
SUBSTITUTE SENATE BILL 5943

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Thibaudeau, Franklin, Fraser, Kline and Regala)

READ FIRST TIME 02/01/06.

1 AN ACT Relating to medical use of marijuana; amending RCW
2 69.51A.010, 69.51A.030, and 69.51A.040; adding a new section to chapter
3 69.51A RCW; and creating a new section.

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

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

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

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Medical use of marijuana" means the production, possession, or
17 administration of marijuana, as defined in RCW 69.50.101(q), for the

1 exclusive benefit of a qualifying patient in the treatment of his or
2 her terminal or debilitating illness.

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

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

5 (b) ~~((Is responsible for the housing, health, or care of the
6 patient;~~

7 ~~(e))~~ Has been designated in writing by a patient to perform the
8 duties of primary caregiver under this chapter;

9 (c) Has met the requirements set out in RCW 69.51A.040(4).

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

11 (a) Is a patient of a physician licensed under chapter 18.71 or
12 18.57 RCW;

13 (b) Has been diagnosed by that physician as having a terminal or
14 debilitating medical condition;

15 (c) Is a resident of the state of Washington at the time of such
16 diagnosis;

17 (d) Has been advised by that physician about the risks and benefits
18 of the medical use of marijuana; and

19 (e) Has been advised by that physician that they may benefit from
20 the medical use of marijuana.

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

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

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

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

29 (d) Any other medical condition duly approved by the Washington
30 state medical quality assurance (~~(board [commission])~~) commission as
31 directed in this chapter.

32 (5) "Valid documentation" means:

33 (a) A statement signed by a qualifying patient's physician, or a
34 copy of the qualifying patient's pertinent medical records(~~(, which
35 states that, in the physician's professional opinion, the potential
36 benefits of the medical use of marijuana would likely outweigh the
37 health risks for a particular qualifying patient))~~ that includes the
38 following information:

1 any qualifying patient who is engaged in the medical use of marijuana,
2 or any designated primary caregiver who assists a qualifying patient in
3 the medical use of marijuana, will be deemed to have established an
4 affirmative defense to such charges by proof of his or her compliance
5 with the requirements provided in this chapter. An individual seeking
6 to raise a defense provided in this chapter shall be permitted to
7 present any and all evidence or testimony related to such defense to
8 the finder of fact at trial. Any person meeting the requirements
9 appropriate to his or her status under this chapter shall be considered
10 to have engaged in activities permitted by this chapter and shall not
11 be penalized in any manner, or denied any right or privilege, for such
12 actions.

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

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

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

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

22 (3) The qualifying patient, if under eighteen years of age, shall
23 comply with subsection (2)(a) and (c) of this section. However, any
24 possession under subsection (2)(b) of this section, as well as any
25 production, acquisition, and decision as to dosage and frequency of
26 use, shall be the responsibility of the parent or legal guardian of the
27 qualifying patient.

28 (4) The designated primary caregiver shall:

29 (a) Meet all criteria for status as a primary caregiver to a
30 qualifying patient;

31 (b) Possess, in combination with and as an agent for the qualifying
32 patient, no more marijuana than is necessary for ~~((the))~~ one patient's
33 personal, medical use, not exceeding the amount necessary for a sixty-
34 day supply;

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

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

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

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.51A RCW
6 to read as follows:

7 (1) The department shall establish a voluntary registration program
8 for the issuance of voluntary registry identification cards to any
9 otherwise qualified patient under RCW 69.51A.010 who wishes to obtain
10 a voluntary registry identification card.

11 (a) The department may establish a fee and has authority to
12 establish by rule such procedures as are necessary for the
13 administration of a voluntary registration program and issuance of a
14 voluntary registry identification card.

15 (b) The department shall create and maintain a list of the persons
16 who have voluntarily requested that they be issued registry
17 identification cards pursuant to this section. Except as provided in
18 subsection (2) of this section, names and other identifying information
19 from the list established pursuant to this section shall be
20 confidential and not subject to public disclosure under any local,
21 state, or federal law.

22 (2) Names and other identifying information for the list
23 established pursuant to subsection (1) of this section may be released
24 to:

25 (a) Authorized employees of the department as necessary to perform
26 official duties of the department; and

27 (b) Authorized employees of state or local law enforcement
28 agencies, only as necessary to verify that a person is a lawful
29 possessor of a voluntary registry identification card.

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