff: Edith Rice (786-7444)

Background: Under Initiative Measure No. 692, approved November 3, 1998, the citizens of the state of Washington intended to allow for the limited medical use of marijuana by patients with terminal or debilitating illnesses. Such patients and their primary caregivers will not be found guilty of a crime for possession and limited use of marijuana under state law. Physicians who authorize marijuana use to qualifying patients are excepted from liability and prosecution for doing so.

Advocates have pointed out that citizens being prosecuted for violation of state law relating to marijuana have not been permitted to raise the defense provided under this statute.

Physicians must provide a qualifying patient with valid documentation stating that the potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying patient. Documentation consists of a statement signed by the physician or a copy of the pertinent medical record containing the physician's statement. No specific form is otherwise mandated for this documentation.

Summary of Substitute Bill: Individuals charged with a violation of state law relating to marijuana may raise this defense at trial. Valid documentation provided by a physician need only state that medical use of marijuana may benefit a particular qualifying patient. Specifies the information to be included in valid documentation. The Department of Health is to develop a voluntary registration program and issue a voluntary registry identification card to program participants who request it.

Substitute Bill Compared to Original Bill: A voluntary registration program is created in the Department of Health; primary caregiver is no longer defined as someone who is

responsible for the housing, health, or care of the patient; and the Department of Health is no longer required to develop a specific form for use by physicians.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Marijuana has been effective for treating nausea, pain, and the effects of chemotherapy. It should be changed to a Schedule II drug. It should not be stigmatized. It is safe. Doctors need to feel comfortable in prescribing to patients who will benefit from it. Patients using medicinal marijuana should not be put in jail. Patients growing it for their own use should not be arrested.

Testimony Against: It would be helpful to know how much a 60-day supply is. Right now this is not clearly defined. It would also be helpful to keep a registry of users so that law enforcement can readily identify who is using it in compliance with state law.

Who Testified: PRO: Senator Jeannie Kohl-Welles, Greg Carter, M.D., Jennifer Shaw, American Civil Liberties Union, Douglas Hiatt, Martin Martinez, Larry Little.

CON: Tom McBride, Washington Association of Prosecuting Attorneys.