

HB 1597 - S COMM AMD

By Committee on Commerce & Labor

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

3 "Sec. 1. RCW 69.50.414 and 1986 c 124 s 10 are each amended to
4 read as follows:

5 The parent or legal guardian of any minor to whom a controlled
6 substance, as defined in RCW 69.50.101, is sold or transferred, shall
7 have a cause of action against the person who sold or transferred the
8 controlled substance for all damages to the minor or his or her parent
9 or legal guardian caused by such sale or transfer. Damages shall
10 include: (a) Actual damages, including the cost for treatment or
11 rehabilitation of the minor child's drug dependency, (b) forfeiture to
12 the parent or legal guardian of the cash value of any proceeds received
13 from such sale or transfer of a controlled substance, and (c)
14 reasonable attorney fees.

15 This section shall not apply to a practitioner, as defined in RCW
16 69.50.101(~~(+t)~~), who sells or transfers a controlled substance to a
17 minor pursuant to a valid prescription or order.

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

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Designated provider" means a person who:

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

24 (b) Has been designated in writing by a patient to serve as a
25 designated provider under this chapter;

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

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

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

8 (3) "Medical use of marijuana" means the production, possession, or
9 administration of marijuana, as defined in RCW 69.50.101(~~(g)~~), for
10 the exclusive benefit of a qualifying patient in the treatment of his
11 or her terminal or debilitating illness.

12 (4) "Qualifying patient" means a person who:

13 (a) Is a patient of a health care professional;

14 (b) Has been diagnosed by that health care professional as having
15 a terminal or debilitating medical condition;

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

18 (d) Has been advised by that health care professional about the
19 risks and benefits of the medical use of marijuana; and

20 (e) Has been advised by that health care professional that they may
21 benefit from the medical use of marijuana.

22 (5) "Tamper-resistant paper" means paper that meets one or more of
23 the following industry-recognized features:

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

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

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

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

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

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

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

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

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

3 (f) Diseases, including anorexia, which result in nausea, vomiting,
4 wasting, appetite loss, cramping, seizures, muscle spasms, or
5 spasticity, when these symptoms are unrelieved by standard treatments
6 or medications; or

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

10 (7) "Valid documentation" means:

11 (a) A statement signed and dated by a qualifying patient's health
12 care professional written on tamper-resistant paper, which states that,
13 in the health care professional's professional opinion, the patient may
14 benefit from the medical use of marijuana; and

15 (b) Proof of identity such as a Washington state driver's license
16 or identicard, as defined in RCW 46.20.035.

17 **Sec. 3.** RCW 69.52.030 and 1983 1st ex.s. c 4 s 5 are each amended
18 to read as follows:

19 (1) It is unlawful for any person to manufacture, distribute, or
20 possess with intent to distribute, an imitation controlled substance.
21 Any person who violates this subsection shall, upon conviction, be
22 guilty of a class C felony.

23 (2) Any person eighteen years of age or over who violates
24 subsection (1) of this section by distributing an imitation controlled
25 substance to a person under eighteen years of age is guilty of a class
26 B felony.

27 (3) It is unlawful for any person to cause to be placed in any
28 newspaper, magazine, handbill, or other publication, or to post or
29 distribute in any public place, any advertisement or solicitation
30 offering for sale imitation controlled substances. Any person who
31 violates this subsection is guilty of a class C felony.

32 (4) No civil or criminal liability shall be imposed by virtue of
33 this chapter on any person registered under the Uniform Controlled
34 Substances Act pursuant to RCW 69.50.301 or 69.50.303 who manufactures,
35 distributes, or possesses an imitation controlled substance for use as
36 a placebo or other use by a registered practitioner, as defined in RCW
37 69.50.101(~~(+t)~~), in the course of professional practice or research.

1 (5) No prosecution under this chapter shall be dismissed solely by
2 reason of the fact that the dosage units were contained in a bottle or
3 other container with a label accurately describing the ingredients of
4 the imitation controlled substance dosage units. The good faith of the
5 defendant shall be an issue of fact for the trier of fact.

6 **Sec. 4.** RCW 46.63.020 and 2013 2nd sp.s. c 23 s 21 are each
7 amended to read as follows:

8 Failure to perform any act required or the performance of any act
9 prohibited by this title or an equivalent administrative regulation or
10 local law, ordinance, regulation, or resolution relating to traffic
11 including parking, standing, stopping, and pedestrian offenses, is
12 designated as a traffic infraction and may not be classified as a
13 criminal offense, except for an offense contained in the following
14 provisions of this title or a violation of an equivalent administrative
15 regulation or local law, ordinance, regulation, or resolution:

16 (1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding
17 the inspection of and installation of equipment on wheeled all-terrain
18 vehicles;

19 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
20 vehicle while under the influence of intoxicating liquor or a
21 controlled substance;

22 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

23 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
24 while under the influence of intoxicating liquor or narcotics or habit-
25 forming drugs or in a manner endangering the person of another;

26 (5) RCW 46.10.495 relating to the operation of snowmobiles;

27 (6) Chapter 46.12 RCW relating to certificates of title,
28 registration certificates, and markings indicating that a vehicle has
29 been destroyed or declared a total loss;

30 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
31 taxes and fees by failure to register a vehicle and falsifying
32 residency when registering a motor vehicle;

33 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
34 drive;

35 (9) RCW 46.16A.320 relating to vehicle trip permits;

36 (10) RCW 46.19.050 relating to knowingly providing false

1 information in conjunction with an application for a special placard or
2 license plate for disabled persons' parking;
3 (11) RCW 46.20.005 relating to driving without a valid driver's
4 license;
5 (12) RCW 46.20.091 relating to false statements regarding a
6 driver's license or instruction permit;
7 (13) RCW 46.20.0921 relating to the unlawful possession and use of
8 a driver's license;
9 (14) RCW 46.20.342 relating to driving with a suspended or revoked
10 license or status;
11 (15) RCW 46.20.345 relating to the operation of a motor vehicle
12 with a suspended or revoked license;
13 (16) RCW 46.20.410 relating to the violation of restrictions of an
14 occupational driver's license, temporary restricted driver's license,
15 or ignition interlock driver's license;
16 (17) RCW 46.20.740 relating to operation of a motor vehicle without
17 an ignition interlock device in violation of a license notation that
18 the device is required;
19 (18) RCW 46.20.750 relating to circumventing an ignition interlock
20 device;
21 (19) RCW 46.25.170 relating to commercial driver's licenses;
22 (20) Chapter 46.29 RCW relating to financial responsibility;
23 (21) RCW 46.30.040 relating to providing false evidence of
24 financial responsibility;
25 (22) RCW 46.35.030 relating to recording device information;
26 (23) RCW 46.37.435 relating to wrongful installation of
27 sunscreening material;
28 (24) RCW 46.37.650 relating to the sale, resale, distribution, or
29 installation of a previously deployed air bag;
30 (25) RCW 46.37.671 through 46.37.675 relating to signal preemption
31 devices;
32 (26) RCW 46.37.685 relating to switching or flipping license
33 plates, utilizing technology to flip or change the appearance of a
34 license plate, selling a license plate flipping device or technology
35 used to change the appearance of a license plate, or falsifying a
36 vehicle registration;
37 (27) RCW 46.44.180 relating to operation of mobile home pilot
38 vehicles;

1 (28) RCW 46.48.175 relating to the transportation of dangerous
2 articles;

3 (29) RCW 46.52.010 relating to duty on striking an unattended car
4 or other property;

5 (30) RCW 46.52.020 relating to duty in case of injury to or death
6 of a person or damage to an attended vehicle;

7 (31) RCW 46.52.090 relating to reports by repairers, storage
8 persons, and appraisers;

9 (32) RCW 46.52.130 relating to confidentiality of the driving
10 record to be furnished to an insurance company, an employer, and an
11 alcohol/drug assessment or treatment agency;

12 (33) RCW 46.55.020 relating to engaging in the activities of a
13 registered tow truck operator without a registration certificate;

14 (34) RCW 46.55.035 relating to prohibited practices by tow truck
15 operators;

16 (35) RCW 46.55.300 relating to vehicle immobilization;

17 (36) RCW 46.61.015 relating to obedience to police officers,
18 flaggers, or firefighters;

19 (37) RCW 46.61.020 relating to refusal to give information to or
20 cooperate with an officer;

21 (38) RCW 46.61.022 relating to failure to stop and give
22 identification to an officer;

23 (39) RCW 46.61.024 relating to attempting to elude pursuing police
24 vehicles;

25 (40) RCW 46.61.212(4) relating to reckless endangerment of
26 emergency zone workers;

27 (41) RCW 46.61.500 relating to reckless driving;

28 (42) RCW 46.61.502 and 46.61.504 relating to persons under the
29 influence of intoxicating liquor or drugs;

30 (43) RCW 46.61.503 relating to a person under age twenty-one
31 driving a motor vehicle after consuming alcohol or marijuana;

32 (44) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

33 (45) RCW 46.61.522 relating to vehicular assault;

34 (46) RCW 46.61.5249 relating to first degree negligent driving;

35 (47) RCW 46.61.527(4) relating to reckless endangerment of roadway
36 workers;

37 (48) RCW 46.61.530 relating to racing of vehicles on highways;

- 1 (49) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
2 load;
- 3 (50) RCW 46.61.685 relating to leaving children in an unattended
4 vehicle with the motor running;
- 5 (51) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 6 (52) RCW 46.64.010 relating to unlawful cancellation of or attempt
7 to cancel a traffic citation;
- 8 (53) RCW 46.64.048 relating to attempting, aiding, abetting,
9 coercing, and committing crimes;
- 10 (54) Chapter 46.65 RCW relating to habitual traffic offenders;
- 11 (55) RCW 46.68.010 relating to false statements made to obtain a
12 refund;
- 13 (56) Chapter 46.70 RCW relating to unfair motor vehicle business
14 practices, except where that chapter provides for the assessment of
15 monetary penalties of a civil nature;
- 16 (57) Chapter 46.72 RCW relating to the transportation of passengers
17 in for hire vehicles;
- 18 (58) RCW 46.72A.060 relating to limousine carrier insurance;
- 19 (59) RCW 46.72A.070 relating to operation of a limousine without a
20 vehicle certificate;
- 21 (60) RCW 46.72A.080 relating to false advertising by a limousine
22 carrier;
- 23 (61) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 24 (62) Chapter 46.82 RCW relating to driver's training schools;
- 25 (63) RCW 46.87.260 relating to alteration or forgery of a cab card,
26 letter of authority, or other temporary authority issued under chapter
27 46.87 RCW;
- 28 (64) RCW 46.87.290 relating to operation of an unregistered or
29 unlicensed vehicle under chapter 46.87 RCW."

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30 On page 1, line 1 of the title, after "corrections;" strike the

1 remainder of the title and insert "amending RCW 69.50.414, 69.51A.010,
2 and 69.52.030, and 46.63.020."

EFFECT: Replaces a section (RCW 46.63.020) in the underlying bill with an updated version.

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