

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

ADOPTED AS AMENDED 04/11/2011

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 documented relationship with the patient relating to  
10 the diagnosis and ongoing treatment or monitoring of the patient's  
11 terminal or debilitating medical condition, and only after:

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

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

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

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

23 (b) A health care professional shall not:

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

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

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

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

36 (v) Include any statement or reference, visual or otherwise, on the  
37 medical use of cannabis in any advertisement for his or her business or  
38 practice; or

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

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

6 **PART IV**

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

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

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

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

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

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

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

33 ~~(c) Present his or her valid documentation to any law enforcement~~  
34 ~~official who questions the patient or provider regarding his or her~~  
35 ~~medical use of marijuana.~~

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

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

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

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

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

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

34       (2) The qualifying patient or designated provider presents his or  
35 her proof of registration with the department of health, to any peace  
36 officer who questions the patient or provider regarding his or her  
37 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 the designated provider has converted cannabis produced or obtained for  
9 the qualifying patient for his or her own personal use or benefit; and

10       (5) The investigating peace officer does not possess evidence that  
11 the designated provider has served as a designated provider to more  
12 than one qualifying patient within a fifteen-day period.

13       NEW SECTION. Sec. 402. (1) A qualifying patient or designated  
14 provider who is not registered with the registry established in section  
15 901 of this act may not be taken into custody or booked into jail on  
16 the grounds of his or her medical use of cannabis prior to conviction,  
17 and may raise the affirmative defense set forth in subsection (2) of  
18 this section, if:

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

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

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

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

30       (e) No outstanding warrant for arrest exists for the qualifying  
31 patient or designated provider.

32       (2) A qualifying patient or designated provider who is not  
33 registered with the registry established in section 901 of this act,  
34 but who presents his or her valid documentation to any peace officer  
35 who questions the patient or provider regarding his or her medical use  
36 of cannabis, may assert an affirmative defense to charges of violations  
37 of state law relating to cannabis through proof at trial, by a

1 preponderance of the evidence, that he or she otherwise meets the  
2 requirements of RCW 69.51A.040. A qualifying patient or designated  
3 provider meeting the conditions of this subsection but possessing more  
4 cannabis than the limits set forth in RCW 69.51A.040(1) may, in the  
5 investigating peace officer's discretion, be taken into custody and  
6 booked into jail in connection with the investigation of the incident.

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

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

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

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

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

22 (e) No useable cannabis from the collective garden is delivered to  
23 anyone other than one of the qualifying patients participating in the  
24 collective garden.

25 (2) For purposes of this section, the creation of a "collective  
26 garden" means qualifying patients sharing responsibility for acquiring  
27 and supplying the resources required to produce and process cannabis  
28 for medical use such as, for example, a location for a collective  
29 garden; equipment, supplies, and labor necessary to plant, grow, and  
30 harvest cannabis; cannabis plants, seeds, and cuttings; and equipment,  
31 supplies, and labor necessary for proper construction, plumbing,  
32 wiring, and ventilation of a garden of cannabis plants.

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

35 NEW SECTION. **Sec. 404.** (1) A qualifying patient may revoke his or  
36 her designation of a specific provider and designate a different

1 provider at any time. A revocation of designation must be in writing,  
2 signed and dated. The protections of this chapter cease to apply to a  
3 person who has served as a designated provider to a qualifying patient  
4 seventy-two hours after receipt of that patient's revocation of his or  
5 her designation.

6 (2) A person may stop serving as a designated provider to a given  
7 qualifying patient at any time. However, that person may not begin  
8 serving as a designated provider to a different qualifying patient  
9 until fifteen days have elapsed from the date the last qualifying  
10 patient designated him or her to serve as a provider.

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

26 NEW SECTION. **Sec. 406.** A qualifying patient or designated  
27 provider who is not registered with the registry established in section  
28 901 of this act or does not present his or her valid documentation to  
29 a peace officer who questions the patient or provider regarding his or  
30 her medical use of cannabis but is in compliance with all other terms  
31 and conditions of this chapter may establish an affirmative defense to  
32 charges of violations of state law relating to cannabis through proof  
33 at trial, by a preponderance of the evidence, that he or she was a  
34 validly authorized qualifying patient or designated provider at the  
35 time of the officer's questioning. A qualifying patient or designated

1 provider who establishes an affirmative defense under the terms of this  
2 section may also establish an affirmative defense under section 405 of  
3 this act.

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

9 (1) Possesses no more than fifteen cannabis plants and no more than  
10 twenty-four ounces of useable cannabis, no more cannabis product than  
11 reasonably could be produced with no more than twenty-four ounces of  
12 useable cannabis, or a combination of useable cannabis and cannabis  
13 product that does not exceed a combined total representing possession  
14 and processing of no more than twenty-four ounces of useable cannabis;

15 (2) Is in compliance with all provisions of this chapter other than  
16 requirements relating to being a Washington resident or possessing  
17 valid documentation issued by a licensed health care professional in  
18 Washington; and

19 (3) Presents the documentation of authorization required under the  
20 nonresident's authorizing state or territory's law and proof of  
21 identity issued by the authorizing state or territory to any peace  
22 officer who questions the nonresident regarding his or her medical use  
23 of cannabis.

24 NEW SECTION. **Sec. 408.** A qualifying patient's medical use of  
25 cannabis as authorized by a health care professional may not be a sole  
26 disqualifying factor in determining the patient's suitability for an  
27 organ transplant, unless it is shown that this use poses a significant  
28 risk of rejection or organ failure. This section does not preclude a  
29 health care professional from requiring that a patient abstain from the  
30 medical use of cannabis, for a period of time determined by the health  
31 care professional, while waiting for a transplant organ or before the  
32 patient undergoes an organ transplant.

33 NEW SECTION. **Sec. 409.** A qualifying patient or designated  
34 provider may not have his or her parental rights or residential time  
35 with a child restricted solely due to his or her medical use of



1 cannabis in compliance with the terms of this chapter absent written  
2 findings supported by evidence that such use has resulted in a long-  
3 term impairment that interferes with the performance of parenting  
4 functions as defined under RCW 26.09.004.

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

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

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

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

29 (1) The lawful possession, delivery, dispensing, production, or  
30 manufacture of ((~~medical marijuana~~)) cannabis for medical use as  
31 authorized by this chapter shall not result in the forfeiture or  
32 seizure of any real or personal property including, but not limited to,  
33 cannabis intended for medical use, items used to facilitate the medical  
34 use of cannabis or its production or dispensing for medical use, or

1 proceeds of sales of cannabis for medical use made by licensed  
2 producers, licensed processors of cannabis products, or licensed  
3 dispensers.

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

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

11 NEW SECTION. Sec. 413. (1) Nothing in this chapter or in the  
12 rules adopted to implement it precludes a qualifying patient or  
13 designated provider from engaging in the private, unlicensed,  
14 noncommercial production, possession, transportation, delivery, or  
15 administration of cannabis for medical use as authorized under RCW  
16 69.51A.040.

17 (2) Nothing in this section applies to a person who is supervised  
18 by a corrections agency or department that has determined that the  
19 terms of this section are inconsistent with and contrary to his or her  
20 supervision.

21 **PART V**  
22 **LIMITATIONS ON PROTECTIONS FOR QUALIFYING**  
23 **PATIENTS AND DESIGNATED PROVIDERS**

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

26 (1) ((~~It shall be a misdemeanor to use or display medical marijuana~~  
27 ~~in a manner or place which is open to the view of the general public.~~))  
28 It is unlawful to open a package containing cannabis or consume  
29 cannabis in a public place in a manner that presents a reasonably  
30 foreseeable risk that another person would see and be able to identify  
31 the substance contained in the package or being consumed as cannabis.  
32 A person who violates a provision of this section commits a class 3  
33 civil infraction under chapter 7.80 RCW. This subsection does not  
34 apply to licensed dispensers or their employees, members, officers, or

1 directors displaying cannabis to customers on their licensed premises  
2 as long as such displays are not visible to members of the public  
3 standing or passing outside the premises.

4 (2) Nothing in this chapter (~~requires any health insurance~~  
5 ~~provider~~) establishes a right of care as a covered benefit or requires  
6 any state purchased health care as defined in RCW 41.05.011 or other  
7 health carrier or health plan as defined in Title 48 RCW to be liable  
8 for any claim for reimbursement for the medical use of ((marijuana))  
9 cannabis. Such entities may enact coverage or noncoverage criteria or  
10 related policies for payment or nonpayment of medical cannabis in their  
11 sole discretion.

12 (3) Nothing in this chapter requires any health care professional  
13 to authorize the medical use of ((~~medical marijuana~~)) cannabis for a  
14 patient.

15 (4) Nothing in this chapter requires any accommodation of any on-  
16 site medical use of ((~~marijuana~~)) cannabis in any place of employment,  
17 in any school bus or on any school grounds, in any youth center, in any  
18 correctional facility, or smoking ((~~medical marijuana~~)) cannabis in any  
19 public place (~~as that term is defined in RCW 70.160.020~~)).

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

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

26 (7) It is a class C felony to fraudulently produce any record  
27 purporting to be, or tamper with the content of any record for the  
28 purpose of having it accepted as, valid documentation under RCW  
29 69.51A.010(~~(+7)~~) (32)(a), or to backdate such documentation to a time  
30 earlier than its actual date of execution.

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

1 PART VI

2 LICENSED PRODUCERS AND LICENSED PROCESSORS OF CANNABIS PRODUCTS

3 NEW SECTION. **Sec. 601.** A person may not act as a licensed  
4 producer without a license for each production facility issued by the  
5 department of agriculture and prominently displayed on the premises.  
6 Provided they are acting in compliance with the terms of this chapter  
7 and rules adopted to enforce and carry out its purposes, licensed  
8 producers and their employees, members, officers, and directors may  
9 manufacture, plant, cultivate, grow, harvest, produce, prepare,  
10 propagate, process, package, repackage, transport, transfer, deliver,  
11 label, relabel, wholesale, or possess cannabis intended for medical use  
12 by qualifying patients, including seeds, seedlings, cuttings, plants,  
13 and useable cannabis, and may not be arrested, searched, prosecuted, or  
14 subject to other criminal sanctions or civil consequences under state  
15 law, or have real or personal property searched, seized, or forfeited  
16 pursuant to state law, for such activities, notwithstanding any other  
17 provision of law.

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

32 NEW SECTION. **Sec. 603.** The director shall administer and carry  
33 out the provisions of this chapter relating to licensed producers and  
34 licensed processors of cannabis products, and rules adopted under this  
35 chapter.

1           NEW SECTION.   **Sec. 604.**   (1) On a schedule determined by the  
2 department of agriculture, licensed producers and licensed processors  
3 must submit representative samples of cannabis grown or processed to a  
4 cannabis analysis laboratory for grade, condition, cannabinoid profile,  
5 THC concentration, other qualitative measurements of cannabis intended  
6 for medical use, and other inspection standards determined by the  
7 department of agriculture. Any samples remaining after testing must be  
8 destroyed by the laboratory or returned to the licensed producer or  
9 licensed processor.

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

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

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

22           NEW SECTION.   **Sec. 606.**   The department of agriculture may adopt  
23 rules on:

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

26           (2) Measurements for cannabis intended for medical use, including  
27 grade, condition, cannabinoid profile, THC concentration, other  
28 qualitative measurements, and other inspection standards for cannabis  
29 intended for medical use; and

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

34           NEW SECTION.   **Sec. 607.**   The director is authorized to deny,  
35 suspend, or revoke a producer's or processor's license after a hearing

1 in any case in which it is determined that there has been a violation  
2 or refusal to comply with the requirements of this chapter or rules  
3 adopted hereunder. All hearings for the denial, suspension, or  
4 revocation of a producer's or processor's license are subject to  
5 chapter 34.05 RCW, the administrative procedure act, as enacted or  
6 hereafter amended.

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

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

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

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

21 (i) The business or trade name and Washington state unified  
22 business identifier (UBI) number of the licensed producer of the  
23 cannabis;

24 (ii) THC concentration; and

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

27 (d) Establishing requirements for transportation of cannabis  
28 intended for medical use from production facilities to processing  
29 facilities and licensed dispensers;

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

35 (f) Establishing requirements for the licensure of producers, and  
36 processors of cannabis products, setting forth procedures to obtain

1 licenses, and determining expiration dates and renewal requirements;  
2 and

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 610.**    (1) The department of agriculture may give  
2 written notice to a licensed producer or processor of cannabis products  
3 to furnish required reports, documents, or other requested information,  
4 under such conditions and at such time as the department of agriculture  
5 deems necessary if a licensed producer or processor of cannabis  
6 products fails to:

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

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

11           (c) Furnish the department of agriculture with requested  
12 information.

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

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

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

36           (3) All necessary costs and expenses, including attorneys' fees,  
37 incurred by the department of agriculture in carrying out the



1 provisions of this section may be recovered at the same time and as  
2 part of the action filed under this section.

3 (4) The department of agriculture may request the Washington state  
4 patrol to assist it in enforcing this section if needed to ensure the  
5 safety of its employees.

6 NEW SECTION. **Sec. 611.** (1) A licensed producer may not sell or  
7 deliver cannabis to any person other than a cannabis analysis  
8 laboratory, licensed processor of cannabis products, licensed  
9 dispenser, or law enforcement officer except as provided by court  
10 order. Violation of this section is a class C felony punishable  
11 according to chapter 9A.20 RCW.

12 (2) A licensed processor of cannabis products may not sell or  
13 deliver cannabis to any person other than a cannabis analysis  
14 laboratory licensed dispenser, or law enforcement officer except as  
15 provided by court order. Violation of this section is a class C felony  
16 punishable according to chapter 9A.20 RCW.

17 **PART VII**  
18 **LICENSED DISPENSERS**

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

33 NEW SECTION. **Sec. 702.** (1) By January 1, 2013, taking into

1 consideration the security requirements described in 21 C.F.R. 1301.71-  
2 1301.76, the secretary of health shall adopt rules:

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

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

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

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

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

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

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

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

21 (i) Establishing physical standards for cannabis dispensing  
22 facilities;

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

27 (k) Establishing physical standards for sanitary conditions for  
28 cannabis dispensing facilities;

29 (l) Establishing physical and sanitation standards for cannabis  
30 dispensing equipment;

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

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

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

37 (2)(a) The secretary of health shall adopt rules to establish a  
38 maximum number of licensed dispensers that may operate in each county.

1 When establishing the initial maximum number of dispensers, the  
2 department shall base the number on each county's population and the  
3 number of licensed dispensers reasonably required to meet the expected  
4 demand. Subsequent determinations of the maximum number shall be based  
5 upon the number of licensed dispensers reasonably required to meet the  
6 demands of the qualifying patients and designated providers from each  
7 county who are registered with the registry in section 901 of this act.  
8 The secretary may not issue more licenses than the maximum number for  
9 each county established under this subsection.

10 (b) Determinations of which applicants shall be licensed within a  
11 county for purposes of the maximum allowable number of licensed  
12 dispensers as provided in this section shall be made by the secretary  
13 according to a random selection process.

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

19 (i) Successful completion of a background check;

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

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

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

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

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

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

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

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



1 this subsection must be deposited into the agriculture local fund  
2 created in RCW 43.23.230.

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

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

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

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

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

30 NEW SECTION. **Sec. 804.** A violation of any provision or section of  
31 this chapter that relates to the licensing and regulation of producers,  
32 processors, or dispensers, where no other penalty is provided for, and  
33 the violation of any rule adopted under this chapter constitutes a  
34 misdemeanor.

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

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

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

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

27        NEW SECTION.    **Sec. 807.**    The department of agriculture or the  
28 department of health, as the case may be, must suspend the  
29 certification of licensure of any person who has been certified by a  
30 lending agency and reported to the appropriate department for  
31 nonpayment or default on a federally or state-guaranteed educational  
32 loan or service-conditional scholarship. Prior to the suspension, the  
33 department of agriculture or the department of health, as the case may  
34 be, must provide the person an opportunity for a brief adjudicative  
35 proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of  
36 nonpayment or default on a federally or state-guaranteed educational

1 loan or service-conditional scholarship. The person's license may not  
2 be reissued until the person provides the appropriate department a  
3 written release issued by the lending agency stating that the person is  
4 making payments on the loan in accordance with a repayment agreement  
5 approved by the lending agency. If the person has continued to meet  
6 all other requirements for certification or registration during the  
7 suspension, reinstatement is automatic upon receipt of the notice and  
8 payment of any reinstatement fee.

9 **PART IX**

10 **SECURE REGISTRATION OF QUALIFYING PATIENTS, DESIGNATED PROVIDERS,**  
11 **AND LICENSED PRODUCERS, PROCESSORS, AND DISPENSERS**

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

16 (a) A peace officer to verify at any time whether a health care  
17 professional has registered a person who has been contacted by that  
18 peace officer and has provided that peace officer information necessary  
19 to verify his or her registration as either a qualifying patient or a  
20 designated provider; and

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

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

33 (3) The department of health must, in consultation with the  
34 department of agriculture, create and maintain a secure and  
35 confidential list of the persons to whom it has issued a license to

1 dispense cannabis for medical use that meets the requirements of  
2 subsection (9) of this section and must be included in the registry  
3 established by this section.

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

12 (a) An apparent for profit operation that is not a licensed  
13 producer, processor of cannabis products, or dispenser;

14 (b) Theft of electrical power;

15 (c) Other illegal drugs at the premises;

16 (d) Frequent and numerous short-term visits over an extended period  
17 that are consistent with commercial activity, if the subject of the  
18 investigation is not a licensed dispenser;

19 (e) Violent crime or other demonstrated dangers to the community;

20 (f) Probable cause to believe the subject of the investigation has  
21 committed a felony, or a misdemeanor in the officer's presence, that  
22 does not relate to cannabis; or

23 (g) An outstanding arrest warrant for the subject of the  
24 investigation.

25 (5) Law enforcement may access the registration system only in  
26 connection with a specific, legitimate criminal investigation regarding  
27 cannabis.

28 (6) Registration in the system shall be optional for qualifying  
29 patients and designated providers, not mandatory, and registrations are  
30 valid for one year, except that qualifying patients must be able to  
31 remove themselves from the registry at any time. For licensees,  
32 registrations are valid for the term of the license and the  
33 registration must be removed if the licensee's license is expired or  
34 revoked. The department of health must adopt rules providing for  
35 registration renewals and for removing expired registrations and  
36 expired or revoked licenses from the registry.

37 (7) Fees, including renewal fees, for qualifying patients and  
38 designated providers participating in the registration system shall be



1 limited to the cost to the state of implementing, maintaining, and  
2 enforcing the provisions of this section and the rules adopted to carry  
3 out its purposes. The fee shall also include any costs for the  
4 department of health to disseminate information to employees of state  
5 and local law enforcement agencies relating to whether a person is a  
6 licensed producer, processor of cannabis products, or dispenser, or  
7 that a location is the recorded address of a license producer,  
8 processor of cannabis products, or dispenser, and for the dissemination  
9 of log records relating to such requests for information to the  
10 subjects of those requests. No fee may be charged to local law  
11 enforcement agencies for accessing the registry.

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

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

19 (a) Any personally identifiable information included in the  
20 registration system must be "nonreversible," pursuant to definitions  
21 and standards set forth by the national institute of standards and  
22 technology;

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

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

30 (d) The registration system must be upgradable and updated in a  
31 timely fashion to keep current with state of the art privacy and  
32 security standards and practices.

33 (10) The registration system shall maintain a log of each  
34 verification query submitted by a peace officer, including the peace  
35 officer's name, agency, and identification number, for a period of no  
36 less than three years from the date of the query. Personally  
37 identifiable information of qualifying patients and designated

1 providers included in the log shall be confidential and exempt from  
2 public disclosure, inspection, or copying under chapter 42.56 RCW:  
3 PROVIDED, That:

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

6 (i) Authorized employees of the department of agriculture and the  
7 department of health as necessary to perform official duties of either  
8 department; or

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

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

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

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

29 (11) This section does not prohibit a department of agriculture  
30 employee or a department of health employee from contacting state or  
31 local law enforcement for assistance during an emergency or while  
32 performing his or her duties under this chapter.

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

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

37 Records containing names and other personally identifiable

1 information relating to qualifying patients, designated providers, and  
2 persons licensed as producers or dispensers of cannabis for medical  
3 use, or as processors of cannabis products, under section 901 of this  
4 act are exempt from disclosure under this chapter.

5 **PART X**  
6 **EVALUATION**

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

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

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

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

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

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

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

24 (f) Diversion of cannabis intended for medical use to nonmedical  
25 uses;

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

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

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

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

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

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

8 The University of Washington and Washington State University may  
9 conduct scientific research on the efficacy and safety of administering  
10 cannabis as part of medical treatment. As part of this research, the  
11 University of Washington and Washington State University may develop  
12 and conduct studies to ascertain the general medical safety and  
13 efficacy of cannabis and may develop medical guidelines for the  
14 appropriate administration and use of cannabis.

15 **PART XI**  
16 **CONSTRUCTION**

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

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

25 NEW SECTION. **Sec. 1102.** Cities, towns, and counties or other  
26 municipalities may adopt and enforce reasonable zoning requirements,  
27 business licensing requirements, health and safety requirements, or  
28 business taxes pertaining to the production, processing, or dispensing  
29 of cannabis products within their jurisdiction. Any zoning  
30 requirements must be coordinated among jurisdictions within a county so  
31 that the county can meet the licensed dispenser allocation established  
32 by the department of health under section 702 of this act.

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

6 NEW SECTION. **Sec. 1104.** (1) The search, arrest, and prosecution  
7 protections and affirmative defenses established in sections 405, 406,  
8 and 407 of this act may not be asserted in a supervision revocation or  
9 violation hearing by a person who is supervised by a corrections agency  
10 or department that has determined that the terms of this section are  
11 inconsistent with and contrary to his or her supervision.

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

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

23 **Sec. 1105.** RCW 69.51A.900 and 1999 c 2 s 1 are each amended to  
24 read as follows:

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

27 **PART XII**

28 **MISCELLANEOUS**

29 NEW SECTION. **Sec. 1201.** (1) The legislature recognizes that there  
30 are cannabis producers and cannabis dispensaries in operation as of the  
31 effective date of this section that are unregulated by the state and  
32 who produce and dispense cannabis for medical use by qualifying  
33 patients. The legislature intends that these producers and  
34 dispensaries become licensed in accordance with the requirements of

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

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

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

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

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

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

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

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

35 (4) Upon receiving a letter of intent under subsection (3) of this  
36 section, the department of agriculture, the department of health, and  
37 the city clerk or county clerk must send a letter of acknowledgment to

1 the producer or dispenser. The producer and dispenser must display  
2 this letter of acknowledgment in a prominent place in their facility.

3 (5) Letters of intent filed with a public agency, letters of  
4 acknowledgement sent from those agencies, and other materials related  
5 to such letters are exempt from public disclosure under chapter 42.56  
6 RCW.

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

13 NEW SECTION. Sec. 1202. A new section is added to chapter 42.56  
14 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

11 NEW SECTION. **Sec. 1204.** RCW 69.51A.080 (Adoption of rules by the  
12 department of health--Sixty-day supply for qualifying patients) and  
13 2007 c 371 s 8 are each repealed.

14 NEW SECTION. **Sec. 1205.** Sections 402 through 411, 413, 601  
15 through 611, 701 through 705, 801 through 807, 901, 1001, 1101 through  
16 1104, and 1201 of this act are each added to chapter 69.51A RCW.

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

19 Correct the title.

--- END ---