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THIRD SUBSTITUTE SENATE BILL 5887

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State of Washington

63rd Legislature

2014 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rivers, Tom, and Litzow)

READ FIRST TIME 03/03/14.

1 AN ACT Relating to merging the medical marijuana system with the  
2 recreational marijuana system; amending RCW 66.08.012, 69.50.325,  
3 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013,  
4 69.50.535, 69.50.540, 70.47.030, 28B.20.502, 69.51A.005, 69.51A.010,  
5 69.51A.030, 42.56.270, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060,  
6 69.51A.070, 69.51A.100, 69.51A.110, and 69.51A.120; reenacting and  
7 amending RCW 69.50.101; adding new sections to chapter 69.50 RCW;  
8 adding a new section to chapter 82.08 RCW; adding a new section to  
9 chapter 82.12 RCW; adding new sections to chapter 69.51A RCW; adding a  
10 new section to chapter 42.56 RCW; creating new sections; repealing RCW  
11 69.51A.020, 69.51A.025, 69.51A.043, 69.51A.047, 69.51A.085, 69.51A.090,  
12 69.51A.140, and 69.51A.200; prescribing penalties; providing an  
13 effective date; and providing an expiration date.

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

15 **Sec. 1.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to  
16 read as follows:

17 There shall be a board, known as the "Washington state liquor  
18 (~~control~~) and cannabis board," consisting of three members, to be  
19 appointed by the governor, with the consent of the senate, who shall

1 each be paid an annual salary to be fixed by the governor in accordance  
2 with the provisions of RCW 43.03.040. The governor may, in his or her  
3 discretion, appoint one of the members as chair of the board, and a  
4 majority of the members shall constitute a quorum of the board.

5 **Sec. 2.** RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are  
6 each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, definitions of terms  
8 shall be as indicated where used in this chapter:

9 (a) "Administer" means to apply a controlled substance, whether by  
10 injection, inhalation, ingestion, or any other means, directly to the  
11 body of a patient or research subject by:

12 (1) a practitioner authorized to prescribe (or, by the  
13 practitioner's authorized agent); or

14 (2) the patient or research subject at the direction and in the  
15 presence of the practitioner.

16 (b) "Agent" means an authorized person who acts on behalf of or at  
17 the direction of a manufacturer, distributor, or dispenser. It does  
18 not include a common or contract carrier, public warehouseperson, or  
19 employee of the carrier or warehouseperson.

20 (c) (~~"Board"~~) "Commission" means the (~~(state board of)~~) pharmacy  
21 quality assurance commission.

22 (d) "Controlled substance" means a drug, substance, or immediate  
23 precursor included in Schedules I through V as set forth in federal or  
24 state laws, or federal or (~~board~~) commission rules.

25 (e)(1) "Controlled substance analog" means a substance the chemical  
26 structure of which is substantially similar to the chemical structure  
27 of a controlled substance in Schedule I or II and:

28 (i) that has a stimulant, depressant, or hallucinogenic effect on  
29 the central nervous system substantially similar to the stimulant,  
30 depressant, or hallucinogenic effect on the central nervous system of  
31 a controlled substance included in Schedule I or II; or

32 (ii) with respect to a particular individual, that the individual  
33 represents or intends to have a stimulant, depressant, or  
34 hallucinogenic effect on the central nervous system substantially  
35 similar to the stimulant, depressant, or hallucinogenic effect on the  
36 central nervous system of a controlled substance included in Schedule  
37 I or II.

1 (2) The term does not include:  
2 (i) a controlled substance;  
3 (ii) a substance for which there is an approved new drug  
4 application;  
5 (iii) a substance with respect to which an exemption is in effect  
6 for investigational use by a particular person under Section 505 of the  
7 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent  
8 conduct with respect to the substance is pursuant to the exemption; or  
9 (iv) any substance to the extent not intended for human consumption  
10 before an exemption takes effect with respect to the substance.  
11 (f) "Deliver" or "delivery," means the actual or constructive  
12 transfer from one person to another of a substance, whether or not  
13 there is an agency relationship.  
14 (g) "Department" means the department of health.  
15 (h) "Dispense" means the interpretation of a prescription or order  
16 for a controlled substance and, pursuant to that prescription or order,  
17 the proper selection, measuring, compounding, labeling, or packaging  
18 necessary to prepare that prescription or order for delivery.  
19 (i) "Dispenser" means a practitioner who dispenses.  
20 (j) "Distribute" means to deliver other than by administering or  
21 dispensing a controlled substance.  
22 (k) "Distributor" means a person who distributes.  
23 (l) "Drug" means (1) a controlled substance recognized as a drug in  
24 the official United States pharmacopoeia/national formulary or the  
25 official homeopathic pharmacopoeia of the United States, or any  
26 supplement to them; (2) controlled substances intended for use in the  
27 diagnosis, cure, mitigation, treatment, or prevention of disease in  
28 individuals or animals; (3) controlled substances (other than food)  
29 intended to affect the structure or any function of the body of  
30 individuals or animals; and (4) controlled substances intended for use  
31 as a component of any article specified in (1), (2), or (3) of this  
32 subsection. The term does not include devices or their components,  
33 parts, or accessories.  
34 (m) "Drug enforcement administration" means the drug enforcement  
35 administration in the United States Department of Justice, or its  
36 successor agency.  
37 (n) "Electronic communication of prescription information" means  
38 the transmission of a prescription or refill authorization for a drug

1 of a practitioner using computer systems. The term does not include a  
2 prescription or refill authorization verbally transmitted by telephone  
3 nor a facsimile manually signed by the practitioner.

4 (o) "Immediate precursor" means a substance:

5 (1) that the ((~~state board of~~)) pharmacy quality assurance  
6 commission has found to be and by rule designates as being the  
7 principal compound commonly used, or produced primarily for use, in the  
8 manufacture of a controlled substance;

9 (2) that is an immediate chemical intermediary used or likely to be  
10 used in the manufacture of a controlled substance; and

11 (3) the control of which is necessary to prevent, curtail, or limit  
12 the manufacture of the controlled substance.

13 (p) "Isomer" means an optical isomer, but in subsection (y)(5) of  
14 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the  
15 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),  
16 and 69.50.210(c) the term includes any positional isomer; and in RCW  
17 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any  
18 positional or geometric isomer.

19 (q) "Lot" means a definite quantity of marijuana, marijuana  
20 concentrates, useable marijuana, or marijuana-infused product  
21 identified by a lot number, every portion or package of which is  
22 uniform within recognized tolerances for the factors that appear in the  
23 labeling.

24 (r) "Lot number" shall identify the licensee by business or trade  
25 name and Washington state unified business identifier number, and the  
26 date of harvest or processing for each lot of marijuana, marijuana  
27 concentrates, useable marijuana, or marijuana-infused product.

28 (s) "Manufacture" means the production, preparation, propagation,  
29 compounding, conversion, or processing of a controlled substance,  
30 either directly or indirectly or by extraction from substances of  
31 natural origin, or independently by means of chemical synthesis, or by  
32 a combination of extraction and chemical synthesis, and includes any  
33 packaging or repackaging of the substance or labeling or relabeling of  
34 its container. The term does not include the preparation, compounding,  
35 packaging, repackaging, labeling, or relabeling of a controlled  
36 substance:

37 (1) by a practitioner as an incident to the practitioner's

1 administering or dispensing of a controlled substance in the course of  
2 the practitioner's professional practice; or

3 (2) by a practitioner, or by the practitioner's authorized agent  
4 under the practitioner's supervision, for the purpose of, or as an  
5 incident to, research, teaching, or chemical analysis and not for sale.

6 (t) "Marijuana" or "marihuana" means all parts of the plant  
7 Cannabis, whether growing or not, with a THC concentration greater than  
8 0.3 percent on a dry weight basis; the seeds thereof; the resin  
9 extracted from any part of the plant; and every compound, manufacture,  
10 salt, derivative, mixture, or preparation of the plant, its seeds or  
11 resin. The term does not include the mature stalks of the plant, fiber  
12 produced from the stalks, oil or cake made from the seeds of the plant,  
13 any other compound, manufacture, salt, derivative, mixture, or  
14 preparation of the mature stalks (except the resin extracted  
15 therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
16 which is incapable of germination.

17 (u) "Marijuana processor" means a person licensed by the state  
18 liquor (~~(control)~~) and cannabis board to process marijuana into  
19 marijuana concentrates, useable marijuana, and marijuana-infused  
20 products, package and label marijuana concentrates, useable marijuana,  
21 and marijuana-infused products for sale in retail outlets, and sell  
22 marijuana concentrates, useable marijuana, and marijuana-infused  
23 products at wholesale to marijuana retailers.

24 (v) "Marijuana producer" means a person licensed by the state  
25 liquor (~~(control)~~) and cannabis board to produce and sell marijuana at  
26 wholesale to marijuana processors and other marijuana producers.

27 (w) "Marijuana-infused products" means products that (~~(contain)~~)  
28 are not more than twenty percent marijuana (~~(or marijuana extracts)~~)  
29 and are intended for human use. The term "marijuana-infused products"  
30 does not include useable marijuana or marijuana concentrates.

31 (x) "Marijuana retailer" means a person licensed by the state  
32 liquor (~~(control)~~) and cannabis board to sell marijuana concentrates,  
33 useable marijuana, and marijuana-infused products in a retail outlet.

34 (y) "Narcotic drug" means any of the following, whether produced  
35 directly or indirectly by extraction from substances of vegetable  
36 origin, or independently by means of chemical synthesis, or by a  
37 combination of extraction and chemical synthesis:

1 (1) Opium, opium derivative, and any derivative of opium or opium  
2 derivative, including their salts, isomers, and salts of isomers,  
3 whenever the existence of the salts, isomers, and salts of isomers is  
4 possible within the specific chemical designation. The term does not  
5 include the isoquinoline alkaloids of opium.

6 (2) Synthetic opiate and any derivative of synthetic opiate,  
7 including their isomers, esters, ethers, salts, and salts of isomers,  
8 esters, and ethers, whenever the existence of the isomers, esters,  
9 ethers, and salts is possible within the specific chemical designation.

10 (3) Poppy straw and concentrate of poppy straw.

11 (4) Coca leaves, except coca leaves and extracts of coca leaves  
12 from which cocaine, ecgonine, and derivatives or ecgonine or their  
13 salts have been removed.

14 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

15 (6) Cocaine base.

16 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
17 thereof.

18 (8) Any compound, mixture, or preparation containing any quantity  
19 of any substance referred to in subparagraphs (1) through (7).

20 (z) "Opiate" means any substance having an addiction-forming or  
21 addiction-sustaining liability similar to morphine or being capable of  
22 conversion into a drug having addiction-forming or addiction-sustaining  
23 liability. The term includes opium, substances derived from opium  
24 (opium derivatives), and synthetic opiates. The term does not include,  
25 unless specifically designated as controlled under RCW 69.50.201, the  
26 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
27 (dextromethorphan). The term includes the racemic and levorotatory  
28 forms of dextromethorphan.

29 (aa) "Opium poppy" means the plant of the species *Papaver*  
30 *somniferum* L., except its seeds.

31 (bb) "Person" means individual, corporation, business trust,  
32 estate, trust, partnership, association, joint venture, government,  
33 governmental subdivision or agency, or any other legal or commercial  
34 entity.

35 (cc) "Poppy straw" means all parts, except the seeds, of the opium  
36 poppy, after mowing.

37 (dd) "Practitioner" means:

1 (1) A physician under chapter 18.71 RCW; a physician assistant  
2 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
3 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
4 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
5 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
6 18.53 RCW who is certified by the optometry board under RCW 18.53.010  
7 subject to any limitations in RCW 18.53.010; a dentist under chapter  
8 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;  
9 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced  
10 registered nurse practitioner, or licensed practical nurse under  
11 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW  
12 who is licensed under RCW 18.36A.030 subject to any limitations in RCW  
13 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific  
14 investigator under this chapter, licensed, registered or otherwise  
15 permitted insofar as is consistent with those licensing laws to  
16 distribute, dispense, conduct research with respect to or administer a  
17 controlled substance in the course of their professional practice or  
18 research in this state.

19 (2) A pharmacy, hospital or other institution licensed, registered,  
20 or otherwise permitted to distribute, dispense, conduct research with  
21 respect to or to administer a controlled substance in the course of  
22 professional practice or research in this state.

23 (3) A physician licensed to practice medicine and surgery, a  
24 physician licensed to practice osteopathic medicine and surgery, a  
25 dentist licensed to practice dentistry, a podiatric physician and  
26 surgeon licensed to practice podiatric medicine and surgery, a licensed  
27 physician assistant or a licensed osteopathic physician assistant  
28 specifically approved to prescribe controlled substances by his or her  
29 state's medical quality assurance commission or equivalent and his or  
30 her supervising physician, an advanced registered nurse practitioner  
31 licensed to prescribe controlled substances, or a veterinarian licensed  
32 to practice veterinary medicine in any state of the United States.

33 (ee) "Prescription" means an order for controlled substances issued  
34 by a practitioner duly authorized by law or rule in the state of  
35 Washington to prescribe controlled substances within the scope of his  
36 or her professional practice for a legitimate medical purpose.

37 (ff) "Production" includes the manufacturing, planting,  
38 cultivating, growing, or harvesting of a controlled substance.

1 (gg) "Retail outlet" means a location licensed by the state liquor  
2 (~~control~~) and cannabis board for the retail sale of marijuana  
3 concentrates, useable marijuana, and marijuana-infused products.

4 (hh) "Secretary" means the secretary of health or the secretary's  
5 designee.

6 (ii) "State," unless the context otherwise requires, means a state  
7 of the United States, the District of Columbia, the Commonwealth of  
8 Puerto Rico, or a territory or insular possession subject to the  
9 jurisdiction of the United States.

10 (jj) "THC concentration" means percent of delta-9  
11 tetrahydrocannabinol content per dry weight of any part of the plant  
12 *Cannabis*, or per volume or weight of marijuana product, or the combined  
13 percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid  
14 in any part of the plant *Cannabis* regardless of moisture content.

15 (kk) "Ultimate user" means an individual who lawfully possesses a  
16 controlled substance for the individual's own use or for the use of a  
17 member of the individual's household or for administering to an animal  
18 owned by the individual or by a member of the individual's household.

19 (ll) "Useable marijuana" means dried marijuana flowers. The term  
20 "useable marijuana" does not include marijuana-infused products or  
21 marijuana concentrates.

22 (mm) "Authorization card" has the meaning provided in RCW  
23 69.51A.010.

24 (nn) "Designated provider" has the meaning provided in RCW  
25 69.51A.010.

26 (oo) "Health care professional" has the meaning provided in RCW  
27 69.51A.010.

28 (pp) "Qualifying patient" has the meaning provided in RCW  
29 69.51A.010.

30 (qq) "Marijuana concentrates" means the separated resin, whether  
31 crude or purified, obtained from marijuana. The term "marijuana  
32 concentrates" does not include useable marijuana or marijuana-infused  
33 products.

34 (rr) "CBD concentration" means the percent of cannabidiol content  
35 per dry weight of any part of the plant *Cannabis*, or per volume or  
36 weight of marijuana product.



1           **Sec. 3.** RCW 69.50.325 and 2013 c 3 s 4 (Initiative Measure No.  
2 502) are each amended to read as follows:

3           (1) There shall be a marijuana producer's license to produce  
4 marijuana for sale at wholesale to marijuana processors and other  
5 marijuana producers, regulated by the state liquor (~~control~~) and  
6 cannabis board and subject to annual renewal. The production,  
7 possession, delivery, distribution, and sale of marijuana in accordance  
8 with the provisions of chapter 3, Laws of 2013 and the rules adopted to  
9 implement and enforce it, by a validly licensed marijuana producer,  
10 shall not be a criminal or civil offense under Washington state law.  
11 Every marijuana producer's license shall be issued in the name of the  
12 applicant, shall specify the location at which the marijuana producer  
13 intends to operate, which must be within the state of Washington, and  
14 the holder thereof shall not allow any other person to use the license.  
15 The application fee for a marijuana producer's license shall be two  
16 hundred fifty dollars. The annual fee for issuance and renewal of a  
17 marijuana producer's license shall be one thousand dollars. A separate  
18 license shall be required for each location at which a marijuana  
19 producer intends to produce marijuana.

20           (2) There shall be a marijuana processor's license to process,  
21 package, and label marijuana concentrates, useable marijuana, and  
22 marijuana-infused products for sale at wholesale to marijuana  
23 processors and marijuana retailers, regulated by the state liquor  
24 (~~control~~) and cannabis board and subject to annual renewal. The  
25 processing, packaging, possession, delivery, distribution, and sale of  
26 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
27 infused products in accordance with the provisions of chapter 3, Laws  
28 of 2013 and the rules adopted to implement and enforce it, by a validly  
29 licensed marijuana processor, shall not be a criminal or civil offense  
30 under Washington state law. Every marijuana processor's license shall  
31 be issued in the name of the applicant, shall specify the location at  
32 which the licensee intends to operate, which must be within the state  
33 of Washington, and the holder thereof shall not allow any other person  
34 to use the license. The application fee for a marijuana processor's  
35 license shall be two hundred fifty dollars. The annual fee for  
36 issuance and renewal of a marijuana processor's license shall be one  
37 thousand dollars. A separate license shall be required for each  
38 location at which a marijuana processor intends to process marijuana.

1 (3) There shall be a marijuana retailer's license to sell marijuana  
2 concentrates, useable marijuana, and marijuana-infused products at  
3 retail in retail outlets, regulated by the state liquor (~~control~~) and  
4 cannabis board and subject to annual renewal. The possession,  
5 delivery, distribution, and sale of marijuana concentrates, useable  
6 marijuana, and marijuana-infused products in accordance with the  
7 provisions of chapter 3, Laws of 2013, chapter 69.51A RCW, and the  
8 rules adopted to implement and enforce (~~it~~) these chapters, by a  
9 validly licensed marijuana retailer, shall not be a criminal or civil  
10 offense under Washington state law. Every marijuana retailer's license  
11 shall be issued in the name of the applicant, shall specify the  
12 location of the retail outlet the licensee intends to operate, which  
13 must be within the state of Washington, and the holder thereof shall  
14 not allow any other person to use the license. The application fee for  
15 a marijuana retailer's license shall be two hundred fifty dollars. The  
16 annual fee for issuance and renewal of a marijuana retailer's license  
17 shall be one thousand dollars. A separate license shall be required  
18 for each location at which a marijuana retailer intends to sell  
19 marijuana concentrates, useable marijuana, and marijuana-infused  
20 products.

21 **Sec. 4.** RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No.  
22 502) are each amended to read as follows:

23 For the purpose of carrying into effect the provisions of chapter  
24 3, Laws of 2013 according to their true intent or of supplying any  
25 deficiency therein, the state liquor (~~control~~) and cannabis board may  
26 adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013  
27 as are deemed necessary or advisable. Without limiting the generality  
28 of the preceding sentence, the state liquor (~~control~~) and cannabis  
29 board is empowered to adopt rules regarding the following:

30 (1) The equipment and management of retail outlets and premises  
31 where marijuana is produced or processed, and inspection of the retail  
32 outlets and premises;

33 (2) The books and records to be created and maintained by  
34 licensees, the reports to be made thereon to the state liquor  
35 (~~control~~) and cannabis board, and inspection of the books and  
36 records;

1 (3) Methods of producing, processing, and packaging marijuana,  
2 useable marijuana, and marijuana-infused products; conditions of  
3 sanitation; and standards of ingredients, quality, and identity of  
4 marijuana, useable marijuana, and marijuana-infused products produced,  
5 processed, packaged, or sold by licensees;

6 (4) Security requirements for retail outlets and premises where  
7 marijuana is produced or processed, and safety protocols for licensees  
8 and their employees;

9 (5) Screening, hiring, training, and supervising employees of  
10 licensees;

11 (6) Retail outlet locations and hours of operation;

12 (7) Labeling requirements and restrictions on advertisement of  
13 marijuana, useable marijuana, and marijuana-infused products;

14 (8) Forms to be used for purposes of chapter 3, Laws of 2013 or the  
15 rules adopted to implement and enforce it, the terms and conditions to  
16 be contained in licenses issued under chapter 3, Laws of 2013, and the  
17 qualifications for receiving a license issued under chapter 3, Laws of  
18 2013, including a criminal history record information check. The state  
19 liquor (~~control~~) and cannabis board may submit any criminal history  
20 record information check to the Washington state patrol and to the  
21 identification division of the federal bureau of investigation in order  
22 that these agencies may search their records for prior arrests and  
23 convictions of the individual or individuals who filled out the forms.  
24 The state liquor (~~control~~) and cannabis board shall require  
25 fingerprinting of any applicant whose criminal history record  
26 information check is submitted to the federal bureau of investigation;

27 (9) Application, reinstatement, and renewal fees for licenses  
28 issued under chapter 3, Laws of 2013, and fees for anything done or  
29 permitted to be done under the rules adopted to implement and enforce  
30 chapter 3, Laws of 2013;

31 (10) The manner of giving and serving notices required by chapter  
32 3, Laws of 2013 or rules adopted to implement or enforce it;

33 (11) Times and periods when, and the manner, methods, and means by  
34 which, licensees shall transport and deliver marijuana, marijuana  
35 concentrates, useable marijuana, and marijuana-infused products within  
36 the state;

37 (12) Identification, seizure, confiscation, destruction, or  
38 donation to law enforcement for training purposes of all marijuana,

1 marijuana concentrates, useable marijuana, and marijuana-infused  
2 products produced, processed, sold, or offered for sale within this  
3 state which do not conform in all respects to the standards prescribed  
4 by chapter 3, Laws of 2013 or the rules adopted to implement and  
5 enforce it(~~(: PROVIDED, That nothing in chapter 3, Laws of 2013 shall~~  
6 ~~be construed as authorizing the state liquor control board to seize,~~  
7 ~~confiscate, destroy, or donate to law enforcement marijuana, useable~~  
8 ~~marijuana, or marijuana-infused products produced, processed, sold,~~  
9 ~~offered for sale, or possessed in compliance with the Washington state~~  
10 ~~medical use of cannabis act,)) or chapter 69.51A RCW.~~

11 **Sec. 5.** RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No.  
12 502) are each amended to read as follows:

13 The state liquor (~~control~~) and cannabis board, subject to the  
14 provisions of this chapter (~~3, Laws of 2013~~), must adopt rules (~~by~~  
15 ~~December 1, 2013,~~) that establish the procedures and criteria  
16 necessary to implement the following:

17 (1) Licensing of marijuana producers, marijuana processors, and  
18 marijuana retailers, including prescribing forms and establishing  
19 application, reinstatement, and renewal fees;

20 (2) Determining, in consultation with the office of financial  
21 management, the maximum number of retail outlets that may be licensed  
22 in each county, taking into consideration:

23 (a) Population distribution;

24 (b) Security and safety issues; (~~and~~)

25 (c) The provision of adequate access to licensed sources of  
26 marijuana concentrates, useable marijuana, and marijuana-infused  
27 products to discourage purchases from the illegal market; and

28 (d) The number of retail outlets holding medical marijuana  
29 endorsements necessary to meet the medical needs of qualifying patients  
30 and allowing for a number of such locations to be solely medical. The  
31 state liquor and cannabis board must reconsider the maximum number of  
32 retail outlets it established before the effective date of this section  
33 and allow for a new license application period and a greater number of  
34 retail outlets to be permitted in order to accommodate the medical  
35 needs of qualifying patients and designated providers;

36 (3) Establishing a preference for those marijuana retailers who are  
37 applying for a medical marijuana endorsement and who will be selling

1 marijuana concentrates, useable marijuana, and marijuana-infused  
2 products to only qualifying patients and designated providers if the  
3 state liquor and cannabis board determines that the needs of qualifying  
4 patients are not being met by currently licensed marijuana retailers;

5 (4) Determining the maximum quantity of marijuana a marijuana  
6 producer may have on the premises of a licensed location at any time  
7 without violating Washington state law;

8 ~~((+4))~~ (5) Determining the maximum quantities of marijuana,  
9 marijuana concentrates, useable marijuana, and marijuana-infused  
10 products a marijuana processor may have on the premises of a licensed  
11 location at any time without violating Washington state law;

12 ~~((+5))~~ (6) Determining the maximum quantities of marijuana  
13 concentrates, useable marijuana, and marijuana-infused products a  
14 marijuana retailer may have on the premises of a retail outlet at any  
15 time without violating Washington state law;

16 ~~((+6))~~ (7) In making the determinations required by subsections  
17 (3) through ~~((+5))~~ (6) of this section, the state liquor ~~((control))~~  
18 and cannabis board shall take into consideration:

- 19 (a) Security and safety issues;
- 20 (b) The provision of adequate access to licensed sources of  
21 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
22 infused products to discourage purchases from the illegal market; and
- 23 (c) Economies of scale, and their impact on licensees' ability to  
24 both comply with regulatory requirements and undercut illegal market  
25 prices;

26 ~~((+7))~~ (8) Determining the nature, form, and capacity of all  
27 containers to be used by licensees to contain marijuana, marijuana  
28 concentrates, useable marijuana, and marijuana-infused products, and  
29 their labeling requirements, to include but not be limited to:

- 30 (a) The business or trade name and Washington state unified  
31 business identifier number of the licensees that grew, processed, and  
32 sold the marijuana, marijuana concentrates, useable marijuana, or  
33 marijuana-infused product;
- 34 (b) Lot numbers of the marijuana, marijuana concentrates, useable  
35 marijuana, or marijuana-infused product;
- 36 (c) THC concentration of the marijuana, marijuana concentrates,  
37 useable marijuana, or marijuana-infused product;

1 (d) Medically and scientifically accurate information about the  
2 health and safety risks posed by marijuana use; and

3 (e) Language required by RCW 69.04.480;

4 ~~((+8))~~ (9) In consultation with the department of agriculture,  
5 establishing classes of marijuana, marijuana concentrates, useable  
6 marijuana, and marijuana-infused products according to grade,  
7 condition, cannabinoid profile, THC concentration, or other qualitative  
8 measurements deemed appropriate by the state liquor ~~((control))~~ and  
9 cannabis board;

10 ~~((+9))~~ (10) Establishing reasonable time, place, and manner  
11 restrictions and requirements regarding advertising of marijuana,  
12 marijuana concentrates, useable marijuana, and marijuana-infused  
13 products that are not inconsistent with the provisions of this chapter  
14 ~~((3, Laws of 2013))~~, taking into consideration:

15 (a) Federal laws relating to marijuana that are applicable within  
16 Washington state;

17 (b) Minimizing exposure of people under twenty-one years of age to  
18 the advertising; and

19 (c) The inclusion of medically and scientifically accurate  
20 information about the health and safety risks posed by marijuana use in  
21 the advertising;

22 ~~((+10))~~ (11) Specifying and regulating the time and periods when,  
23 and the manner, methods, and means by which, licensees shall transport  
24 and deliver marijuana, marijuana concentrates, useable marijuana, and  
25 marijuana-infused products within the state;

26 ~~((+11))~~ (12) In consultation with the department and the  
27 department of agriculture, establishing accreditation requirements for  
28 testing laboratories used by licensees to demonstrate compliance with  
29 standards adopted by the state liquor ~~((control))~~ and cannabis board,  
30 and prescribing methods of producing, processing, and packaging  
31 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
32 infused products; conditions of sanitation; and standards of  
33 ingredients, quality, and identity of marijuana, marijuana  
34 concentrates, useable marijuana, and marijuana-infused products  
35 produced, processed, packaged, or sold by licensees;

36 ~~((+12))~~ (13) Specifying procedures for identifying, seizing,  
37 confiscating, destroying, and donating to law enforcement for training  
38 purposes all marijuana, marijuana concentrates, useable marijuana, and

1 marijuana-infused products produced, processed, packaged, labeled, or  
2 offered for sale in this state that do not conform in all respects to  
3 the standards prescribed by this chapter (~~(3, Laws of 2013)~~) or the  
4 rules of the state liquor (~~(control)~~) and cannabis board.

5 **Sec. 6.** RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No.  
6 502) are each amended to read as follows:

7 There may be licensed, in no greater number in each of the counties  
8 of the state than as the state liquor (~~(control)~~) and cannabis board  
9 shall deem advisable, retail outlets established for the purpose of  
10 making marijuana concentrates, useable marijuana, and marijuana-infused  
11 products available for sale to adults aged twenty-one and over and to  
12 qualifying patients who hold valid authorization cards and are aged  
13 eighteen and older. Retail sale of marijuana concentrates, useable  
14 marijuana, and marijuana-infused products in accordance with the  
15 provisions of this chapter (~~(3, Laws of 2013)~~) and chapter 69.51A RCW  
16 and the rules adopted to implement and enforce (~~(it)~~) this chapter, by  
17 a validly licensed marijuana retailer or retail outlet employee, shall  
18 not be a criminal or civil offense under Washington state law.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 69.50 RCW  
20 to read as follows:

21 (1) A medical marijuana endorsement to a marijuana retail license  
22 is hereby established to permit a marijuana retailer to sell marijuana  
23 concentrates, useable marijuana, and marijuana-infused products to:

24 (a) Both the recreational market in compliance with this chapter  
25 and the medical market in compliance with chapter 69.51A RCW; or

26 (b) Only the medical market in compliance with chapter 69.51A RCW.

27 (2) An applicant may apply for a medical marijuana endorsement  
28 concurrently with an application for a marijuana retail license.

29 (3) To be issued an endorsement, a marijuana retailer must:

30 (a) Indicate on its application whether the retailer intends to  
31 sell marijuana concentrates, useable marijuana, and marijuana-infused  
32 products to: (i) Both the recreational markets in compliance with this  
33 chapter and the medical market in compliance with chapter 69.51A RCW;  
34 or (ii) only the medical market in compliance with chapter 69.51A RCW;

35 (b) Not authorize the medical use of marijuana for qualifying

1 patients at the retail outlet or permit health care professionals to  
2 authorize the medical use of marijuana for qualifying patients at the  
3 retail outlet;

4 (c) Carry marijuana concentrates, useable marijuana, and marijuana-  
5 infused products with a CBD concentration and THC to CBD ratio  
6 identified by the state liquor and cannabis board under subsection (5)  
7 of this section;

8 (d) Not use labels or market marijuana concentrates, useable  
9 marijuana, or marijuana-infused products in a way that make them  
10 intentionally attractive to minors or recreational users;

11 (e) Keep copies of the qualifying patient's or designated  
12 provider's authorization card, or keep equivalent records as required  
13 by rule of the state liquor and cannabis board or the department of  
14 revenue to document the validity of tax exempt sales under RCW  
15 69.50.535; and

16 (f) Meet other requirements as adopted by rule of the department or  
17 the state liquor and cannabis board.

18 (4) A marijuana retailer holding a medical marijuana endorsement  
19 may sell or donate products with a THC concentration of less than .3  
20 percent to qualifying patients or designated providers who possess  
21 valid authorization cards.

22 (5)(a) The state liquor and cannabis board must adopt rules on  
23 requirements for marijuana concentrates, useable marijuana, and  
24 marijuana-infused products that may be sold to qualifying patients  
25 under a medical marijuana endorsement. These rules must include:

26 (i) THC concentration, CBD concentration, and THC to CBD ratios  
27 appropriate for marijuana concentrates, useable marijuana, or  
28 marijuana-infused products sold to qualifying patients;

29 (ii) Labeling requirements including that the labels attached to  
30 marijuana concentrates, useable marijuana, or marijuana-infused  
31 products contain THC concentration, CBD concentration, and THC to CBD  
32 ratios;

33 (iii) The number and type of such products that must be offered at  
34 medical marijuana endorsed stores; and

35 (iv) Other product requirements the state liquor and cannabis board  
36 determines necessary to address the medical needs of qualifying  
37 patients.



1 (b) The state liquor and cannabis board must adopt rules on  
2 additional requirements for those retail outlets that intend to sell  
3 only to qualifying patients and designated providers under a medical  
4 marijuana endorsement.

5 (6) A marijuana retailer holding an endorsement to sell marijuana  
6 concentrates, useable marijuana, and marijuana-infused products to  
7 qualifying patients may consult the medical marijuana registry  
8 established in section 25 of this act for the sole purpose of  
9 confirming the validity of qualifying patient or designated provider  
10 authorization cards.

11 **Sec. 8.** RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No.  
12 502) are each amended to read as follows:

13 (1) Retail outlets shall sell no products or services other than  
14 marijuana concentrates, useable marijuana, marijuana-infused products,  
15 or paraphernalia intended for the storage or use of marijuana  
16 concentrates, useable marijuana, or marijuana-infused products.

17 (2) Except as provided in (a) and (b) of this subsection, licensed  
18 marijuana retailers shall not employ persons under twenty-one years of  
19 age or allow persons under twenty-one years of age to enter or remain  
20 on the premises of a retail outlet.

21 (a) Beginning July 1, 2015, marijuana retailers that hold a medical  
22 marijuana endorsement and are licensed to only sell medical marijuana  
23 may allow qualifying patients who hold valid authorization cards and  
24 are eighteen to twenty-one years of age to enter or remain on the  
25 premises and may allow qualifying patients with valid authorization  
26 cards under the age of eighteen to enter or remain on the premises if  
27 those minor patients are with their parent or guardian who also holds  
28 a valid authorization card; and

29 (b) Beginning July 1, 2015, marijuana retailers that hold a medical  
30 marijuana endorsement and are licensed to sell marijuana for both  
31 medical and recreational use, may allow qualifying patients aged  
32 eighteen years of age or older to enter or remain on the premises of a  
33 retail outlet if they possess a valid authorization card.

34 (3) Licensed marijuana retailers shall not display any signage in  
35 a window, on a door, or on the outside of the premises of a retail  
36 outlet that is visible to the general public from a public right-of-  
37 way, other than a single sign no larger than one thousand six hundred

1 square inches identifying the retail outlet by the licensee's business  
2 or trade name. The state liquor and cannabis board shall adopt rules  
3 establishing a symbol that marijuana retailers who hold a medical  
4 marijuana endorsement may use on their sign to indicate they possess a  
5 medical marijuana endorsement.

6 (4) Licensed marijuana retailers shall not display marijuana  
7 concentrates, useable marijuana, or marijuana-infused products in a  
8 manner that is visible to the general public from a public right-of-  
9 way.

10 (5) No licensed marijuana retailer or employee of a retail outlet  
11 shall open or consume, or allow to be opened or consumed, any marijuana  
12 concentrates, useable marijuana, or marijuana-infused product on the  
13 outlet premises.

14 (6) The state liquor (~~(control)~~) and cannabis board shall fine a  
15 licensee one thousand dollars for each violation of any subsection of  
16 this section. Fines collected under this section must be deposited  
17 into the dedicated marijuana fund created under RCW 69.50.530.

18 **Sec. 9.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No.  
19 502) are each amended to read as follows:

20 The following acts, when performed by a validly licensed marijuana  
21 retailer or employee of a validly licensed retail outlet in compliance  
22 with rules adopted by the state liquor (~~(control)~~) and cannabis board  
23 to implement and enforce this chapter (~~(3, Laws of 2013)~~), shall not  
24 constitute criminal or civil offenses under Washington state law:

25 (1) Purchase and receipt of marijuana concentrates, useable  
26 marijuana, or marijuana-infused products that have been properly  
27 packaged and labeled from a marijuana processor validly licensed under  
28 this chapter (~~(3, Laws of 2013)~~);

29 (2) Possession of quantities of marijuana concentrates, useable  
30 marijuana, or marijuana-infused products that do not exceed the maximum  
31 amounts established by the state liquor (~~(control)~~) and cannabis board  
32 under RCW 69.50.345(~~(+5)~~) (6); (~~(and)~~)

33 (3) Except as provided in subsection (4) of this section, delivery,  
34 distribution, and sale, on the premises of the retail outlet, of any  
35 combination of the following amounts of marijuana concentrates, useable  
36 marijuana, or marijuana-infused product to any person twenty-one years  
37 of age or older:

- 1 (a) One ounce of useable marijuana;
- 2 (b) Sixteen ounces of marijuana-infused product in solid form;
- 3 (~~(c)~~)
- 4 (c) Seventy-two ounces of marijuana-infused product in liquid form;
- 5 or
- 6 (d) Seven grams of marijuana concentrates; and
- 7 (4) Beginning July 1, 2015, delivery, distribution, and sale, on
- 8 the premises of the retail outlet holding a medical marijuana
- 9 endorsement, of any combination of the following amounts of marijuana
- 10 concentrates, useable marijuana, or marijuana-infused product to a
- 11 qualifying patient holding a valid authorization card who is eighteen
- 12 years of age or older or a designated provider holding a valid
- 13 authorization card:
- 14 (a) Three ounces of useable marijuana or as much useable marijuana
- 15 as is indicated on the authorization card of the patient or provider;
- 16 (b) Forty-eight ounces of marijuana-infused product in solid form;
- 17 (c) Two hundred sixteen ounces of marijuana-infused product in
- 18 liquid form; or
- 19 (d) Twenty-one grams of marijuana concentrates.

20 **Sec. 10.** RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No.

21 502) are each amended to read as follows:

22 (1) It is unlawful for any person to possess a controlled substance

23 unless the substance was obtained directly from, or pursuant to, a

24 valid prescription or order of a practitioner while acting in the

25 course of his or her professional practice, or except as otherwise

26 authorized by this chapter.

27 (2) Except as provided in RCW 69.50.4014, any person who violates

28 this section is guilty of a class C felony punishable under chapter

29 9A.20 RCW.

30 (3)(a) The possession, by a person twenty-one years of age or

31 older, of marijuana concentrates, useable marijuana, or marijuana-

32 infused products in amounts that do not exceed those set forth in RCW

33 69.50.360(3) is not a violation of this section, this chapter, or any

34 other provision of Washington state law.

35 (b) The possession by a qualifying patient or designated provider

36 of marijuana concentrates, useable marijuana, marijuana-infused

1 products, or plants, as that term is defined in RCW 69.51A.010, in  
2 accordance with section 22 or 29 of this act is not a violation of this  
3 section, this chapter, or any other provision of Washington state law.

4 **Sec. 11.** RCW 69.50.535 and 2013 c 3 s 27 (Initiative Measure No.  
5 502) are each amended to read as follows:

6 (1) There is levied and collected a marijuana excise tax equal to  
7 twenty-five percent of the selling price on each wholesale sale in this  
8 state of marijuana by a licensed marijuana producer to a licensed  
9 marijuana processor or another licensed marijuana producer. This tax  
10 is the obligation of the licensed marijuana producer.

11 (2) There is levied and collected a marijuana excise tax equal to  
12 twenty-five percent of the selling price on each wholesale sale in this  
13 state of marijuana concentrates, useable marijuana, or marijuana-  
14 infused product by a licensed marijuana processor to a licensed  
15 marijuana retailer. This tax is the obligation of the licensed  
16 marijuana processor.

17 (3) Except as provided in subsection (4) of this section, there is  
18 levied and collected a marijuana excise tax equal to twenty-five  
19 percent of the selling price on each retail sale in this state of  
20 marijuana concentrates, useable marijuana, and marijuana-infused  
21 products. This tax is the obligation of the licensed marijuana  
22 retailer, is separate and in addition to general state and local sales  
23 and use taxes that apply to retail sales of tangible personal property,  
24 and is part of the total retail price to which general state and local  
25 sales and use taxes apply.

26 (4) Subsection (3) of this section does not apply to the retail  
27 sale of marijuana concentrates, useable marijuana, or marijuana-infused  
28 products by marijuana retailers who hold medical marijuana endorsements  
29 to qualified patients or designated providers who hold valid  
30 authorization cards. The exemption in this subsection applies only if  
31 the selling price of the marijuana concentrates, useable marijuana, or  
32 marijuana-infused product charged to a person holding a valid  
33 authorization card is reduced by a twenty-five percent retail marijuana  
34 excise tax, as compared with the selling price of the marijuana  
35 concentrates, useable marijuana, or marijuana-infused product that is  
36 charged to any person not holding a valid authorization card. If the  
37 same product is not sold to persons who do not hold a valid

1 authorization card, the seller must establish to the satisfaction of  
2 the state liquor and cannabis board that the benefit of the exemption  
3 provided in this subsection has been passed on to the buyer.

4 (5) All revenues collected from the marijuana excise taxes imposed  
5 under subsections (1) through (3) of this section shall be deposited  
6 each day in a depository approved by the state treasurer and  
7 transferred to the state treasurer to be credited to the dedicated  
8 marijuana fund.

9 ((+5)) (6) The state liquor (~~control~~) and cannabis board shall  
10 regularly review the tax levels established under this section and make  
11 recommendations to the legislature as appropriate regarding adjustments  
12 that would further the goal of discouraging use while undercutting  
13 illegal market prices.

14 NEW SECTION. Sec. 12. A new section is added to chapter 82.08 RCW  
15 to read as follows:

16 (1) The tax levied by RCW 82.08.020 shall not apply to:

17 (a) Beginning July 1, 2015, sales of marijuana concentrates,  
18 useable marijuana, or marijuana-infused products by marijuana retailers  
19 who hold medical marijuana endorsements under section 7 of this act to  
20 qualifying patients or designated providers who hold valid  
21 authorization cards; or

22 (b) Until July 1, 2015, sales of marijuana concentrates, useable  
23 marijuana, or marijuana-infused products by collective gardens under  
24 RCW 69.51A.085.

25 (2) Each seller making exempt sales under subsection (1) of this  
26 section must maintain information establishing the purchaser's  
27 eligibility for the exemption in the form and manner required by the  
28 department.

29 (3) For the purposes of this section, the terms "marijuana  
30 concentrates," "useable marijuana," "marijuana-infused products," and  
31 "marijuana retailers" have the meaning provided in RCW 69.50.101 and  
32 the terms "qualifying patients," "designated providers," and  
33 "authorization card" have the meaning provided in RCW 69.51A.010.

34 NEW SECTION. Sec. 13. A new section is added to chapter 82.12 RCW  
35 to read as follows:

1 (1) The provisions of this chapter shall not apply to the use of  
2 marijuana concentrates, useable marijuana, or marijuana-infused  
3 products in compliance with chapters 69.50 and 69.51A RCW by:

4 (a) Until July 1, 2015, collective gardens under RCW 69.51A.085 and  
5 the qualifying patients participating in the collective gardens;

6 (b) Beginning July 1, 2015, qualifying patients or designated  
7 providers who hold valid authorization cards; or

8 (c) Beginning July 1, 2015, marijuana retailers who hold a medical  
9 marijuana endorsement under chapter 69.50 RCW with respect to marijuana  
10 concentrates, useable marijuana, or marijuana-infused products if such  
11 marijuana or product is provided at no charge to a qualifying patient  
12 or designated provider who holds a valid authorization card. Each such  
13 retailer providing such marijuana or product at no charge must maintain  
14 information establishing eligibility for this exemption in the form and  
15 manner required by the department.

16 (2) For the purposes of this section, the terms "marijuana  
17 concentrates," "useable marijuana," "marijuana-infused products," and  
18 "marijuana retailers" have the meaning provided in RCW 69.50.101 and  
19 the terms "qualifying patients," "designated providers," and  
20 "authorization card" have the meaning provided in RCW 69.51A.010.

21 **Sec. 14.** RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No.  
22 502) are each amended to read as follows:

23 All marijuana excise taxes collected from sales of marijuana,  
24 useable marijuana, and marijuana-infused products under RCW 69.50.535,  
25 and the license fees, penalties, and forfeitures derived under chapter  
26 3, Laws of 2013 from marijuana producer, marijuana processor, and  
27 marijuana retailer licenses shall every three months be disbursed by  
28 the state liquor (~~control~~) and cannabis board as follows:

29 (1)(a) Fifteen percent of the excise tax collected from marijuana  
30 retailers under RCW 69.50.535(3) to counties, distributed in the manner  
31 described in section 16 of this act; and

32 (b) Fifteen percent of the excise tax collected from marijuana  
33 retailers under RCW 69.50.535(3) to incorporated cities and towns,  
34 distributed in the manner described in section 16 of this act;

35 (2) One hundred twenty-five thousand dollars to the department of  
36 social and health services to design and administer the Washington  
37 state healthy youth survey, analyze the collected data, and produce

1 reports, in collaboration with the office of the superintendent of  
2 public instruction, department of health, department of commerce,  
3 family policy council, and state liquor (~~control~~) and cannabis board.  
4 The survey shall be conducted at least every two years and include  
5 questions regarding, but not necessarily limited to, academic  
6 achievement, age at time of substance use initiation, antisocial  
7 behavior of friends, attitudes toward antisocial behavior, attitudes  
8 toward substance use, laws and community norms regarding antisocial  
9 behavior, family conflict, family management, parental attitudes toward  
10 substance use, peer rewarding of antisocial behavior, perceived risk of  
11 substance use, and rebelliousness. Funds disbursed under this  
12 subsection may be used to expand administration of the healthy youth  
13 survey to student populations attending institutions of higher  
14 education in Washington;

15 ~~((+2))~~ (3) Fifty thousand dollars to the department of social and  
16 health services for the purpose of contracting with the Washington  
17 state institute for public policy to conduct the cost-benefit  
18 evaluation and produce the reports described in RCW 69.50.550. This  
19 appropriation shall end after production of the final report required  
20 by RCW 69.50.550;

21 ~~((+3))~~ (4) Five thousand dollars to the University of Washington  
22 alcohol and drug abuse institute for the creation, maintenance, and  
23 timely updating of web-based public education materials providing  
24 medically and scientifically accurate information about the health and  
25 safety risks posed by marijuana use;

26 ~~((+4))~~ (5) An amount not exceeding one million two hundred fifty  
27 thousand dollars to the state liquor (~~control~~) and cannabis board as  
28 is necessary for administration of chapter 3, Laws of 2013;

29 ~~((+5))~~ (6) Of the funds remaining after the disbursements  
30 identified in subsections ~~((+1))~~ (2) through ~~((+4))~~ (5) of this  
31 section:

32 (a) Fifteen percent to the department of social and health services  
33 division of behavioral health and recovery for implementation and  
34 maintenance of programs and practices aimed at the prevention or  
35 reduction of maladaptive substance use, substance-use disorder,  
36 substance abuse or substance dependence, as these terms are defined in  
37 the Diagnostic and Statistical Manual of Mental Disorders, among middle

1 school and high school age students, whether as an explicit goal of a  
2 given program or practice or as a consistently corresponding effect of  
3 its implementation; PROVIDED, That:

4 (i) Of the funds disbursed under (a) of this subsection, at least  
5 eighty-five percent must be directed to evidence-based and cost-  
6 beneficial programs and practices that produce objectively measurable  
7 results; and

8 (ii) Up to fifteen percent of the funds disbursed under (a) of this  
9 subsection may be directed to research-based and emerging best  
10 practices or promising practices.

11 In deciding which programs and practices to fund, the secretary of  
12 the department of social and health services shall consult, at least  
13 annually, with the University of Washington's social development  
14 research group and the University of Washington's alcohol and drug  
15 abuse institute;

16 (b) Ten percent to the department of health for the creation,  
17 implementation, operation, and management of a marijuana education and  
18 public health program that contains the following:

19 (i) A marijuana use public health hotline that provides referrals  
20 to substance abuse treatment providers, utilizes evidence-based or  
21 research-based public health approaches to minimizing the harms  
22 associated with marijuana use, and does not solely advocate an  
23 abstinence-only approach;

24 (ii) A grants program for local health departments or other local  
25 community agencies that supports development and implementation of  
26 coordinated intervention strategies for the prevention and reduction of  
27 marijuana use by youth; and

28 (iii) Media-based education campaigns across television, internet,  
29 radio, print, and out-of-home advertising, separately targeting youth  
30 and adults, that provide medically and scientifically accurate  
31 information about the health and safety risks posed by marijuana use;

32 (c) Six-tenths of one percent to the University of Washington and  
33 four-tenths of one percent to Washington State University for research  
34 on the short and long-term effects of marijuana use, to include but not  
35 be limited to formal and informal methods for estimating and measuring  
36 intoxication and impairment, and for the dissemination of such  
37 research;



1 (d) Fifty percent to the ((state)) basic health ((plan-trust))  
2 services account to be administered by the ((Washington basic health  
3 plan administrator)) health care authority and used ((as provided under  
4 chapter 70.47 RCW)) to fund low-income health care services and mental  
5 health services;

6 (e) Five percent to the Washington state health care authority to  
7 be expended exclusively through contracts with community health centers  
8 to provide primary health and dental care services, migrant health  
9 services, and maternity health care services as provided under RCW  
10 41.05.220;

11 (f) Three-tenths of one percent to the office of the superintendent  
12 of public instruction to fund grants to building bridges programs under  
13 chapter 28A.175 RCW; and

14 (g) The remainder to the general fund.

15 **Sec. 15.** RCW 70.47.030 and 2004 c 192 s 2 are each amended to read  
16 as follows:

17 ((1)) The basic health ((plan-trust)) services account is hereby  
18 established in the state treasury. Any nongeneral fund-state funds  
19 collected for this program shall be deposited in the basic health  
20 ((plan-trust)) services account and may be expended without further  
21 appropriation. Moneys in the account shall be used exclusively for  
22 ((the purposes of this chapter, including payments to participating  
23 managed health care systems on behalf of enrollees in the plan and  
24 payment of costs of administering the plan.

25 ~~During the 1995-97 fiscal biennium, the legislature may transfer~~  
26 ~~funds from the basic health plan trust account to the state general~~  
27 ~~fund.~~

28 (2) ~~The basic health plan subscription account is created in the~~  
29 ~~custody of the state treasurer. All receipts from amounts due from or~~  
30 ~~on behalf of nonsubsidized enrollees and health coverage tax credit~~  
31 ~~eligible enrollees shall be deposited into the account. Funds in the~~  
32 ~~account shall be used exclusively for the purposes of this chapter,~~  
33 ~~including payments to participating managed health care systems on~~  
34 ~~behalf of nonsubsidized enrollees and health coverage tax credit~~  
35 ~~eligible enrollees in the plan and payment of costs of administering~~  
36 ~~the plan. The account is subject to allotment procedures under chapter~~  
37 ~~43.88 RCW, but no appropriation is required for expenditures.~~

1       ~~(3) The administrator shall take every precaution to see that none~~  
2 ~~of the funds in the separate accounts created in this section or that~~  
3 ~~any premiums paid either by subsidized or nonsubsidized enrollees are~~  
4 ~~commingled in any way, except that the administrator may combine funds~~  
5 ~~designated for administration of the plan into a single administrative~~  
6 ~~account)) the health care authority to provide funding for low-income~~  
7 ~~health care services and mental health care services.~~

8       NEW SECTION.   **Sec. 16.** A new section is added to chapter 69.50 RCW  
9 to read as follows:

10       (1) With respect to the distribution of funds to the counties under  
11 RCW 69.50.540, the computations for distribution must be made by the  
12 state liquor and cannabis board as follows:

13       (a) The share coming to each county must be based on the number of  
14 marijuana producers, marijuana processors, and marijuana retailers in  
15 the county, with counties with the highest number of such licensees  
16 receiving a proportionally higher share than those counties with fewer  
17 licensees;

18       (b) The state liquor and cannabis board must annually review the  
19 distribution of funds provided in (a) of this subsection.

20       (2) With respect to the distribution of funds to incorporated  
21 cities or towns, the computations for distribution must be made by the  
22 state liquor and cannabis board as follows:

23       (a) The share coming to each city or town must be based on the  
24 number of marijuana producers, marijuana processors, and marijuana  
25 retailers in the city or town, with cities or towns with the highest  
26 number of such licensees receiving a proportionally higher share than  
27 those cities or towns with fewer licensees;

28       (b) The state liquor and cannabis board must annually review the  
29 distribution of funds provided in (a) of this subsection.

30       **Sec. 17.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to  
31 read as follows:

32       The University of Washington and Washington State University may  
33 conduct scientific research on the efficacy and safety of administering  
34 ~~((cannabis))~~ marijuana as part of medical treatment. As part of this  
35 research, the University of Washington and Washington State University  
36 may develop and conduct studies to ascertain the general medical safety

1 and efficacy of ((~~cannabis~~)) marijuana and may develop medical  
2 guidelines for the appropriate administration and use of ((~~cannabis~~))  
3 marijuana.

4 **Sec. 18.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to  
5 read as follows:

6 (1) The legislature finds that:

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

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

14 (ii) Severe muscle spasms associated with multiple sclerosis,  
15 epilepsy, and other seizure and spasticity disorders;

16 (iii) Acute or chronic glaucoma;

17 (iv) Crohn's disease; and

18 (v) Some forms of intractable pain.

19 (b) Humanitarian compassion necessitates that the decision to use  
20 ((~~cannabis~~)) marijuana by patients with terminal or debilitating  
21 medical conditions is a personal, individual decision, based upon their  
22 health care professional's professional medical judgment and  
23 discretion.

24 (2) Therefore, the legislature intends that, so long as such  
25 activities are in compliance with this chapter:

26 (a) Qualifying patients with terminal or debilitating medical  
27 conditions who, in the judgment of their health care professionals, may  
28 benefit from the medical use of ((~~cannabis~~)) marijuana, shall not be  
29 arrested, prosecuted, or subject to other criminal sanctions or civil  
30 consequences under state law based solely on their medical use of  
31 ((~~cannabis~~)) marijuana, notwithstanding any other provision of law;

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

1 (c) Health care professionals shall also not be arrested,  
2 prosecuted, or subject to other criminal sanctions or civil  
3 consequences under state law for the proper authorization of medical  
4 use of ~~((cannabis))~~ marijuana by qualifying patients for whom, in the  
5 health care professional's professional judgment, the medical use of  
6 ~~((cannabis))~~ marijuana may prove beneficial.

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

10 (4) Nothing in this chapter diminishes the authority of  
11 correctional agencies and departments, including local governments or  
12 jails, to establish a procedure for determining when the use of  
13 ~~((cannabis))~~ marijuana would impact community safety or the effective  
14 supervision of those on active supervision for a criminal conviction,  
15 nor does it create the right to any accommodation of any medical use of  
16 ~~((cannabis))~~ marijuana in any correctional facility or jail.

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

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

21 (1) "Designated provider" means a person who ~~((+~~  
22 ~~(a+))~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((+~~  
23 ~~(b+))~~ and:

24 (a)(i) Is the parent or guardian of a qualifying patient who is  
25 under the age of eighteen; or

26 (ii) Has been designated in writing by a qualifying patient to  
27 serve as a designated provider ~~((under this chapter))~~ for that patient;

28 ~~((+e))~~ (b) Has been entered into the medical marijuana registry as  
29 being the designated provider to a qualifying patient and may only  
30 provide medical marijuana to that qualifying patient;

31 (c) Is prohibited from consuming marijuana obtained for the  
32 personal, medical use of the qualifying patient for whom the individual  
33 is acting as designated provider; ~~((and))~~

34 (d) Is in compliance with this chapter; and

35 (e) Is the designated provider to only one patient at any one time.

36 (2) "Health care professional," for purposes of this chapter only,  
37 means a physician licensed under chapter 18.71 RCW, a physician

1 assistant licensed under chapter 18.71A RCW, an osteopathic physician  
2 licensed under chapter 18.57 RCW, an osteopathic physicians' assistant  
3 licensed under chapter 18.57A RCW, a naturopath licensed under chapter  
4 18.36A RCW, or an advanced registered nurse practitioner licensed under  
5 chapter 18.79 RCW.

6 (3) "Medical use of marijuana" means the manufacture, production,  
7 possession, transportation, delivery, ingestion, application, or  
8 administration of marijuana(~~(, as defined in RCW 69.50.101(q),)~~) for  
9 the exclusive benefit of a qualifying patient in the treatment of his  
10 or her terminal or debilitating (~~(illness)~~) medical condition.

11 (4) "Qualifying patient" means a person who:  
12 (a)~~(i)~~ (i) Is a patient of a health care professional;  
13 ~~((b))~~ (ii) Has been diagnosed by that health care professional as  
14 having a terminal or debilitating medical condition;  
15 ~~((c))~~ (iii) Is a resident of the state of Washington at the time  
16 of such diagnosis;  
17 ~~((d))~~ (iv) Has been advised by that health care professional  
18 about the risks and benefits of the medical use of marijuana; ~~((and~~  
19 ~~(e))~~ (v) Has been advised by that health care professional that  
20 ~~((they))~~ he or she may benefit from the medical use of marijuana;  
21 (vi) Has been entered into the medical marijuana registry; and  
22 (vii) Is otherwise in compliance with the terms and conditions  
23 established in this chapter.

24 (b) "Qualifying patient" does not include a person who is actively  
25 being supervised for a criminal conviction by a corrections agency or  
26 department that has determined that the terms of this chapter are  
27 inconsistent with and contrary to his or her supervision and all  
28 related processes and procedures related to that supervision.

29 (5) Until September 1, 2015, "tamper-resistant paper" means paper  
30 that meets one or more of the following industry-recognized features:

- 31 (a) One or more features designed to prevent copying of the paper;
- 32 (b) One or more features designed to prevent the erasure or  
33 modification of information on the paper; or
- 34 (c) One or more features designed to prevent the use of counterfeit  
35 valid documentation.

36 (6) "Terminal or debilitating medical condition" means:  
37 (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis,  
38 epilepsy or other seizure disorder, or spasticity disorders; ~~((or))~~

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

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

7 (d) Crohn's disease with debilitating symptoms unrelieved by  
8 standard treatments or medications; ((~~or~~))

9 (e) Hepatitis C with debilitating nausea or intractable pain  
10 unrelieved by standard treatments or medications; ((~~or~~))

11 (f) Diseases, including anorexia, which result in nausea, vomiting,  
12 wasting, appetite loss, cramping, seizures, muscle spasms, or  
13 spasticity, when these symptoms are unrelieved by standard treatments  
14 or medications; or

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

18 (7) Until September 1, 2015, "valid documentation" means:

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

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

25 (8) "Authorization card" means a card issued by the department to  
26 qualifying patients whose health care professionals have entered them  
27 into the department's medical marijuana registry.

28 (9) "Department" means the department of health.

29 (10) "Marijuana" has the meaning provided in RCW 69.50.101.

30 (11) "Marijuana processor" has the meaning provided in RCW  
31 69.50.101.

32 (12) "Marijuana producer" has the meaning provided in RCW  
33 69.50.101.

34 (13) "Marijuana retailer" has the meaning provided in RCW  
35 69.50.101.

36 (14) "Marijuana-infused products" has the meaning provided in RCW  
37 69.50.101.

1       (15) "Medical marijuana registry" means the secure and confidential  
2 registry of qualifying patients and designated providers established in  
3 section 25 of this act.

4       (16) "Plant" means a marijuana plant having at least three  
5 distinguishable and distinct leaves, each leaf being at least three  
6 centimeters in diameter, and a readily observable root formation  
7 consisting of at least two separate and distinct roots, each being at  
8 least two centimeters in length. Multiple stalks emanating from the  
9 same root ball or root system is considered part of the same single  
10 plant.

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

26       (18) "THC concentration" has the meaning provided in RCW 69.50.101.

27       (19) "Useable marijuana" has the meaning provided in RCW 69.50.101.

28       (20) "Marijuana concentrates" has the meaning provided in RCW  
29 69.50.101.

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

32       The department, in consultation with health care professionals,  
33 must adopt rules defining the terms "terminal or debilitating medical  
34 condition" and "intractable pain" as used in RCW 69.51A.010. The rules  
35 adopted must assist a health care professional in determining, through  
36 an objective assessment and evaluation, that the terminal or

1 debilitating medical condition is severe enough to significantly  
2 interfere with the qualifying patient's activities of daily living and  
3 his or her ability to function.

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

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

14 (a) Advising a patient about the risks and benefits of medical use  
15 of ~~((cannabis))~~ marijuana or that the patient may benefit from the  
16 medical use of ~~((cannabis))~~ marijuana; or

17 (b) ~~((Providing))~~ Registering a patient meeting the criteria  
18 established under RCW 69.51A.010~~((+26) with valid documentation))~~ (4)  
19 with the medical marijuana registry, based upon the health care  
20 professional's assessment of the patient's medical history and current  
21 medical condition, ~~((where such use is))~~ if the health care  
22 professional has complied with this chapter and he or she determines  
23 within a professional standard of care or in the individual health care  
24 professional's medical judgment the qualifying patient may benefit from  
25 medical use of marijuana.

26 (2)(a) A health care professional may only ~~((provide a patient with~~  
27 ~~valid documentation authorizing the medical use of cannabis or))~~  
28 register the patient with the medical marijuana registry established in  
29 section ~~((901))~~ 25 of this act if he or she has a ~~((newly initiated or~~  
30 ~~existing))~~ documented relationship with the patient, as a ~~((primary~~  
31 ~~care))~~ principal provider or a specialist who has been directly  
32 referred to the qualifying patient by the principal provider, relating  
33 to the diagnosis and ongoing treatment or monitoring of the patient's  
34 terminal or debilitating medical condition, and only after:

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



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

5 (iii) Informing the patient of other options for treating the  
6 terminal or debilitating medical condition and documenting in the  
7 patient's medical record that the patient has received this  
8 information; and

9 (iv) Documenting in the patient's medical record other measures  
10 attempted to treat the terminal or debilitating medical condition that  
11 do not involve the medical use of ~~((cannabis))~~ marijuana.

12 (b) A health care professional shall not:

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

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

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

25 (iv) Have a business or practice which consists ~~((solely))~~  
26 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana.  
27 However, the health care professional's business or practice must have  
28 a permanent physical location;

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

32 (vi) Hold an economic interest in an enterprise that produces,  
33 processes, or ~~((dispenses cannabis))~~ sells marijuana if the health care  
34 professional authorizes the medical use of ~~((cannabis))~~ marijuana.

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

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

3        (1) As part of registering a qualifying patient or designated  
4    provider in the medical marijuana registry, the health care  
5    professional may include recommendations on the amount of marijuana  
6    that is likely needed by the qualifying patient for his or her medical  
7    needs and in accordance with subsection (2) of this section. If no  
8    recommendations are included at point of registration, the qualifying  
9    patient or designated provider may purchase at a marijuana retailer  
10   that holds a medical marijuana endorsement a combination of the  
11   following: Three ounces of useable marijuana; forty-eight ounces of  
12   marijuana-infused product in solid form; two hundred sixteen ounces of  
13   marijuana-infused product in liquid form; or twenty-one grams of  
14   marijuana concentrates. The qualifying patient or designated provider  
15   may also grow, in his or her domicile, up to six plants, three  
16   flowering and three nonflowering, for the personal medical use of the  
17   qualifying patient. If plants are grown for the qualifying patient,  
18   the patient or designated provider may possess as much useable  
19   marijuana as can be produced by three plants or by the number of plants  
20   for which the patient or provider is authorized under subsection (2) of  
21   this section.

22        (2) If a health care professional determines that the medical needs  
23   of a patient exceed the amounts provided for in subsection (1) of this  
24   section, the health care professional may recommend a greater amount of  
25   useable marijuana or plants for the personal medical use of the patient  
26   but not to exceed eight ounces of useable marijuana or fifteen plants.  
27   This amount must be entered into the registry at point of registration  
28   of the qualifying patient or designated provider.

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

31        (1) The department shall convene a work group of representatives of  
32   the medical quality assurance commission, board of osteopathic medicine  
33   and surgery, the nursing care quality assurance commission, the board  
34   of naturopathy, and representatives of the medical marijuana community  
35   including patients, attorneys, and health care professionals, to  
36   develop practice guidelines for health care professionals to consider

1 when authorizing the medical use of marijuana for patients. The  
2 representatives of the medical marijuana community must be appointed by  
3 the governor. The practice guidelines shall address:

4 (a) Conditions that may benefit from the medical use of marijuana;

5 (b) Assessing a patient to determine if he or she has a  
6 debilitating condition or intractable pain;

7 (c) Conducting an adequate examination of a patient for the need  
8 for marijuana for medical use;

9 (d) Dosing criteria related to the medical use of marijuana;

10 (e) Developing a treatment plan for patients who may benefit from  
11 the medical use of marijuana;

12 (f) Communicating with a patient about the medical use of marijuana  
13 and other options for treating his or her terminal or debilitating  
14 medical condition;

15 (g) Maintaining records for patients who have been authorized to  
16 use marijuana for medical purposes; and

17 (h) Other issues identified by the work group as necessary to  
18 provide appropriate care to patients who have been authorized to use  
19 marijuana for medical purposes.

20 (2) The department shall make the practice guidelines broadly  
21 available to health care professionals.

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

24 (1) Health care professionals may authorize the medical use of  
25 marijuana for qualifying patients who are under the age of eighteen if:

26 (a) The minor's parent or guardian participates in the minor's  
27 treatment and agrees to the medical use of marijuana by the minor;

28 (b) The parent or guardian acts as the designated provider for the  
29 minor and has sole control over the minor's marijuana. However, the  
30 minor may possess up to the amount of marijuana that is necessary for  
31 his or her next dose; and

32 (c) The minor may not grow plants or purchase marijuana from a  
33 marijuana retailer.

34 (2) A health care professional who authorizes the medical use of  
35 marijuana by a minor must do so as part of the course of treatment of  
36 the minor's terminal or debilitating medical condition. If authorizing

1 a minor for the medical use of marijuana, the health care professional  
2 must:

3 (a) Consult with other health care providers involved in the  
4 child's treatment, as medically indicated, before authorization or  
5 reauthorization of the medical use of marijuana;

6 (b) Reexamine the minor at least once a year or more frequently as  
7 medically indicated. The reexamination must:

8 (i) Determine that the minor continues to have a terminal or  
9 debilitating medical condition and that the condition benefits from the  
10 medical use of marijuana; and

11 (ii) Include a follow-up discussion with the minor's parent or  
12 guardian to ensure the parent or guardian continues to participate in  
13 the treatment of the minor;

14 (c) Enter both the minor and the minor's parent or guardian who is  
15 acting as the designated provider in the medical marijuana registry.

16 NEW SECTION. **Sec. 25.** A new section is added to chapter 69.51A  
17 RCW to read as follows:

18 (1) By July 1, 2015, the department must adopt rules for the  
19 creation, implementation, maintenance, and timely upgrading of a secure  
20 and confidential medical marijuana registry that allows:

21 (a) A health care professional to register a qualifying patient or  
22 designated provider and include the amount of marijuana concentrates,  
23 useable marijuana, marijuana-infused products, or plants for which the  
24 qualifying patient is authorized under section 22 of this act;

25 (b) Persons authorized to prescribe or dispense controlled  
26 substances to access information on their patients for the purpose of  
27 providing medical or pharmaceutical care for their patients;

28 (c) A qualifying patient or designated provider to request and  
29 receive his or her own information;

30 (d) Appropriate local, state, and federal law enforcement or  
31 prosecutorial officials who are engaged in a bona fide specific  
32 investigation to confirm the validity of the authorization card of a  
33 qualifying patient or designated provider;

34 (e) A marijuana retailer holding a medical marijuana endorsement to  
35 confirm the validity of the authorization card of a qualifying patient  
36 or designated provider;

1 (f) The state liquor and cannabis board to verify tax exemptions  
2 under RCW 69.50.535;

3 (g) The department of revenue to verify tax exemptions under  
4 chapters 82.08 and 82.12 RCW;

5 (h) The department and the health care professional's disciplining  
6 authorities to monitor registrations and ensure compliance with this  
7 chapter by their licensees; and

8 (i) Registrations to expire one year after entry into the registry.

9 (2) A qualifying patient and his or her designated provider, if  
10 any, must be placed in the medical marijuana registry by the qualifying  
11 patient's health care professional. After a qualifying patient or  
12 designated provider is placed in the medical marijuana registry, he or  
13 she must be provided with:

14 (a) A receipt of registration, generated by the registry and  
15 available immediately at point of registration; and

16 (b) An authorization card provided by the department, to be mailed  
17 to the qualifying patient or designated provider.

18 (3) The receipt of registration is valid for sixty days or until  
19 the qualifying patient or designated provider receives an authorization  
20 card from the department, whichever comes first. The receipt of  
21 registration is to be considered an authorization card for purposes of  
22 this chapter.

23 (4) The receipt of registration and authorization card must be  
24 developed by the department and include:

25 (a) The qualifying patient or designated provider's name;

26 (b) For designated providers, the name of the qualifying patient  
27 whom the provider is assisting;

28 (c) The amount of marijuana concentrates, useable marijuana,  
29 marijuana-infused products, or plants for which the qualifying patient  
30 is authorized under section 22 of this act;

31 (d) The effective date and expiration date of the receipt of  
32 registration and the authorization card;

33 (e) The name of the health care professional who registered the  
34 qualifying patient or designated provider; and

35 (f) For the authorization card, additional security features as  
36 necessary to ensure its validity.

37 (5) Authorization cards are valid for one year from the date the  
38 health care professional registers the qualifying patient or designated

1 provider in the medical marijuana registry. Qualifying patients may  
2 not be reentered into the medical marijuana registry until they have  
3 been reexamined by a health care professional and determined to meet  
4 the definition of qualifying patient. After reexamination, the health  
5 care professional must reenter the qualifying patient or designated  
6 provider into the medical marijuana registry and a new authorization  
7 card will then be issued by the department in accordance with  
8 department rules. The department must adopt rules on replacing lost or  
9 stolen authorization cards.

10 (6) The department must adopt rules for removing qualifying  
11 patients and designated providers from the medical marijuana registry  
12 upon expiration of the authorization card as well as a method for  
13 permitting qualifying patients and designated providers to remove their  
14 names from the medical marijuana registry before expiration and for  
15 health care professionals to remove qualifying patients and designated  
16 providers from the medical marijuana registry before expiration if the  
17 patient or provider no longer qualifies for the medical use of  
18 marijuana. The department must retain registry records for at least  
19 five calendar years to permit the state liquor and cannabis board and  
20 the department of revenue to verify eligibility for tax exemptions.

21 (7) During development of the medical marijuana registry, the  
22 department of health shall consult with stakeholders and persons with  
23 relevant expertise to include, but not be limited to, qualifying  
24 patients, designated providers, health care professionals, state and  
25 local law enforcement agencies, and the University of Washington  
26 computer science and engineering security and privacy research lab.

27 (8) The medical marijuana registry must meet the following  
28 requirements:

29 (a) Any personally identifiable information included in the  
30 registry must be nonreversible, pursuant to definitions and standards  
31 set forth by the national institute of standards and technology;

32 (b) Any personally identifiable information included in the  
33 registry must not be susceptible to linkage by use of data external to  
34 the registry;

35 (c) The registry must incorporate current best differential privacy  
36 practices, allowing for maximum accuracy of registry queries while  
37 minimizing the chances of identifying the personally identifiable  
38 information included therein; and

1 (d) The registry must be upgradable and updated in a timely fashion  
2 to keep current with state of the art privacy and security standards  
3 and practices.

4 (9)(a) Personally identifiable information of qualifying patients  
5 and designated providers included in the medical marijuana registry is  
6 confidential and exempt from public disclosure, inspection, or copying  
7 under chapter 42.56 RCW.

8 (b) Information contained in the medical marijuana registry may be  
9 released in aggregate form, with all personally identifying information  
10 redacted, for the purpose of statistical analysis and oversight of  
11 agency performance and actions.

12 NEW SECTION. **Sec. 26.** A new section is added to chapter 42.56 RCW  
13 to read as follows:

14 Records in the medical marijuana registry established in section 25  
15 of this act containing names and other personally identifiable  
16 information of qualifying patients and designated providers are exempt  
17 from disclosure under this chapter.

18 **Sec. 27.** RCW 42.56.270 and 2013 c 305 s 14 are each amended to  
19 read as follows:

20 The following financial, commercial, and proprietary information is  
21 exempt from disclosure under this chapter:

22 (1) Valuable formulae, designs, drawings, computer source code or  
23 object code, and research data obtained by any agency within five years  
24 of the request for disclosure when disclosure would produce private  
25 gain and public loss;

26 (2) Financial information supplied by or on behalf of a person,  
27 firm, or corporation for the purpose of qualifying to submit a bid or  
28 proposal for (a) a ferry system construction or repair contract as  
29 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
30 or improvement as required by RCW 47.28.070;

31 (3) Financial and commercial information and records supplied by  
32 private persons pertaining to export services provided under chapters  
33 43.163 and 53.31 RCW, and by persons pertaining to export projects  
34 under RCW 43.23.035;

35 (4) Financial and commercial information and records supplied by  
36 businesses or individuals during application for loans or program

1 services provided by chapters 43.325, 43.163, 43.160, 43.330, and  
2 43.168 RCW, or during application for economic development loans or  
3 program services provided by any local agency;

4 (5) Financial information, business plans, examination reports, and  
5 any information produced or obtained in evaluating or examining a  
6 business and industrial development corporation organized or seeking  
7 certification under chapter 31.24 RCW;

8 (6) Financial and commercial information supplied to the state  
9 investment board by any person when the information relates to the  
10 investment of public trust or retirement funds and when disclosure  
11 would result in loss to such funds or in private loss to the providers  
12 of this information;

13 (7) Financial and valuable trade information under RCW 51.36.120;

14 (8) Financial, commercial, operations, and technical and research  
15 information and data submitted to or obtained by the clean Washington  
16 center in applications for, or delivery of, program services under  
17 chapter 70.95H RCW;

18 (9) Financial and commercial information requested by the public  
19 stadium authority from any person or organization that leases or uses  
20 the stadium and exhibition center as defined in RCW 36.102.010;

21 (10)(a) Financial information, including but not limited to account  
22 numbers and values, and other identification numbers supplied by or on  
23 behalf of a person, firm, corporation, limited liability company,  
24 partnership, or other entity related to an application for a horse  
25 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor  
26 license, marijuana license, gambling license, or lottery retail  
27 license;

28 (b) Internal control documents, independent auditors' reports and  
29 financial statements, and supporting documents: (i) Of house-banked  
30 social card game licensees required by the gambling commission pursuant  
31 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes  
32 with an approved tribal/state compact for class III gaming;

33 (11) Proprietary data, trade secrets, or other information that  
34 relates to: (a) A vendor's unique methods of conducting business; (b)  
35 data unique to the product or services of the vendor; or (c)  
36 determining prices or rates to be charged for services, submitted by  
37 any vendor to the department of social and health services for purposes



1 of the development, acquisition, or implementation of state purchased  
2 health care as defined in RCW 41.05.011;

3 (12)(a) When supplied to and in the records of the department of  
4 commerce:

5 (i) Financial and proprietary information collected from any person  
6 and provided to the department of commerce pursuant to RCW  
7 43.330.050(8); and

8 (ii) Financial or proprietary information collected from any person  
9 and provided to the department of commerce or the office of the  
10 governor in connection with the siting, recruitment, expansion,  
11 retention, or relocation of that person's business and until a siting  
12 decision is made, identifying information of any person supplying  
13 information under this subsection and the locations being considered  
14 for siting, relocation, or expansion of a business;

15 (b) When developed by the department of commerce based on  
16 information as described in (a)(i) of this subsection, any work product  
17 is not exempt from disclosure;

18 (c) For the purposes of this subsection, "siting decision" means  
19 the decision to acquire or not to acquire a site;

20 (d) If there is no written contact for a period of sixty days to  
21 the department of commerce from a person connected with siting,  
22 recruitment, expansion, retention, or relocation of that person's  
23 business, information described in (a)(ii) of this subsection will be  
24 available to the public under this chapter;

25 (13) Financial and proprietary information submitted to or obtained  
26 by the department of ecology or the authority created under chapter  
27 70.95N RCW to implement chapter 70.95N RCW;

28 (14) Financial, commercial, operations, and technical and research  
29 information and data submitted to or obtained by the life sciences  
30 discovery fund authority in applications for, or delivery of, grants  
31 under chapter 43.350 RCW, to the extent that such information, if  
32 revealed, would reasonably be expected to result in private loss to the  
33 providers of this information;

34 (15) Financial and commercial information provided as evidence to  
35 the department of licensing as required by RCW 19.112.110 or  
36 19.112.120, except information disclosed in aggregate form that does  
37 not permit the identification of information related to individual fuel  
38 licensees;

1 (16) Any production records, mineral assessments, and trade secrets  
2 submitted by a permit holder, mine operator, or landowner to the  
3 department of natural resources under RCW 78.44.085;

4 (17)(a) Farm plans developed by conservation districts, unless  
5 permission to release the farm plan is granted by the landowner or  
6 operator who requested the plan, or the farm plan is used for the  
7 application or issuance of a permit;

8 (b) Farm plans developed under chapter 90.48 RCW and not under the  
9 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to  
10 RCW 42.56.610 and 90.64.190;

11 (18) Financial, commercial, operations, and technical and research  
12 information and data submitted to or obtained by a health sciences and  
13 services authority in applications for, or delivery of, grants under  
14 RCW 35.104.010 through 35.104.060, to the extent that such information,  
15 if revealed, would reasonably be expected to result in private loss to  
16 providers of this information;

17 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328  
18 that can be identified to a particular business;

19 (20) Financial and commercial information submitted to or obtained  
20 by the University of Washington, other than information the university  
21 is required to disclose under RCW 28B.20.150, when the information  
22 relates to investments in private funds, to the extent that such  
23 information, if revealed, would reasonably be expected to result in  
24 loss to the University of Washington consolidated endowment fund or to  
25 result in private loss to the providers of this information;

26 (21) Financial, commercial, operations, and technical and research  
27 information and data submitted to or obtained by innovate Washington in  
28 applications for, or delivery of, grants and loans under chapter 43.333  
29 RCW, to the extent that such information, if revealed, would reasonably  
30 be expected to result in private loss to the providers of this  
31 information; and

32 (22) Market share data submitted by a manufacturer under RCW  
33 70.95N.190(4).

34 **Sec. 28.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
35 read as follows:

36 The medical use of (~~cannabis~~) marijuana in accordance with the  
37 terms and conditions of this chapter does not constitute a crime and a

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

12 (1)(a) The qualifying patient or designated provider holds a valid  
13 authorization card and possesses no more than (~~fifteen cannabis plants~~  
14 ~~and~~;

- 15 (i) ~~No more than twenty four ounces of useable cannabis;~~
- 16 (ii) ~~No more cannabis product than what could reasonably be~~  
17 ~~produced with no more than twenty four ounces of useable cannabis; or~~
- 18 (iii) ~~A combination of useable cannabis and cannabis product that~~  
19 ~~does not exceed a combined total representing possession and processing~~  
20 ~~of no more than twenty four ounces of useable cannabis.~~

21 (b) ~~If a person is both a qualifying patient and a designated~~  
22 ~~provider for another qualifying patient, the person may possess no more~~  
23 ~~than twice the amounts described in (a) of this subsection, whether the~~  
24 ~~plants, useable cannabis, and cannabis product are possessed~~  
25 ~~individually or in combination between the qualifying patient and his~~  
26 ~~or her designated provider)) the amount of marijuana concentrates,~~  
27 useable marijuana, plants, or marijuana-infused products authorized  
28 under section 22 or 29 of this act;

29 (~~+2~~) (b) The qualifying patient or designated provider presents  
30 his or her (~~proof of registration with the department of health,~~)  
31 authorization card to any (~~peace~~) law enforcement officer who  
32 questions the patient or provider regarding his or her medical use of  
33 (~~cannabis~~) marijuana;

34 (~~+3~~) (c) The qualifying patient or designated provider keeps a  
35 copy of his or her (~~proof of registration with the registry~~  
36 ~~established in section 901 of this act~~) authorization card and the  
37 qualifying patient or designated provider's contact information posted

1 prominently next to any ~~((cannabis))~~ plants, ~~((cannabis))~~ marijuana  
2 concentrates, marijuana-infused products, or useable ~~((cannabis))~~  
3 marijuana located at his or her residence;

4 ~~((+4))~~ (d) The investigating ~~((peace))~~ law enforcement officer  
5 does not possess evidence that:

6 ~~((+a))~~ (i) The designated provider has converted ~~((cannabis))~~  
7 marijuana produced or obtained for the qualifying patient for his or  
8 her own personal use or benefit; or

9 ~~((+b))~~ (ii) The qualifying patient ~~((has converted cannabis~~  
10 ~~produced or obtained for his or her own medical use to the qualifying~~  
11 ~~patient's personal, nonmedical use or benefit))~~ sold, donated, or  
12 otherwise supplied marijuana to another person; and

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

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

19 (2) The qualifying patient or designated provider participates in  
20 a cooperative as provided in section 29 of this act.

21 NEW SECTION. Sec. 29. A new section is added to chapter 69.51A  
22 RCW to read as follows:

23 (1) Qualifying patients or designated providers may form a  
24 cooperative and share responsibility for acquiring and supplying the  
25 resources needed to produce and process marijuana only for the medical  
26 use of members of the cooperative. No more than four people may become  
27 members of the cooperative under this section and all members must hold  
28 valid authorization cards.

29 (2) The location of the cooperative must be registered with the  
30 state liquor and cannabis board and this is the only location where  
31 cooperative members may grow or process marijuana. This registration  
32 must include the names of all participating members and copies of each  
33 participant's authorization card. Only qualifying patients or  
34 designated providers registered with the state liquor and cannabis  
35 board in association with the location may participate in growing or  
36 receive useable marijuana or marijuana-infused products grown at that  
37 location.

1 (3) If a qualifying patient or designated provider no longer  
2 participates in growing at the location, he or she must notify the  
3 state liquor and cannabis board within fifteen days of the date the  
4 qualifying patient or designated provider ceases participation. The  
5 state liquor and cannabis board must remove his or her name from  
6 connection to the cooperative. Additional qualifying patients or  
7 designated providers may not join the cooperative until fifteen days  
8 have passed since the date on which the last qualifying patient or  
9 designated provider notifies the state liquor and cannabis board that  
10 he or she no longer participates in that cooperative.

11 (4) Qualifying patients or designated providers who grow plants  
12 under this section:

13 (a) May grow up to the total amount of plants for which each  
14 participating member is authorized on their authorization cards. At  
15 the location, the qualifying patients or designated providers may  
16 possess no more useable marijuana than what can be produced with the  
17 number of plants permitted under this subsection;

18 (b) Must provide assistance in growing plants. A monetary  
19 contribution or donation is not to be considered assistance under this  
20 section. Participants must provide labor in order to participate; and

21 (c) May not sell, donate, or otherwise provide marijuana, marijuana  
22 concentrates, useable marijuana, or marijuana-infused products to a  
23 person who is not participating under this section.

24 (5) The location of the cooperative must be the domicile of one of  
25 the participants. A copy of each participant's authorization card must  
26 be kept at the location at all times.

27 (6) The state liquor and cannabis board may adopt rules to  
28 implement this section, including any security requirements necessary  
29 to ensure the safety of the cooperative and to reduce the risk of  
30 diversion from the cooperative.

31 (7) The state liquor and cannabis board may inspect a cooperative  
32 registered under this section to ensure members are in compliance with  
33 this section. The state liquor and cannabis board must adopt rules on  
34 reasonable inspection hours and reasons for inspections.

35 **Sec. 30.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to  
36 read as follows:

37 (1) A qualifying patient or designated provider in possession of

1 ((cannabis)) plants, marijuana concentrates, useable ((cannabis))  
2 marijuana, or ((cannabis)) marijuana-infused products exceeding the  
3 limits set forth in ((~~RCW 69.51A.040(1)~~)) section 22 or 29 of this act  
4 but otherwise in compliance with all other terms and conditions of this  
5 chapter may establish an affirmative defense to charges of violations  
6 of state law relating to ((cannabis)) marijuana through proof at trial,  
7 by a preponderance of the evidence, that the qualifying patient's  
8 necessary medical use exceeds the amounts set forth in RCW  
9 69.51A.040((~~1~~)).

10 (2) An investigating ((~~peace~~)) law enforcement officer may seize  
11 ((cannabis)) plants, marijuana concentrates, useable ((cannabis))  
12 marijuana, or ((cannabis)) marijuana-infused products exceeding the  
13 amounts set forth in ((~~RCW 69.51A.040(1): PROVIDED, That~~)) section 22  
14 or 29 of this act. In the case of ((cannabis)) plants, the qualifying  
15 patient or designated provider shall be allowed to select the plants  
16 that will remain at the location. The officer and his or her law  
17 enforcement agency may not be held civilly liable for failure to seize  
18 ((cannabis)) marijuana in this circumstance.

19 **Sec. 31.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to  
20 read as follows:

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

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

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

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

7        **Sec. 32.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to  
8 read as follows:

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

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

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

21        (4) Nothing in this chapter requires any accommodation of any on-  
22 site medical use of ~~((cannabis))~~ marijuana in any place of employment,  
23 in any school bus or on any school grounds, in any youth center, in any  
24 correctional facility, or smoking ~~((cannabis))~~ marijuana in any public  
25 place or hotel or motel. However, a school may permit a minor who  
26 meets the requirements of section 24 of this act to consume medical  
27 marijuana on school grounds. Such use must be in accordance with  
28 school policy relating to medication use on school grounds.

29        (5) Nothing in this chapter authorizes the possession or use of  
30 marijuana, marijuana concentrates, useable marijuana, or marijuana-  
31 infused products on federal property.

32        (6) Nothing in this chapter authorizes the use of medical  
33 ~~((cannabis))~~ marijuana by any person who is subject to the Washington  
34 code of military justice in chapter 38.38 RCW.

35        ~~((6))~~ (7) Employers may establish drug-free work policies.  
36 Nothing in this chapter requires an accommodation for the medical use  
37 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

1        ~~((7))~~ (8) Until September 1, 2015, it is a class C felony to  
2 fraudulently produce any record purporting to be, or tamper with the  
3 content of any record for the purpose of having it accepted as, valid  
4 documentation under RCW 69.51A.010 ~~((32)(a))~~ (7), or to backdate such  
5 documentation to a time earlier than its actual date of execution.

6        ~~((8))~~ (9) No person shall be entitled to claim the protection  
7 from arrest and prosecution under RCW 69.51A.040 ~~((or the affirmative~~  
8 ~~defense under RCW 69.51A.043))~~ for engaging in the medical use of  
9 ~~((cannabis))~~ marijuana in a way that endangers the health or well-being  
10 of any person through the use of a motorized vehicle on a street, road,  
11 or highway, including violations of RCW 46.61.502 or 46.61.504, or  
12 equivalent local ordinances.

13        NEW SECTION.    **Sec. 33.** A new section is added to chapter 69.51A  
14 RCW to read as follows:

15        (1) It is unlawful for a person knowingly or intentionally:

16        (a) To produce an authorization card or to tamper with an  
17 authorization card for the purpose of having it accepted by a marijuana  
18 retailer in order to purchase marijuana as a qualifying patient or  
19 designated provider or to grow marijuana plants in accordance with  
20 sections 22 and 29 of this act;

21        (b) If a person is a designated provider to a qualifying patient,  
22 to sell, donate, or otherwise use the marijuana produced or obtained  
23 for the qualifying patient for the designated provider's own personal  
24 use or benefit; or

25        (c) If the person is a qualifying patient, to sell, donate, or  
26 otherwise supply marijuana produced or obtained by the qualifying  
27 patient to another person.

28        (2) A person who violates this section is guilty of a class C  
29 felony and upon conviction may be imprisoned for not more than two  
30 years, fined not more than two thousand dollars, or both.

31        **Sec. 34.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to  
32 read as follows:

33        The Washington state medical quality assurance commission in  
34 consultation with the board of osteopathic medicine and surgery, or  
35 other appropriate agency as designated by the governor, shall accept  
36 for consideration petitions submitted to add terminal or debilitating



1 conditions to those included in this chapter. In considering such  
2 petitions, the Washington state medical quality assurance commission in  
3 consultation with the board of osteopathic medicine and surgery shall  
4 include public notice of, and an opportunity to comment in a public  
5 hearing upon, such petitions. The Washington state medical quality  
6 assurance commission in consultation with the board of osteopathic  
7 medicine and surgery may make a preliminary finding of good cause  
8 before the public hearing and shall, after hearing, approve or deny  
9 such petitions within ((one)) two hundred ((eighty)) ten days of  
10 submission. The approval or denial of such a petition shall be  
11 considered a final agency action, subject to judicial review.

12 **Sec. 35.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to  
13 read as follows:

14 (1) A qualifying patient may revoke his or her designation of a  
15 specific designated provider and designate a different designated  
16 provider at any time. A revocation of designation must be in writing,  
17 signed and dated, and provided to the department and designated  
18 provider. The protections of this chapter cease to apply to a person  
19 who has served as a designated provider to a qualifying patient  
20 seventy-two hours after receipt of that patient's revocation of his or  
21 her designation.

22 (2) A person may stop serving as a designated provider to a given  
23 qualifying patient at any time by revoking that designation in writing,  
24 signed and dated, and provided to the department and the qualifying  
25 patient. However, that person may not begin serving as a designated  
26 provider to a different qualifying patient until fifteen days have  
27 elapsed from the date the last qualifying patient designated him or her  
28 to serve as a provider.

29 (3) The department may adopt rules to implement this section,  
30 including a procedure to remove the name of the designated provider  
31 from the medical marijuana registry upon receipt of a revocation under  
32 this section.

33 **Sec. 36.** RCW 69.51A.110 and 2011 c 181 s 408 are each amended to  
34 read as follows:

35 A qualifying patient's medical use of ((cannabis)) marijuana as  
36 authorized by a health care professional may not be a sole

1 disqualifying factor in determining the patient's suitability for an  
2 organ transplant, unless it is shown that this use poses a significant  
3 risk of rejection or organ failure. This section does not preclude a  
4 health care professional from requiring that a patient abstain from the  
5 medical use of (~~cannabis~~) marijuana, for a period of time determined  
6 by the health care professional, while waiting for a transplant organ  
7 or before the patient undergoes an organ transplant.

8 **Sec. 37.** RCW 69.51A.120 and 2011 c 181 s 409 are each amended to  
9 read as follows:

10 A qualifying patient or designated provider may not have his or her  
11 parental rights or residential time with a child restricted solely due  
12 to his or her medical use of (~~cannabis~~) marijuana in compliance with  
13 the terms of this chapter absent written findings supported by evidence  
14 that such use has resulted in a long-term impairment that interferes  
15 with the performance of parenting functions as defined under RCW  
16 26.09.004.

17 NEW SECTION. **Sec. 38.** A new section is added to chapter 69.51A  
18 RCW to read as follows:

19 Valid documentation may not be issued by a health care professional  
20 after July 1, 2015. All valid documentation expires September 1, 2015.  
21 Until September 1, 2015, qualifying patients and designated providers  
22 in possession of valid documentation may establish an affirmative  
23 defense to charges of violations of state law relating to marijuana  
24 through proof at trial, by a preponderance of evidence, that the  
25 qualifying patient has been authorized by a health care professional  
26 for the medical use of marijuana, that the qualifying patient meets the  
27 requirements of RCW 69.51A.010(4), and that the qualifying patient's  
28 necessary medical use exceeds the amounts set forth in RCW 69.50.360.

29 NEW SECTION. **Sec. 39.** (1)(a) A legislative task force on medical  
30 marijuana policy is established, with members as provided in this  
31 subsection.

32 (i) The president of the senate shall appoint one member from each  
33 of the two largest caucuses of the senate.

34 (ii) The speaker of the house of representatives shall appoint one

1 member from each of the two largest caucuses of the house of  
2 representatives.

3 (iii) The governor shall appoint members representing the state  
4 liquor and cannabis board, the department of health, and the department  
5 of revenue, who shall serve as nonvoting members.

6 (iv) The governor shall appoint eight members representing medical  
7 marijuana patients and their designated providers as follows:

8 (A) Three health care professionals with experience authorizing  
9 qualifying patients for the medical use of marijuana;

10 (B) Two qualifying patients or their designated providers;

11 (C) A medical marijuana producer;

12 (D) A medical marijuana processor; and

13 (E) A medical marijuana retailer or a person with experience  
14 providing marijuana to or consulting with qualifying patients.

15 (v) The governor shall appoint five members representing cities and  
16 counties as follows:

17 (A) Two representatives from cities or towns west of the crest of  
18 the Cascade mountains;

19 (B) One representative from a city or town east of the crest of the  
20 Cascade mountains;

21 (C) One representative from a county west of the crest of the  
22 Cascade mountains; and

23 (D) One representative from a county east of the crest of the  
24 Cascade mountains.

25 (b) The task force shall choose its chair from among its  
26 legislative membership. The initial meeting of the task force is to be  
27 convened by the senate member appointed from the largest caucus in the  
28 senate.

29 (2) The task force shall review the following issues:

30 (a) The number of medical marijuana endorsements issued by the  
31 state liquor and cannabis board;

32 (b) The number of purchases made by qualifying patients or  
33 designated providers at marijuana retailers holding medical marijuana  
34 endorsements and the types of products purchased, including the THC  
35 concentration of such products;

36 (c) The location of marijuana retailers holding medical marijuana  
37 endorsements and their proximity to other marijuana retailers;

1 (d) Whether RCW 69.50.331(8) prevents the siting of marijuana  
2 retailers who hold medical marijuana endorsements and what may be done  
3 to assist the state and local governments in siting these retail  
4 outlets;

5 (e) Whether there is a need for retail outlets that are licensed to  
6 only sell medical marijuana to qualifying patients or designated  
7 providers;

8 (f) The experience of qualifying patients and designated providers  
9 in purchasing marijuana for their medical use from marijuana retailers  
10 holding medical marijuana endorsements, including whether they are able  
11 to purchase products that meet their medical needs;

12 (g) Whether the use of valid documentation should be permitted as  
13 an alternative to registering with the medical marijuana registry;

14 (h) Whether a marijuana producer or marijuana processor endorsement  
15 should be established to permit a producer or processor to sell  
16 directly to qualifying patients and designated providers and whether  
17 these licensees are producing marijuana concentrates, useable  
18 marijuana, and marijuana-infused products that are meeting the needs of  
19 medical marijuana patients;

20 (i) Whether cooperatives under section 29 of this act are necessary  
21 for qualifying patients to meet their medical needs, both in types of  
22 marijuana needed to treat their terminal or debilitating medical  
23 condition and in researching new products for such treatment, and  
24 whether amendments to that section are needed;

25 (j) Whether posttraumatic stress disorder should be added to  
26 terminal or debilitating medical conditions that qualify a person for  
27 the medical use of marijuana;

28 (k) Whether a different method of taxation should be established  
29 for those products designated by the liquor and cannabis board as being  
30 beneficial for qualifying patients and designated providers. This  
31 includes whether these products should be taxed at a different rate  
32 than products intended for nonmedical use or whether they should be  
33 provided with tax exemptions;

34 (l) Options for funding the medical marijuana registry; and

35 (m) Recommendations to improve qualifying patient and designated  
36 provider access to medical marijuana.

37 (3) Staff support for the task force must be provided by senate

1 committee services and the house of representatives office of program  
2 research.

3 (4) Legislative members of the task force must be reimbursed for  
4 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
5 members, are entitled to be reimbursed for travel expenses in  
6 accordance with RCW 43.03.050 and 43.03.060.

7 (5) The expenses of the task force must be paid jointly by the  
8 senate and the house of representatives. Task force expenditures are  
9 subject to approval by the senate facilities and operations committee  
10 and the house of representatives executive rules committee, or their  
11 successor committees.

12 (6) The task force must report its preliminary findings and  
13 recommendations to the appropriate committees of the legislature by  
14 January 1, 2015, and its final findings by January 1, 2016.

15 (7) This section expires January 31, 2016.

16 NEW SECTION. **Sec. 40.** (1) The legislature finds marijuana use for  
17 qualifying patients is a valid and necessary option health care  
18 professionals may recommend for their patients. The legislature  
19 further finds that although there is a distinction between recreational  
20 and medical use of marijuana, the changing environment for recreational  
21 marijuana use in Washington will also affect qualifying patients. The  
22 legislature further finds that while recognizing the difference between  
23 recreational and medical use of marijuana, it is imperative to develop  
24 a single, comprehensive regulatory scheme for marijuana use in the  
25 state. Acknowledging that the implementation of this act may result in  
26 changes to how qualifying patients access medical marijuana, the  
27 legislature intends to ease the transition towards a regulated market  
28 and provide a statutory means for a safe, consistent, and secure source  
29 of marijuana for qualifying patients. Therefore, the legislature  
30 intends to provide qualifying patients a retail sale and use tax  
31 exemption on purchases of marijuana for medical use when authorized by  
32 a health care professional. The legislature also intends to provide  
33 marijuana retailers with an excise tax exemption for sales of marijuana  
34 to qualifying patients so long as the savings achieved by the retailer  
35 through the excise tax exemption is passed to the qualifying patient.  
36 Because marijuana is neither a prescription medicine nor an over-the-

1 counter medication, this policy should in no way be construed as  
2 precedence for changes in the treatment of prescription medications or  
3 over-the-counter medications.

4 (2)(a) This section is the tax preference performance statement for  
5 the retail sale and use tax exemptions for marijuana concentrates,  
6 useable marijuana, and marijuana-infused products purchased by  
7 qualifying patients provided in sections 12 and 13 of this act and  
8 excise tax exemption on the retail sale of marijuana concentrates,  
9 useable marijuana, or marijuana-infused products provided in RCW  
10 69.50.535. The performance statement is only intended to be used for  
11 subsequent evaluation of the tax preference. It is not intended to  
12 create a private right of action by any party or be used to determine  
13 eligibility for preferential tax treatment.

14 (b) The legislature categorizes the tax preference as one intended  
15 to accomplish the general purposes indicated in RCW 82.32.808(2)(e).

16 (c) It is the legislature's specific public policy objective to  
17 provide qualifying patients a retail sale and use tax exemption on  
18 purchases of marijuana concentrates, useable marijuana, and marijuana-  
19 infused products for medical use when authorized by a health care  
20 professional and to provide marijuana retailers with an excise tax  
21 exemption for sales of marijuana concentrates, useable marijuana, and  
22 marijuana-infused products to qualifying patients with savings achieved  
23 by the retailer to be passed to the qualifying patient purchaser.

24 (d) To measure the effectiveness of the exemption provided in this  
25 act in achieving the specific public policy objectives described in (c)  
26 of this subsection, the joint legislative audit and review committee  
27 must evaluate the actual fiscal impact of the sale and use tax  
28 exemption in this act compared to the estimated impact in the fiscal  
29 note for this act.

30 NEW SECTION. **Sec. 41.** All references to the Washington state  
31 liquor control board must be construed as referring to the Washington  
32 state liquor and cannabis board. The code reviser must prepare  
33 legislation for the 2015 legislative session changing all references in  
34 the Revised Code of Washington from the Washington state liquor control  
35 board to the Washington state liquor and cannabis board.

1        NEW SECTION.    **Sec. 42.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103  
4 & 1999 c 2 s 3;

5        (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW  
6 69.51A.040) and 2011 c 181 s 413;

7        (3) RCW 69.51A.043 (Failure to register--Affirmative defense) and  
8 2011 c 181 s 402;

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

11        (5) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403;

12        (6) RCW 69.51A.090 (Applicability of valid documentation  
13 definition) and 2010 c 284 s 5;

14        (7) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and  
15 enforce requirements) and 2011 c 181 s 1102; and

16        (8) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

17        NEW SECTION.    **Sec. 43.**    Sections 6, 7, 10, 21, 22, 24, 28, 29, 30,  
18 32, 33, 35, and 42 of this act take effect July 1, 2015.

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