
HOUSE BILL 1597

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Goodman and Ryu

Read first time 01/31/13. Referred to Committee on Judiciary.

1 AN ACT Relating to marijuana law technical corrections; amending
2 RCW 69.50.414, 69.51A.010, and 69.52.030; and reenacting and amending
3 RCW 46.63.020.

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

5 **Sec. 1.** RCW 69.50.414 and 1986 c 124 s 10 are each amended to read
6 as follows:

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

17 This section shall not apply to a practitioner, as defined in RCW
18 69.50.101(~~(+t)~~), who sells or transfers a controlled substance to a
19 minor pursuant to a valid prescription or order.

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

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

13 (2) "Health care professional," for purposes of this chapter only,
14 means a physician licensed under chapter 18.71 RCW, a physician
15 assistant licensed under chapter 18.71A RCW, an osteopathic physician
16 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant
17 licensed under chapter 18.57A RCW, a naturopath licensed under chapter
18 18.36A RCW, or an advanced registered nurse practitioner licensed under
19 chapter 18.79 RCW.

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

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

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

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

28 (c) Is a resident of the state of Washington at the time of such
29 diagnosis;

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

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

34 (5) "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) "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, appetite loss, cramping, seizures, muscle spasms, or
17 spasticity, when these symptoms are unrelieved by standard treatments
18 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) "Valid documentation" means:

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

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

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

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

35 (2) Any person eighteen years of age or over who violates
36 subsection (1) of this section by distributing an imitation controlled

1 substance to a person under eighteen years of age is guilty of a class
2 B felony.

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

8 (4) No civil or criminal liability shall be imposed by virtue of
9 this chapter on any person registered under the Uniform Controlled
10 Substances Act pursuant to RCW 69.50.301 or 69.50.303 who manufactures,
11 distributes, or possesses an imitation controlled substance for use as
12 a placebo or other use by a registered practitioner, as defined in RCW
13 69.50.101(~~(+t)~~), in the course of professional practice or research.

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

19 **Sec. 4.** RCW 46.63.020 and 2010 c 252 s 3, 2010 c 161 s 1125, and
20 2010 c 8 s 9077 are each reenacted and amended to read as follows:

21 Failure to perform any act required or the performance of any act
22 prohibited by this title or an equivalent administrative regulation or
23 local law, ordinance, regulation, or resolution relating to traffic
24 including parking, standing, stopping, and pedestrian offenses, is
25 designated as a traffic infraction and may not be classified as a
26 criminal offense, except for an offense contained in the following
27 provisions of this title or a violation of an equivalent administrative
28 regulation or local law, ordinance, regulation, or resolution:

29 (1) RCW 46.09.470(2) relating to the operation of a nonhighway
30 vehicle while under the influence of intoxicating liquor or a
31 controlled substance;

32 (2) RCW 46.09.480 relating to operation of nonhighway vehicles;

33 (3) RCW 46.10.490(2) relating to the operation of a snowmobile
34 while under the influence of intoxicating liquor or narcotics or habit-
35 forming drugs or in a manner endangering the person of another;

36 (4) RCW 46.10.495 relating to the operation of snowmobiles;

1 (5) Chapter 46.12 RCW relating to certificates of title,
2 registration certificates, and markings indicating that a vehicle has
3 been destroyed or declared a total loss;
4 (6) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
5 taxes and fees by failure to register a vehicle and falsifying
6 residency when registering a motor vehicle;
7 (7) RCW 46.16A.520 relating to permitting unauthorized persons to
8 drive;
9 (8) RCW 46.16A.320 relating to vehicle trip permits;
10 (9) RCW 46.19.050 relating to knowingly providing false information
11 in conjunction with an application for a special placard or license
12 plate for disabled persons' parking;
13 (10) RCW 46.20.005 relating to driving without a valid driver's
14 license;
15 (11) RCW 46.20.091 relating to false statements regarding a
16 driver's license or instruction permit;
17 (12) RCW 46.20.0921 relating to the unlawful possession and use of
18 a driver's license;
19 (13) RCW 46.20.342 relating to driving with a suspended or revoked
20 license or status;
21 (14) RCW 46.20.345 relating to the operation of a motor vehicle
22 with a suspended or revoked license;
23 (15) RCW 46.20.410 relating to the violation of restrictions of an
24 occupational driver's license, temporary restricted driver's license,
25 or ignition interlock driver's license;
26 (16) RCW 46.20.740 relating to operation of a motor vehicle without
27 an ignition interlock device in violation of a license notation that
28 the device is required;
29 (17) RCW 46.20.750 relating to circumventing an ignition interlock
30 device;
31 (18) RCW 46.25.170 relating to commercial driver's licenses;
32 (19) Chapter 46.29 RCW relating to financial responsibility;
33 (20) RCW 46.30.040 relating to providing false evidence of
34 financial responsibility;
35 (21) RCW 46.35.030 relating to recording device information;
36 (22) RCW 46.37.435 relating to wrongful installation of
37 sunscreening material;

1 (23) RCW 46.37.650 relating to the sale, resale, distribution, or
2 installation of a previously deployed air bag;
3 (24) RCW 46.37.671 through 46.37.675 relating to signal preemption
4 devices;
5 (25) RCW 46.44.180 relating to operation of mobile home pilot
6 vehicles;
7 (26) RCW 46.48.175 relating to the transportation of dangerous
8 articles;
9 (27) RCW 46.52.010 relating to duty on striking an unattended car
10 or other property;
11 (28) RCW 46.52.020 relating to duty in case of injury to or death
12 of a person or damage to an attended vehicle;
13 (29) RCW 46.52.090 relating to reports by repairers, storage
14 persons, and appraisers;
15 (30) RCW 46.52.130 relating to confidentiality of the driving
16 record to be furnished to an insurance company, an employer, and an
17 alcohol/drug assessment or treatment agency;
18 (31) RCW 46.55.020 relating to engaging in the activities of a
19 registered tow truck operator without a registration certificate;
20 (32) RCW 46.55.035 relating to prohibited practices by tow truck
21 operators;
22 (33) RCW 46.55.300 relating to vehicle immobilization;
23 (34) RCW 46.61.015 relating to obedience to police officers,
24 flaggers, or firefighters;
25 (35) RCW 46.61.020 relating to refusal to give information to or
26 cooperate with an officer;
27 (36) RCW 46.61.022 relating to failure to stop and give
28 identification to an officer;
29 (37) RCW 46.61.024 relating to attempting to elude pursuing police
30 vehicles;
31 (38) RCW 46.61.212(4) relating to reckless endangerment of
32 emergency zone workers;
33 (39) RCW 46.61.500 relating to reckless driving;
34 (40) RCW 46.61.502 and 46.61.504 relating to persons under the
35 influence of intoxicating liquor or drugs;
36 (41) RCW 46.61.503 relating to a person under age twenty-one
37 driving a motor vehicle after consuming alcohol or marijuana;
38 (42) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

1 (43) RCW 46.61.522 relating to vehicular assault;
2 (44) RCW 46.61.5249 relating to first degree negligent driving;
3 (45) RCW 46.61.527(4) relating to reckless endangerment of roadway
4 workers;
5 (46) RCW 46.61.530 relating to racing of vehicles on highways;
6 (47) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
7 load;
8 (48) RCW 46.61.685 relating to leaving children in an unattended
9 vehicle with the motor running;
10 (49) RCW 46.61.740 relating to theft of motor vehicle fuel;
11 (50) RCW 46.64.010 relating to unlawful cancellation of or attempt
12 to cancel a traffic citation;
13 (51) RCW 46.64.048 relating to attempting, aiding, abetting,
14 coercing, and committing crimes;
15 (52) Chapter 46.65 RCW relating to habitual traffic offenders;
16 (53) RCW 46.68.010 relating to false statements made to obtain a
17 refund;
18 (54) Chapter 46.70 RCW relating to unfair motor vehicle business
19 practices, except where that chapter provides for the assessment of
20 monetary penalties of a civil nature;
21 (55) Chapter 46.72 RCW relating to the transportation of passengers
22 in for hire vehicles;
23 (56) RCW 46.72A.060 relating to limousine carrier insurance;
24 (57) RCW 46.72A.070 relating to operation of a limousine without a
25 vehicle certificate;
26 (58) RCW 46.72A.080 relating to false advertising by a limousine
27 carrier;
28 (59) Chapter 46.80 RCW relating to motor vehicle wreckers;
29 (60) Chapter 46.82 RCW relating to driver's training schools;
30 (61) RCW 46.87.260 relating to alteration or forgery of a cab card,
31 letter of authority, or other temporary authority issued under chapter
32 46.87 RCW;
33 (62) RCW 46.87.290 relating to operation of an unregistered or
34 unlicensed vehicle under chapter 46.87 RCW.

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