

E2SSB 5073 - H AMD TO WAYS COMM AMD (H-2509.2/11) **627**
By Representative Cody

ADOPTED 04/11/2011

1 On page 10, line 9 of the amendment, after "has a" strike
2 "documented relationship with the patient" and insert "newly initiated
3 or existing documented relationship with the patient, as a primary care
4 provider or a specialist,"

5 On page 12, line 12 of the amendment, after "consequences" insert
6 "└"

7 On page 13, line 9 of the amendment, after "benefit;" strike "and"

8 On page 13, line 12 of the amendment, after "period" insert "; and
9 (6) The investigating peace officer has not observed evidence of
10 any of the circumstances identified in section 901(4) of this act"

11 On page 13, line 29 of the amendment, after "cannabis;" strike
12 "and"

13 On page 13, line 31 of the amendment, after "provider" insert ";
14 and

15 (f) The investigating peace officer has not observed evidence of
16 any of the circumstances identified in section 901(4) of this act"

17 On page 18, line 11 of the amendment, after "**413.**" strike "(1)"

18 On page 18, beginning on line 17 of the amendment, strike all of
19 subsection (2)

20 Beginning on page 18, line 26 of the amendment, after "(1)" strike
21 all material through "premises." on page 19, line 3 and insert "It
22 shall be a (~~misdemeanor~~) class 3 civil infraction to use or display

1 medical (~~marijuana~~) cannabis in a manner or place which is open to
2 the view of the general public."

3 On page 25, line 10 of the amendment, after "order." insert "A
4 licensed producer may also sell or deliver cannabis to the University
5 of Washington or Washington State University for research purposes, as
6 identified in section 1002 of this act."

7 On page 25, line 14 of the amendment, after "laboratory" insert ","

8 On page 25, line 15 of the amendment, after "order." insert "A
9 licensed processor of cannabis products may also sell or deliver
10 cannabis to the University of Washington or Washington State University
11 for research purposes, as identified in section 1002 of this act."

12 Beginning on page 26, line 37 of the amendment, after "(2)(a)"
13 strike all material through "process." on page 27, line 13 and insert
14 "The secretary shall establish a maximum number of licensed dispensers
15 that may operate in each county. Prior to January 1, 2016, the maximum
16 number of licensed dispensers shall be based upon a ratio of one
17 licensed dispenser for every twenty thousand persons in a county. On
18 or after January 1, 2016, the secretary may adopt rules to adjust the
19 method of calculating the maximum number of dispensers to consider
20 additional factors, such as the number of enrollees in the registry
21 established in section 901 of this act and the secretary's experience
22 in administering the program. The secretary may not issue more
23 licenses than the maximum number of licenses established under this
24 section.

25 (b) In the event that the number of applicants qualifying for the
26 selection process exceeds the maximum number for a county, the
27 secretary shall initiate a random selection process established by the
28 secretary in rule."

29 On page 28, at the beginning of line 5 of the amendment, strike
30 "licensed producer" and insert "law enforcement officer"

31 On page 28, beginning on line 5 of the amendment, after "order."
32 insert "A licensed dispenser may also sell or deliver cannabis to the

1 University of Washington or Washington State University for research
2 purposes, as identified in section 1002 of this act."

3 On page 28, line 8 of the amendment, after "contacting" insert "
4 at least once in a one-year period,"

5 On page 28, beginning on line 15 of the amendment, after "care
6 center," strike "or elementary or secondary school" and insert
7 "elementary or secondary school,"

8 On page 32, line 4 of the amendment, after "seeking a" insert
9 "nonvehicle"

10 On page 32, beginning on line 10 of the amendment, after "which"
11 strike all material through "investigation" on line 24 and insert ":

12 (a) The peace officer has observed evidence of an apparent cannabis
13 operation that is not a licensed producer, processor of cannabis
14 products, or dispenser;

15 (b) The peace officer has observed evidence of theft of electrical
16 power;

17 (c) The peace officer has observed evidence of illegal drugs other
18 than cannabis at the premises;

19 (d) The peace officer has observed frequent and numerous short-term
20 visits over an extended period that are consistent with commercial
21 activity, if the subject of the investigation is not a licensed
22 dispenser;

23 (e) The peace officer has observed violent crime or other
24 demonstrated dangers to the community;

25 (f) The peace officer has probable cause to believe the subject of
26 the investigation has committed a felony, or a misdemeanor in the
27 officer's presence, that does not relate to cannabis; or

28 (g) The subject of the investigation has an outstanding arrest
29 warrant"

30 On page 36, beginning on line 25 of the amendment, strike all of
31 section 1102 and insert the following:

1 "NEW SECTION. Sec. 1102. (1) Cities and towns may adopt and
2 enforce any of the following pertaining to the production, processing,
3 or dispensing of cannabis or cannabis products within their
4 jurisdiction: Zoning requirements, business licensing requirements,
5 health and safety requirements, and business taxes. Nothing in this
6 act is intended to limit the authority of cities and towns to impose
7 zoning requirements or other conditions upon licensed dispensers, so
8 long as such requirements do not preclude the possibility of siting
9 licensed dispensers within the jurisdiction. If the jurisdiction has
10 no commercial zones, the jurisdiction is not required to adopt zoning
11 to accommodate licensed dispensers.

12 (2) Counties may adopt and enforce any of the following pertaining
13 to the production, processing, or dispensing of cannabis or cannabis
14 products within their jurisdiction in locations outside of the
15 corporate limits of any city or town: Zoning requirements, business
16 licensing requirements, and health and safety requirements. Nothing in
17 this act is intended to limit the authority of counties to impose
18 zoning requirements or other conditions upon licensed dispensers, so
19 long as such requirements do not preclude the possibility of siting
20 licensed dispensers within the jurisdiction. If the jurisdiction has
21 no commercial zones, the jurisdiction is not required to adopt zoning
22 to accommodate licensed dispensers."

23 On page 37, after line 5 of the amendment, insert the following:

24 "NEW SECTION. Sec. 1104. In the event that the federal government
25 authorizes the use of cannabis for medical purposes, within a year of
26 such action, the joint legislative audit and review committee shall
27 conduct a program and fiscal review of the cannabis production and
28 dispensing programs established in this chapter. The review shall
29 consider whether a distinct cannabis production and dispensing system
30 continues to be necessary when considered in light of the federal
31 action and make recommendations to the legislature."

32 Renumber the remaining sections consecutively and correct any
33 internal references accordingly.

1 On page 37, line 10 of the amendment, after "department" insert "
2 including local governments or jails,"

3 On page 37, line 14 of the amendment, after "department" insert "
4 including local governments or jails,"

5 On page 37, line 20 of the amendment, after "department" insert "
6 including local governments or jails,"

7 On page 39, line 10 of the amendment, after "department" insert "of
8 health"

EFFECT: Specifies that the documented relationship between a qualifying patient and health care professional may either be newly initiated or existing and in the capacity of either a primary care provider or a specialist.

Specifies that for qualifying patients in the registry to receive search, arrest, and prosecution protections and qualifying patients not in the registry, but with valid documentation, to receive custody and booking and an affirmative defense at trial, the investigating police officer must not have observed evidence of specified circumstances, including an unlicensed cannabis operation, theft of electrical power, other illegal drugs, numerous short-term visits consistent with commercial activity, and noncannabis-related crimes.

Removes the prohibition against opening a package of cannabis or consuming cannabis in a public place in a way that presents a reasonable risk of another person observing and identifying the substance. Restores current law that prohibits the use or display of medical cannabis in a manner or place that is visible by the public and makes it a class 3 civil infraction instead of a misdemeanor.

Specifies that, prior to January 1, 2016, the maximum number of licensed dispensers in a county shall be based upon a ratio of 1 dispenser for every 20,000 residents. Provides that, on or after January 1, 2016, the Secretary of Health may adopt rules to adjust the method of determining the ratio to consider other factors.

Limits the requirement that a licensed dispenser contact a qualifying patient's health care provider prior to selling him or her cannabis, to contacting the health care professional once in a one-year period.

Adds certain persons supervised by local governments and jails to exemptions from search, arrest, and prosecution protections and the affirmative defense for certain persons supervised by correctional agencies and departments in cases of (1) possession of cannabis for medical use exceeding legal limits, (2) possession of cannabis for

medical use without registration or the presentation of valid documentation to police, and (3) possession of cannabis for medical use by nonresidents.

Removes the requirement that local governments coordinate within each county to meet the licensed dispenser allocations of the Department of Health (DOH). Authorizes cities and towns to adopt zoning, business licensing, health and safety, and business tax requirements related to licensed producers, processors, and dispensers. Authorizes counties to adopt zoning, business licensing, and health and safety requirements related to licensed producers, processors, and dispensers. Specifies that local government zoning authority is not limited, except that they may not preclude licensed producers, processors, or dispensers from siting within a jurisdiction.

Requires the Joint Legislative Audit and Review Committee to conduct a review of the cannabis production and dispensing system in the event that the federal government takes action to authorize the medical use of cannabis.

Adds certain persons supervised by local governments and jails to exemptions from participation in collective gardens and private unlicensed cannabis production, possession, and transportation for certain persons supervised by correctional agencies and departments.

Adds certain persons supervised by local governments and jails to exemptions from licensure as a producer, processor, or dispenser of cannabis for certain persons supervised by correctional agencies and departments.

Adds law enforcement officers to the entities that may receive cannabis from dispensers. Authorizes the sale of cannabis to the University of Washington or Washington State University for research purposes as specified elsewhere in the bill.

Applies the requirement that a peace officer make efforts to determine a person's registration in the DOH registry prior to seeking a search warrant to only nonvehicle search warrants, rather than all search warrants.

Eliminates redundant references. Corrects grammatical errors.

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