
HOUSE BILL 2233

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Appleton, Moscoso, Freeman, and Farrell

Read first time 01/14/14. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the medical use of cannabis; amending RCW
2 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.047, 69.51A.050, 69.51A.055,
3 69.51A.060, 69.51A.085, and 69.51A.110; adding new sections to chapter
4 69.51A RCW; creating a new section; repealing RCW 69.51A.043; and
5 providing an expiration date.

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

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

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

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

1 extracted therefrom, fiber, oil, or cake, or the sterilized seed of the
2 plant which is incapable of germination. "Cannabis" includes cannabis
3 products and useable cannabis.

4 (2) "Cannabis products" means products that contain cannabis or
5 cannabis extracts, have a measurable THC concentration greater than
6 three-tenths of one percent, and are intended for human consumption or
7 application, including, but not limited to, edible products, tinctures,
8 concentrates, topical creams, salves, and other medical preparations.
9 "Cannabis products" does not include useable cannabis.

10 (3) "Designated provider" means a person who:

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

12 (b) Has been designated in writing by a qualifying patient to serve
13 as a designated provider under this chapter;

14 (c) Is prohibited from consuming (~~marijuana~~) cannabis obtained
15 for the personal, medical use of the patient for whom the individual is
16 acting as designated provider; (~~and~~)

17 (d) Is the designated provider to only one patient at any one time;
18 and

19 (e) Is in compliance with the terms and conditions set forth in RCW
20 69.51A.040.

21 (4) "Dispensary" means the premises and equipment where cannabis is
22 dispensed to qualifying patients and designated providers, including
23 all vehicles and equipment used to transport cannabis from a licensed
24 dispenser to a qualifying patient or designated provider.

25 (5) "Dispense" means the selection, measuring, packaging, labeling,
26 delivery, or retail sale of cannabis by an employee, volunteer,
27 officer, or operator of a licensed dispenser to a qualifying patient or
28 designated provider.

29 ~~((+2))~~ (6) "Health care professional," for purposes of this
30 chapter only, means a physician licensed under chapter 18.71 RCW, a
31 physician assistant licensed under chapter 18.71A RCW, an osteopathic
32 physician licensed under chapter 18.57 RCW, an osteopathic physicians'
33 assistant licensed under chapter 18.57A RCW, a naturopath licensed
34 under chapter 18.36A RCW, or an advanced registered nurse practitioner
35 licensed under chapter 18.79 RCW.

36 ~~((+3))~~ (7) "Labeling" means all labels or other written, printed,
37 or graphic matter (a) upon any cannabis intended for medical use, or
38 (b) accompanying such cannabis.

1 (8) "Licensed dispenser" means a person or entity with a Washington
2 state business license issued by the department of revenue that
3 dispenses cannabis for medical use to qualifying patients and
4 designated providers.

5 (9) "Licensed processor" means a person or entity with a Washington
6 state business license issued by the department of revenue that
7 processes cannabis for wholesale to a licensed dispenser.

8 (10) "Licensed producer" means a person or entity with a Washington
9 state business license issued by the department of revenue that
10 produces cannabis for wholesale to a licensed processor or a licensed
11 dispenser.

12 (11) "Medical use of ((marijuana)) cannabis" means the manufacture,
13 production, possession, transportation, delivery, dispensing,
14 ingestion, application, or administration of ((marijuana, as defined in
15 RCW 69.50.101(q)) cannabis, for the exclusive benefit of a qualifying
16 patient in the treatment of his or her terminal or debilitating
17 ((illness)) medical condition.

18 ((+4)) (12) "Nonresident" means a person who is temporarily in the
19 state but is not a Washington state resident.

20 (13) "Plant" means an organism having at least three
21 distinguishable and distinct leaves, each leaf being at least three
22 centimeters in diameter, and a readily observable root formation
23 consisting of at least two separate and distinct roots, each being at
24 least two centimeters in length. Multiple stalks emanating from the
25 same root ball or root system is considered part of the same single
26 plant.

27 (14) "Process" means to label, handle, infuse, extract, or
28 otherwise prepare cannabis for medical use.

29 (15) "Processing facility" means the premises and equipment where
30 cannabis products are processed for wholesale, delivery, or
31 transportation to licensed dispensers, including all vehicles and
32 equipment used to transport cannabis products from a licensed processor
33 to a licensed dispenser.

34 (16) "Produce" means to plant, grow, harvest, store, handle,
35 package, or label cannabis for medical use.

36 (17) "Production facility" means the premises and equipment where
37 cannabis is produced for wholesale, delivery, or transportation to

1 licensed dispensers or licensed processors, including all vehicles and
2 equipment used to transport cannabis from a licensed producer to a
3 licensed processor or licensed dispenser.

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

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

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

8 (c) Is a resident of the state of Washington at the time of such
9 diagnosis;

10 (d) Has been advised by that health care professional about the
11 risks and benefits of the medical use of (~~(marijuana)~~) cannabis; and

12 (e) Has been advised by that health care professional that they may
13 benefit from the medical use of (~~(marijuana)~~) cannabis.

14 (~~(+5)~~) (19) "Tamper-resistant paper" means paper that meets one or
15 more of the following industry-recognized features:

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

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

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

21 (~~(+6)~~) (20) "Terminal or debilitating medical condition" means:

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

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

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

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

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

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

37 (g) Posttraumatic stress disorder with debilitating symptoms
38 unrelieved by standard treatments or medications; or

1 (h) Any other medical condition duly approved by the Washington
2 state medical quality assurance commission in consultation with the
3 board of osteopathic medicine and surgery as directed in this chapter.

4 ~~((7))~~ (21) "THC concentration" means percent of
5 tetrahydrocannabinol content per weight or volume of useable cannabis
6 or cannabis product.

7 (22) "Useable cannabis" means dried flowers of the Cannabis plant
8 having a THC concentration greater than three-tenths of one percent.
9 Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For
10 purposes of this subsection, "dried" means containing less than fifteen
11 percent moisture content by weight. "Useable cannabis" does not
12 include cannabis products.

13 (23) "Valid documentation" means:

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

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

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

22 (1) The following acts do not constitute crimes under state law or
23 unprofessional conduct under chapter 18.130 RCW, and a health care
24 professional may not be arrested, searched, prosecuted, disciplined, or
25 subject to other criminal sanctions or civil consequences or liability
26 under state law, or have real or personal property searched, seized, or
27 forfeited pursuant to state law, notwithstanding any other provision of
28 law as long as the health care professional complies with subsection
29 (2) of this section:

30 (a) Advising a patient about the risks and benefits of medical use
31 of cannabis or that the patient may benefit from the medical use of
32 cannabis; or

33 (b) Providing a patient ~~((meeting the criteria established under~~
34 ~~RCW 69.51A.010(26))~~) with valid documentation, based upon the health
35 care professional's assessment of the patient's medical history and
36 current medical condition, where such use is within a professional

1 standard of care or in the individual health care professional's
2 medical judgment.

3 (2)(a) A health care professional may only provide a patient with
4 valid documentation authorizing the medical use of cannabis (~~(or~~
5 ~~register the patient with the registry established in section 901 of~~
6 ~~this act)) if he or she has a newly initiated or existing documented
7 relationship with the patient, as a primary care provider or a
8 specialist, relating to the diagnosis and ongoing treatment or
9 monitoring of the patient's terminal or debilitating medical condition,
10 and only after:~~

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

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

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

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

22 (b) A health care professional shall not:

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

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

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

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

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

1 (vi) Hold an economic interest in an enterprise that produces,
2 processes, or dispenses cannabis if the health care professional
3 authorizes the medical use of cannabis except where a health care
4 professional is performing scientific research, as protected elsewhere
5 in this chapter, that has been approved by the human subjects committee
6 of a public or private research institute located in Washington state.

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

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

11 The medical use of cannabis in accordance with the terms and
12 conditions of this chapter does not constitute a crime and a qualifying
13 patient or designated provider in compliance with the terms and
14 conditions of this chapter may not be arrested, prosecuted, or subject
15 to other criminal sanctions or civil consequences, for possession,
16 manufacture, or delivery of, or for possession with intent to
17 manufacture or deliver, cannabis under state law, or have real or
18 personal property seized or forfeited for possession, manufacture, or
19 delivery of, or for possession with intent to manufacture or deliver,
20 cannabis under state law, and investigating peace officers and law
21 enforcement agencies may not be held civilly liable for failure to
22 seize cannabis in this circumstance, if:

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

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

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

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

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

1 (2) The qualifying patient or designated provider presents his or
2 her (~~(proof of registration with the department of health,)~~) valid
3 documentation to any peace officer who questions the patient or
4 provider regarding his or her medical use of cannabis;

5 (3) The qualifying patient or designated provider keeps a copy of
6 his or her (~~(proof of registration with the registry established in~~
7 ~~section 901 of this act))~~ valid documentation and the qualifying
8 patient or designated provider's contact information (~~(posted~~
9 ~~prominently next to))~~ available at all times on the premises where any
10 cannabis plants, cannabis products, or useable cannabis is located (~~(at~~
11 ~~his or her residence))~~);

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

13 (a) The designated provider has converted cannabis produced or
14 obtained for the qualifying patient for his or her own personal use or
15 benefit; or

16 (b) The qualifying patient has converted cannabis produced or
17 obtained for his or her own medical use to the qualifying patient's
18 personal, nonmedical use or benefit; and

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

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

24 **Sec. 4.** RCW 69.51A.047 and 2011 c 181 s 406 are each amended to
25 read as follows:

26 A qualifying patient or designated provider who (~~(is not registered~~
27 ~~with the registry established in section 901 of this act or))~~ does not
28 present his or her valid documentation to a peace officer who questions
29 the patient or provider regarding his or her medical use of cannabis
30 but is in compliance with all other terms and conditions of this
31 chapter may establish an affirmative defense to charges of violations
32 of state law relating to cannabis through proof at trial, by a
33 preponderance of the evidence, that he or she was a validly authorized
34 qualifying patient or designated provider at the time of the officer's
35 questioning. A qualifying patient or designated provider who
36 establishes an affirmative defense under the terms of this section may
37 also establish an affirmative defense under RCW 69.51A.045.

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

3 (1) The lawful possession or manufacture of medical ((~~marijuana~~))
4 cannabis as authorized by this chapter shall not result in the
5 forfeiture or seizure of any real or personal property including, but
6 not limited to, cannabis intended for medical use, items used to
7 facilitate the medical use of cannabis or its production or dispensing
8 for medical use, or proceeds of sales of cannabis for medical use made
9 by licensed producers, licensed processors, or licensed dispensers.

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

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

17 **Sec. 6.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to
18 read as follows:

19 (1)(a) The arrest and prosecution protections established in RCW
20 69.51A.040 may not be asserted in a supervision revocation or violation
21 hearing by a person who is supervised by a corrections agency or
22 department, including local governments or jails, that has determined
23 that the terms of this section are inconsistent with and contrary to
24 his or her supervision.

25 (b) The affirmative defenses established in RCW ((~~69.51A.043,~~))
26 69.51A.045((~~7~~)) and 69.51A.047((~~7~~ and section 407 of this act)) may not
27 be asserted in a supervision revocation or violation hearing by a
28 person who is supervised by a corrections agency or department,
29 including local governments or jails, that has determined that the
30 terms of this section are inconsistent with and contrary to his or her
31 supervision.

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

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

8 **Sec. 7.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
9 read as follows:

10 (1) It shall be a class 3 civil infraction to use or display
11 medical cannabis in a manner or place which is open to the view of the
12 general public.

13 (2) Nothing in this chapter establishes a right of care as a
14 covered benefit or requires any state purchased health care as defined
15 in RCW 41.05.011 or other health carrier or health plan as defined in
16 Title 48 RCW to be liable for any claim for reimbursement for the
17 medical use of cannabis. Such entities may enact coverage or
18 noncoverage criteria or related policies for payment or nonpayment of
19 medical cannabis in their sole discretion.

20 (3) Nothing in this chapter requires any health care professional
21 to authorize the medical use of cannabis for a patient.

22 (4) Nothing in this chapter requires any accommodation of any on-
23 site medical use of cannabis in any place of employment, in any school
24 bus or on any school grounds, in any youth center, in any correctional
25 facility, or smoking cannabis in any public place or hotel or motel.

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

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

32 (7) It is a class C felony to fraudulently produce any record
33 purporting to be, or tamper with the content of any record for the
34 purpose of having it accepted as, valid documentation (~~under RCW~~
35 ~~69.51A.010(32)(a)~~), or to backdate such documentation to a time
36 earlier than its actual date of execution.

1 (8) No person shall be entitled to claim the protection from arrest
2 and prosecution under RCW 69.51A.040 (~~or the affirmative defense under~~
3 ~~RCW 69.51A.043~~) for engaging in the medical use of cannabis in a way
4 that endangers the health or well-being of any person through the use
5 of a motorized vehicle on a street, road, or highway, including
6 violations of RCW 46.61.502 or 46.61.504, or equivalent local
7 ordinances.

8 (9) Notwithstanding the limitations set forth in this section,
9 persons using medical cannabis pursuant to chapter 69.51A RCW are
10 entitled to the same rights and protections from civil and criminal
11 liability as users of prescription drugs under Washington state law.

12 **Sec. 8.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to
13 read as follows:

14 (1) Qualifying patients may create and participate in collective
15 gardens for the purpose of producing, processing, transporting, and
16 delivering cannabis for medical use subject to the following
17 conditions:

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

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

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

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

29 (e) No useable cannabis from the collective garden is delivered to
30 anyone other than one of the qualifying patients participating in the
31 collective garden.

32 (2) For purposes of this section, the creation of a "collective
33 garden" means qualifying patients sharing responsibility for acquiring
34 and supplying the resources required to produce and process cannabis
35 for medical use such as, for example, a location for a collective
36 garden; equipment, supplies, and labor necessary to plant, grow, and

1 harvest cannabis; cannabis plants, seeds, and cuttings; and equipment,
2 supplies, and labor necessary for proper construction, plumbing,
3 wiring, and ventilation of a garden of cannabis plants.

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

6 **Sec. 9.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to
7 read as follows:

8 A qualifying patient's medical use of cannabis as authorized by a
9 health care professional may not be a sole disqualifying factor in
10 determining the patient's suitability for an organ transplant(~~(, unless~~
11 ~~it is shown that this use poses a significant risk of rejection or~~
12 ~~organ failure. This section does not preclude a health care~~
13 ~~professional from requiring that a patient abstain from the medical use~~
14 ~~of cannabis, for a period of time determined by the health care~~
15 ~~professional, while waiting for a transplant organ or before the~~
16 ~~patient undergoes an organ transplant)).~~

17 NEW SECTION. **Sec. 10.** RCW 69.51A.043 (Failure to register--
18 Affirmative defense) and 2011 c 181 s 402 are each repealed.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 69.51A
20 RCW to read as follows:

21 A nonresident who is duly authorized to engage in the medical use
22 of cannabis under the laws of another state or territory of the United
23 States may raise an affirmative defense to charges of violations of
24 Washington state law relating to cannabis, provided that the
25 nonresident:

26 (1) Possesses no more than fifteen cannabis plants and no more than
27 twenty-four ounces of useable cannabis, no more cannabis product than
28 reasonably could be produced with no more than twenty-four ounces of
29 useable cannabis, or a combination of useable cannabis and cannabis
30 products that does not exceed a combined total representing possession
31 of no more than twenty-four ounces of useable cannabis;

32 (2) Is in compliance with all provisions of this chapter other than
33 requirements relating to being a Washington resident or possessing
34 valid documentation issued by a licensed health care professional in
35 Washington;

1 (3) Presents the documentation of authorization required under the
2 nonresidents' authorizing state or territory's law and proof of
3 identity issued by the authorizing state or territory to any peace
4 officer who questions the nonresident regarding his or her medical use
5 of cannabis; and

6 (4) Does not possess evidence that the nonresident has converted
7 cannabis produced or obtained for his or her medical use for the use or
8 benefit of anyone else.

9 NEW SECTION. **Sec. 12.** A new section is added to chapter 69.51A
10 RCW to read as follows:

11 (1) Except as provided in subsection (2) of this section, a
12 qualifying patient may not be refused housing or evicted from housing
13 solely as a result of his or her possession or use of cannabis, except
14 that housing providers otherwise permitted to enact and enforce
15 prohibitions against smoking in their housing may apply those
16 prohibitions to smoking cannabis provided that such smoking
17 prohibitions are applied and enforced equally as to the smoking of
18 cannabis and the smoking of all other substances, including without
19 limitation tobacco.

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

23 NEW SECTION. **Sec. 13.** A new section is added to chapter 69.51A
24 RCW to read as follows:

25 In imposing any criminal sentence, deferred prosecution, stipulated
26 order of continuance, deferred disposition, or dispositional order, any
27 court organized under the laws of Washington state may permit the
28 medical use of cannabis in compliance with the terms of this chapter
29 and exclude it as a possible ground for finding that the offender has
30 violated the conditions or requirements of the sentence, deferred
31 prosecution, stipulated order of continuance, deferred disposition, or
32 dispositional order. This section does not require the accommodation
33 of any medical use of cannabis in any correctional facility or jail.

34 NEW SECTION. **Sec. 14.** A new section is added to chapter 69.51A
35 RCW to read as follows:

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

6 NEW SECTION. **Sec. 15.** A new section is added to chapter 69.51A
7 RCW to read as follows:

8 Nothing in this chapter or in the rules adopted to implement it
9 precludes a collective garden from engaging in the private, unlicensed,
10 noncommercial production, possession, transportation, delivery, or
11 administration of cannabis for medical use as authorized under RCW
12 69.51A.085, provided the collective garden:

- 13 (1) Meets the definition and provisions of RCW 69.51A.085;
- 14 (2) Does not operate on a commercial basis;
- 15 (3) Does not engage in any sales;
- 16 (4) Does not engage in any commercial activity, including any type
17 of advertising; and
- 18 (5) Does not rotate more than five members of the collective garden
19 within a fifteen-day period.

20 NEW SECTION. **Sec. 16.** A new section is added to chapter 69.51A
21 RCW to read as follows:

22 (1) It is not a violation of state criminal or civil law for a
23 licensed dispenser or its employees, members, officers, or operators to
24 distribute, deliver, dispense, transfer, prepare, package, repackage,
25 label, relabel, sell, or possess cannabis for the medical use of its
26 members if all of the following criteria are met:

- 27 (a) Licensed dispensers must obtain a business license from the
28 department of revenue;
- 29 (b) Only qualifying patients or their designated providers may
30 become members of a dispensary;
- 31 (c) Members of a dispensary are not required to provide work as
32 part of their membership;
- 33 (d) A copy of each member's valid documentation must be available
34 at all times on the premises of the dispensary;
- 35 (e) No cannabis from the dispensary may be delivered to anyone
36 other than a member of the dispensary;

1 (f) Licensed dispensers must ensure that no cannabis, cannabis
2 paraphernalia, or artistic depictions of cannabis may be viewed from
3 outside the dispensary;

4 (g) Licensed dispensers may hire staff or use member volunteers to
5 assist in the operation of the dispensary;

6 (h) Licensed dispensers may not advertise cannabis for sale to the
7 general public in any manner that promotes or tends to promote the
8 abuse of cannabis. This subsection does not preclude a licensed
9 dispenser from advertising in trade journals or on medical cannabis web
10 sites;

11 (i) Licensed dispensers must keep records of all transactions;

12 (j) Licensed dispensers are prohibited from dispensing cannabis
13 that is labeled in a manner that mimics candy, soda, or other treats
14 attractive to children; and

15 (k) Licensed dispensers may not be located within one thousand feet
16 of an accredited elementary or secondary school, public park, or child
17 care center. A city, town, or county may adopt an ordinance providing
18 for distance requirements that are greater than or less than the
19 distance requirement under this subsection, provided that they do not
20 preclude the possibility of siting a licensed dispenser or dispensary
21 within their jurisdiction. When an accredited elementary or secondary
22 school, public park, or child care center opens within one thousand
23 feet of a licensed dispenser after the lawful establishment of the
24 licensed dispenser, the distance requirement in this subsection shall
25 not apply to the licensed dispenser.

26 (2) Retail sales of medical cannabis shall be subject to the
27 dietary supplements exemption as provided in RCW 82.08.925 pursuant to
28 a physician's valid documentation under this chapter. This exemption
29 shall apply to all forms of medical cannabis sold by a licensed
30 dispenser, but shall not apply to other products sold by a licensed
31 dispenser.

32 (3) The department of health may undertake subsequent rule making
33 for licensed dispensers if necessary. Rules pertaining to the
34 operation of licensed dispensers shall be based upon existing industry
35 standards and best practices for the sale and production of herbal
36 products.

37 (4) A person who knowingly violates a provision of subsection (1)
38 of this section is not entitled to the protections therein.

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

3 (1) It is not a violation of state criminal or civil law for
4 licensed producers and their employees, officers, or operators to
5 manufacture, plant, cultivate, grow, harvest, produce, prepare,
6 propagate, process, package, repackage, transport, transfer, deliver,
7 label, relabel, wholesale, or possess cannabis intended for medical use
8 by qualifying patients if all of the following criteria are met:

9 (a) Licensed producers must obtain a business license from the
10 department of revenue;

11 (b) No cannabis from a licensed producer may be delivered to anyone
12 other than a licensed processor or a licensed dispenser;

13 (c) Licensed producers must keep records of all production and
14 delivery;

15 (d) Licensed producers must ensure that no cannabis, cannabis
16 paraphernalia, or artistic depictions of cannabis may be viewed from
17 outside the production facility;

18 (e) Licensed producers may hire staff or use patient volunteers to
19 assist in the operation of the production facility;

20 (f) Licensed producers may not advertise cannabis for sale to the
21 general public in any manner that promotes or tends to promote the
22 abuse of cannabis. This subsection does not preclude a licensed
23 producer from advertising in trade journals or on medical cannabis web
24 sites;

25 (g) Licensed producers are prohibited from distributing cannabis
26 that is labeled in a manner that mimics candy, soda, or other treats
27 attractive to children; and

28 (h) Licensed producers may not be located within one thousand feet
29 of an accredited elementary or secondary school, public park, or child
30 care center. A city, town, or county may adopt an ordinance providing
31 for distance requirements that are greater than or less than the
32 distance requirement under this subsection, provided that they do not
33 preclude the possibility of siting a licensed producer or a production
34 facility within their jurisdiction. When an accredited elementary or
35 secondary school, public park, or child care center opens within one
36 thousand feet of a licensed producer after the lawful establishment of
37 the licensed producer, the distance requirement in this subsection
38 shall not apply to the licensed producer.

1 (2) Transfer, delivery, and wholesale of useable cannabis shall be
2 subject to the dietary supplements exemption as provided in RCW
3 82.08.925 pursuant to a physician's valid documentation under this
4 chapter. This exemption shall apply to all forms of useable cannabis
5 distributed by a licensed producer, but shall not apply to other
6 products sold by a licensed producer.

7 (3) The department of agriculture may undertake subsequent rule
8 making for licensed producers if necessary. Rules pertaining to the
9 operation of licensed producers shall be based upon existing industry
10 standards and best practices for the sale and production of herbal
11 products.

12 (4) A person who knowingly violates a provision of subsection (1)
13 of this section is not entitled to the protections therein.

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

16 (1) It is not a violation of state criminal or civil law for
17 licensed processors and their employees, officers, or operators to
18 manufacture, produce, prepare, process, package, repackage, transport,
19 transfer, deliver, label, relabel, sell, or possess cannabis for the
20 medical use of qualifying patients if all of the following criteria are
21 met:

22 (a) Licensed processors must obtain a business license from the
23 department of revenue;

24 (b) No cannabis products from a licensed processor may be delivered
25 to anyone other than a licensed dispenser;

26 (c) Licensed processors must keep a record of all processing and
27 delivery;

28 (d) Licensed processors must ensure that no cannabis, cannabis
29 products, cannabis paraphernalia, or artistic depictions of cannabis
30 may be viewed from outside the processing facility;

31 (e) Licensed processors may hire staff or use patient volunteers to
32 assist in the operation of the processing facility;

33 (f) Licensed processors must follow the basic health and safety
34 standards required of a commercial kitchen;

35 (g) Licensed processors may not advertise cannabis or cannabis
36 products for sale to the general public in any manner that promotes or

1 tends to promote the abuse of cannabis. This subsection does not
2 preclude a licensed processor from advertising in trade journals or on
3 medical cannabis web sites;

4 (h) Licensed processors are prohibited from distributing cannabis
5 that is labeled in a manner that mimics candy, soda, or other treats
6 attractive to children; and

7 (i) Licensed processors may not be located within one thousand feet
8 of an accredited elementary or secondary school, public park, or child
9 care center. A city, town, or county may adopt an ordinance providing
10 for distance requirements that are greater than or less than the
11 distance requirement under this subsection, provided that they do not
12 preclude the possibility of siting a licensed processor or processing
13 facility within their jurisdiction. When an accredited elementary or
14 secondary school, public park, or child care center opens within one
15 thousand feet of a licensed processor after the lawful establishment of
16 the licensed processor, the distance requirement in this subsection
17 shall not apply to the licensed processor.

18 (2) Transfer, delivery, and wholesale of cannabis products shall be
19 subject to the dietary supplements exemption as provided in RCW
20 82.08.925 pursuant to a physician's valid documentation under this
21 chapter. This exemption shall apply to all forms of cannabis products
22 distributed by a licensed processor, but shall not apply to other
23 products sold by a licensed processor.

24 (3) The department of agriculture may undertake subsequent rule
25 making for licensed processors if necessary. Rules pertaining to the
26 operation of licensed processors shall be based upon existing industry
27 standards and best practices for the sale and production of herbal
28 products.

29 (4) A person who knowingly violates a provision of subsection (1)
30 of this section is not entitled to the protections therein.

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

33 A qualifying patient who is under eighteen years of age may possess
34 and administer medical cannabis only if the parent or legal guardian of
35 the minor has signed a written statement affirming that the parent or
36 legal guardian:

- 1 (1) Understands the terminal or debilitating medical condition of
2 the minor;
- 3 (2) Understands the potential benefits and potential adverse
4 effects of the use of medical cannabis, generally, and specifically in
5 the case of the minor;
- 6 (3) Consents to the use of medical cannabis for the treatment of
7 the minor's terminal or debilitating medical condition; and
- 8 (4) Consents to, or designates another adult to, serve as the
9 designated provider for the minor and controls the acquisition,
10 possession, dosage, and frequency of use of medical cannabis by the
11 minor.

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

- 14 (1) A work group of at least twelve medical cannabis stakeholders
15 will be appointed by the legislature to study the potential benefits
16 and drawbacks of a voluntary patient registry or uniform identification
17 system compared to the current valid documentation required under this
18 chapter. Any recommendations from the work group must be presented to
19 the legislature by January 1, 2015.
- 20 (2) This section expires January 1, 2015.

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

23 Qualifying patients, designated providers, members of collective
24 gardens, licensed dispensers, licensed processors, and licensed
25 producers in compliance with all other terms and conditions of this
26 chapter may not be arrested, searched, prosecuted, or subject to other
27 criminal sanctions or civil consequences under state law, or have real
28 or personal property searched, seized, or forfeited pursuant to state
29 law, for such activities, notwithstanding any other provision of law.

30 NEW SECTION. **Sec. 22.** A new section is added to chapter 69.51A
31 RCW to read as follows:

32 Washington state chartered banks and credit unions may accept
33 deposits from, make loans to, and generally engage in normal business
34 transactions with licensed dispensers, licensed processors, and
35 licensed producers in Washington state.

1 NEW SECTION. **Sec. 23.** This act may be known and cited as the Ric
2 Smith memorial act.

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