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HOUSE BILL 2118

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State of Washington                      62nd Legislature                      2011 1st Special Session

By Representatives Goodman, Moeller, Dickerson, Jinkins, Roberts, Appleton, Billig, Lias, Finn, Fitzgibbon, Reykdal, Pedersen, Hasegawa, Carlyle, Green, and Rolfes

Read first time 05/17/11. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to medical use of cannabis; amending RCW  
2 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.---, 69.51A.050, 69.51A.---,  
3 82.08.0281, and 82.12.0275; and repealing RCW 69.51A.---, 69.51A.---,  
4 and 69.51A.---.

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

6            **Sec. 1.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to read  
7 as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10            (1) "Cannabis" means all parts of the plant *Cannabis*, whether  
11 growing or not; the seeds thereof; the resin extracted from any part of  
12 the plant; and every compound, manufacture, salt, derivative, mixture,  
13 or preparation of the plant, its seeds, or resin. For the purposes of  
14 this chapter, "cannabis" does not include the mature stalks of the  
15 plant, fiber produced from the stalks, oil, or cake made from the seeds  
16 of the plant, any other compound, manufacture, salt, derivative,  
17 mixture, or preparation of the mature stalks, except the resin  
18 extracted therefrom, fiber, oil, or cake, or the sterilized seed of the

1 plant which is incapable of germination. The term "cannabis" includes  
2 cannabis products and useable cannabis.

3 (2) "Clone" means a group of organisms or cells produced asexually  
4 from one ancestor or stock, to which they are genetically identical.

5 (3) "Collective garden" means qualifying patients or their  
6 designated providers sharing responsibility for acquiring and supplying  
7 the resources required to produce and process cannabis for medical use  
8 such as: A location for a collective garden; equipment, supplies, and  
9 labor necessary to plant, grow, and harvest cannabis; cannabis plants,  
10 seeds, and cuttings; and equipment, supplies, and labor necessary for  
11 proper construction, plumbing, wiring, and ventilation of a garden of  
12 cannabis plants.

13 (4) "Correctional facility" has the meaning provided in RCW  
14 72.09.015.

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

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

24 ((+a)) (i) Is eighteen years of age or older;

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

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

31 ~~(+d)) (iii) Is the designated provider to only one qualifying~~  
32 ~~patient at any one time; and~~

33 (iv) Is in compliance with the terms and conditions set forth in  
34 RCW 69.51A.040.

35 (b) "Designated provider" includes a qualifying patient who serves  
36 as the designated provider for another qualifying patient and who may  
37 be in possession of both patients' cannabis at the same time.

1 (7) "Dispense" means the selection, measuring, packaging, labeling,  
2 delivery, or sale of cannabis by a collective garden or nonprofit  
3 patient cooperative to a qualifying patient or designated provider who  
4 is a member of that collective garden or nonprofit patient cooperative.

5 ~~((+2))~~ (8) "Health care professional," for purposes of this  
6 chapter only, means a physician licensed under chapter 18.71 RCW, a  
7 physician assistant licensed under chapter 18.71A RCW, an osteopathic  
8 physician licensed under chapter 18.57 RCW, an osteopathic physicians'  
9 assistant licensed under chapter 18.57A RCW, a naturopath licensed  
10 under chapter 18.36A RCW, or an advanced registered nurse practitioner  
11 licensed under chapter 18.79 RCW.

12 ~~((+3))~~ (9) "Jail" has the meaning provided in RCW 70.48.020.

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

16 (11) "Licensed dispensary" means any medical cannabis access point  
17 that has obtained a business license with the local jurisdiction or the  
18 department of licensing or has filed as a corporation with the  
19 secretary of state and where qualified patients may obtain usable  
20 medical cannabis, cannabis products, and clones.

21 (12) "Medical use of ~~((marijuana))~~ cannabis" means the production,  
22 possession, dispensing, manufacture, delivery, or administration of  
23 ~~((marijuana, as defined in RCW 69.50.101(q)),~~ cannabis for the  
24 exclusive benefit of a qualifying patient in the treatment of his or  
25 her terminal or debilitating ~~((illness))~~ medical condition.

26 ~~((+4))~~ (13) "Nonprofit patient cooperative" means a member run  
27 nonprofit corporation registered with the secretary of state under  
28 chapter 24.03 or 24.06 RCW but which is not required to be recognized  
29 as an organization under 26 U.S.C. Sec. 501(c)(3) by the federal  
30 internal revenue service. Members of a nonprofit patient cooperative  
31 must be qualifying patients or their designated providers.

32 (14) "Peace officer" has the meaning provided in RCW 43.101.010.

33 (15) "Plant" means an organism having at least three  
34 distinguishable and distinct leaves, each leaf being at least three  
35 centimeters in diameter, and a readily observable root formation  
36 consisting of at least two separate and distinct roots, each being at  
37 least two centimeters in length. Multiple stalks emanating from the

1 same root ball or root system shall be considered part of the same  
2 single plant.

3 (16) "Public place" includes: Streets and alleys of incorporated  
4 cities and towns; state or county or township highways or roads;  
5 buildings and grounds used for school purposes; public dance halls and  
6 grounds adjacent thereto; premises where goods and services are offered  
7 to the public for retail sale; public buildings, public meeting halls,  
8 lobbies, halls and dining rooms of hotels, restaurants, theatres,  
9 stores, garages, and filling stations which are open to and are  
10 generally used by the public and to which the public is permitted to  
11 have unrestricted access; railroad trains, stages, buses, ferries, and  
12 other public conveyances of all kinds and character, and the depots,  
13 stops, and waiting rooms used in conjunction therewith which are open  
14 to unrestricted use and access by the public; publicly owned bathing  
15 beaches, parks, or playgrounds; and all other places of like or similar  
16 nature to which the general public has unrestricted right of access,  
17 and which are generally used by the public.

18 (17)(a) "Qualifying patient" means a person who:  
19 ((+a)) (i) Is a patient of a health care professional;  
20 ((+b)) (ii) Has been diagnosed by that health care professional as  
21 having a terminal or debilitating medical condition;  
22 ((+c)) (iii) Is a resident of the state of Washington at the time  
23 of such diagnosis;  
24 ((+d)) (iv) Has been advised by that health care professional  
25 about the risks and benefits of the medical use of ((marijuana))  
26 cannabis; ((and  
27 +e)) (v) Has been advised by that health care professional that  
28 ((they)) he or she may benefit from the medical use of ((marijuana))  
29 cannabis; and  
30 (vi) Is otherwise in compliance with the terms and conditions of  
31 this chapter.

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

1        ~~((5))~~ (18) "Tamper-resistant authorization" means a doctor's  
2 authorization for the medical use of cannabis on a tamper-resistant  
3 document.

4        (19) "Tamper-resistant ~~((paper))~~ document" means paper or tamper-  
5 resistant card that meets one or more of the following industry-  
6 recognized features:

- 7        (a) One or more features designed to prevent copying of the paper;  
8        (b) One or more features designed to prevent the erasure or  
9 modification of information on the paper; or  
10       (c) One or more features designed to prevent the use of counterfeit  
11 valid documentation.

12       ~~((6))~~ (20) "Terminal or debilitating medical condition" means:

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

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

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

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

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

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

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

31       ~~((7))~~ (21) "Useable cannabis" means dried flowers of the Cannabis  
32 plant. Useable cannabis excludes stems, stalks, leaves, seeds, and  
33 roots. The term "useable cannabis" does not include cannabis products.

34       (22)(a) "Valid documentation" means:

35       ~~((a—A))~~ (i) An original statement signed and dated by a  
36 qualifying patient's health care professional written on tamper-  
37 resistant ~~((paper))~~ document and valid for up to one year from the date

1 of the health care professional's signature, which states that, in the  
2 health care professional's professional opinion, the patient may  
3 benefit from the medical use of ~~((marijuana))~~ cannabis; and

4 ~~((b))~~ (ii) Proof of identity such as a Washington state driver's  
5 license or identicard, as defined in RCW 46.20.035.

6 (b) In the case of a designated provider, "valid documentation"  
7 means the signed and dated document valid for up to one year from the  
8 date of signature executed by the qualifying patient who has designated  
9 the provider.

10 **Sec. 2.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to  
11 read as follows:

12 (1) The following acts do not constitute crimes under state law or  
13 unprofessional conduct under chapter 18.130 RCW, and a health care  
14 professional may not be arrested, searched, prosecuted, disciplined, or  
15 subject to other criminal sanctions or civil consequences or liability  
16 under state law, or have real or personal property searched, seized, or  
17 forfeited pursuant to state law, notwithstanding any other provision of  
18 law as long as the health care professional complies with subsection  
19 (2) of this section:

20 (a) Advising a patient about the risks and benefits of medical use  
21 of cannabis or that the patient may benefit from the medical use of  
22 cannabis; or

23 (b) Providing a patient meeting the criteria established under RCW  
24 69.51A.010~~((+26))~~ (17) with valid documentation, based upon the health  
25 care professional's assessment of the patient's medical history and  
26 current medical condition, where such use is within a professional  
27 standard of care or in the individual health care professional's  
28 medical judgment.

29 (2)(a) A health care professional may only provide a patient with  
30 valid documentation authorizing the medical use of cannabis ~~((or~~  
31 ~~register the patient with the registry established in section 901 of~~  
32 ~~this act))~~ if he or she has a newly initiated or existing documented  
33 relationship with the patient, as a primary care provider or a  
34 specialist, relating to the diagnosis and ongoing treatment or  
35 monitoring of the patient's terminal or debilitating medical condition,  
36 and only after:

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

3 (ii) Documenting the terminal or debilitating medical condition of  
4 the patient in the patient's medical record and that the patient may  
5 benefit from treatment of this condition or its symptoms with medical  
6 use of cannabis;

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

9 (iv) Documenting other measures attempted to treat the terminal or  
10 debilitating medical condition that do not involve the medical use of  
11 cannabis.

12 (b) A health care professional shall not:

13 (i) Accept, solicit, or offer any form of pecuniary remuneration  
14 from or to a (~~licensed dispenser, licensed producer, or licensed~~  
15 ~~processor of cannabis products~~) collective garden or nonprofit patient  
16 cooperative;

17 (ii) Offer a discount or any other thing of value to a qualifying  
18 patient who is a (~~customer~~) member of, or agrees to be a (~~customer~~)  
19 member of, a particular (~~licensed dispenser, licensed producer, or~~  
20 ~~licensed processor of cannabis products~~) collective garden or  
21 nonprofit patient cooperative;

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

25 (iv) Have a business (~~or practice~~) which consists solely of  
26 authorizing the medical use of cannabis; or

27 (~~Include any statement or reference, visual or otherwise, on~~  
28 ~~the medical use of cannabis in any advertisement for his or her~~  
29 ~~business or practice; or~~

30 (~~vi) Hold an economic interest in an enterprise that produces,~~  
31 ~~processes,~~) Process or dispense(~~s~~) cannabis if the health care  
32 professional authorizes the medical use of cannabis.

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

35 **Sec. 3.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
36 read as follows:

37 The medical use of cannabis in accordance with the terms and

1 conditions of this chapter does not constitute a crime and a qualifying  
2 patient or designated provider in compliance with the terms and  
3 conditions of this chapter may not be arrested, prosecuted, or subject  
4 to other criminal sanctions or civil consequences, for possession,  
5 manufacture, or delivery of, or for possession with intent to  
6 manufacture or deliver, cannabis under state law, or have real or  
7 personal property seized or forfeited for possession, manufacture, or  
8 delivery of, or for possession with intent to manufacture or deliver,  
9 cannabis under state law, and investigating peace officers and law  
10 enforcement agencies may not be held civilly liable for failure to  
11 seize cannabis in this circumstance, if:

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

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

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

17 (iii) A combination of useable cannabis and cannabis product that  
18 does not exceed a combined total representing possession and processing  
19 of no more than twenty-four ounces of useable cannabis(~~(-)~~);

20 (b) (~~If a~~) The person is both a qualifying patient and a  
21 designated provider for another qualifying patient, (~~the person may~~)  
22 and possesses no more than twice the amounts described in (a) of this  
23 subsection, whether the plants, useable cannabis, and cannabis product  
24 are possessed individually or in combination between the qualifying  
25 patient and his or her designated provider;

26 (2) The qualifying patient or designated provider presents his or  
27 her (~~proof of registration with the department of health,~~) tamper-  
28 resistant authorization to any peace officer who questions the patient  
29 or provider regarding his or her medical use of cannabis;

30 (3) The qualifying patient or designated provider keeps a copy of  
31 his or her (~~proof of registration with the registry established in~~  
32 ~~section 901 of this act~~) tamper-resistant authorization and the  
33 qualifying patient or designated provider's contact information posted  
34 prominently next to any cannabis plants(~~(, cannabis products, or~~  
35 ~~useable cannabis)~~) located at his or her residence; and

36 (4) (~~The investigating peace officer does not possess evidence~~  
37 ~~that~~;



1       ~~(a) The designated provider has converted cannabis produced or~~  
2 ~~obtained for the qualifying patient for his or her own personal use or~~  
3 ~~benefit; or~~

4       ~~(b) The qualifying patient has converted cannabis produced or~~  
5 ~~obtained for his or her own medical use to the qualifying patient's~~  
6 ~~personal, nonmedical use or benefit;~~

7       ~~(5))~~ The investigating peace officer does not possess evidence  
8 that the designated provider has ~~((served))~~ violated RCW 69.51A.---  
9 (section 404, chapter 181, Laws of 2011) by serving as a designated  
10 provider to more than one qualifying patient ~~((within a fifteen-day~~  
11 ~~period; and))~~ at a time.

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

14       **Sec. 4.** RCW 69.51A.--- and 2011 c 181 s 403 are each amended to  
15 read as follows:

16       (1) It is not a violation of state criminal or civil law if  
17 qualifying patients ~~((may))~~ or their designated providers create and  
18 participate in collective gardens ~~((for the purpose of producing,~~  
19 ~~processing, transporting, and delivering))~~ to produce, process,  
20 transport, or deliver cannabis for the medical use of its members or,  
21 in the case of designated providers, the qualifying patients they  
22 serve, or nonprofit patient cooperatives, subject to the following  
23 conditions:

24       (a) A collective garden may have no more than ten ~~((qualifying~~  
25 ~~patients may participate in a single collective garden at any time))~~  
26 members;

27       (b) Contributions by members may not be solely monetary;

28       (c) No more than one collective garden is permitted per property  
29 tax parcel;

30       (d) A collective garden may contain no more than fifteen plants per  
31 ~~((patient))~~ member up to a total of forty-five plants;

32       ~~((e))~~ (e) A collective garden may contain no more than twenty-  
33 four ounces of useable cannabis per ~~((patient))~~ member up to a total of  
34 seventy-two ounces of useable cannabis;

35       ~~((d))~~ (f) A copy of each ~~((qualifying patient's))~~ member's valid  
36 documentation ~~((or proof of registration with the registry established~~

1 ~~in section 901 of this act, including~~) and a copy of the ~~((patient's))~~  
2 member's proof of identity, must be available at all times on the  
3 premises of the collective garden; and

4 ~~((e))~~ (g) No useable cannabis from the collective garden ~~((is))~~  
5 may be delivered to anyone other than one of the ~~((qualifying patients~~  
6 ~~participating in))~~ members of the collective garden, a nonprofit  
7 patient cooperative, or a licensed dispensary.

8 (2) ~~((For purposes of this section, the creation of a "collective~~  
9 ~~garden" means qualifying patients sharing responsibility for acquiring~~  
10 ~~and supplying the resources required to produce and process cannabis~~  
11 ~~for medical use such as, for example, a location for a collective~~  
12 ~~garden; equipment, supplies, and labor necessary to plant, grow, and~~  
13 ~~harvest cannabis; cannabis plants, seeds, and cuttings; and equipment,~~  
14 ~~supplies, and labor necessary for proper construction, plumbing,~~  
15 ~~wiring, and ventilation of a garden of cannabis plants.~~

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

19 **Sec. 5.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to read  
20 as follows:

21 (1) The lawful possession, dispensing, delivery, or manufacture of  
22 medical ~~((marijuana as authorized by))~~ cannabis under this chapter  
23 shall not result in arrest, prosecution, or the forfeiture or seizure  
24 of any real or personal property including, but not limited to,  
25 cannabis intended for medical use, items used to facilitate the medical  
26 use of cannabis or its production or dispensing for medical use, or  
27 proceeds of sales of cannabis for medical use made by nonprofit patient  
28 cooperatives or licensed dispensaries.

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

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

1       **Sec. 6.** RCW 69.51A.--- and 2011 c 181 s 1105 are each amended to  
2 read as follows:

3       (1)(a) The arrest and prosecution protections established in RCW  
4 69.51A.040 may not be asserted in a supervision revocation or violation  
5 hearing by a person who is supervised by a corrections agency or  
6 department, including local governments or jails, for noncannabis-  
7 related felony conviction, that has determined that the terms of this  
8 section are inconsistent with and contrary to his or her supervision.

9       (b) The affirmative defenses established in RCW 69.51A.--- (section  
10 402, chapter 181, Laws of 2011)((~~7~~)) and 69.51A.--- (section 405,  
11 chapter 181, Laws of 2011)((~~7~~, ~~69.51A.---~~ (~~section 406, chapter 181,~~  
12 ~~Laws of 2011~~), and ~~section 407 of this act~~)) may not be asserted in a  
13 supervision revocation or violation hearing by a person convicted of a  
14 noncannabis-related felony who is supervised by a corrections agency or  
15 department, including local governments or jails, that has determined  
16 that the terms of this section are inconsistent with and contrary to  
17 his or her supervision.

18       (2) The provisions of RCW 69.51A.040, 69.51A.--- (section 403,  
19 chapter 181, Laws of 2011), and 69.51A.--- (section 413, chapter 181,  
20 Laws of 2011) do not apply to a person who is supervised for a criminal  
21 conviction by a corrections agency or department, including local  
22 governments or jails, that has determined that the terms of this  
23 chapter are inconsistent with and contrary to his or her supervision.

24       (~~(3) A person may not be licensed as a licensed producer, licensed~~  
25 ~~processor of cannabis products, or a licensed dispenser under section~~  
26 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~  
27 ~~conviction by a corrections agency or department, including local~~  
28 ~~governments or jails, that has determined that licensure is~~  
29 ~~inconsistent with and contrary to his or her supervision.))~~

30       **Sec. 7.** RCW 82.08.0281 and 2004 c 153 s 108 are each amended to  
31 read as follows:

32       (1) The tax levied by RCW 82.08.020 shall not apply to sales of  
33 drugs for human use dispensed or to be dispensed to patients, pursuant  
34 to a prescription.

35       (2) The tax levied by RCW 82.08.020 shall not apply to sales of  
36 drugs or devices used for family planning purposes, including the

1 prevention of conception, for human use dispensed or to be dispensed to  
2 patients, pursuant to a prescription.

3 (3) The tax levied by RCW 82.08.020 shall not apply to sales of  
4 drugs and devices used for family planning purposes, including the  
5 prevention of conception, for human use supplied by a family planning  
6 clinic that is under contract with the department of health to provide  
7 family planning services.

8 (4) The tax levied by RCW 82.08.020 shall not apply to sales of  
9 cannabis for medical use by a nonprofit patient cooperative to  
10 qualifying patients or designated providers if the sale is made in  
11 compliance with the provisions of chapter 69.51A RCW. The definitions  
12 in chapter 69.51A RCW apply to this subsection.

13 (5) The definitions in this subsection apply throughout this  
14 section.

15 (a) "Prescription" means an order, formula, or recipe issued in any  
16 form of oral, written, electronic, or other means of transmission by a  
17 duly licensed practitioner authorized by the laws of this state to  
18 prescribe.

19 (b) "Drug" means a compound, substance, or preparation, and any  
20 component of a compound, substance, or preparation, other than food and  
21 food ingredients, dietary supplements, or alcoholic beverages:

22 (i) Recognized in the official United States pharmacopoeia,  
23 official homeopathic pharmacopoeia of the United States, or official  
24 national formulary, or any supplement to any of them; or

25 (ii) Intended for use in the diagnosis, cure, mitigation,  
26 treatment, or prevention of disease; or

27 (iii) Intended to affect the structure or any function of the body.

28 (c) "Over-the-counter drug" means a drug that contains a label that  
29 identifies the product as a drug required by 21 C.F.R. Sec. 201.66, as  
30 amended or renumbered on January 1, 2003. The label includes:

31 (i) A "drug facts" panel; or

32 (ii) A statement of the "active ingredient(s)" with a list of those  
33 ingredients contained in the compound, substance, or preparation.

34 **Sec. 8.** RCW 82.12.0275 and 2003 c 168 s 406 are each amended to  
35 read as follows:

36 (1) The provisions of this chapter shall not apply in respect to

1 the use of drugs dispensed or to be dispensed to patients, pursuant to  
2 a prescription, if the drugs are for human use.

3 (2) The provisions of this chapter shall not apply in respect to  
4 the use of drugs or devices used for family planning purposes,  
5 including the prevention of conception, for human use dispensed or to  
6 be dispensed to patients, pursuant to a prescription.

7 (3) The provisions of this chapter shall not apply in respect to  
8 the use of drugs or devices used for family planning purposes,  
9 including the prevention of conception, for human use supplied by a  
10 family planning clinic that is under contract with the department of  
11 health to provide family planning services.

12 (4) The provisions of this chapter shall not apply in respect to  
13 the use of cannabis provided or to be provided to qualifying patients  
14 by a nonprofit patient cooperative, if the cannabis is for medical use  
15 in compliance with the provisions of chapter 69.51A RCW. The  
16 definitions in chapter 69.51A RCW apply to this subsection.

17 (5) As used in this section, "prescription" and "drug" have the  
18 same meanings as in RCW 82.08.0281.

19 NEW SECTION. Sec. 9. The following acts or parts of acts are each  
20 repealed:

21 (1) RCW 69.51A.--- and 2011 c 181 s 402;

22 (2) RCW 69.51A.--- and 2011 c 181 s 404; and

23 (3) RCW 69.51A.--- and 2011 c 181 s 406.

--- END ---