

E2SSB 5073 - H COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 4/11/11

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 LEGISLATIVE DECLARATION AND INTENT

5 NEW SECTION. **Sec. 101.** (1) The legislature intends to amend and
6 clarify the law on the medical use of cannabis so that:

7 (a) Qualifying patients and designated providers complying with the
8 terms of this act and registering with the department of health will no
9 longer be subject to arrest or prosecution, other criminal sanctions,
10 or civil consequences based solely on their medical use of cannabis;

11 (b) Qualifying patients will have access to an adequate, safe,
12 consistent, and secure source of medical quality cannabis; and

13 (c) Health care professionals may authorize the medical use of
14 cannabis in the manner provided by this act without fear of state
15 criminal or civil sanctions.

16 (2) This act is not intended to amend or supersede Washington state
17 law prohibiting the acquisition, possession, manufacture, sale, or use
18 of cannabis for nonmedical purposes.

19 (3) This act is not intended to compromise community safety.
20 State, county, or city correctional agencies or departments shall
21 retain the authority to establish and enforce terms for those on active
22 supervision.

23 **Sec. 102.** RCW 69.51A.005 and 2010 c 284 s 1 are each amended to
24 read as follows:

25 (1) The ((people of Washington state)) legislature finds that:

26 (a) There is medical evidence that some patients with terminal or
27 debilitating ((illnesses)) medical conditions may, under their health
28 care professional's care, ((may)) benefit from the medical use of

1 ((marijuana)) cannabis. Some of the ((illnesses)) conditions for which
2 ((marijuana)) cannabis appears to be beneficial include ((chemotherapy-
3 related)), but are not limited to:

4 (i) Nausea ((and)), vomiting ((in-cancer-patients; AIDS-wasting
5 syndrome)), and cachexia associated with cancer, HIV-positive status,
6 AIDS, hepatitis C, anorexia, and their treatments;

7 (ii) Severe muscle spasms associated with multiple sclerosis,
8 epilepsy, and other seizure and spasticity disorders; ((epilepsy;))

9 (iii) Acute or chronic glaucoma;

10 (iv) Crohn's disease; and

11 (v) Some forms of intractable pain.

12 ((The people find that)) (b) Humanitarian compassion necessitates
13 that the decision to ((authorize-the-medical)) use ((of-marijuana))
14 cannabis by patients with terminal or debilitating ((illnesses))
15 medical conditions is a personal, individual decision, based upon their
16 health care professional's professional medical judgment and
17 discretion.

18 (2) Therefore, the ((people-of-the-state-of-Washington))
19 legislature intends that:

20 (a) Qualifying patients with terminal or debilitating ((illnesses))
21 medical conditions who, in the judgment of their health care
22 professionals, may benefit from the medical use of ((marijuana))
23 cannabis, shall not be ((found-guilty-of-a-crime-under-state-law-for
24 their-possession-and-limited-use-of-marijuana)) arrested, prosecuted,
25 or subject to other criminal sanctions or civil consequences under
26 state law based solely on their medical use of cannabis,
27 notwithstanding any other provision of law;

28 (b) Persons who act as designated providers to such patients shall
29 also not be ((found-guilty-of-a-crime-under-state-law-for)) arrested,
30 prosecuted, or subject to other criminal sanctions or civil
31 consequences under state law, notwithstanding any other provision of
32 law, based solely on their assisting with the medical use of
33 ((marijuana)) cannabis; and

34 (c) Health care professionals shall also ((be-excepted-from
35 liability-and-prosecution)) not be arrested, prosecuted, or subject to
36 other criminal sanctions or civil consequences under state law for the
37 proper authorization of ((marijuana)) medical use ((to)) of cannabis by

1 qualifying patients for whom, in the health care professional's
2 professional judgment, the medical ((marijuana)) use of cannabis may
3 prove beneficial.

4 (3) Nothing in this chapter establishes the medical necessity or
5 medical appropriateness of cannabis for treating terminal or
6 debilitating medical conditions as defined in RCW 69.51A.010.

7 (4) Nothing in this chapter diminishes the authority of
8 correctional agencies and departments, including local governments or
9 jails, to establish a procedure for determining when the use of
10 cannabis would impact community safety or the effective supervision of
11 those on active supervision for a criminal conviction, nor does it
12 create the right to any accommodation of any medical use of cannabis in
13 any correctional facility or jail.

14 **Sec. 103.** RCW 69.51A.020 and 1999 c 2 s 3 are each amended to read
15 as follows:

16 Nothing in this chapter shall be construed to supersede Washington
17 state law prohibiting the acquisition, possession, manufacture, sale,
18 or use of ((marijuana)) cannabis for nonmedical purposes. Criminal
19 penalties created under this act do not preclude the prosecution or
20 punishment for other crimes, including other crimes involving the
21 manufacture or delivery of cannabis for nonmedical purposes.

22 **PART II**
23 **DEFINITIONS**

24 **Sec. 201.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Cannabis" means all parts of the plant Cannabis, whether
29 growing or not; the seeds thereof; the resin extracted from any part of
30 the plant; and every compound, manufacture, salt, derivative, mixture,
31 or preparation of the plant, its seeds, or resin. For the purposes of
32 this chapter, "cannabis" does not include the mature stalks of the
33 plant, fiber produced from the stalks, oil or cake made from the seeds
34 of the plant, any other compound, manufacture, salt, derivative,
35 mixture, or preparation of the mature stalks, except the resin

1 extracted therefrom, fiber, oil, or cake, or the sterilized seed of the
2 plant which is incapable of germination. The term "cannabis" includes
3 cannabis products and useable cannabis.

4 (2) "Cannabis analysis laboratory" means a laboratory that performs
5 chemical analysis and inspection of cannabis samples.

6 (3) "Cannabis products" means products that contain cannabis or
7 cannabis extracts, have a measurable THC concentration greater than
8 three-tenths of one percent, and are intended for human consumption or
9 application, including, but not limited to, edible products, tinctures,
10 and lotions. The term "cannabis products" does not include useable
11 cannabis. The definition of "cannabis products" as a measurement of
12 THC concentration only applies to the provisions of this chapter and
13 shall not be considered applicable to any criminal laws related to
14 marijuana or cannabis.

15 (4) "Correctional facility" has the same meaning as provided in RCW
16 72.09.015.

17 (5) "Corrections agency or department" means any agency or
18 department in the state of Washington, including local governments or
19 jails, that is vested with the responsibility to manage those
20 individuals who are being supervised in the community for a criminal
21 conviction and has established a written policy for determining when
22 the medical use of cannabis, including possession, manufacture, or
23 delivery of, or for possession with intent to manufacture or deliver,
24 is inconsistent with and contrary to the person's supervision.

25 (6) "Designated provider" means a person who:

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

27 (b) Has been designated in ((writing)) a written document signed
28 and dated by a qualifying patient to serve as a designated provider
29 under this chapter; and

30 (c) Is ~~((prohibited from consuming marijuana obtained for the~~
31 ~~personal, medical use of the patient for whom the individual is acting~~
32 ~~as designated provider; and~~

33 ~~(d) Is the designated provider to only one patient at any one time.~~

34 (2)) in compliance with the terms and conditions set forth in RCW
35 69.51A.040.

36 A qualifying patient may be the designated provider for another
37 qualifying patient and be in possession of both patients' cannabis at
38 the same time.

1 (7) "Director" means the director of the department of agriculture.

2 (8) "Dispense" means the selection, measuring, packaging, labeling,
3 delivery, or retail sale of cannabis by a licensed dispenser to a
4 qualifying patient or designated provider.

5 (9) "Health care professional," for purposes of this chapter only,
6 means a physician licensed under chapter 18.71 RCW, a physician
7 assistant licensed under chapter 18.71A RCW, an osteopathic physician
8 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
9 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
10 18.36A RCW, or an advanced registered nurse practitioner licensed under
11 chapter 18.79 RCW.

12 ~~((3))~~ (10) "Jail" has the same meaning as provided in RCW
13 70.48.020.

14 (11) "Labeling" means all labels and other written, printed, or
15 graphic matter (a) upon any cannabis intended for medical use, or (b)
16 accompanying such cannabis.

17 (12) "Licensed dispenser" means a person licensed to dispense
18 cannabis for medical use to qualifying patients and designated
19 providers by the department of health in accordance with rules adopted
20 by the department of health pursuant to the terms of this chapter.

21 (13) "Licensed processor of cannabis products" means a person
22 licensed by the department of agriculture to manufacture, process,
23 handle, and label cannabis products for wholesale to licensed
24 dispensers.

25 (14) "Licensed producer" means a person licensed by the department
26 of agriculture to produce cannabis for medical use for wholesale to
27 licensed dispensers and licensed processors of cannabis products in
28 accordance with rules adopted by the department of agriculture pursuant
29 to the terms of this chapter.

30 (15) "Medical use of ~~((marijuana))~~ cannabis" means the manufacture,
31 production, processing, possession, transportation, delivery,
32 dispensing, ingestion, application, or administration of ~~((marijuana,~~
33 as defined in RCW 69.50.101(q),) cannabis for the exclusive benefit of
34 a qualifying patient in the treatment of his or her terminal or
35 debilitating ~~((illness))~~ medical condition.

36 ~~((4))~~ (16) "Nonresident" means a person who is temporarily in the
37 state but is not a Washington state resident.

1 (17) "Peace officer" means any law enforcement personnel as defined
2 in RCW 43.101.010.

3 (18) "Person" means an individual or an entity.

4 (19) "Personally identifiable information" means any information
5 that includes, but is not limited to, data that uniquely identify,
6 distinguish, or trace a person's identity, such as the person's name,
7 date of birth, or address, either alone or when combined with other
8 sources, that establish the person is a qualifying patient, designated
9 provider, licensed producer, or licensed processor of cannabis products
10 for purposes of registration with the department of health or
11 department of agriculture. The term "personally identifiable
12 information" also means any information used by the department of
13 health or department of agriculture to identify a person as a
14 qualifying patient, designated provider, licensed producer, or licensed
15 processor of cannabis products.

16 (20) "Plant" means an organism having at least three
17 distinguishable and distinct leaves, each leaf being at least three
18 centimeters in diameter, and a readily observable root formation
19 consisting of at least two separate and distinct roots, each being at
20 least two centimeters in length. Multiple stalks emanating from the
21 same root ball or root system shall be considered part of the same
22 single plant.

23 (21) "Process" means to handle or process cannabis in preparation
24 for medical use.

25 (22) "Processing facility" means the premises and equipment where
26 cannabis products are manufactured, processed, handled, and labeled for
27 wholesale to licensed dispensers.

28 (23) "Produce" means to plant, grow, or harvest cannabis for
29 medical use.

30 (24) "Production facility" means the premises and equipment where
31 cannabis is planted, grown, harvested, processed, stored, handled,
32 packaged, or labeled by a licensed producer for wholesale, delivery, or
33 transportation to a licensed dispenser or licensed processor of
34 cannabis products, and all vehicles and equipment used to transport
35 cannabis from a licensed producer to a licensed dispenser or licensed
36 processor of cannabis products.

37 (25) "Public place" includes streets and alleys of incorporated
38 cities and towns; state or county or township highways or roads;

1 buildings and grounds used for school purposes; public dance halls and
2 grounds adjacent thereto; premises where goods and services are offered
3 to the public for retail sale; public buildings, public meeting halls,
4 lobbies, halls and dining rooms of hotels, restaurants, theatres,
5 stores, garages, and filling stations which are open to and are
6 generally used by the public and to which the public is permitted to
7 have unrestricted access; railroad trains, stages, buses, ferries, and
8 other public conveyances of all kinds and character, and the depots,
9 stops, and waiting rooms used in conjunction therewith which are open
10 to unrestricted use and access by the public; publicly owned bathing
11 beaches, parks, or playgrounds; and all other places of like or similar
12 nature to which the general public has unrestricted right of access,
13 and which are generally used by the public.

14 (26) "Qualifying patient" means a person who:

15 (a)(i) Is a patient of a health care professional;

16 ((+b)) (ii) Has been diagnosed by that health care professional as
17 having a terminal or debilitating medical condition;

18 ((+e)) (iii) Is a resident of the state of Washington at the time
19 of such diagnosis;

20 ((+d)) (iv) Has been advised by that health care professional
21 about the risks and benefits of the medical use of ((marijuana))
22 cannabis; (and

23 (+e)) (v) Has been advised by that health care professional that
24 ((they)) he or she may benefit from the medical use of ((marijuana))
25 cannabis; and

26 (vi) Is otherwise in compliance with the terms and conditions
27 established in this chapter.

28 (b) The term "qualifying patient" does not include a person who is
29 actively being supervised for a criminal conviction by a corrections
30 agency or department that has determined that the terms of this chapter
31 are inconsistent with and contrary to his or her supervision and all
32 related processes and procedures related to that supervision.

33 ((+5)) (27) "Secretary" means the secretary of health.

34 (28) "Tamper-resistant paper" means paper that meets one or more of
35 the following industry-recognized features:

36 (a) One or more features designed to prevent copying of the paper;

37 (b) One or more features designed to prevent the erasure or
38 modification of information on the paper; or

1 (c) One or more features designed to prevent the use of counterfeit
2 valid documentation.

3 ~~((+6+))~~ (29) "Terminal or debilitating medical condition" means:

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

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

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

11 (d) Crohn's disease with debilitating symptoms unrelieved by
12 standard treatments or medications; or

13 (e) Hepatitis C with debilitating nausea or intractable pain
14 unrelieved by standard treatments or medications; or

15 (f) Diseases, including anorexia, which result in nausea, vomiting,
16 ~~((wasting))~~ cachexia, appetite loss, cramping, seizures, muscle spasms,
17 or spasticity, when these symptoms are unrelieved by standard
18 treatments or medications; or

19 (g) Any other medical condition duly approved by the Washington
20 state medical quality assurance commission in consultation with the
21 board of osteopathic medicine and surgery as directed in this chapter.

22 ~~((+7+))~~ (30) — "THC — concentration" — means — percent — of
23 tetrahydrocannabinol content per weight or volume of useable cannabis
24 or cannabis product.

25 (31) "Useable cannabis" means dried flowers of the Cannabis plant
26 having a THC concentration greater than three-tenths of one percent.
27 Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For
28 purposes of this subsection, "dried" means containing less than fifteen
29 percent moisture content by weight. The term "useable cannabis" does
30 not include cannabis products.

31 (32)(a) Until January 1, 2013, "valid documentation" means:

32 ~~((+a+))~~ (i) A statement signed and dated by a qualifying patient's
33 health care professional written on tamper-resistant paper, which
34 states that, in the health care professional's professional opinion,
35 the patient may benefit from the medical use of ~~((marijuana))~~ cannabis;
36 ~~((and~~

37 ~~((b+))~~ (ii) Proof of identity such as a Washington state driver's
38 license or identicard, as defined in RCW 46.20.035; and

1 (iii) In the case of a designated provider, the signed and dated
2 document valid for one year from the date of signature executed by the
3 qualifying patient who has designated the provider; and

4 (b) Beginning July 1, 2012, "valid documentation" means:

5 (i) An original statement signed and dated by a qualifying
6 patient's health care professional written on tamper-resistant paper
7 and valid for up to one year from the date of the health care
8 professional's signature, which states that, in the health care
9 professional's professional opinion, the patient may benefit from the
10 medical use of cannabis;

11 (ii) Proof of identity such as a Washington state driver's license
12 or identicard, as defined in RCW 46.20.035; and

13 (iii) In the case of a designated provider, the signed and dated
14 document valid for up to one year from the date of signature executed
15 by the qualifying patient who has designated the provider.

16 **PART III**

17 **PROTECTIONS FOR HEALTH CARE PROFESSIONALS**

18 **Sec. 301.** RCW 69.51A.030 and 2010 c 284 s 3 are each amended to
19 read as follows:

20 ~~((A health care professional shall be excepted from the state's~~
21 ~~criminal laws and shall not be penalized in any manner, or denied any~~
22 ~~right or privilege, for)) (1) The following acts do not constitute~~
23 ~~crimes under state law or unprofessional conduct under chapter 18.130~~
24 ~~RCW, and a health care professional may not be arrested, searched,~~
25 ~~prosecuted, disciplined, or subject to other criminal sanctions or~~
26 ~~civil consequences or liability under state law, or have real or~~
27 ~~personal property searched, seized, or forfeited pursuant to state law,~~
28 ~~notwithstanding any other provision of law as long as the health care~~
29 ~~professional complies with subsection (2) of this section:~~

30 ~~((1))~~ (a) Advising a ~~((qualifying))~~ patient about the risks and
31 benefits of medical use of ~~((marijuana))~~ cannabis or that the
32 ~~((qualifying))~~ patient may benefit from the medical use of ~~((marijuana~~
33 ~~where such use is within a professional standard of care or in the~~
34 ~~individual health care professional's medical judgment))~~ cannabis; or

35 ~~((2))~~ (b) Providing a ~~((qualifying))~~ patient meeting the criteria
36 established under RCW 69.51A.010(26) with valid documentation, based

1 upon the health care professional's assessment of the (~~qualifying~~)
2 patient's medical history and current medical condition, (~~that the~~
3 ~~medical use of marijuana may benefit a particular qualifying patient~~)
4 where such use is within a professional standard of care or in the
5 individual health care professional's medical judgment.

6 (2)(a) A health care professional may only provide a patient with
7 valid documentation authorizing the medical use of cannabis or register
8 the patient with the registry established in section 901 of this act if
9 he or she has a newly initiated or existing documented relationship
10 with the patient, as a primary care provider or a specialist, relating
11 to the diagnosis and ongoing treatment or monitoring of the patient's
12 terminal or debilitating medical condition, and only after:

13 (i) Completing a physical examination of the patient as
14 appropriate, based on the patient's condition and age;

15 (ii) Documenting the terminal or debilitating medical condition of
16 the patient in the patient's medical record and that the patient may
17 benefit from treatment of this condition or its symptoms with medical
18 use of cannabis;

19 (iii) Informing the patient of other options for treating the
20 terminal or debilitating medical condition; and

21 (iv) Documenting other measures attempted to treat the terminal or
22 debilitating medical condition that do not involve the medical use of
23 cannabis.

24 (b) A health care professional shall not:

25 (i) Accept, solicit, or offer any form of pecuniary remuneration
26 from or to a licensed dispenser, licensed producer, or licensed
27 processor of cannabis products;

28 (ii) Offer a discount or any other thing of value to a qualifying
29 patient who is a customer of, or agrees to be a customer of, a
30 particular licensed dispenser, licensed producer, or licensed processor
31 of cannabis products;

32 (iii) Examine or offer to examine a patient for purposes of
33 diagnosing a terminal or debilitating medical condition at a location
34 where cannabis is produced, processed, or dispensed;

35 (iv) Have a business or practice which consists solely of
36 authorizing the medical use of cannabis;

37 (v) Include any statement or reference, visual or otherwise, on the

1 medical use of cannabis in any advertisement for his or her business or
2 practice; or

3 (vi) Hold an economic interest in an enterprise that produces,
4 processes, or dispenses cannabis if the health care professional
5 authorizes the medical use of cannabis.

6 (3) A violation of any provision of subsection (2) of this section
7 constitutes unprofessional conduct under chapter 18.130 RCW.

8 **PART IV**

9 **PROTECTIONS FOR QUALIFYING PATIENTS AND DESIGNATED PROVIDERS**

10 **Sec. 401.** RCW 69.51A.040 and 2007 c 371 s 5 are each amended to
11 read as follows:

12 ~~((1) If a law enforcement officer determines that marijuana is~~
13 ~~being possessed lawfully under the medical marijuana law, the officer~~
14 ~~may document the amount of marijuana, take a representative sample that~~
15 ~~is large enough to test, but not seize the marijuana. A law~~
16 ~~enforcement officer or agency shall not be held civilly liable for~~
17 ~~failure to seize marijuana in this circumstance.~~

18 ~~(2) If charged with a violation of state law relating to marijuana,~~
19 ~~any qualifying patient who is engaged in the medical use of marijuana,~~
20 ~~or any designated provider who assists a qualifying patient in the~~
21 ~~medical use of marijuana, will be deemed to have established an~~
22 ~~affirmative defense to such charges by proof of his or her compliance~~
23 ~~with the requirements provided in this chapter. Any person meeting the~~
24 ~~requirements appropriate to his or her status under this chapter shall~~
25 ~~be considered to have engaged in activities permitted by this chapter~~
26 ~~and shall not be penalized in any manner, or denied any right or~~
27 ~~privilege, for such actions.~~

28 ~~(3) A qualifying patient, if eighteen years of age or older, or a~~
29 ~~designated provider shall:~~

30 ~~(a) Meet all criteria for status as a qualifying patient or~~
31 ~~designated provider;~~

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

35 ~~(c) Present his or her valid documentation to any law enforcement~~

1 ~~official who questions the patient or provider regarding his or her~~
2 ~~medical use of marijuana.~~

3 ~~(4) A qualifying patient, if under eighteen years of age at the~~
4 ~~time he or she is alleged to have committed the offense, shall~~
5 ~~demonstrate compliance with subsection (3)(a) and (c) of this section.~~
6 ~~However, any possession under subsection (3)(b) of this section, as~~
7 ~~well as any production, acquisition, and decision as to dosage and~~
8 ~~frequency of use, shall be the responsibility of the parent or legal~~
9 ~~guardian of the qualifying patient.))~~ The medical use of cannabis in
10 accordance with the terms and conditions of this chapter does not
11 constitute a crime and a qualifying patient or designated provider in
12 compliance with the terms and conditions of this chapter may not be
13 arrested, prosecuted, or subject to other criminal sanctions or civil
14 consequences, for possession, manufacture, or delivery of, or for
15 possession with intent to manufacture or deliver, cannabis under state
16 law, or have real or personal property seized or forfeited for
17 possession, manufacture, or delivery of, or for possession with intent
18 to manufacture or deliver, cannabis under state law, and investigating
19 peace officers and law enforcement agencies may not be held civilly
20 liable for failure to seize cannabis in this circumstance, if:

21 (1)(a) The qualifying patient or designated provider possesses no
22 more than fifteen cannabis plants and:

23 (i) No more than twenty-four ounces of useable cannabis;

24 (ii) No more cannabis product than what could reasonably be
25 produced with no more than twenty-four ounces of useable cannabis; or

26 (iii) A combination of useable cannabis and cannabis product that
27 does not exceed a combined total representing possession and processing
28 of no more than twenty-four ounces of useable cannabis.

29 (b) If a person is both a qualifying patient and a designated
30 provider for another qualifying patient, the person may possess no more
31 than twice the amounts described in (a) of this subsection, whether the
32 plants, useable cannabis, and cannabis product are possessed
33 individually or in combination between the qualifying patient and his
34 or her designated provider;

35 (2) The qualifying patient or designated provider presents his or
36 her proof of registration with the department of health, to any peace
37 officer who questions the patient or provider regarding his or her
38 medical use of cannabis;

1 (3) The qualifying patient or designated provider keeps a copy of
2 his or her proof of registration with the registry established in
3 section 901 of this act and the qualifying patient or designated
4 provider's contact information posted prominently next to any cannabis
5 plants, cannabis products, or useable cannabis located at his or her
6 residence;

7 (4) The investigating peace officer does not possess evidence that:

8 (a) The designated provider has converted cannabis produced or
9 obtained for the qualifying patient for his or her own personal use or
10 benefit; or

11 (b) The qualifying patient has converted cannabis produced or
12 obtained for his or her own medical use to the qualifying patient's
13 personal, nonmedical use or benefit;

14 (5) The investigating peace officer does not possess evidence that
15 the designated provider has served as a designated provider to more
16 than one qualifying patient within a fifteen-day period; and

17 (6) The investigating peace officer has not observed evidence of
18 any of the circumstances identified in section 901(4) of this act.

19 NEW SECTION. Sec. 402. (1) A qualifying patient or designated
20 provider who is not registered with the registry established in section
21 901 of this act may raise the affirmative defense set forth in
22 subsection (2) of this section, if:

23 (a) The qualifying patient or designated provider presents his or
24 her valid documentation to any peace officer who questions the patient
25 or provider regarding his or her medical use of cannabis;

26 (b) The qualifying patient or designated provider possesses no more
27 cannabis than the limits set forth in RCW 69.51A.040(1);

28 (c) The qualifying patient or designated provider is in compliance
29 with all other terms and conditions of this chapter;

30 (d) The investigating peace officer does not have probable cause to
31 believe that the qualifying patient or designated provider has
32 committed a felony, or is committing a misdemeanor in the officer's
33 presence, that does not relate to the medical use of cannabis;

34 (e) No outstanding warrant for arrest exists for the qualifying
35 patient or designated provider; and

36 (f) The investigating peace officer has not observed evidence of
37 any of the circumstances identified in section 901(4) of this act.

1 (2) A qualifying patient or designated provider who is not
2 registered with the registry established in section 901 of this act,
3 but who presents his or her valid documentation to any peace officer
4 who questions the patient or provider regarding his or her medical use
5 of cannabis, may assert an affirmative defense to charges of violations
6 of state law relating to cannabis through proof at trial, by a
7 preponderance of the evidence, that he or she otherwise meets the
8 requirements of RCW 69.51A.040. A qualifying patient or designated
9 provider meeting the conditions of this subsection but possessing more
10 cannabis than the limits set forth in RCW 69.51A.040(1) may, in the
11 investigating peace officer's discretion, be taken into custody and
12 booked into jail in connection with the investigation of the incident.

13 NEW SECTION. **Sec. 403.** (1) Qualifying patients may create and
14 participate in collective gardens for the purpose of producing,
15 processing, transporting, and delivering cannabis for medical use
16 subject to the following conditions:

17 (a) No more than ten qualifying patients may participate in a
18 single collective garden at any time;

19 (b) A collective garden may contain no more than fifteen plants per
20 patient up to a total of forty-five plants;

21 (c) A collective garden may contain no more than twenty-four ounces
22 of useable cannabis per patient up to a total of seventy-two ounces of
23 useable cannabis;

24 (d) A copy of each qualifying patient's valid documentation or
25 proof of registration with the registry established in section 901 of
26 this act, including a copy of the patient's proof of identity, must be
27 available at all times on the premises of the collective garden; and

28 (e) No useable cannabis from the collective garden is delivered to
29 anyone other than one of the qualifying patients participating in the
30 collective garden.

31 (2) For purposes of this section, the creation of a "collective
32 garden" means qualifying patients sharing responsibility for acquiring
33 and supplying the resources required to produce and process cannabis
34 for medical use such as, for example, a location for a collective
35 garden; equipment, supplies, and labor necessary to plant, grow, and
36 harvest cannabis; cannabis plants, seeds, and cuttings; and equipment,

1 supplies, and labor necessary for proper construction, plumbing,
2 wiring, and ventilation of a garden of cannabis plants.

3 (3) A person who knowingly violates a provision of subsection (1)
4 of this section is not entitled to the protections of this chapter.

5 NEW SECTION. **Sec. 404.** (1) A qualifying patient may revoke his or
6 her designation of a specific provider and designate a different
7 provider at any time. A revocation of designation must be in writing,
8 signed and dated. The protections of this chapter cease to apply to a
9 person who has served as a designated provider to a qualifying patient
10 seventy-two hours after receipt of that patient's revocation of his or
11 her designation.

12 (2) A person may stop serving as a designated provider to a given
13 qualifying patient at any time. However, that person may not begin
14 serving as a designated provider to a different qualifying patient
15 until fifteen days have elapsed from the date the last qualifying
16 patient designated him or her to serve as a provider.

17 NEW SECTION. **Sec. 405.** A qualifying patient or designated
18 provider in possession of cannabis plants, useable cannabis, or
19 cannabis product exceeding the limits set forth in RCW 69.51A.040(1)
20 but otherwise in compliance with all other terms and conditions of this
21 chapter may establish an affirmative defense to charges of violations
22 of state law relating to cannabis through proof at trial, by a
23 preponderance of the evidence, that the qualifying patient's necessary
24 medical use exceeds the amounts set forth in RCW 69.51A.040(1). An
25 investigating peace officer may seize cannabis plants, useable
26 cannabis, or cannabis product exceeding the amounts set forth in RCW
27 69.51A.040(1): PROVIDED, That in the case of cannabis plants, the
28 qualifying patient or designated provider shall be allowed to select
29 the plants that will remain at the location. The officer and his or
30 her law enforcement agency may not be held civilly liable for failure
31 to seize cannabis in this circumstance.

32 NEW SECTION. **Sec. 406.** A qualifying patient or designated
33 provider who is not registered with the registry established in section
34 901 of this act or does not present his or her valid documentation to
35 a peace officer who questions the patient or provider regarding his or

1 her medical use of cannabis but is in compliance with all other terms
2 and conditions of this chapter may establish an affirmative defense to
3 charges of violations of state law relating to cannabis through proof
4 at trial, by a preponderance of the evidence, that he or she was a
5 validly authorized qualifying patient or designated provider at the
6 time of the officer's questioning. A qualifying patient or designated
7 provider who establishes an affirmative defense under the terms of this
8 section may also establish an affirmative defense under section 405 of
9 this act.

10 NEW SECTION. **Sec. 407.** A nonresident who is duly authorized to
11 engage in the medical use of cannabis under the laws of another state
12 or territory of the United States may raise an affirmative defense to
13 charges of violations of Washington state law relating to cannabis,
14 provided that the nonresident:

15 (1) Possesses no more than fifteen cannabis plants and no more than
16 twenty-four ounces of useable cannabis, no more cannabis product than
17 reasonably could be produced with no more than twenty-four ounces of
18 useable cannabis, or a combination of useable cannabis and cannabis
19 product that does not exceed a combined total representing possession
20 and processing of no more than twenty-four ounces of useable cannabis;

21 (2) Is in compliance with all provisions of this chapter other than
22 requirements relating to being a Washington resident or possessing
23 valid documentation issued by a licensed health care professional in
24 Washington;

25 (3) Presents the documentation of authorization required under the
26 nonresident's authorizing state or territory's law and proof of
27 identity issued by the authorizing state or territory to any peace
28 officer who questions the nonresident regarding his or her medical use
29 of cannabis; and

30 (4) Does not possess evidence that the nonresident has converted
31 cannabis produced or obtained for his or her own medical use to the
32 nonresident's personal, nonmedical use or benefit.

33 NEW SECTION. **Sec. 408.** A qualifying patient's medical use of
34 cannabis as authorized by a health care professional may not be a sole
35 disqualifying factor in determining the patient's suitability for an
36 organ transplant, unless it is shown that this use poses a significant

1 risk of rejection or organ failure. This section does not preclude a
2 health care professional from requiring that a patient abstain from the
3 medical use of cannabis, for a period of time determined by the health
4 care professional, while waiting for a transplant organ or before the
5 patient undergoes an organ transplant.

6 NEW SECTION. **Sec. 409.** A qualifying patient or designated
7 provider may not have his or her parental rights or residential time
8 with a child restricted solely due to his or her medical use of
9 cannabis in compliance with the terms of this chapter absent written
10 findings supported by evidence that such use has resulted in a long-
11 term impairment that interferes with the performance of parenting
12 functions as defined under RCW 26.09.004.

13 NEW SECTION. **Sec. 410.** (1) Except as provided in subsection (2)
14 of this section, a qualifying patient may not be refused housing or
15 evicted from housing solely as a result of his or her possession or use
16 of useable cannabis or cannabis products except that housing providers
17 otherwise permitted to enact and enforce prohibitions against smoking
18 in their housing may apply those prohibitions to smoking cannabis
19 provided that such smoking prohibitions are applied and enforced
20 equally as to the smoking of cannabis and the smoking of all other
21 substances, including without limitation tobacco.

22 (2) Housing programs containing a program component prohibiting the
23 use of drugs or alcohol among its residents are not required to permit
24 the medical use of cannabis among those residents.

25 NEW SECTION. **Sec. 411.** In imposing any criminal sentence,
26 deferred prosecution, stipulated order of continuance, deferred
27 disposition, or dispositional order, any court organized under the laws
28 of Washington state may permit the medical use of cannabis in
29 compliance with the terms of this chapter and exclude it as a possible
30 ground for finding that the offender has violated the conditions or
31 requirements of the sentence, deferred prosecution, stipulated order of
32 continuance, deferred disposition, or dispositional order. This
33 section does not require the accommodation of any medical use of
34 cannabis in any correctional facility or jail.

1 **Sec. 412.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to read
2 as follows:

3 (1) The lawful possession, delivery, dispensing, production, or
4 manufacture of ((~~medical-marijuana~~)) cannabis for medical use as
5 authorized by this chapter shall not result in the forfeiture or
6 seizure of any real or personal property including, but not limited to,
7 cannabis intended for medical use, items used to facilitate the medical
8 use of cannabis or its production or dispensing for medical use, or
9 proceeds of sales of cannabis for medical use made by licensed
10 producers, licensed processors of cannabis products, or licensed
11 dispensers.

12 (2) No person shall be prosecuted for constructive possession,
13 conspiracy, or any other criminal offense solely for being in the
14 presence or vicinity of ((~~medical-marijuana~~)) cannabis intended for
15 medical use or its use as authorized by this chapter.

16 (3) The state shall not be held liable for any deleterious outcomes
17 from the medical use of ((~~marijuana~~)) cannabis by any qualifying
18 patient.

19 **NEW SECTION. Sec. 413.** Nothing in this chapter or in the rules
20 adopted to implement it precludes a qualifying patient or designated
21 provider from engaging in the private, unlicensed, noncommercial
22 production, possession, transportation, delivery, or administration of
23 cannabis for medical use as authorized under RCW 69.51A.040.

24 **PART V**
25 **LIMITATIONS ON PROTECTIONS FOR QUALIFYING**
26 **PATIENTS AND DESIGNATED PROVIDERS**

27 **Sec. 501.** RCW 69.51A.060 and 2010 c 284 s 4 are each amended to
28 read as follows:

29 (1) It shall be a ((~~misdemeanor~~)) class 3 civil infraction to use
30 or display medical ((~~marijuana~~)) cannabis in a manner or place which is
31 open to the view of the general public.

32 (2) Nothing in this chapter ((~~requires any health insurance~~
33 ~~provider~~)) establishes a right of care as a covered benefit or requires
34 any state purchased health care as defined in RCW 41.05.011 or other
35 health carrier or health plan as defined in Title 48 RCW to be liable

1 for any claim for reimbursement for the medical use of ((~~marijuana~~))
2 cannabis. Such entities may enact coverage or noncoverage criteria or
3 related policies for payment or nonpayment of medical cannabis in their
4 sole discretion.

5 (3) Nothing in this chapter requires any health care professional
6 to authorize the medical use of ((~~medical-marijuana~~)) cannabis for a
7 patient.

8 (4) Nothing in this chapter requires any accommodation of any on-
9 site medical use of ((~~marijuana~~)) cannabis in any place of employment,
10 in any school bus or on any school grounds, in any youth center, in any
11 correctional facility, or smoking ((~~medical-marijuana~~)) cannabis in any
12 public place ((~~as that term is defined in RCW 70.160.020~~)) or hotel or
13 motel.

14 (5) Nothing in this chapter authorizes the use of medical cannabis
15 by any person who is subject to the Washington code of military justice
16 in chapter 38.38 RCW.

17 (6) Employers may establish drug-free work policies. Nothing in
18 this chapter requires an accommodation for the medical use of cannabis
19 if an employer has a drug-free work place.

20 (7) It is a class C felony to fraudulently produce any record
21 purporting to be, or tamper with the content of any record for the
22 purpose of having it accepted as, valid documentation under RCW
23 69.51A.010((~~+7~~)) (32)(a), or to backdate such documentation to a time
24 earlier than its actual date of execution.

25 ((~~+6~~)) (8) No person shall be entitled to claim the ((~~affirmative~~
26 ~~defense provided in RCW 69.51A.040~~)) protection from arrest and
27 prosecution under RCW 69.51A.040 or the affirmative defense under
28 section 402 of this act for engaging in the medical use of
29 ((~~marijuana~~)) cannabis in a way that endangers the health or well-being
30 of any person through the use of a motorized vehicle on a street, road,
31 or highway, including violations of RCW 46.61.502 or 46.61.504, or
32 equivalent local ordinances.

33 PART VI

34 LICENSED PRODUCERS AND LICENSED PROCESSORS OF CANNABIS PRODUCTS

35 NEW SECTION. Sec. 601. A person may not act as a licensed
36 producer without a license for each production facility issued by the

1 department of agriculture and prominently displayed on the premises.
2 Provided they are acting in compliance with the terms of this chapter
3 and rules adopted to enforce and carry out its purposes, licensed
4 producers and their employees, members, officers, and directors may
5 manufacture, plant, cultivate, grow, harvest, produce, prepare,
6 propagate, process, package, repackage, transport, transfer, deliver,
7 label, relabel, wholesale, or possess cannabis intended for medical use
8 by qualifying patients, including seeds, seedlings, cuttings, plants,
9 and useable cannabis, and may not be arrested, searched, prosecuted, or
10 subject to other criminal sanctions or civil consequences under state
11 law, or have real or personal property searched, seized, or forfeited
12 pursuant to state law, for such activities, notwithstanding any other
13 provision of law.

14 NEW SECTION. **Sec. 602.** A person may not act as a licensed
15 processor without a license for each processing facility issued by the
16 department of agriculture and prominently displayed on the premises.
17 Provided they are acting in compliance with the terms of this chapter
18 and rules adopted to enforce and carry out its purposes, licensed
19 processors of cannabis products and their employees, members, officers,
20 and directors may possess useable cannabis and manufacture, produce,
21 prepare, process, package, repackage, transport, transfer, deliver,
22 label, relabel, wholesale, or possess cannabis products intended for
23 medical use by qualifying patients, and may not be arrested, searched,
24 prosecuted, or subject to other criminal sanctions or civil
25 consequences under state law, or have real or personal property
26 searched, seized, or forfeited pursuant to state law, for such
27 activities, notwithstanding any other provision of law.

28 NEW SECTION. **Sec. 603.** The director shall administer and carry
29 out the provisions of this chapter relating to licensed producers and
30 licensed processors of cannabis products, and rules adopted under this
31 chapter.

32 NEW SECTION. **Sec. 604.** (1) On a schedule determined by the
33 department of agriculture, licensed producers and licensed processors
34 must submit representative samples of cannabis grown or processed to a
35 cannabis analysis laboratory for grade, condition, cannabinoid profile,

1 THC concentration, other qualitative measurements of cannabis intended
2 for medical use, and other inspection standards determined by the
3 department of agriculture. Any samples remaining after testing must be
4 destroyed by the laboratory or returned to the licensed producer or
5 licensed processor.

6 (2) Licensed producers and licensed processors must submit copies
7 of the results of this inspection and testing to the department of
8 agriculture on a form developed by the department.

9 (3) If a representative sample of cannabis tested under this
10 section has a THC concentration of three-tenths of one percent or less,
11 the lot of cannabis the sample was taken from may not be sold for
12 medical use and must be destroyed or sold to a manufacturer of hemp
13 products.

14 NEW SECTION. **Sec. 605.** The department of agriculture may contract
15 with a cannabis analysis laboratory to conduct independent inspection
16 and testing of cannabis samples to verify testing results provided
17 under section 604 of this act.

18 NEW SECTION. **Sec. 606.** The department of agriculture may adopt
19 rules on:

20 (1) Facility standards, including scales, for all licensed
21 producers and licensed processors of cannabis products;

22 (2) Measurements for cannabis intended for medical use, including
23 grade, condition, cannabinoid profile, THC concentration, other
24 qualitative measurements, and other inspection standards for cannabis
25 intended for medical use; and

26 (3) Methods to identify cannabis intended for medical use so that
27 such cannabis may be readily identified if stolen or removed in
28 violation of the provisions of this chapter from a production or
29 processing facility, or if otherwise unlawfully transported.

30 NEW SECTION. **Sec. 607.** The director is authorized to deny,
31 suspend, or revoke a producer's or processor's license after a hearing
32 in any case in which it is determined that there has been a violation
33 or refusal to comply with the requirements of this chapter or rules
34 adopted hereunder. All hearings for the denial, suspension, or

1 revocation of a producer's or processor's license are subject to
2 chapter 34.05 RCW, the administrative procedure act, as enacted or
3 hereafter amended.

4 NEW SECTION. **Sec. 608.** (1) By January 1, 2013, taking into
5 consideration, but not being limited by, the security requirements
6 described in 21 C.F.R. Sec. 1301.71-1301.76, the director shall adopt
7 rules:

8 (a) On the inspection or grading and certification of grade,
9 grading factors, condition, cannabinoid profile, THC concentration, or
10 other qualitative measurement of cannabis intended for medical use that
11 must be used by cannabis analysis laboratories in section 604 of this
12 act;

13 (b) Fixing the sizes, dimensions, and safety and security features
14 required of containers to be used for packing, handling, or storing
15 cannabis intended for medical use;

16 (c) Establishing labeling requirements for cannabis intended for
17 medical use including, but not limited to:

18 (i) The business or trade name and Washington state unified
19 business identifier (UBI) number of the licensed producer of the
20 cannabis;

21 (ii) THC concentration; and

22 (iii) Information on whether the cannabis was grown using organic,
23 inorganic, or synthetic fertilizers;

24 (d) Establishing requirements for transportation of cannabis
25 intended for medical use from production facilities to processing
26 facilities and licensed dispensers;

27 (e) Establishing security requirements for the facilities of
28 licensed producers and licensed processors of cannabis products. These
29 security requirements must consider the safety of the licensed
30 producers and licensed processors as well as the safety of the
31 community surrounding the licensed producers and licensed processors;

32 (f) Establishing requirements for the licensure of producers, and
33 processors of cannabis products, setting forth procedures to obtain
34 licenses, and determining expiration dates and renewal requirements;
35 and

36 (g) Establishing license application and renewal fees for the
37 licensure of producers and processors of cannabis products.

1 (2) Fees collected under this section must be deposited into the
2 agricultural local fund created in RCW 43.23.230.

3 (3) During the rule-making process, the department of agriculture
4 shall consult with stakeholders and persons with relevant expertise, to
5 include but not be limited to qualifying patients, designated
6 providers, health care professionals, state and local law enforcement
7 agencies, and the department of health.

8 NEW SECTION. **Sec. 609.** (1) Each licensed producer and licensed
9 processor of cannabis products shall maintain complete records at all
10 times with respect to all cannabis produced, processed, weighed,
11 tested, stored, shipped, or sold. The director shall adopt rules
12 specifying the minimum recordkeeping requirements necessary to comply
13 with this section.

14 (2) The property, books, records, accounts, papers, and proceedings
15 of every licensed producer and licensed processor of cannabis products
16 shall be subject to inspection by the department of agriculture at any
17 time during ordinary business hours. Licensed producers and licensed
18 processors of cannabis products shall maintain adequate records and
19 systems for the filing and accounting of crop production, product
20 manufacturing and processing, records of weights and measurements,
21 product testing, receipts, canceled receipts, other documents, and
22 transactions necessary or common to the medical cannabis industry.

23 (3) The director may administer oaths and issue subpoenas to compel
24 the attendance of witnesses, or the production of books, documents, and
25 records anywhere in the state pursuant to a hearing relative to the
26 purposes and provisions of this chapter. Witnesses shall be entitled
27 to fees for attendance and travel, as provided in chapter 2.40 RCW.

28 (4) Each licensed producer and licensed processor of cannabis
29 products shall report information to the department of agriculture at
30 such times and as may be reasonably required by the director for the
31 necessary enforcement and supervision of a sound, reasonable, and
32 efficient cannabis inspection program for the protection of the health
33 and welfare of qualifying patients.

34 NEW SECTION. **Sec. 610.** (1) The department of agriculture may give
35 written notice to a licensed producer or processor of cannabis products
36 to furnish required reports, documents, or other requested information,

1 under such conditions and at such time as the department of agriculture
2 deems necessary if a licensed producer or processor of cannabis
3 products fails to:

4 (a) Submit his or her books, papers, or property to lawful
5 inspection or audit;

6 (b) Submit required laboratory results, reports, or documents to
7 the department of agriculture by their due date; or

8 (c) Furnish the department of agriculture with requested
9 information.

10 (2) If the licensed producer or processor of cannabis products
11 fails to comply with the terms of the notice within seventy-two hours
12 from the date of its issuance, or within such further time as the
13 department of agriculture may allow, the department of agriculture
14 shall levy a fine of five hundred dollars per day from the final date
15 for compliance allowed by this section or the department of
16 agriculture. In those cases where the failure to comply continues for
17 more than seven days or where the director determines the failure to
18 comply creates a threat to public health, public safety, or a
19 substantial risk of diversion of cannabis to unauthorized persons or
20 purposes, the department of agriculture may, in lieu of levying further
21 fines, petition the superior court of the county where the licensee's
22 principal place of business in Washington is located, as shown by the
23 license application, for an order:

24 (a) Authorizing the department of agriculture to seize and take
25 possession of all books, papers, and property of all kinds used in
26 connection with the conduct or the operation of the licensed producer
27 or processor's business, and the books, papers, records, and property
28 that pertain specifically, exclusively, and directly to that business;
29 and

30 (b) Enjoining the licensed producer or processor from interfering
31 with the department of agriculture in the discharge of its duties as
32 required by this chapter.

33 (3) All necessary costs and expenses, including attorneys' fees,
34 incurred by the department of agriculture in carrying out the
35 provisions of this section may be recovered at the same time and as
36 part of the action filed under this section.

37 (4) The department of agriculture may request the Washington state

1 patrol to assist it in enforcing this section if needed to ensure the
2 safety of its employees.

3 NEW SECTION. **Sec. 611.** (1) A licensed producer may not sell or
4 deliver cannabis to any person other than a cannabis analysis
5 laboratory, licensed processor of cannabis products, licensed
6 dispenser, or law enforcement officer except as provided by court
7 order. A licensed producer may also sell or deliver cannabis to the
8 University of Washington or Washington State University for research
9 purposes, as identified in section 1002 of this act. Violation of this
10 section is a class C felony punishable according to chapter 9A.20 RCW.

11 (2) A licensed processor of cannabis products may not sell or
12 deliver cannabis to any person other than a cannabis analysis
13 laboratory, licensed dispenser, or law enforcement officer except as
14 provided by court order. A licensed processor of cannabis products may
15 also sell or deliver cannabis to the University of Washington or
16 Washington State University for research purposes, as identified in
17 section 1002 of this act. Violation of this section is a class C
18 felony punishable according to chapter 9A.20 RCW.

19 **PART VII**

20 **LICENSED DISPENSERS**

21 NEW SECTION. **Sec. 701.** A person may not act as a licensed
22 dispenser without a license for each place of business issued by the
23 department of health and prominently displayed on the premises.
24 Provided they are acting in compliance with the terms of this chapter
25 and rules adopted to enforce and carry out its purposes, licensed
26 dispensers and their employees, members, officers, and directors may
27 deliver, distribute, dispense, transfer, prepare, package, repackage,
28 label, relabel, sell at retail, or possess cannabis intended for
29 medical use by qualifying patients, including seeds, seedlings,
30 cuttings, plants, useable cannabis, and cannabis products, and may not
31 be arrested, searched, prosecuted, or subject to other criminal
32 sanctions or civil consequences under state law, or have real or
33 personal property searched, seized, or forfeited pursuant to state law,
34 for such activities, notwithstanding any other provision of law.

1 NEW SECTION. **Sec. 702.** (1) By January 1, 2013, taking into
2 consideration the security requirements described in 21 C.F.R. 1301.71-
3 1301.76, the secretary of health shall adopt rules:

4 (a) Establishing requirements for the licensure of dispensers of
5 cannabis for medical use, setting forth procedures to obtain licenses,
6 and determining expiration dates and renewal requirements;

7 (b) Providing for mandatory inspection of licensed dispensers'
8 locations;

9 (c) Establishing procedures governing the suspension and revocation
10 of licenses of dispensers;

11 (d) Establishing recordkeeping requirements for licensed
12 dispensers;

13 (e) Fixing the sizes and dimensions of containers to be used for
14 dispensing cannabis for medical use;

15 (f) Establishing safety standards for containers to be used for
16 dispensing cannabis for medical use;

17 (g) Establishing cannabis storage requirements, including security
18 requirements;

19 (h) Establishing cannabis labeling requirements, to include
20 information on whether the cannabis was grown using organic, inorganic,
21 or synthetic fertilizers;

22 (i) Establishing physical standards for cannabis dispensing
23 facilities. The physical standards must require a licensed dispenser
24 to ensure that no cannabis or cannabis paraphernalia may be viewed from
25 outside the facility;

26 (j) Establishing maximum amounts of cannabis and cannabis products
27 that may be kept at one time at a dispensary. In determining maximum
28 amounts, the secretary must consider the security of the dispensary and
29 the surrounding community;

30 (k) Establishing physical standards for sanitary conditions for
31 cannabis dispensing facilities;

32 (l) Establishing physical and sanitation standards for cannabis
33 dispensing equipment;

34 (m) Establishing a maximum number of licensed dispensers that may
35 be licensed in each county as provided in this section;

36 (n) Enforcing and carrying out the provisions of this section and
37 the rules adopted to carry out its purposes; and

1 (o) Establishing license application and renewal fees for the
2 licensure of dispensers in accordance with RCW 43.70.250.

3 (2)(a) The secretary shall establish a maximum number of licensed
4 dispensers that may operate in each county. Prior to January 1, 2016,
5 the maximum number of licensed dispensers shall be based upon a ratio
6 of one licensed dispenser for every twenty thousand persons in a
7 county. On or after January 1, 2016, the secretary may adopt rules to
8 adjust the method of calculating the maximum number of dispensers to
9 consider additional factors, such as the number of enrollees in the
10 registry established in section 901 of this act and the secretary's
11 experience in administering the program. The secretary may not issue
12 more licenses than the maximum number of licenses established under
13 this section.

14 (b) In the event that the number of applicants qualifying for the
15 selection process exceeds the maximum number for a county, the
16 secretary shall initiate a random selection process established by the
17 secretary in rule.

18 (c) To qualify for the selection process, an applicant must
19 demonstrate to the secretary that he or she meets initial screening
20 criteria that represent the applicant's capacity to operate in
21 compliance with this chapter. Initial screening criteria shall
22 include, but not be limited to:

23 (i) Successful completion of a background check;

24 (ii) A plan to systematically verify qualifying patient and
25 designated provider status of clients;

26 (iii) Evidence of compliance with functional standards, such as
27 ventilation and security requirements; and

28 (iv) Evidence of compliance with facility standards, such as zoning
29 compliance and not using the facility as a residence.

30 (d) The secretary shall establish a schedule to:

31 (i) Update the maximum allowable number of licensed dispensers in
32 each county; and

33 (ii) Issue approvals to operate within a county according to the
34 random selection process.

35 (3) Fees collected under this section must be deposited into the
36 health professions account created in RCW 43.70.320.

37 (4) During the rule-making process, the department of health shall
38 consult with stakeholders and persons with relevant expertise, to

1 include but not be limited to qualifying patients, designated
2 providers, health care professionals, state and local law enforcement
3 agencies, and the department of agriculture.

4 NEW SECTION. **Sec. 703.** A licensed dispenser may not sell cannabis
5 received from any person other than a licensed producer or licensed
6 processor of cannabis products, or sell or deliver cannabis to any
7 person other than a qualifying patient, designated provider, or law
8 enforcement officer except as provided by court order. A licensed
9 dispenser may also sell or deliver cannabis to the University of
10 Washington or Washington State University for research purposes, as
11 identified in section 1002 of this act. Before selling or providing
12 cannabis to a qualifying patient or designated provider, the licensed
13 dispenser must confirm that the patient qualifies for the medical use
14 of cannabis by contacting, at least once in a one-year period, that
15 patient's health care professional. Violation of this section is a
16 class C felony punishable according to chapter 9A.20 RCW.

17 NEW SECTION. **Sec. 704.** A license to operate as a licensed
18 dispenser is not transferrable.

19 NEW SECTION. **Sec. 705.** The secretary of health shall not issue or
20 renew a license to an applicant or licensed dispenser located within
21 five hundred feet of a community center, child care center, elementary
22 or secondary school, or another licensed dispenser.

23 **PART VIII**

24 **MISCELLANEOUS PROVISIONS APPLYING TO ALL**
25 **LICENSED PRODUCERS, PROCESSORS, AND DISPENSERS**

26 NEW SECTION. **Sec. 801.** All weighing and measuring instruments and
27 devices used by licensed producers, processors of cannabis products,
28 and dispensers shall comply with the requirements set forth in chapter
29 19.94 RCW.

30 NEW SECTION. **Sec. 802.** (1) No person, partnership, corporation,
31 association, or agency may advertise cannabis for sale to the general
32 public in any manner that promotes or tends to promote the use or abuse

1 of cannabis. For the purposes of this subsection, displaying cannabis,
2 including artistic depictions of cannabis, is considered to promote or
3 to tend to promote the use or abuse of cannabis.

4 (2) The department of agriculture may fine a licensed producer or
5 processor of cannabis products up to one thousand dollars for each
6 violation of subsection (1) of this section. Fines collected under
7 this subsection must be deposited into the agriculture local fund
8 created in RCW 43.23.230.

9 (3) The department of health may fine a licensed dispenser up to
10 one thousand dollars for each violation of subsection (1) of this
11 section. Fines collected under this subsection must be deposited into
12 the health professions account created in RCW 43.70.320.

13 (4) No broadcast television licensee, radio broadcast licensee,
14 newspaper, magazine, advertising agency, or agency or medium for the
15 dissemination of an advertisement, except the licensed producer,
16 processor of cannabis products, or dispenser to which the advertisement
17 relates, is subject to the penalties of this section by reason of
18 dissemination of advertising in good faith without knowledge that the
19 advertising promotes or tends to promote the use or abuse of cannabis.

20 NEW SECTION. **Sec. 803.** (1) A prior conviction for a cannabis or
21 marijuana offense shall not disqualify an applicant from receiving a
22 license to produce, process, or dispense cannabis for medical use,
23 provided the conviction did not include any sentencing enhancements
24 under RCW 9.94A.533 or analogous laws in other jurisdictions. Any
25 criminal conviction of a current licensee may be considered in
26 proceedings to suspend or revoke a license.

27 (2) Nothing in this section prohibits either the department of
28 health or the department of agriculture, as appropriate, from denying,
29 suspending, or revoking the credential of a license holder for other
30 drug-related offenses or any other criminal offenses.

31 (3) Nothing in this section prohibits a corrections agency or
32 department from considering all prior and current convictions in
33 determining whether the possession, manufacture, or delivery of, or for
34 possession with intent to manufacture or deliver, is inconsistent with
35 and contrary to the person's supervision.

1 NEW SECTION. **Sec. 804.** A violation of any provision or section of
2 this chapter that relates to the licensing and regulation of producers,
3 processors, or dispensers, where no other penalty is provided for, and
4 the violation of any rule adopted under this chapter constitutes a
5 misdemeanor.

6 NEW SECTION. **Sec. 805.** (1) Every licensed producer or processor
7 of cannabis products who fails to comply with this chapter, or any rule
8 adopted under it, may be subjected to a civil penalty, as determined by
9 the director, in an amount of not more than one thousand dollars for
10 every such violation. Each violation shall be a separate and distinct
11 offense.

12 (2) Every licensed dispenser who fails to comply with this chapter,
13 or any rule adopted under it, may be subjected to a civil penalty, as
14 determined by the secretary, in an amount of not more than one thousand
15 dollars for every such violation. Each violation shall be a separate
16 and distinct offense.

17 (3) Every person who, through an act of commission or omission,
18 procures, aids, or abets in the violation shall be considered to have
19 violated this chapter and may be subject to the penalty provided for in
20 this section.

21 NEW SECTION. **Sec. 806.** The department of agriculture or the
22 department of health, as the case may be, must immediately suspend any
23 certification of licensure issued under this chapter if the holder of
24 the certificate has been certified under RCW 74.20A.320 by the
25 department of social and health services as a person who is not in
26 compliance with a support order. If the person has continued to meet
27 all other requirements for certification during the suspension,
28 reissuance of the certificate of licensure shall be automatic upon the
29 department's receipt of a release issued by the department of social
30 and health services stating that the person is in compliance with the
31 order.

32 NEW SECTION. **Sec. 807.** The department of agriculture or the
33 department of health, as the case may be, must suspend the
34 certification of licensure of any person who has been certified by a
35 lending agency and reported to the appropriate department for

1 nonpayment or default on a federally or state-guaranteed educational
2 loan or service-conditional scholarship. Prior to the suspension, the
3 department of agriculture or the department of health, as the case may
4 be, must provide the person an opportunity for a brief adjudicative
5 proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of
6 nonpayment or default on a federally or state-guaranteed educational
7 loan or service-conditional scholarship. The person's license may not
8 be reissued until the person provides the appropriate department a
9 written release issued by the lending agency stating that the person is
10 making payments on the loan in accordance with a repayment agreement
11 approved by the lending agency. If the person has continued to meet
12 all other requirements for certification or registration during the
13 suspension, reinstatement is automatic upon receipt of the notice and
14 payment of any reinstatement fee.

15 **PART IX**
16 **SECURE REGISTRATION OF QUALIFYING PATIENTS, DESIGNATED PROVIDERS,**
17 **AND LICENSED PRODUCERS, PROCESSORS, AND DISPENSERS**

18 NEW SECTION. **Sec. 901.** (1) By January 1, 2013, the department of
19 health shall, in consultation with the department of agriculture, adopt
20 rules for the creation, implementation, maintenance, and timely
21 upgrading of a secure and confidential registration system that allows:

22 (a) A peace officer to verify at any time whether a health care
23 professional has registered a person as either a qualifying patient or
24 a designated provider; and

25 (b) A peace officer to verify at any time whether a person,
26 location, or business is licensed by the department of agriculture or
27 the department of health as a licensed producer, licensed processor of
28 cannabis products, or licensed dispenser.

29 (2) The department of agriculture must, in consultation with the
30 department of health, create and maintain a secure and confidential
31 list of persons to whom it has issued a license to produce cannabis for
32 medical use or a license to process cannabis products, and the physical
33 addresses of the licensees' production and processing facilities. The
34 list must meet the requirements of subsection (9) of this section and
35 be transmitted to the department of health to be included in the
36 registry established by this section.

1 (3) The department of health must, in consultation with the
2 department of agriculture, create and maintain a secure and
3 confidential list of the persons to whom it has issued a license to
4 dispense cannabis for medical use that meets the requirements of
5 subsection (9) of this section and must be included in the registry
6 established by this section.

7 (4) Before seeking a nonvehicle search warrant or arrest warrant,
8 a peace officer investigating a cannabis-related incident must make
9 reasonable efforts to ascertain whether the location or person under
10 investigation is registered in the registration system, and include the
11 results of this inquiry in the affidavit submitted in support of the
12 application for the warrant. This requirement does not apply to
13 investigations in which:

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

17 (b) The peace officer has observed evidence of theft of electrical
18 power;

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

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

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

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

30 (g) The subject of the investigation has an outstanding arrest
31 warrant.

32 (5) Law enforcement may access the registration system only in
33 connection with a specific, legitimate criminal investigation regarding
34 cannabis.

35 (6) Registration in the system shall be optional for qualifying
36 patients and designated providers, not mandatory, and registrations are
37 valid for one year, except that qualifying patients must be able to
38 remove themselves from the registry at any time. For licensees,

1 registrations are valid for the term of the license and the
2 registration must be removed if the licensee's license is expired or
3 revoked. The department of health must adopt rules providing for
4 registration renewals and for removing expired registrations and
5 expired or revoked licenses from the registry.

6 (7) Fees, including renewal fees, for qualifying patients and
7 designated providers participating in the registration system shall be
8 limited to the cost to the state of implementing, maintaining, and
9 enforcing the provisions of this section and the rules adopted to carry
10 out its purposes. The fee shall also include any costs for the
11 department of health to disseminate information to employees of state
12 and local law enforcement agencies relating to whether a person is a
13 licensed producer, processor of cannabis products, or dispenser, or
14 that a location is the recorded address of a license producer,
15 processor of cannabis products, or dispenser, and for the dissemination
16 of log records relating to such requests for information to the
17 subjects of those requests. No fee may be charged to local law
18 enforcement agencies for accessing the registry.

19 (8) During the rule-making process, the department of health shall
20 consult with stakeholders and persons with relevant expertise, to
21 include, but not be limited to, qualifying patients, designated
22 providers, health care professionals, state and local law enforcement
23 agencies, and the University of Washington computer science and
24 engineering security and privacy research lab.

25 (9) The registration system shall meet the following requirements:

26 (a) Any personally identifiable information included in the
27 registration system must be "nonreversible," pursuant to definitions
28 and standards set forth by the national institute of standards and
29 technology;

30 (b) Any personally identifiable information included in the
31 registration system must not be susceptible to linkage by use of data
32 external to the registration system;

33 (c) The registration system must incorporate current best
34 differential privacy practices, allowing for maximum accuracy of
35 registration system queries while minimizing the chances of identifying
36 the personally identifiable information included therein; and

37 (d) The registration system must be upgradable and updated in a

1 timely fashion to keep current with state of the art privacy and
2 security standards and practices.

3 (10) The registration system shall maintain a log of each
4 verification query submitted by a peace officer, including the peace
5 officer's name, agency, and identification number, for a period of no
6 less than three years from the date of the query. Personally
7 identifiable information of qualifying patients and designated
8 providers included in the log shall be confidential and exempt from
9 public disclosure, inspection, or copying under chapter 42.56 RCW:
10 PROVIDED, That:

11 (a) Names and other personally identifiable information from the
12 list may be released only to:

13 (i) Authorized employees of the department of agriculture and the
14 department of health as necessary to perform official duties of either
15 department; or

16 (ii) Authorized employees of state or local law enforcement
17 agencies, only as necessary to verify that the person or location is a
18 qualified patient, designated provider, licensed producer, licensed
19 processor of cannabis products, or licensed dispenser, and only after
20 the inquiring employee has provided adequate identification.
21 Authorized employees who obtain personally identifiable information
22 under this subsection may not release or use the information for any
23 purpose other than verification that a person or location is a
24 qualified patient, designated provider, licensed producer, licensed
25 processor of cannabis products, or licensed dispenser;

26 (b) Information contained in the registration system may be
27 released in aggregate form, with all personally identifying information
28 redacted, for the purpose of statistical analysis and oversight of
29 agency performance and actions;

30 (c) The subject of a registration query may appear during ordinary
31 department of health business hours and inspect or copy log records
32 relating to him or her upon adequate proof of identity; and

33 (d) The subject of a registration query may submit a written
34 request to the department of health, along with adequate proof of
35 identity, for copies of log records relating to him or her.

36 (11) This section does not prohibit a department of agriculture
37 employee or a department of health employee from contacting state or

1 local law enforcement for assistance during an emergency or while
2 performing his or her duties under this chapter.

3 (12) Fees collected under this section must be deposited into the
4 health professions account under RCW 43.70.320.

5 NEW SECTION. **Sec. 902.** A new section is added to chapter 42.56
6 RCW to read as follows:

7 Records containing names and other personally identifiable
8 information relating to qualifying patients, designated providers, and
9 persons licensed as producers or dispensers of cannabis for medical
10 use, or as processors of cannabis products, under section 901 of this
11 act are exempt from disclosure under this chapter.

12 **PART X**
13 **EVALUATION**

14 NEW SECTION. **Sec. 1001.** (1) By July 1, 2014, the Washington state
15 institute for public policy shall, within available funds, conduct a
16 cost-benefit evaluation of the implementation of this act and the rules
17 adopted to carry out its purposes.

18 (2) The evaluation of the implementation of this act and the rules
19 adopted to carry out its purposes shall include, but not necessarily be
20 limited to, consideration of the following factors:

21 (a) Qualifying patients' access to an adequate source of cannabis
22 for medical use;

23 (b) Qualifying patients' access to a safe source of cannabis for
24 medical use;

25 (c) Qualifying patients' access to a consistent source of cannabis
26 for medical use;

27 (d) Qualifying patients' access to a secure source of cannabis for
28 medical use;

29 (e) Qualifying patients' and designated providers' contact with law
30 enforcement and involvement in the criminal justice system;

31 (f) Diversion of cannabis intended for medical use to nonmedical
32 uses;

33 (g) Incidents of home invasion burglaries, robberies, and other
34 violent and property crimes associated with qualifying patients
35 accessing cannabis for medical use;

1 (h) Whether there are health care professionals who make a
2 disproportionately high amount of authorizations in comparison to the
3 health care professional community at large;

4 (i) Whether there are indications of health care professionals in
5 violation of RCW 69.51A.030; and

6 (j) Whether the health care professionals making authorizations
7 reside in this state or out of this state.

8 (3) For purposes of facilitating this evaluation, the departments
9 of health and agriculture will make available to the Washington state
10 institute for public policy requested data, and any other data either
11 department may consider relevant, from which all personally
12 identifiable information has been redacted.

13 NEW SECTION. **Sec. 1002.** A new section is added to chapter 28B.20
14 RCW to read as follows:

15 The University of Washington and Washington State University may
16 conduct scientific research on the efficacy and safety of administering
17 cannabis as part of medical treatment. As part of this research, the
18 University of Washington and Washington State University may develop
19 and conduct studies to ascertain the general medical safety and
20 efficacy of cannabis and may develop medical guidelines for the
21 appropriate administration and use of cannabis.

22 **PART XI**
23 **CONSTRUCTION**

24 NEW SECTION. **Sec. 1101.** (1) No civil or criminal liability may be
25 imposed by any court on the state or its officers and employees for
26 actions taken in good faith under this chapter and within the scope of
27 their assigned duties.

28 (2) No civil or criminal liability may be imposed by any court on
29 cities, towns, and counties or other municipalities and their officers
30 and employees for actions taken in good faith under this chapter and
31 within the scope of their assigned duties.

32 NEW SECTION. **Sec. 1102.** (1) Cities and towns may adopt and
33 enforce any of the following pertaining to the production, processing,
34 or dispensing of cannabis or cannabis products within their

1 jurisdiction: Zoning requirements, business licensing requirements,
2 health and safety requirements, and business taxes. Nothing in this
3 act is intended to limit the authority of cities and towns to impose
4 zoning requirements or other conditions upon licensed dispensers, so
5 long as such requirements do not preclude the possibility of siting
6 licensed dispensers within the jurisdiction. If the jurisdiction has
7 no commercial zones, the jurisdiction is not required to adopt zoning
8 to accommodate licensed dispensers.

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

20 NEW SECTION. **Sec. 1103.** If any provision of this act or the
21 application thereof to any person or circumstance is held invalid, the
22 invalidity does not affect other provisions or applications of the act
23 that can be given effect without the invalid provision or application,
24 and to this end the provisions of this act are severable.

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

33 NEW SECTION. **Sec. 1105.** (1)(a) The arrest and prosecution
34 protections established in section 401 of this act may not be asserted
35 in a supervision revocation or violation hearing by a person who is

1 supervised by a corrections agency or department, including local
2 governments or jails, that has determined that the terms of this
3 section are inconsistent with and contrary to his or her supervision.

4 (b) The affirmative defenses established in sections 402, 405, 406,
5 and 407 of this act may not be asserted in a supervision revocation or
6 violation hearing by a person who is supervised by a corrections agency
7 or department, including local governments or jails, that has
8 determined that the terms of this section are inconsistent with and
9 contrary to his or her supervision.

10 (2) The provisions of RCW 69.51A.040 and sections 403 and 413 of
11 this act do not apply to a person who is supervised for a criminal
12 conviction by a corrections agency or department, including local
13 governments or jails, that has determined that the terms of this
14 chapter are inconsistent with and contrary to his or her supervision.

15 (3) A person may not be licensed as a licensed producer, licensed
16 processor of cannabis products, or a licensed dispenser under section
17 601, 602, or 701 of this act if he or she is supervised for a criminal
18 conviction by a corrections agency or department, including local
19 governments or jails, that has determined that licensure is
20 inconsistent with and contrary to his or her supervision.

21 **Sec. 1106.** RCW 69.51A.900 and 1999 c 2 s 1 are each amended to
22 read as follows:

23 This chapter may be known and cited as the Washington state medical
24 use of (~~marijuana~~) cannabis act.

25 **PART XII**
26 **MISCELLANEOUS**

27 NEW SECTION. **Sec. 1201.** (1) The legislature recognizes that there
28 are cannabis producers and cannabis dispensaries in operation as of the
29 effective date of this section that are unregulated by the state and
30 who produce and dispense cannabis for medical use by qualifying
31 patients. The legislature intends that these producers and
32 dispensaries become licensed in accordance with the requirements of
33 this chapter and that this licensing provides them with arrest
34 protection so long as they remain in compliance with the requirements
35 of this chapter and the rules adopted under this chapter. The

1 legislature further recognizes that cannabis producers and cannabis
2 dispensaries in current operation are not able to become licensed until
3 the department of agriculture and the department of health adopt rules
4 and, consequently, it is likely they will remain unlicensed until at
5 least January 1, 2013. These producers and dispensary owners and
6 operators run the risk of arrest between the effective date of this
7 section and the time they become licensed. Therefore, the legislature
8 intends to provide them with an affirmative defense if they meet the
9 requirements of this section.

10 (2) If charged with a violation of state law relating to cannabis,
11 a producer of cannabis or a dispensary and its owners and operators
12 that are engaged in the production or dispensing of cannabis to a
13 qualifying patient or who assists a qualifying patient in the medical
14 use of cannabis is deemed to have established an affirmative defense to
15 such charges by proof of compliance with this section.

16 (3) In order to assert an affirmative defense under this section,
17 a cannabis producer or cannabis dispensary must:

18 (a) In the case of producers, solely provide cannabis to cannabis
19 dispensaries for the medical use of cannabis by qualified patients;

20 (b) In the case of dispensaries, solely provide cannabis to
21 qualified patients for their medical use;

22 (c) Be registered with the secretary of state as of May 1, 2011;

23 (d) File a letter of intent with the department of agriculture or
24 the department of health, as the case may be, asserting that the
25 producer or dispenser intends to become licensed in accordance with
26 this chapter and rules adopted by the appropriate department; and

27 (e) File a letter of intent with the city clerk if in an
28 incorporated area or to the county clerk if in an unincorporated area
29 stating they operate as a producer or dispensary and that they comply
30 with the provisions of this chapter and will comply with subsequent
31 department rule making.

32 (4) Upon receiving a letter of intent under subsection (3) of this
33 section, the department of agriculture, the department of health, and
34 the city clerk or county clerk must send a letter of acknowledgment to
35 the producer or dispenser. The producer and dispenser must display
36 this letter of acknowledgment in a prominent place in their facility.

37 (5) Letters of intent filed with a public agency, letters of

1 acknowledgement sent from those agencies, and other materials related
2 to such letters are exempt from public disclosure under chapter 42.56
3 RCW.

4 (6) This section expires upon the establishment of the licensing
5 programs of the department of agriculture and the department of health
6 and the commencement of the issuance of licenses for dispensers and
7 producers as provided in this chapter. The department of health and
8 the department of agriculture shall notify the code reviser when the
9 establishment of the licensing programs has occurred.

10 NEW SECTION. **Sec. 1202.** A new section is added to chapter 42.56
11 RCW to read as follows:

12 The following information related to cannabis producers and
13 cannabis dispensers are exempt from disclosure under this section:

14 (1) Letters of intent filed with a public agency under section 1201
15 of this act;

16 (2) Letters of acknowledgement sent from a public agency under
17 section 1201 of this act;

18 (3) Materials related to letters of intent and acknowledgement
19 under section 1201 of this act.

20 NEW SECTION. **Sec. 1203.** (1)(a) On July 1, 2015, the department of
21 health shall report the following information to the state treasurer:

22 (i) The expenditures from the health professions account related to
23 the administration of chapter 69.51A RCW between the effective date of
24 this section and June 30, 2015; and

25 (ii) The amounts deposited into the health professions account
26 under sections 702, 802, and 901 of this act between the effective date
27 of this section and June 30, 2015.

28 (b) If the amount in (a)(i) of this subsection exceeds the amount
29 in (a)(ii) of this subsection, the state treasurer shall transfer an
30 amount equal to the difference from the general fund to the health
31 professions account.

32 (2)(a) Annually, beginning July 1, 2016, the department of health
33 shall report the following information to the state treasurer:

34 (i) The expenditures from the health professions account related to
35 the administration of chapter 69.51A RCW for the preceding fiscal year;
36 and

1 (ii) The amounts deposited into the health professions account
2 under sections 702, 802, and 901 of this act during the preceding
3 fiscal year.

4 (b) If the amount in (a)(i) of this subsection exceeds the amount
5 in (a)(ii) of this subsection, the state treasurer shall transfer an
6 amount equal to the difference from the general fund to the health
7 professions account.

8 NEW SECTION. **Sec. 1204.** RCW 69.51A.080 (Adoption of rules by the
9 department of health--Sixty-day supply for qualifying patients) and
10 2007 c 371 s 8 are each repealed.

11 NEW SECTION. **Sec. 1205.** Sections 402 through 411, 413, 601
12 through 611, 701 through 705, 801 through 807, 901, 1001, 1101 through
13 1105, and 1201 of this act are each added to chapter 69.51A RCW.

14 NEW SECTION. **Sec. 1206.** Section 1002 of this act takes effect
15 January 1, 2013."

16 Correct the title.

--- END ---