
SECOND SUBSTITUTE HOUSE BILL 2149

State of Washington

63rd Legislature

2014 Regular Session

By House Appropriations (originally sponsored by Representatives Cody, Carlyle, Johnson, Jinkins, Morrell, and Santos)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to medical marijuana; amending RCW 69.51A.005,
2 69.51A.010, 69.51A.020, 69.51A.025, 69.51A.030, 69.51A.040, 69.51A.055,
3 69.51A.060, 69.51A.100, 69.51A.110, 69.51A.120, and 69.51A.900; adding
4 new sections to chapter 69.51A RCW; adding new sections to chapter
5 69.50 RCW; repealing RCW 69.51A.070, 69.51A.200, 69.51A.043,
6 69.51A.045, 69.51A.047, 69.51A.090, 69.51A.085, and 69.51A.140; and
7 providing an effective date.

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

9 **Sec. 1.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
10 read as follows:

11 (1) The legislature finds that:

12 (a) There is medical evidence that some patients with terminal or
13 debilitating medical conditions may, under their health care
14 professional's care, benefit from the medical use of ~~((cannabis))~~
15 marijuana. Some of the conditions for which ~~((cannabis))~~ marijuana
16 appears to be beneficial include, but are not limited to:

17 (i) Nausea, vomiting, and cachexia associated with cancer, HIV-
18 positive status, AIDS, hepatitis C, anorexia, and their treatments;

- 1 (ii) Severe muscle spasms associated with multiple sclerosis,
2 epilepsy, and other seizure and spasticity disorders;
3 (iii) Acute or chronic glaucoma;
4 (iv) Crohn's disease; and
5 (v) Some forms of intractable pain.

6 (b) Humanitarian compassion necessitates that the decision to use
7 ((cannabis)) marijuana by patients with terminal or debilitating
8 medical conditions is a personal, individual decision, based upon their
9 health care professional's professional medical judgment and
10 discretion.

11 (2) Therefore, the legislature intends that:

12 (a) Qualifying patients with terminal or debilitating medical
13 conditions who, in the judgment of their health care professionals, may
14 benefit from the medical use of ((cannabis)) marijuana, shall not be
15 arrested, prosecuted, or subject to other criminal sanctions or civil
16 consequences under state law based solely on their medical use of
17 ((cannabis)) marijuana, notwithstanding any other provision of law;

18 (b) Persons who act as designated providers to such patients shall
19 also not be arrested, prosecuted, or subject to other criminal
20 sanctions or civil consequences under state law, notwithstanding any
21 other provision of law, based solely on their assisting with the
22 medical use of ((cannabis)) marijuana; and

23 (c) Health care professionals shall also not be arrested,
24 prosecuted, or subject to other criminal sanctions or civil
25 consequences under state law for the proper authorization of medical
26 use of ((cannabis)) marijuana by qualifying patients for whom, in the
27 health care professional's professional judgment, the medical use of
28 ((cannabis)) marijuana may prove beneficial.

29 (3) Nothing in this chapter establishes the medical necessity or
30 medical appropriateness of ((cannabis)) marijuana for treating terminal
31 or debilitating medical conditions as defined in RCW 69.51A.010.

32 (4) Nothing in this chapter diminishes the authority of
33 correctional agencies and departments, including local governments or
34 jails, to establish a procedure for determining when the use of
35 ((cannabis)) marijuana would impact community safety or the effective
36 supervision of those on active supervision for a criminal conviction,
37 nor does it create the right to any accommodation of any medical use of
38 ((cannabis)) marijuana in any correctional facility or jail.

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) "Department" means the department of health.

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

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

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

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

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

14 (~~(+2)~~) (3) "Health care professional," for purposes of this
15 chapter only, means a physician licensed under chapter 18.71 RCW, a
16 physician assistant licensed under chapter 18.71A RCW, an osteopathic
17 physician licensed under chapter 18.57 RCW, an osteopathic physicians'
18 assistant licensed under chapter 18.57A RCW, a naturopath licensed
19 under chapter 18.36A RCW, or an advanced registered nurse practitioner
20 licensed under chapter 18.79 RCW.

21 (~~(+3)~~) (4) "Marijuana" has the same meaning as in RCW 69.50.101.

22 (5) "Marijuana processor" has the same meaning as in RCW 69.50.101.

23 (6) "Marijuana producer" has the same meaning as in RCW 69.50.101.

24 (7) "Marijuana-infused products" has the same meaning as in RCW
25 69.50.101.

26 (8) "Marijuana retailer" has the same meaning as in RCW 69.50.101.

27 (9) "Medical use of marijuana" means the production, possession, or
28 administration of marijuana, as defined in RCW 69.50.101(~~(+g)~~), for
29 the exclusive benefit of a qualifying patient in the treatment of his
30 or her terminal or debilitating (~~(illness)~~) medical condition.

31 (~~(+4)~~) (10) "Qualifying patient" means a person who:

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

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

35 (c) Is a resident of the state of Washington at the time of such
36 diagnosis;

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

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

3 ~~((+5))~~ (11) "Tamper-resistant paper" means paper that meets one or
4 more of the following industry-recognized features:

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

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

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

10 ~~((+6))~~ (12) "Terminal or debilitating medical condition" means:

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

13 (b) Intractable pain, limited for the purpose of this chapter to
14 mean pain that can be objectively assessed and evaluated, that is
15 unrelieved by standard medical treatments and medications and of such
16 severity as to significantly interfere with the patient's activities of
17 daily living and ability to function; or

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

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

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

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

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

33 ~~((+7))~~ (13) "Useable marijuana" has the same meaning as in RCW
34 69.50.101.

35 (14) "Valid documentation" means ~~((+or~~

36 ~~(a))~~ A statement signed and dated by a qualifying patient's health
37 care professional written on tamper-resistant paper, which states that,

1 in the health care professional's professional opinion, the patient may
2 benefit from the medical use of marijuana(~~(; and~~
3 ~~(b) Proof of identity such as a Washington state driver's license~~
4 ~~or identicard, as defined in RCW 46.20.035)~~).

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.51A RCW
6 to read as follows:

7 By May 1, 2015, the department shall:

8 (1) Within thirty days of receiving an application, issue a
9 qualifying patient recognition card to any qualifying patient who meets
10 the criteria established under section 4 of this act;

11 (2) Within thirty days of an application, issue a designated
12 provider recognition card to any designated provider who meets the
13 criteria established under section 4 of this act;

14 (3)(a) Adopt application forms for a:

15 (i) Qualifying patient to apply for a qualifying patient
16 recognition card under section 4 of this act; or

17 (ii) Designated provider to apply for a designated provider
18 recognition card under the qualifying patient's authority.

19 (b) The application forms shall, at a minimum, include:

20 (i) The name, address, and date of birth of the qualifying patient
21 and, if appropriate, the qualifying patient's designated provider;

22 (ii) The name, address, and telephone number of the qualifying
23 patient's health care professional who signed the patient's valid
24 documentation;

25 (iii) Any other information that the department determines is
26 necessary to verify the identity of the qualifying patient or
27 designated provider, including unique identifiers such as driver's
28 license information or social security numbers;

29 (4) Adopt procedures for the issuance, annual renewal, and
30 cancellation of a qualifying patient recognition card;

31 (5) Adopt procedures for the issuance and cancellation of a
32 designated provider recognition card to a designated provider.
33 Cancellation may be initiated by the department or at the request of
34 the qualifying patient;

35 (6) Adopt attestation forms and procedures for health care
36 professionals to use in section 5 of this act;

1 (7) Establish and maintain a system for safeguarding the records of
2 individuals applying for or holding qualifying patient recognition
3 cards or designated provider recognition cards;

4 (8) Adopt rules to define the maximum size of marijuana plants
5 authorized under sections 5 and 12 of this act;

6 (9) Adopt rules and guidelines as necessary to implement this
7 chapter.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 69.51A RCW
9 to read as follows:

10 (1) After May 1, 2015, a qualifying patient may receive a
11 qualifying patient recognition card from the department if the
12 qualifying patient:

13 (a) Submits to the department an application signed by:

14 (i)(A) The qualifying patient; or

15 (B) If the qualifying patient is less than eighteen years of age,
16 a parent or guardian of the qualifying patient; and

17 (ii) The qualifying patient's health care professional who has
18 signed the patient's valid documentation; and

19 (b) Submits a copy of his or her valid documentation to the
20 department.

21 (2) After May 1, 2015, a designated provider may receive a
22 designated provider recognition card from the department if the
23 designated provider:

24 (a) Submits to the department an application signed by the
25 designated provider and the qualifying patient that has made the
26 designation; and

27 (b) Submits a copy of the qualifying patient recognition card for
28 the qualifying patient that has made the designation or, if the
29 qualifying patient recognition card has not been processed by the
30 department a copy of the qualifying patient's application for a
31 qualifying patient recognition card.

32 (3) At a minimum, a qualifying patient recognition card and a
33 designated provider recognition card must contain the following
34 information on its face:

35 (a) The individual's name;

36 (b) The individual's birth date;

37 (c) The expiration date; and

1 (d) In the case of a designated provider recognition card, the name
2 of the qualifying patient who the designated provider represents.

3 (4) Qualifying patient recognition cards and designated provider
4 recognition cards expire on the date identified by the health care
5 professional on the valid documentation which may not exceed one year
6 from the date that the valid documentation was authorized.

7 (5) Qualifying patient recognition cards and designated provider
8 recognition cards are not transferrable.

9 (6)(a) If a qualifying patient's health care professional has
10 determined that a patient's terminal or debilitating medical condition
11 justifies an extraordinary demand for the possession and purchase of
12 more than three ounces of useable marijuana and more than six marijuana
13 plants, the health care professional may provide the patient with an
14 attestation that meets the requirement of section 5 of this act.

15 (b) The attestation may be submitted with the application for a
16 qualifying patient recognition card or designated provider recognition
17 card or submitted separately during the period that a qualifying
18 patient recognition card or designated provider recognition card is
19 valid. If submitted separately, the department shall invalidate the
20 previous card and issue a new qualifying patient recognition card or
21 designated provider recognition card with the previous expiration date.

22 (c) If the department determines that the conditions of section 5
23 of this act have been met, the qualifying patient recognition card or
24 designated provider recognition card shall note the amount of useable
25 marijuana and marijuana plants authorized for possession or purchase.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.51A RCW
27 to read as follows:

28 (1)(a) Except as provided in (b) of this subsection, an individual
29 who holds a valid qualifying patient recognition card or a designated
30 provider recognition card pursuant to section 4 of this act may assert
31 the protections available under RCW 69.51A.040 and purchase the amounts
32 approved under that section from a licensed marijuana retailer that
33 holds a medical marijuana endorsement.

34 (b) An individual may possess or purchase an amount in excess of
35 three ounces of useable marijuana or six marijuana plants, but not to
36 exceed an amount of useable marijuana or number of marijuana plants
37 specified by the health care professional in the patient's valid

1 documentation if an extraordinary demand has been approved by the
2 qualifying patient's health care professional in accordance with
3 subsection (2) of this section.

4 (2) A health care professional may authorize the possession or
5 purchase of more than three ounces of useable marijuana for a
6 qualifying patient if the health care professional attests to the
7 department:

8 (a) That he or she is the primary health care professional treating
9 the patient's terminal or debilitating medical condition that is the
10 basis for the issuance of the valid documentation;

11 (b) That he or she maintains an ongoing medical relationship with
12 the patient that includes regular visits with the patient at least
13 every three months;

14 (c) That alternatives to marijuana for medical use have been
15 attempted with the qualifying patient and have been unsuccessful and
16 that the use of marijuana in amounts that would allow for possession of
17 less than three ounces of useable marijuana has been attempted and has
18 been unsuccessful; and

19 (d) That he or she maintains documentation of efforts to use
20 alternatives to marijuana for medical use and marijuana in amounts that
21 would allow for possession of less than three ounces of useable
22 marijuana.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 69.51A RCW
24 to read as follows:

25 (1) The department shall establish and maintain a system for
26 safeguarding the records of qualifying patients that have applied for
27 a qualifying patient recognition card under section 4 of this act and
28 designated providers that have applied for a designated provider
29 recognition card under section 4 of this act as secure and
30 confidential.

31 (2) Information maintained by the department under this section
32 shall be confidential and not subject to disclosure, except:

33 (a) To a peace officer at any time for purposes of verifying that
34 a person is lawfully in possession of a qualifying patient recognition
35 card or a designated provider recognition card;

36 (b) To appropriate local, state, and federal law enforcement or

1 prosecutorial officials who are engaged in a bona fide specific
2 investigation involving a designated person;

3 (c) To a health care professional licensing, certification, or
4 regulatory agency or entity;

5 (d) In an aggregated form that does not allow for the
6 identification of any individual holder of a qualifying patient
7 recognition card or designated provider recognition card;

8 (e) To persons authorized to prescribe or dispense controlled
9 substances, for the purpose of providing medical or pharmaceutical care
10 for their patients;

11 (f) To employees of the department of revenue to the extent
12 necessary to determine applicable exemptions from state and local
13 taxes; or

14 (g) To employees of the liquor control board to the extent
15 necessary to determine compliance with the requirements of sections 22
16 and 23 of this act.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 69.51A RCW
18 to read as follows:

19 If a qualifying patient is less than eighteen years of age, a
20 parent or guardian of the qualifying patient must:

21 (1) Be named as his or her designated provider and hold a
22 designated provider recognition card to that effect; and

23 (2) Have sole control over the qualifying patient's marijuana,
24 except that the qualifying patient may possess an amount of marijuana
25 that is necessary to fulfill his or her next dose.

26 **Sec. 8.** RCW 69.51A.020 and 2011 c 181 s 103 are each amended to
27 read as follows:

28 Nothing in this chapter shall be construed to supersede Washington
29 state law prohibiting the acquisition, possession, manufacture, sale,
30 or use of ((cannabis)) marijuana for nonmedical purposes. Criminal
31 penalties created under chapter 181, Laws of 2011 do not preclude the
32 prosecution or punishment for other crimes, including other crimes
33 involving the manufacture or delivery of ((cannabis)) marijuana for
34 nonmedical purposes.

1 **Sec. 9.** RCW 69.51A.025 and 2011 c 181 s 413 are each amended to
2 read as follows:

3 Nothing in this chapter or in the rules adopted to implement it
4 precludes a qualifying patient or designated provider from engaging in
5 the private, unlicensed, noncommercial production, possession,
6 transportation, delivery, or administration of (~~cannabis~~) marijuana
7 for medical use as authorized under RCW 69.51A.040.

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

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

18 (a) Advising a patient about the risks and benefits of medical use
19 of (~~cannabis~~) marijuana or that the patient may benefit from the
20 medical use of (~~cannabis~~) marijuana; or

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

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

35 (~~(i)~~) (A) Completing a physical examination of the patient as
36 appropriate, based on the patient's condition and age;

1 ~~((+ii))~~ (B) Documenting the terminal or debilitating medical
2 condition of the patient in the patient's medical record and that the
3 patient may benefit from treatment of this condition or its symptoms
4 with medical use of ~~((cannabis))~~ marijuana;

5 ~~((+iii))~~ (C) Informing the patient of other options for treating
6 the terminal or debilitating medical condition; and

7 ~~((+iv))~~ (D) Documenting other measures attempted to treat the
8 terminal or debilitating medical condition that do not involve the
9 medical use of ~~((cannabis))~~ marijuana.

10 (ii) If a patient is less than eighteen years of age, in addition
11 to the requirement of (a) of this subsection, the health care
12 professional must:

13 (A) Reexamine the patient annually or as frequently as medically
14 indicated and consult with his or her parent or guardian; and

15 (B) Consult, as medically indicated, with other health care
16 providers who are providing treatment to the patient prior to providing
17 the patient with valid documentation authorizing the medical use of
18 marijuana or a renewal of valid documentation authorizing the medical
19 use of marijuana.

20 (b) A health care professional shall not:

21 (i) Accept, solicit, or offer any form of pecuniary remuneration
22 from or to a licensed dispenser, licensed producer, or licensed
23 processor of ~~((cannabis))~~ marijuana products;

24 (ii) Offer a discount or any other thing of value to a qualifying
25 patient who is a customer of, or agrees to be a customer of, a
26 particular licensed dispenser, licensed producer, or licensed processor
27 of ~~((cannabis))~~ marijuana products;

28 (iii) Examine or offer to examine a patient for purposes of
29 diagnosing a terminal or debilitating medical condition at a location
30 where ~~((cannabis))~~ marijuana is produced, processed, or dispensed;

31 (iv) Have a business or practice which consists ~~((solely))~~
32 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana;

33 (v) Include any statement or reference, visual or otherwise, on the
34 medical use of ~~((cannabis))~~ marijuana in any advertisement for his or
35 her business or practice; ~~((or))~~

36 (vi) Hold an economic interest in an enterprise that produces,
37 processes, or dispenses ~~((cannabis))~~ marijuana if the health care
38 professional authorizes the medical use of ~~((cannabis))~~ marijuana;

1 (vii) Provide services related to the issuance of valid
2 documentation in a location other than his or her permanent physical
3 location of business; or

4 (viii) Charge a varying rate for services depending on the amount
5 of marijuana for medical use that is authorized or duration of the
6 expiration date of the authorization.

7 (3) A health care professional shall identify the expiration date
8 of the valid documentation issued pursuant to subsection (2)(a) of this
9 section. The expiration date may not be more than one year from the
10 date that the valid documentation was issued. Any renewal of the valid
11 documentation must meet the procedures established under subsection
12 (2)(a) of this section and be performed immediately prior to the
13 issuance of the renewed valid documentation.

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

16 NEW SECTION. Sec. 11. A new section is added to chapter 69.51A
17 RCW to read as follows:

18 (1) The department shall convene a work group of representatives of
19 the medical quality assurance commission, board of osteopathic medicine
20 and surgery, the nursing care quality assurance committee, the board of
21 naturopathy, and an association representing physicians. The work
22 group shall develop practice guidelines for health care professionals
23 to consider when authorizing the medical use of marijuana for patients
24 and consider appropriate training and practice standards for employees
25 of a licensed marijuana retailer that holds a medical marijuana
26 endorsement.

27 (2) The practice guidelines shall address:

28 (a) Assessing a patient to determine if he or she has a
29 debilitating condition or intractable pain;

30 (b) Conducting an adequate examination of a patient for the need
31 for marijuana for medical use;

32 (c) Dosing criteria related to the medical use of marijuana;

33 (d) Developing a treatment plan for patients who may benefit from
34 the medical use of marijuana;

35 (e) Communicating with a patient about the medical use of marijuana
36 and other options for treating his or her terminal or debilitating
37 medical condition;

1 (f) Maintaining records for patients who have been authorized to
2 use marijuana for medical purposes; and

3 (g) Other issues identified by the work group as necessary to
4 provide appropriate care to patients who have been authorized to use
5 marijuana for medical purposes.

6 (3) In developing standards for employees of a licensed marijuana
7 retailer that holds a medical marijuana endorsement, the work group
8 shall identify appropriate practices for advising qualifying patients
9 or designated providers in selecting types of marijuana for their
10 condition, instructing qualifying patients and designated providers on
11 product use, fulfilling orders, and safe handling of products. The
12 work group shall adopt a definition of "medical-grade marijuana" to
13 guide licensed marijuana retailers that hold a medical marijuana
14 endorsement in making decisions in selecting types of marijuana for
15 patients. The recommendations of the work group under this subsection
16 (3) are advisory and do not establish regulatory standards, unless
17 adopted by the liquor control board or the department pursuant to
18 existing authority.

19 (4) The department shall make the practice guidelines and training
20 and practice standards broadly available to health care professionals
21 and employees of licensed marijuana retailers that hold a medical
22 marijuana endorsement.

23 **Sec. 12.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to
24 read as follows:

25 The medical use of (~~cannabis~~) marijuana in accordance with the
26 terms and conditions of this chapter does not constitute a crime and a
27 qualifying patient who holds a qualifying patient recognition card or
28 designated provider who holds a designated provider recognition card in
29 compliance with the terms and conditions of this chapter may not be
30 arrested, prosecuted, or subject to other criminal sanctions or civil
31 consequences, for possession, manufacture, or delivery of, or for
32 possession with intent to manufacture or deliver, (~~cannabis~~)
33 marijuana under state law, or have real or personal property seized or
34 forfeited for possession, manufacture, or delivery of, or for
35 possession with intent to manufacture or deliver, (~~cannabis~~)
36 marijuana under state law, and investigating peace officers and law

1 enforcement agencies may not be held civilly liable for failure to
2 seize (~~(cannabis)~~) marijuana in this circumstance, if:

3 (1)(a) The qualifying patient or designated provider possesses no
4 more than (~~(fifteen cannabis)~~) three flowering marijuana plants and
5 three nonflowering marijuana plants or an amount authorized pursuant to
6 section 5 of this act and stated on the individual's qualifying patient
7 recognition card or designated provider recognition card and:

8 (i) No more than (~~(twenty-four)~~) three ounces of useable
9 (~~(cannabis)~~) marijuana or an amount authorized pursuant to section 5 of
10 this act and stated on the individual's qualifying patient recognition
11 card or designated provider recognition card;

12 (ii) No more (~~(cannabis)~~) marijuana product than what could
13 reasonably be produced with no more than (~~(twenty-four)~~) three ounces
14 of useable (~~(cannabis)~~) marijuana or an amount authorized pursuant to
15 section 5 of this act and stated on the individual's qualifying patient
16 recognition card or designated provider recognition card; or

17 (iii) A combination of useable (~~(cannabis)~~) marijuana and
18 (~~(cannabis)~~) marijuana product that does not exceed a combined total
19 representing possession and processing of no more than (~~(twenty-four)~~)
20 three ounces of useable (~~(cannabis)~~) marijuana or an amount authorized
21 pursuant to section 5 of this act and stated on the individual's
22 qualifying patient recognition card or designated provider recognition
23 card.

24 (b) The limitations related to the possession of marijuana
25 established under (a) of this subsection also apply as the total
26 possession amount even if a person is both a qualifying patient and a
27 designated provider for another qualifying patient, (~~(the person may~~
28 possess no more than twice the amounts described in (a) of this
29 subsection,) whether the plants, useable (~~(cannabis)~~) marijuana, and
30 (~~(cannabis)~~) marijuana product are possessed individually or in
31 combination between the qualifying patient and his or her designated
32 provider;

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

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)) valid qualifying patient recognition card or
4 designated provider recognition card and the qualifying patient or
5 designated provider's contact information posted prominently next to
6 any (~~(cannabis)) marijuana plants, (~~(cannabis)) marijuana products, or~~
7 useable (~~(cannabis)) marijuana located at his or her residence;~~~~~~

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

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

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

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

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

20 NEW SECTION. Sec. 13. A new section is added to chapter 69.51A
21 RCW to read as follows:

22 (1) The department, in collaboration with the state liquor control
23 board, shall report to the governor and the legislature by November 15,
24 2019, regarding the need for qualifying patients and designated
25 providers to be able to possess their own marijuana plants as allowed
26 under RCW 69.51A.040.

27 (2) The report shall:

28 (a) Use records maintained under section 6 of this act to detail
29 the adequacy of the commercial marijuana supply for qualifying patients
30 by describing:

31 (i) The distances between qualifying patients and designated
32 providers and the nearest licensed marijuana retailer with a medical
33 marijuana endorsement;

34 (ii) The number of qualifying patients that may be experiencing
35 hardship in purchasing a safe and adequate supply of marijuana for
36 medical use from a licensed marijuana retailer with a medical marijuana
37 endorsement; and

1 (iii) The extent to which the cost of purchasing marijuana for
2 medical use from a licensed marijuana retailer with a medical marijuana
3 endorsement impedes access to a safe and adequate supply of marijuana
4 for qualifying patients; and

5 (b) Include information compiled from law enforcement officials
6 about the extent to which the authority of qualifying patients and
7 designated providers to possess their own marijuana plants as allowed
8 under RCW 69.51A.040 has been illegally associated with the conversion
9 of marijuana for nonmedical use.

10 **Sec. 14.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
11 read as follows:

12 (1)~~((a))~~ The arrest and prosecution protections established in
13 RCW 69.51A.040 may not be asserted in ~~((a))~~:

14 (a) A pretrial release by a court in a case involving alcohol or
15 drug intoxication or abuse; or

16 (b) A supervision revocation or violation hearing by a person who
17 is supervised by a corrections agency or department, including local
18 governments or jails, that has determined that the terms of this
19 section are inconsistent with and contrary to his or her supervision.

20 ~~((b) The affirmative defenses established in RCW 69.51A.043,~~
21 ~~69.51A.045, 69.51A.047, and section 407 of this act may not be asserted~~
22 ~~in a supervision revocation or violation hearing by a person who is~~
23 ~~supervised by a corrections agency or department, including local~~
24 ~~governments or jails, that has determined that the terms of this~~
25 ~~section are inconsistent with and contrary to his or her supervision.))~~

26 (2) The provisions of RCW 69.51A.040, 69.51A.085, and 69.51A.025 do
27 not apply to a person who is supervised for a criminal conviction by a
28 corrections agency or department, including local governments or jails,
29 that has determined that the terms of this chapter are inconsistent
30 with and contrary to his or her supervision.

31 ~~((3) A person may not be licensed as a licensed producer, licensed~~
32 ~~processor of cannabis products, or a licensed dispenser under section~~
33 ~~601, 602, or 701 of this act if he or she is supervised for a criminal~~
34 ~~conviction by a corrections agency or department, including local~~
35 ~~governments or jails, that has determined that licensure is~~
36 ~~inconsistent with and contrary to his or her supervision.))~~

1 **Sec. 15.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
2 read as follows:

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

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

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

16 (4) Nothing in this chapter requires any accommodation of any on-
17 site medical use of ((~~cannabis~~)) marijuana in any place of employment,
18 in any school bus or on any school grounds, in any youth center, in any
19 correctional facility, or smoking ((~~cannabis~~)) marijuana in any public
20 place or hotel or motel.

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

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

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

32 (8) No person shall be entitled to claim the protection from arrest
33 and prosecution under RCW 69.51A.040 ((~~or the affirmative defense under~~
34 ~~RCW 69.51A.043~~)) for engaging in the medical use of ((~~cannabis~~))
35 marijuana in a way that endangers the health or well-being of any
36 person through the use of a motorized vehicle on a street, road, or
37 highway, including violations of RCW 46.61.502 or 46.61.504, or
38 equivalent local ordinances.

1 **Sec. 16.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
2 read as follows:

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

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

15 **Sec. 17.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
16 read as follows:

17 A qualifying patient's medical use of (~~cannabis~~) marijuana as
18 authorized by a health care professional may not be a sole
19 disqualifying factor in determining the patient's suitability for an
20 organ transplant, unless it is shown that this use poses a significant
21 risk of rejection or organ failure. This section does not preclude a
22 health care professional from requiring that a patient abstain from the
23 medical use of (~~cannabis~~) marijuana, for a period of time determined
24 by the health care professional, while waiting for a transplant organ
25 or before the patient undergoes an organ transplant.

26 **Sec. 18.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to
27 read as follows:

28 A qualifying patient or designated provider may not have his or her
29 parental rights or residential time with a child restricted solely due
30 to his or her medical use of (~~cannabis~~) marijuana in compliance with
31 the terms of this chapter absent written findings supported by evidence
32 that such use has resulted in a long-term impairment that interferes
33 with the performance of parenting functions as defined under RCW
34 26.09.004.

1 NEW SECTION. **Sec. 19.** A new section is added to chapter 69.51A
2 RCW to read as follows:

3 All valid documentation issued prior to the effective date of this
4 section expires May 1, 2015.

5 **Sec. 20.** RCW 69.51A.900 and 2011 c 181 s 1106 are each amended to
6 read as follows:

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

9 NEW SECTION. **Sec. 21.** A new section is added to chapter 69.50 RCW
10 to read as follows:

11 (1)(a) After May 1, 2015, any marijuana retailer that is licensed
12 under RCW 69.50.325 may apply to the state liquor control board for a
13 medical marijuana endorsement to sell quantities of useable marijuana
14 and marijuana-infused products up to the amount authorized in RCW
15 69.51A.040 to any individual who holds a qualifying patient recognition
16 card under section 4 of this act or a designated provider recognition
17 card under section 4 of this act.

18 (b) A separate medical marijuana endorsement shall be required for
19 each location at which a marijuana retailer intends to function
20 pursuant to a medical marijuana endorsement.

21 (c) The board shall require that marijuana retailers that hold a
22 medical marijuana endorsement notify the board if the retailer intends
23 to only serve qualifying patients and designated providers or to serve
24 nonmedical customers in addition to qualifying patients and designated
25 providers. No more than five percent of all marijuana retailers that
26 hold a medical marijuana endorsement may be classified as only serving
27 qualifying patients and designated providers.

28 (d) Each medical marijuana endorsement must be renewed annually.
29 The state liquor control board may authorize a one time extension of
30 the renewal date so that the renewal of a medical marijuana endorsement
31 coincides with the renewal of a marijuana retailer license.

32 (e) A medical marijuana endorsement is not transferrable, except to
33 the extent permitted for the transfer of a marijuana retail license
34 under RCW 69.50.339.

35 (2) Applicants for a medical marijuana endorsement must:

1 (a)(i) Hold an active marijuana retailer license issued pursuant to
2 RCW 69.50.325 that is in good standing with the state liquor control
3 board; or

4 (ii) Submit a concurrent application for a new marijuana retailer
5 license and a medical marijuana endorsement; and

6 (b) Pay an annual fee for the issuance or renewal of a medical
7 marijuana endorsement of two hundred dollars.

8 (3)(a) Any cancellation, suspension, condition, or restriction
9 imposed upon the marijuana retail license shall similarly affect the
10 medical marijuana endorsement.

11 (b) When conducting investigations or actions against the license
12 of a marijuana retailer pursuant to RCW 69.50.331 or 69.50.334, the
13 state liquor control board may similarly consider violations of any
14 requirements specifically related to a medical marijuana endorsement.

15 (4) The state liquor control board shall:

16 (a) Adopt rules related to the issuance, denial, suspension, or
17 cancellation of new and renewal medical marijuana endorsements to
18 marijuana retail licenses. In addition, the rules shall address
19 procedures for the consideration of a medical marijuana endorsement
20 submitted concurrently with a marijuana retailer license;

21 (b) Issue, deny, suspend, or cancel new and renewal medical
22 marijuana endorsements as provided in this chapter and the state liquor
23 control board rules;

24 (c) Adopt rules for the general operation of marijuana retailers
25 that hold a medical marijuana endorsement that include requirements to:

26 (i) Verify the identity of a qualifying patient or designated
27 provider;

28 (ii) Label the THC concentration and cannabinoids in marijuana
29 products for sale in the retailer; and

30 (iii) Record sales to qualifying patients and designated providers
31 for purposes of determining applicable exemptions from state and local
32 taxes and compliance with sales amount requirements in section 23 of
33 this act; and

34 (d) Conduct periodic reassessments of the maximum number of retail
35 outlet licenses and adjust the number and geographic distribution to
36 assure that the needs of qualifying patients are being met. When
37 evaluating maximum numbers, the board shall consider the number of

1 retailers that also hold a medical marijuana endorsement. The first
2 reassessment shall be completed no later than March 1, 2015.

3 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.50 RCW
4 to read as follows:

5 (1) Prior to selling marijuana to an individual who holds a
6 qualifying patient recognition card or designated provider recognition
7 card, a licensed marijuana retailer that holds a medical marijuana
8 endorsement under section 21 of this act must verify the identity of
9 the individual and the authenticity of the card according to rules
10 established by the state liquor control board.

11 (2) A licensed marijuana retailer that holds a medical marijuana
12 endorsement under section 21 of this act may not sell or distribute any
13 more marijuana than the amounts permitted in RCW 69.51A.040 to any
14 individual who holds a qualifying patient recognition card or designate
15 provider recognition card. The retail sale of useable marijuana and
16 marijuana-infused products in accordance with the amounts permitted in
17 RCW 69.51A.040 and the rules adopted to implement and enforce it, by a
18 validly licensed marijuana retailer that holds a medical marijuana
19 endorsement or any of its employees, shall not be a criminal or civil
20 offense under Washington state law.

21 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 69.51A.070 (Addition of medical conditions) and 2007 c 371
24 s 7 & 1999 c 2 s 9; and

25 (2) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

26 NEW SECTION. **Sec. 24.** The following acts or parts of acts are
27 each repealed, effective May 1, 2015:

28 (1) RCW 69.51A.043 (Failure to register--Affirmative defense) and
29 2011 c 181 s 402;

30 (2) RCW 69.51A.045 (Possession of cannabis exceeding lawful
31 amount--Affirmative defense) and 2011 c 181 s 405;

32 (3) RCW 69.51A.047 (Failure to register or present valid
33 documentation--Affirmative defense) and 2011 c 181 s 406;

34 (4) RCW 69.51A.090 (Applicability of valid documentation
35 definition) and 2010 c 284 s 5;

1 (5) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403; and
2 (6) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and
3 enforce requirements) and 2011 c 181 s 1102.

4 NEW SECTION. **Sec. 25.** Section 12 of this act takes effect May 1,
5 2015.

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