

2SSB 5052 - H COMM AMD

By Committee on Health Care & Wellness

NOT ADOPTED 4/10/2015

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

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
4 cannabis patient protection act.

5 NEW SECTION. **Sec. 2.** The legislature finds that since voters
6 approved Initiative Measure No. 692 in 1998, it has been the public
7 policy of the state to permit the medical use of marijuana. Between
8 1998 and the present day, there have been multiple legislative
9 attempts to clarify what is meant by the medical use of marijuana and
10 to ensure qualifying patients have a safe, consistent, and adequate
11 source of marijuana for their medical needs.

12 The legislature further finds that qualifying patients are people
13 with serious medical conditions and have been responsible for finding
14 their own source of marijuana for their own personal medical use.
15 Either by growing it themselves, designating someone to grow for
16 them, or participating in collective gardens, patients have developed
17 methods of access in spite of continued federal opposition to the
18 medical use of marijuana. In a time when access itself was an issue
19 and no safe, consistent source of marijuana was available, this
20 unregulated system was permitted by the state to ensure some, albeit
21 limited, access to marijuana for medical use. Also permitted were
22 personal possession limits of fifteen plants and twenty-four ounces
23 of useable marijuana, which was deemed to be the amount of marijuana
24 needed for a sixty-day supply. In a time when supply was not
25 consistent, this amount of marijuana was necessary to ensure patients
26 would be able to address their immediate medical needs.

27 The legislature further finds that while possession amounts are
28 provided in statute, these do not amount to protection from arrest
29 and prosecution for patients. In fact, patients in compliance with
30 state law are not provided arrest protection. They may be arrested
31 and their only remedy is to assert an affirmative defense at trial
32 that they are in compliance with the law and have a medical need. Too

1 many patients using marijuana for medical purposes today do not know
2 this; many falsely believe they cannot be arrested so long as their
3 health care provider has authorized them for the medical use of
4 marijuana.

5 The legislature further finds that in 2012 voters passed
6 Initiative Measure No. 502 which permitted the recreational use of
7 marijuana. For the first time in our nation's history, marijuana
8 would be regulated, taxed, and sold for recreational consumption.
9 Initiative Measure No. 502 provides for strict regulation on the
10 production, processing, and distribution of marijuana. Under
11 Initiative Measure No. 502, marijuana is trackable from seed to sale
12 and may only be sold or grown under license. Marijuana must be tested
13 for impurities and purchasers of marijuana must be informed of the
14 THC level in the marijuana. Since its passage, two hundred fifty
15 producer/processor licenses and sixty-three retail licenses have been
16 issued, covering the majority of the state. With the current product
17 canopy exceeding 2.9 million square feet, and retailers in place, the
18 state now has a system of safe, consistent, and adequate access to
19 marijuana; the marketplace is not the same marketplace envisioned by
20 the voters in 1998. While medical needs remain, the state is in the
21 untenable position of having a recreational product that is tested
22 and subject to production standards that ensure safe access for
23 recreational users. No such standards exist for medical users and,
24 consequently, the very people originally meant to be helped through
25 the medical use of marijuana do not know if their product has been
26 tested for molds, do not know where their marijuana has been grown,
27 have no certainty in the level of THC or CBD in their products, and
28 have no assurances that their products have been handled through
29 quality assurance measures. It is not the public policy of the state
30 to allow qualifying patients to only have access to products that may
31 be endangering their health.

32 The legislature, therefore, intends to adopt a comprehensive act
33 that uses the regulations in place for the recreational market to
34 provide regulation for the medical use of marijuana. It intends to
35 ensure that patients retain their ability to grow their own marijuana
36 for their own medical use and it intends to ensure that patients have
37 the ability to possess more marijuana-infused products, useable
38 marijuana, and marijuana concentrates than what is available to a
39 nonmedical user. It further intends that medical specific regulations
40 be adopted as needed and under consultation of the departments of

1 health and agriculture so that safe handling practices will be
2 adopted and so that testing standards for medical products meet or
3 exceed those standards in use in the recreational market.

4 **Sec. 3.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
5 read as follows:

6 There shall be a board, known as the "Washington state liquor
7 (~~control~~) and cannabis board," consisting of three members, to be
8 appointed by the governor, with the consent of the senate, who shall
9 each be paid an annual salary to be fixed by the governor in
10 accordance with the provisions of RCW 43.03.040. The governor may, in
11 his or her discretion, appoint one of the members as chair of the
12 board, and a majority of the members shall constitute a quorum of the
13 board.

14 **Sec. 4.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
15 read as follows:

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

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

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

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

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

29 (c) "Commission" means the pharmacy quality assurance commission.

30 (d) "Controlled substance" means a drug, substance, or immediate
31 precursor included in Schedules I through V as set forth in federal
32 or state laws, or federal or commission rules.

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

36 (i) that has a stimulant, depressant, or hallucinogenic effect on
37 the central nervous system substantially similar to the stimulant,

1 depressant, or hallucinogenic effect on the central nervous system of
2 a controlled substance included in Schedule I or II; or

3 (ii) with respect to a particular individual, that the individual
4 represents or intends to have a stimulant, depressant, or
5 hallucinogenic effect on the central nervous system substantially
6 similar to the stimulant, depressant, or hallucinogenic effect on the
7 central nervous system of a controlled substance included in Schedule
8 I or II.

9 (2) The term does not include:

10 (i) a controlled substance;

11 (ii) a substance for which there is an approved new drug
12 application;

13 (iii) a substance with respect to which an exemption is in effect
14 for investigational use by a particular person under Section 505 of
15 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the
16 extent conduct with respect to the substance is pursuant to the
17 exemption; or

18 (iv) any substance to the extent not intended for human
19 consumption before an exemption takes effect with respect to the
20 substance.

21 (f) "Deliver" or "delivery," means the actual or constructive
22 transfer from one person to another of a substance, whether or not
23 there is an agency relationship.

24 (g) "Department" means the department of health.

25 (h) "Dispense" means the interpretation of a prescription or
26 order for a controlled substance and, pursuant to that prescription
27 or order, the proper selection, measuring, compounding, labeling, or
28 packaging necessary to prepare that prescription or order for
29 delivery.

30 (i) "Dispenser" means a practitioner who dispenses.

31 (j) "Distribute" means to deliver other than by administering or
32 dispensing a controlled substance.

33 (k) "Distributor" means a person who distributes.

34 (l) "Drug" means (1) a controlled substance recognized as a drug
35 in the official United States pharmacopoeia/national formulary or the
36 official homeopathic pharmacopoeia of the United States, or any
37 supplement to them; (2) controlled substances intended for use in the
38 diagnosis, cure, mitigation, treatment, or prevention of disease in
39 individuals or animals; (3) controlled substances (other than food)
40 intended to affect the structure or any function of the body of

1 individuals or animals; and (4) controlled substances intended for
2 use as a component of any article specified in (1), (2), or (3) of
3 this subsection. The term does not include devices or their
4 components, parts, or accessories.

5 (m) "Drug enforcement administration" means the drug enforcement
6 administration in the United States Department of Justice, or its
7 successor agency.

8 (n) "Electronic communication of prescription information" means
9 the transmission of a prescription or refill authorization for a drug
10 of a practitioner using computer systems. The term does not include a
11 prescription or refill authorization verbally transmitted by
12 telephone nor a facsimile manually signed by the practitioner.

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

14 (1) that the commission has found to be and by rule designates as
15 being the principal compound commonly used, or produced primarily for
16 use, in the manufacture of a controlled substance;

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

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

21 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of
22 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),
23 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and
24 (42), and 69.50.210(c) the term includes any positional isomer; and
25 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term
26 includes any positional or geometric isomer.

27 (q) "Lot" means a definite quantity of marijuana, marijuana
28 concentrates, useable marijuana, or marijuana-infused product
29 identified by a lot number, every portion or package of which is
30 uniform within recognized tolerances for the factors that appear in
31 the labeling.

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

36 (s) "Manufacture" means the production, preparation, propagation,
37 compounding, conversion, or processing of a controlled substance,
38 either directly or indirectly or by extraction from substances of
39 natural origin, or independently by means of chemical synthesis, or
40 by a combination of extraction and chemical synthesis, and includes

1 any packaging or repackaging of the substance or labeling or
2 relabeling of its container. The term does not include the
3 preparation, compounding, packaging, repackaging, labeling, or
4 relabeling of a controlled substance:

5 (1) by a practitioner as an incident to the practitioner's
6 administering or dispensing of a controlled substance in the course
7 of the practitioner's professional practice; or

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

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

23 (u) "Marijuana concentrates" means products consisting wholly or
24 in part of the resin extracted from any part of the plant *Cannabis*
25 and having a THC concentration greater than sixty percent.

26 (v) "Marijuana processor" means a person licensed by the state
27 liquor (~~(control)~~) and cannabis board to process marijuana into
28 marijuana concentrates, useable marijuana, and marijuana-infused
29 products, package and label marijuana concentrates, useable
30 marijuana, and marijuana-infused products for sale in retail outlets,
31 and sell marijuana concentrates, useable marijuana, and marijuana-
32 infused products at wholesale to marijuana retailers.

33 (w) "Marijuana producer" means a person licensed by the state
34 liquor (~~(control)~~) and cannabis board to produce and sell marijuana
35 at wholesale to marijuana processors and other marijuana producers.

36 (x) "Marijuana-infused products" means products that contain
37 marijuana or marijuana extracts, are intended for human use, and have
38 a THC concentration greater than 0.3 percent and no greater than
39 sixty percent. The term "marijuana-infused products" does not include
40 either useable marijuana or marijuana concentrates.

1 (y) "Marijuana retailer" means a person licensed by the state
2 liquor (~~control~~) and cannabis board to sell marijuana concentrates,
3 useable marijuana, and marijuana-infused products in a retail outlet.

4 (z) "Narcotic drug" means any of the following, whether produced
5 directly or indirectly by extraction from substances of vegetable
6 origin, or independently by means of chemical synthesis, or by a
7 combination of extraction and chemical synthesis:

8 (1) Opium, opium derivative, and any derivative of opium or opium
9 derivative, including their salts, isomers, and salts of isomers,
10 whenever the existence of the salts, isomers, and salts of isomers is
11 possible within the specific chemical designation. The term does not
12 include the isoquinoline alkaloids of opium.

13 (2) Synthetic opiate and any derivative of synthetic opiate,
14 including their isomers, esters, ethers, salts, and salts of isomers,
15 esters, and ethers, whenever the existence of the isomers, esters,
16 ethers, and salts is possible within the specific chemical
17 designation.

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

19 (4) Coca leaves, except coca leaves and extracts of coca leaves
20 from which cocaine, ecgonine, and derivatives or ecgonine or their
21 salts have been removed.

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

23 (6) Cocaine base.

24 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
25 thereof.

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

28 (aa) "Opiate" means any substance having an addiction-forming or
29 addiction-sustaining liability similar to morphine or being capable
30 of conversion into a drug having addiction-forming or addiction-
31 sustaining liability. The term includes opium, substances derived
32 from opium (opium derivatives), and synthetic opiates. The term does
33 not include, unless specifically designated as controlled under RCW
34 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
35 and its salts (dextromethorphan). The term includes the racemic and
36 levorotatory forms of dextromethorphan.

37 (bb) "Opium poppy" means the plant of the species *Papaver*
38 *somniferum* L., except its seeds.

39 (cc) "Person" means individual, corporation, business trust,
40 estate, trust, partnership, association, joint venture, government,

1 governmental subdivision or agency, or any other legal or commercial
2 entity.

3 (dd) "Poppy straw" means all parts, except the seeds, of the
4 opium poppy, after mowing.

5 (ee) "Practitioner" means:

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

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

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

39 (ff) "Prescription" means an order for controlled substances
40 issued by a practitioner duly authorized by law or rule in the state

1 of Washington to prescribe controlled substances within the scope of
2 his or her professional practice for a legitimate medical purpose.

3 (gg) "Production" includes the manufacturing, planting,
4 cultivating, growing, or harvesting of a controlled substance.

5 (hh) "Retail outlet" means a location licensed by the state
6 liquor ~~((control))~~ and cannabis board for the retail sale of
7 marijuana concentrates, useable marijuana, and marijuana-infused
8 products.

9 (ii) "Secretary" means the secretary of health or the secretary's
10 designee.

11 (jj) "State," unless the context otherwise requires, means a
12 state of the United States, the District of Columbia, the
13 Commonwealth of Puerto Rico, or a territory or insular possession
14 subject to the jurisdiction of the United States.

15 (kk) "THC concentration" means percent of delta-9
16 tetrahydrocannabinol content per dry weight of any part of the plant
17 *Cannabis*, or per volume or weight of marijuana product, or the
18 combined percent of delta-9 tetrahydrocannabinol and
19 tetrahydrocannabinolic acid in any part of the plant *Cannabis*
20 regardless of moisture content.

21 (ll) "Ultimate user" means an individual who lawfully possesses a
22 controlled substance for the individual's own use or for the use of a
23 member of the individual's household or for administering to an
24 animal owned by the individual or by a member of the individual's
25 household.

26 (mm) "Useable marijuana" means dried marijuana flowers. The term
27 "useable marijuana" does not include either marijuana-infused
28 products or marijuana concentrates.

29 (nn) "Designated provider" has the meaning provided in RCW
30 69.51A.010.

31 (oo) "Qualifying patient" has the meaning provided in RCW
32 69.51A.010.

33 (pp) "CBD concentration" has the meaning provided in RCW
34 69.51A.010.

35 (qq) "Plant" has the meaning provided in RCW 69.51A.010.

36 (rr) "Authorization card" has the meaning provided in RCW
37 69.51A.010.

38 **Sec. 5.** RCW 69.50.325 and 2014 c 192 s 2 are each amended to
39 read as follows:

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

18 (2) There shall be a marijuana processor's license to process,
19 package, and label marijuana concentrates, useable marijuana, and
20 marijuana-infused products for sale at wholesale to marijuana
21 processors and marijuana retailers, regulated by the state liquor
22 (~~control~~) and cannabis board and subject to annual renewal. The
23 processing, packaging, possession, delivery, distribution, and sale
24 of marijuana, useable marijuana, marijuana-infused products, and
25 marijuana concentrates in accordance with the provisions of this
26 chapter (~~(3, Laws of 2013)~~) and chapter 69.51A RCW and the rules
27 adopted to implement and enforce (~~it~~) these chapters, by a validly
28 licensed marijuana processor, shall not be a criminal or civil
29 offense under Washington state law. Every marijuana processor's
30 license shall be issued in the name of the applicant, shall specify
31 the location at which the licensee intends to operate, which must be
32 within the state of Washington, and the holder thereof shall not
33 allow any other person to use the license. The application fee for a
34 marijuana processor's license shall be two hundred fifty dollars. The
35 annual fee for issuance and renewal of a marijuana processor's
36 license shall be one thousand dollars. A separate license shall be
37 required for each location at which a marijuana processor intends to
38 process marijuana.

39 (3) There shall be a marijuana retailer's license to sell
40 marijuana concentrates, useable marijuana, and marijuana-infused

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

19 **Sec. 6.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read
20 as follows:

21 (1) For the purpose of considering any application for a license
22 to produce, process, or sell marijuana, or for the renewal of a
23 license to produce, process, or sell marijuana, the state liquor
24 (~~control~~) and cannabis board must conduct a comprehensive, fair,
25 and impartial evaluation of the applications timely received.

26 (a)(i) The state liquor and cannabis board must develop a
27 competitive, merit-based application process that includes, at a
28 minimum, the opportunity for an applicant to demonstrate experience
29 and qualifications in the marijuana industry. The state liquor and
30 cannabis board shall give preference between competing applications
31 in the licensing process to applicants that have the following
32 experience and qualifications:

33 (A) Operating or being employed by a collective garden before the
34 passage of chapter 3, Laws of 2013 on November 6, 2012;

35 (B) Having applied to the state liquor and cannabis board for a
36 marijuana retailer license prior to July 1, 2014;

37 (C) Having a state business license and a municipal business
38 license, as applicable in the relevant jurisdiction; and

39 (D) Having a history of paying all applicable taxes and fees.

1 (ii) Those who began operating a collective garden after November
2 6, 2012, will be prevented from participating in the application
3 process created by this section until July 1, 2017, unless the
4 applicant establishes that his or her operation was a noncommercial,
5 nonaggregated collective garden with a static membership that
6 operated in compliance with all provisions of RCW 69.51A.085.

7 (b) The state liquor and cannabis board may cause an inspection
8 of the premises to be made, and may inquire into all matters in
9 connection with the construction and operation of the premises. For
10 the purpose of reviewing any application for a license and for
11 considering the denial, suspension, revocation, or renewal or denial
12 thereof, of any license, the state liquor (~~(control)~~) and cannabis
13 board may consider any prior criminal conduct of the applicant
14 including an administrative violation history record with the state
15 liquor (~~(control)~~) and cannabis board and a criminal history record
16 information check. The state liquor (~~(control)~~) and cannabis board
17 may submit the criminal history record information check to the
18 Washington state patrol and to the identification division of the
19 federal bureau of investigation in order that these agencies may
20 search their records for prior arrests and convictions of the
21 individual or individuals who filled out the forms. The state liquor
22 (~~(control)~~) and cannabis board shall require fingerprinting of any
23 applicant whose criminal history record information check is
24 submitted to the federal bureau of investigation. The provisions of
25 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.
26 Subject to the provisions of this section, the state liquor
27 (~~(control)~~) and cannabis board may, in its discretion, grant or deny
28 the renewal or license applied for. Denial may be based on, without
29 limitation, the existence of chronic illegal activity documented in
30 objections submitted pursuant to subsections (7)(c) and (9) of this
31 section. Authority to approve an uncontested or unopposed license may
32 be granted by the state liquor (~~(control)~~) and cannabis board to any
33 staff member the board designates in writing. Conditions for granting
34 this authority shall be adopted by rule.

35 (c) No license of any kind may be issued to:
36 ~~((a))~~ (i) A person under the age of twenty-one years;
37 ~~((b))~~ (ii) A person doing business as a sole proprietor who has
38 not lawfully resided in the state for at least three months prior to
39 applying to receive a license;

1 (~~(c)~~) (iii) A partnership, employee cooperative, association,
2 nonprofit corporation, or corporation unless formed under the laws of
3 this state, and unless all of the members thereof are qualified to
4 obtain a license as provided in this section; or

5 (~~(d)~~) (iv) A person whose place of business is conducted by a
6 manager or agent, unless the manager or agent possesses the same
7 qualifications required of the licensee.

8 (2)(a) The state liquor (~~control~~) and cannabis board may, in
9 its discretion, subject to the provisions of RCW 69.50.334, suspend
10 or cancel any license; and all protections of the licensee from
11 criminal or civil sanctions under state law for producing,
12 processing, or selling marijuana, useable marijuana, or marijuana-
13 infused products thereunder shall be suspended or terminated, as the
14 case may be.

15 (b) The state liquor (~~control~~) and cannabis board shall
16 immediately suspend the license of a person who has been certified
17 pursuant to RCW 74.20A.320 by the department of social and health
18 services as a person who is not in compliance with a support order.
19 If the person has continued to meet all other requirements for
20 reinstatement during the suspension, reissuance of the license shall
21 be automatic upon the state liquor (~~control~~) and cannabis board's
22 receipt of a release issued by the department of social and health
23 services stating that the licensee is in compliance with the order.

24 (c) The state liquor (~~control~~) and cannabis board may request
25 the appointment of administrative law judges under chapter 34.12 RCW
26 who shall have power to administer oaths, issue subpoenas for the
27 attendance of witnesses and the production of papers, books,
28 accounts, documents, and testimony, examine witnesses, and to receive
29 testimony in any inquiry, investigation, hearing, or proceeding in
30 any part of the state, under rules and regulations the state liquor
31 (~~control~~) and cannabis board may adopt.

32 (d) Witnesses shall be allowed fees and mileage each way to and
33 from any inquiry, investigation, hearing, or proceeding at the rate
34 authorized by RCW 34.05.446. Fees need not be paid in advance of
35 appearance of witnesses to testify or to produce books, records, or
36 other legal evidence.

37 (e) In case of disobedience of any person to comply with the
38 order of the state liquor (~~control~~) and cannabis board or a
39 subpoena issued by the state liquor (~~control~~) and cannabis board,
40 or any of its members, or administrative law judges, or on the

1 refusal of a witness to testify to any matter regarding which he or
2 she may be lawfully interrogated, the judge of the superior court of
3 the county in which the person resides, on application of any member
4 of the board or administrative law judge, shall compel obedience by
5 contempt proceedings, as in the case of disobedience of the
6 requirements of a subpoena issued from said court or a refusal to
7 testify therein.

8 (3) Upon receipt of notice of the suspension or cancellation of a
9 license, the licensee shall forthwith deliver up the license to the
10 state liquor (~~((control))~~) and cannabis board. Where the license has
11 been suspended only, the state liquor (~~((control))~~) and cannabis board
12 shall return the license to the licensee at the expiration or
13 termination of the period of suspension. The state liquor (~~((control))~~)
14 and cannabis board shall notify all other licensees in the county
15 where the subject licensee has its premises of the suspension or
16 cancellation of the license; and no other licensee or employee of
17 another licensee may allow or cause any marijuana, useable marijuana,
18 or marijuana-infused products to be delivered to or for any person at
19 the premises of the subject licensee.

20 (4) Every license issued under chapter 3, Laws of 2013 shall be
21 subject to all conditions and restrictions imposed by chapter 3, Laws
22 of 2013 or by rules adopted by the state liquor (~~((control))~~) and
23 cannabis board to implement and enforce chapter 3, Laws of 2013. All
24 conditions and restrictions imposed by the state liquor (~~((control))~~)
25 and cannabis board in the issuance of an individual license shall be
26 listed on the face of the individual license along with the trade
27 name, address, and expiration date.

28 (5) Every licensee shall post and keep posted its license, or
29 licenses, in a conspicuous place on the premises.

30 (6) No licensee shall employ any person under the age of twenty-
31 one years.

32 (7)(a) Before the state liquor (~~((control))~~) and cannabis board
33 issues a new or renewed license to an applicant it shall give notice
34 of the application to the chief executive officer of the incorporated
35 city or town, if the application is for a license within an
36 incorporated city or town, or to the county legislative authority, if
37 the application is for a license outside the boundaries of
38 incorporated cities or towns.

39 (b) The incorporated city or town through the official or
40 employee selected by it, or the county legislative authority or the

1 official or employee selected by it, shall have the right to file
2 with the state liquor (~~control~~) and cannabis board within twenty
3 days after the date of transmittal of the notice for applications, or
4 at least thirty days prior to the expiration date for renewals,
5 written objections against the applicant or against the premises for
6 which the new or renewed license is asked. The state liquor
7 (~~control~~) and cannabis board may extend the time period for
8 submitting written objections.

9 (c) The written objections shall include a statement of all facts
10 upon which the objections are based, and in case written objections
11 are filed, the city or town or county legislative authority may
12 request, and the state liquor (~~control~~) and cannabis board may in
13 its discretion hold, a hearing subject to the applicable provisions
14 of Title 34 RCW. If the state liquor (~~control~~) and cannabis board
15 makes an initial decision to deny a license or renewal based on the
16 written objections of an incorporated city or town or county
17 legislative authority, the applicant may request a hearing subject to
18 the applicable provisions of Title 34 RCW. If a hearing is held at
19 the request of the applicant, state liquor (~~control~~) and cannabis
20 board representatives shall present and defend the state liquor
21 (~~control~~) and cannabis board's initial decision to deny a license
22 or renewal.

23 (d) Upon the granting of a license under this title the state
24 liquor (~~control~~) and cannabis board shall send written notification
25 to the chief executive officer of the incorporated city or town in
26 which the license is granted, or to the county legislative authority
27 if the license is granted outside the boundaries of incorporated
28 cities or towns.

29 (8) The state liquor (~~control~~) and cannabis board shall not
30 issue a license for any premises within one thousand feet of the
31 perimeter of the grounds of any elementary or secondary school,
32 playground, recreation center or facility, child care center, public
33 park, public transit center, or library, or any game arcade admission
34 to which is not restricted to persons aged twenty-one years or older.

35 (9) In determining whether to grant or deny a license or renewal
36 of any license, the state liquor (~~control~~) and cannabis board shall
37 give substantial weight to objections from an incorporated city or
38 town or county legislative authority based upon chronic illegal
39 activity associated with the applicant's operations of the premises
40 proposed to be licensed or the applicant's operation of any other

1 licensed premises, or the conduct of the applicant's patrons inside
2 or outside the licensed premises. "Chronic illegal activity" means
3 (a) a pervasive pattern of activity that threatens the public health,
4 safety, and welfare of the city, town, or county including, but not
5 limited to, open container violations, assaults, disturbances,
6 disorderly conduct, or other criminal law violations, or as
7 documented in crime statistics, police reports, emergency medical
8 response data, calls for service, field data, or similar records of a
9 law enforcement agency for the city, town, county, or any other
10 municipal corporation or any state agency; or (b) an unreasonably
11 high number of citations for violations of RCW 46.61.502 associated
12 with the applicant's or licensee's operation of any licensed premises
13 as indicated by the reported statements given to law enforcement upon
14 arrest.

15 **Sec. 7.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to read
16 as follows:

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

25 ~~((1))~~ (a) The equipment and management of retail outlets and
26 premises where marijuana is produced or processed, and inspection of
27 the retail outlets and premises where marijuana is produced or
28 processed;

29 ~~((2))~~ (b) The books and records to be created and maintained by
30 licensees, the reports to be made thereon to the state liquor
31 ~~((control))~~ and cannabis board, and inspection of the books and
32 records;

33 ~~((3))~~ (c) Methods of producing, processing, and packaging
34 marijuana, useable marijuana, marijuana concentrates, and marijuana-
35 infused products; conditions of sanitation; safe handling
36 requirements; approved pesticides and pesticide testing requirements;
37 and standards of ingredients, quality, and identity of marijuana,
38 useable marijuana, marijuana concentrates, and marijuana-infused
39 products produced, processed, packaged, or sold by licensees;

1 ~~((4))~~ (d) Security requirements for retail outlets and premises
2 where marijuana is produced or processed, and safety protocols for
3 licensees and their employees;

4 ~~((5))~~ (e) Screening, hiring, training, and supervising
5 employees of licensees;

6 ~~((6))~~ (f) Retail outlet locations and hours of operation;

7 ~~((7))~~ (g) Labeling requirements and restrictions on
8 advertisement of marijuana, useable marijuana, marijuana
9 concentrates, and marijuana-infused products for sale in retail
10 outlets;

11 ~~((8))~~ (h) Forms to be used for purposes of this chapter (~~(3, Laws of 2013))~~ and chapter 69.51A RCW or the rules adopted to
12 implement and enforce (~~(it))~~ these chapters, the terms and conditions
13 to be contained in licenses issued under this chapter (~~(3, Laws of 2013))~~ and chapter 69.51A RCW, and the qualifications for receiving a
14 license issued under this chapter (~~(3, Laws of 2013))~~ and chapter
15 69.51A RCW, including a criminal history record information check.
16 The state liquor (~~control~~) and cannabis board may submit any
17 criminal history record information check to the Washington state
18 patrol and to the identification division of the federal bureau of
19 investigation in order that these agencies may search their records
20 for prior arrests and convictions of the individual or individuals
21 who filled out the forms. The state liquor (~~control~~) and cannabis
22 board shall require fingerprinting of any applicant whose criminal
23 history record information check is submitted to the federal bureau
24 of investigation;

25 ~~((9))~~ (i) Application, reinstatement, and renewal fees for
26 licenses issued under this chapter (~~(3, Laws of 2013))~~ and chapter
27 69.51A RCW, and fees for anything done or permitted to be done under
28 the rules adopted to implement and enforce this chapter (~~(3, Laws of~~
29 ~~2013))~~ and chapter 69.51A RCW;

30 ~~((10))~~ (j) The manner of giving and serving notices required by
31 this chapter (~~(3, Laws of 2013))~~ and chapter 69.51A RCW or rules
32 adopted to implement or enforce (~~(it))~~ these chapters;

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

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

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

12 (2) Rules adopted on retail outlets holding medical marijuana
13 endorsements must be adopted in coordination and consultation with
14 the department.

15 **Sec. 8.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to read
16 as follows:

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

21 (1) Licensing of marijuana producers, marijuana processors, and
22 marijuana retailers, including prescribing forms and establishing
23 application, reinstatement, and renewal fees.

24 (a) Application forms for marijuana producers must request the
25 applicant to state whether the applicant intends to produce marijuana
26 for sale by marijuana retailers holding medical marijuana
27 endorsements and the amount of or percentage of canopy the applicant
28 intends to commit to growing plants determined by the department
29 under section 10 of this act to be of a THC concentration, CBD
30 concentration, or THC to CBD ratio appropriate for marijuana
31 concentrates, useable marijuana, or marijuana-infused products sold
32 to qualifying patients.

33 (b) The state liquor and cannabis board must reconsider and
34 increase limits on the amount of square feet permitted to be in
35 production on the effective date of this section and increase the
36 percentage of production space for those marijuana producers who
37 intend to grow plants for marijuana retailers holding medical
38 marijuana endorsements if the marijuana producer designates the
39 increased production space to plants determined by the department

1 under section 10 of this act to be of a THC concentration, CBD
2 concentration, or THC to CBD ratio appropriate for marijuana
3 concentrates, useable marijuana, or marijuana-infused products to be
4 sold to qualifying patients. If current marijuana producers do not
5 use all the increased production space, the state liquor and cannabis
6 board may reopen the license period for new marijuana producer
7 license applicants but only to those marijuana producers who agree to
8 grow plants for marijuana retailers holding medical marijuana
9 endorsements. Priority in licensing must be given to marijuana
10 producer license applicants who have an application pending on the
11 effective date of this section but who are not yet licensed and then
12 to new marijuana producer license applicants. After January 1, 2017,
13 any reconsideration of the limits on the amount of square feet
14 permitted to be in production to meet the medical needs of qualifying
15 patients must consider information contained in the medical marijuana
16 authorization database established in section 21 of this act;

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

20 (a) Population distribution;

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

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

25 (d) The number of retail outlets holding medical marijuana
26 endorsements necessary to meet the medical needs of qualifying
27 patients. The state liquor and cannabis board must reconsider and
28 increase the maximum number of retail outlets it established before
29 the effective date of this section and allow for a new license
30 application period and a greater number of retail outlets to be
31 permitted in order to accommodate the medical needs of qualifying
32 patients and designated providers. After January 1, 2017, any
33 reconsideration of the maximum number of retail outlets needed to
34 meet the medical needs of qualifying patients must consider
35 information contained in the medical marijuana authorization database
36 established in section 21 of this act;

37 (3) Determining the maximum quantity of marijuana a marijuana
38 producer may have on the premises of a licensed location at any time
39 without violating Washington state law;

1 (4) Determining the maximum quantities of marijuana, marijuana
2 concentrates, useable marijuana, and marijuana-infused products a
3 marijuana processor may have on the premises of a licensed location
4 at any time without violating Washington state law;

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

9 (6) In making the determinations required by (~~subsections (3)~~
10 ~~through (5) of~~) this section, the state liquor (~~control~~) and
11 cannabis board shall take into consideration:

12 (a) Security and safety issues;

13 (b) The provision of adequate access to licensed sources of
14 marijuana, marijuana concentrates, useable marijuana, and marijuana-
15 infused products to discourage purchases from the illegal market; and

16 (c) Economies of scale, and their impact on licensees' ability to
17 both comply with regulatory requirements and undercut illegal market
18 prices;

19 (7) Determining the nature, form, and capacity of all containers
20 to be used by licensees to contain marijuana, marijuana concentrates,
21 useable marijuana, and marijuana-infused products, and their labeling
22 requirements, to include but not be limited to:

23 (a) The business or trade name and Washington state unified
24 business identifier number of the licensees that grew, processed, and
25 sold the marijuana, marijuana concentrates, useable marijuana, or
26 marijuana-infused product;

27 (b) Lot numbers of the marijuana, marijuana concentrates, useable
28 marijuana, or marijuana-infused product;

29 (c) THC concentration and CBD concentration of the marijuana,
30 marijuana concentrates, useable marijuana, or marijuana-infused
31 product;

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

34 (e) Language required by RCW 69.04.480;

35 (8) In consultation with the department of agriculture and the
36 department, establishing classes of marijuana, marijuana
37 concentrates, useable marijuana, and marijuana-infused products
38 according to grade, condition, cannabinoid profile, THC
39 concentration, CBD concentration, or other qualitative measurements

1 deemed appropriate by the state liquor (~~control~~) and cannabis
2 board;

3 (9) Establishing reasonable time, place, and manner restrictions
4 and requirements regarding advertising of marijuana, marijuana
5 concentrates, useable marijuana, and marijuana-infused products that
6 are not inconsistent with the provisions of this chapter (~~(3, Laws of~~
7 ~~2013)~~), taking into consideration:

8 (a) Federal laws relating to marijuana that are applicable within
9 Washington state;

10 (b) Minimizing exposure of people under twenty-one years of age
11 to the advertising; (~~and~~)

12 (c) The inclusion of medically and scientifically accurate
13 information about the health and safety risks posed by marijuana use
14 in the advertising; and

15 (d) Ensuring that retail outlets with medical marijuana
16 endorsements may advertise themselves as medical retail outlets;

17 (10) Specifying and regulating the time and periods when, and the
18 manner, methods, and means by which, licensees shall transport and
19 deliver marijuana, marijuana concentrates, useable marijuana, and
20 marijuana-infused products within the state;

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

31 (12) Specifying procedures for identifying, seizing,
32 confiscating, destroying, and donating to law enforcement for
33 training purposes all marijuana, marijuana concentrates, useable
34 marijuana, and marijuana-infused products produced, processed,
35 packaged, labeled, or offered for sale in this state that do not
36 conform in all respects to the standards prescribed by this chapter
37 (~~(3, Laws of 2013)~~) or the rules of the state liquor (~~control~~) and
38 cannabis board.

1 **Sec. 9.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to
2 read as follows:

3 There may be licensed, in no greater number in each of the
4 counties of the state than as the state liquor (~~control~~) and
5 cannabis board shall deem advisable, retail outlets established for
6 the purpose of making marijuana concentrates, useable marijuana, and
7 marijuana-infused products available for sale to adults aged twenty-
8 one and over. Retail sale of marijuana concentrates, useable
9 marijuana, and marijuana-infused products in accordance with the
10 provisions of this chapter (~~(3, Laws of 2013)~~) and the rules adopted
11 to implement and enforce it, by a validly licensed marijuana retailer
12 or retail outlet employee, shall not be a criminal or civil offense
13 under Washington state law.

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

16 (1) A medical marijuana endorsement to a marijuana retail license
17 is hereby established to permit a marijuana retailer to sell
18 marijuana for medical use to qualifying patients and designated
19 providers.

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

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

23 (a) Not authorize the medical use of marijuana for qualifying
24 patients at the retail outlet or permit health care professionals to
25 authorize the medical use of marijuana for qualifying patients at the
26 retail outlet;

27 (b) Carry marijuana concentrates and marijuana-infused products
28 identified by the department under subsection (4) of this section;

29 (c) Not use labels or market marijuana concentrates, useable
30 marijuana, or marijuana-infused products in a way that make them
31 intentionally attractive to minors;

32 (d) Demonstrate the ability to enter qualifying patients and
33 designated providers in the medical marijuana authorization database
34 established in section 21 of this act and issue authorization cards
35 and agree to enter qualifying patients and designated providers into
36 the database and issue authorization cards in compliance with
37 department standards;

38 (e) Keep copies of the qualifying patient's or designated
39 provider's authorization card, or keep equivalent records as required

1 by rule of the state liquor and cannabis board or the department of
2 revenue to document the validity of tax exempt sales under sections
3 38 and 39 of this act; and

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

6 (4) The department, in conjunction with the state liquor and
7 cannabis board, must adopt rules on requirements for marijuana
8 concentrates, useable marijuana, and marijuana-infused products that
9 may be sold to qualifying patients or designated providers at a
10 retail outlet holding a medical marijuana endorsement. These rules
11 must include:

12 (a) THC concentration, CBD concentration, or low THC, high CBD
13 ratios appropriate for marijuana concentrates, useable marijuana, or
14 marijuana-infused products sold to qualifying patients or designated
15 providers;

16 (b) Labeling requirements including that the labels attached to
17 marijuana concentrates, useable marijuana, or marijuana-infused
18 products contain THC concentration, CBD concentration, and THC to CBD
19 ratios;

20 (c) Other product requirements, including any additional mold,
21 fungus, or pesticide testing requirements, or limitations to the
22 types of solvents that may be used in marijuana processing that the
23 department deems necessary to address the medical needs of qualifying
24 patients;

25 (d) Safe handling requirements for marijuana concentrates,
26 useable marijuana, or marijuana-infused products; and

27 (e) Training requirements for employees.

28 (5) A marijuana retailer holding an endorsement to sell marijuana
29 to qualifying patients or designated providers must train its
30 employees on:

31 (a) Procedures regarding the recognition of valid authorizations
32 and the use of equipment to enter qualifying patients and designated
33 providers into the medical marijuana authorization database;

34 (b) Recognition of valid authorization cards; and

35 (c) Recognition of strains, varieties, THC concentration, CBD
36 concentration, and THC to CBD ratios of marijuana concentrates,
37 useable marijuana, and marijuana-infused products, available for sale
38 when assisting qualifying patients and designated providers at the
39 retail outlet.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 69.50
2 RCW to read as follows:

3 A marijuana retailer or a marijuana retailer holding a medical
4 marijuana endorsement may sell products with a THC concentration of
5 0.3 percent or less. Marijuana retailers holding a medical marijuana
6 endorsement may also provide these products at no cost to qualifying
7 patients or designated providers.

8 **Sec. 12.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to
9 read as follows:

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

15 (2) Licensed marijuana retailers shall not employ persons under
16 twenty-one years of age or allow persons under twenty-one years of
17 age to enter or remain on the premises of a retail outlet. However,
18 qualifying patients between eighteen and twenty-one years of age with
19 an authorization card may enter and remain on the premises of a
20 retail outlet holding a medical marijuana endorsement and may
21 purchase products for their personal medical use. Qualifying patients
22 who are under the age of eighteen with an authorization card and who
23 accompany their designated providers may enter and remain on the
24 premises of a retail outlet holding a medical marijuana endorsement,
25 but may not purchase products for their personal medical use.

26 (3)(a) Licensed marijuana retailers must ensure that all
27 employees are trained on the rules adopted to implement this chapter,
28 identification of persons under the age of twenty-one, and other
29 requirements adopted by the state liquor and cannabis board to ensure
30 that persons under the age of twenty-one are not permitted to enter
31 or remain on the premises of a retail outlet.

32 (b) Licensed marijuana retailers with a medical marijuana
33 endorsement must ensure that all employees are trained on the
34 subjects required by (a) of this subsection as well as identification
35 of authorizations and authorization cards. Employees must also be
36 trained to permit qualifying patients who hold authorization cards
37 and are between the ages of eighteen and twenty-one to enter the
38 premises and purchase marijuana for their personal medical use and to
39 permit qualifying patients who are under the age of eighteen with an

1 authorization card to enter the premises if accompanied by their
2 designated providers.

3 (4) Licensed marijuana retailers shall not display any signage in
4 a window, on a door, or on the outside of the premises of a retail
5 outlet that is visible to the general public from a public right-of-
6 way, other than a single sign no larger than one thousand six hundred
7 square inches identifying the retail outlet by the licensee's
8 business or trade name. Retail outlets that hold medical marijuana
9 endorsements may include this information on signage.

10 ((+4)) (5) Licensed marijuana retailers shall not display
11 marijuana concentrates, useable marijuana, or marijuana-infused
12 products in a manner that is visible to the general public from a
13 public right-of-way.

14 ((+5)) (6) No licensed marijuana retailer or employee of a
15 retail outlet shall open or consume, or allow to be opened or
16 consumed, any marijuana concentrates, useable marijuana, or
17 marijuana-infused product on the outlet premises.

18 ((+6)) (7) The state liquor ((control)) and cannabis board shall
19 fine a licensee one thousand dollars for each violation of any
20 subsection of this section. Fines collected under this section must
21 be deposited into the dedicated marijuana fund created under RCW
22 69.50.530.

23 **Sec. 13.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
24 read as follows:

25 The following acts, when performed by a validly licensed
26 marijuana retailer or employee of a validly licensed retail outlet in
27 compliance with rules adopted by the state liquor ((control)) and
28 cannabis board to implement and enforce chapter 3, Laws of 2013,
29 shall not constitute criminal or civil offenses under Washington
30 state law:

31 (1) Purchase and receipt of marijuana concentrates, useable
32 marijuana, or marijuana-infused products that have been properly
33 packaged and labeled from a marijuana processor validly licensed
34 under this chapter ((3, Laws of 2013));

35 (2) Possession of quantities of marijuana concentrates, useable
36 marijuana, or marijuana-infused products that do not exceed the
37 maximum amounts established by the state liquor ((control)) and
38 cannabis board under RCW 69.50.345(5); and

1 (3) Delivery, distribution, and sale, on the premises of the
2 retail outlet, of any combination of the following amounts of
3 marijuana concentrates, useable marijuana, or marijuana-infused
4 product to any person twenty-one years of age or older:

5 (a) One ounce of useable marijuana;

6 (b) Sixteen ounces of marijuana-infused product in solid form;

7 (c) Seventy-two ounces of marijuana-infused product in liquid
8 form; or

9 (d) Seven grams of marijuana concentrate.

10 **Sec. 14.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to
11 read as follows:

12 (1) It is unlawful for any person to possess a controlled
13 substance unless the substance was obtained directly from, or
14 pursuant to, a valid prescription or order of a practitioner while
15 acting in the course of his or her professional practice, or except
16 as otherwise authorized by this chapter.

17 (2) Except as provided in RCW 69.50.4014, any person who violates
18 this section is guilty of a class C felony punishable under chapter
19 9A.20 RCW.

20 (3) The possession, by a person twenty-one years of age or older,
21 of useable marijuana or marijuana-infused products in amounts that do
22 not exceed those set forth in RCW 69.50.360(3) is not a violation of
23 this section, this chapter, or any other provision of Washington
24 state law.

25 (4) The possession by a qualifying patient or designated provider
26 of marijuana concentrates, useable marijuana, marijuana-infused
27 products, or plants in accordance with chapter 69.51A RCW is not a
28 violation of this section, this chapter, or any other provision of
29 Washington state law.

30 NEW SECTION. **Sec. 15.** A new section is added to chapter 69.50
31 RCW to read as follows:

32 (1) Nothing in this chapter permits anyone other than a validly
33 licensed marijuana processor to use butane or other explosive gases
34 to extract or separate resin from marijuana or to produce or process
35 any form of marijuana concentrates or marijuana-infused products that
36 include marijuana concentrates not purchased from a validly licensed
37 marijuana retailer as an ingredient. The extraction or separation of
38 resin from marijuana, the processing of marijuana concentrates, and

1 the processing of marijuana-infused products that include marijuana
2 concentrates not purchased from a validly licensed marijuana retailer
3 as an ingredient by any person other than a validly licensed
4 marijuana processor each constitute manufacture of marijuana in
5 violation of RCW 69.50.401. Cooking oil, butter, and other
6 nonexplosive home cooking substances may be used by qualified
7 patients and designated providers to make marijuana extracts for
8 noncommercial personal medical use.

9 (2) Except for the use of butane, the state liquor and cannabis
10 board may not enforce this section until it has adopted the rules
11 required by section 28 of this act.

12 **Sec. 16.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to
13 read as follows:

14 (1) The legislature finds that:

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

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

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

24 (iii) Acute or chronic glaucoma;

25 (iv) Crohn's disease; and

26 (v) Some forms of intractable pain.

27 (b) Humanitarian compassion necessitates that the decision to use
28 ~~((cannabis))~~ marijuana by patients with terminal or debilitating
29 medical conditions is a personal, individual decision, based upon
30 their health care professional's professional medical judgment and
31 discretion.

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

34 (a) Qualifying patients with terminal or debilitating medical
35 conditions who, in the judgment of their health care professionals,
36 may benefit from the medical use of ~~((cannabis))~~ marijuana, shall not
37 be arrested, prosecuted, or subject to other criminal sanctions or
38 civil consequences under state law based solely on their medical use

1 of (~~cannabis~~) marijuana, notwithstanding any other provision of
2 law;

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

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

14 (3) Nothing in this chapter establishes the medical necessity or
15 medical appropriateness of (~~cannabis~~) marijuana for treating
16 terminal or debilitating medical conditions as defined in RCW
17 69.51A.010.

18 (4) Nothing in this chapter diminishes the authority of
19 correctional agencies and departments, including local governments or
20 jails, to establish a procedure for determining when the use of
21 (~~cannabis~~) marijuana would impact community safety or the effective
22 supervision of those on active supervision for a criminal conviction,
23 nor does it create the right to any accommodation of any medical use
24 of (~~cannabis~~) marijuana in any correctional facility or jail.

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

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

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

32 (a)(i) Is the parent or guardian of a qualifying patient who is
33 under the age of eighteen and beginning July 1, 2016, holds an
34 authorization card; or

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

38 (b)(i) Has an authorization from the qualifying patient's health
39 care professional; or

1 (ii) Beginning July 1, 2016:

2 (A) Has been entered into the medical marijuana authorization

3 database as being the designated provider to a qualifying patient;

4 and

5 (B) Has been provided an authorization card;

6 (c) Is prohibited from consuming marijuana obtained for the

7 personal, medical use of the qualifying patient for whom the

8 individual is acting as designated provider; ~~((and))~~

9 (d) Provides marijuana to only the qualifying patient that has

10 designated him or her;

11 (e) Is in compliance with the terms and conditions of this

12 chapter; and

13 (f) Is the designated provider to only one patient at any one

14 time.

15 (2) "Health care professional," for purposes of this chapter

16 only, means a physician licensed under chapter 18.71 RCW, a physician

17 assistant licensed under chapter 18.71A RCW, an osteopathic physician

18 licensed under chapter 18.57 RCW, an osteopathic physicians'

19 assistant licensed under chapter 18.57A RCW, a naturopath licensed

20 under chapter 18.36A RCW, or an advanced registered nurse

21 practitioner licensed under chapter 18.79 RCW.

22 (3) "Medical use of marijuana" means the manufacture, production,

23 possession, transportation, delivery, ingestion, application, or

24 administration of marijuana ~~((, as defined in RCW 69.50.101(q),))~~ for

25 the exclusive benefit of a qualifying patient in the treatment of his

26 or her terminal or debilitating ~~((illness))~~ medical condition.

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

28 (a) ~~((i))~~ (i) Is a patient of a health care professional;

29 ~~((b))~~ (ii) Has been diagnosed by that health care professional

30 as having a terminal or debilitating medical condition;

31 ~~((c))~~ (iii) Is a resident of the state of Washington at the

32 time of such diagnosis;

33 ~~((d))~~ (iv) Has been advised by that health care professional

34 about the risks and benefits of the medical use of marijuana; ~~((and~~

35 ~~((e))~~ (v) Has been advised by that health care professional that

36 they may benefit from the medical use of marijuana;

37 (vi)(A) Has an authorization from his or her health care

38 professional; or

1 (e) Beginning July 1, 2016, has been entered into the medical
2 marijuana authorization database and has been provided an
3 authorization card; and

4 (vii) Is otherwise in compliance with the terms and conditions
5 established in this chapter.

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

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

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

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

17 (c) One or more features designed to prevent the use of
18 counterfeit (~~(valid documentation)~~) authorization.

19 (6) "Terminal or debilitating medical condition" means a
20 condition severe enough to significantly interfere with the patient's
21 activities of daily living and ability to function, which can be
22 objectively assessed and evaluated and limited to the following:

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

26 (b) Intractable pain, limited for the purpose of this chapter to
27 mean pain unrelieved by standard medical treatments and medications;
28 (~~(e)~~)

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

32 (d) Crohn's disease with debilitating symptoms unrelieved by
33 standard treatments or medications; (~~(e)~~)

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

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

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

5 (7) (~~"Valid documentation"~~) (a) Until July 1, 2016,
6 "authorization" means:

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

12 (~~(b)~~) (ii) Proof of identity such as a Washington state
13 driver's license or identicard, as defined in RCW 46.20.035.

14 (b) Beginning July 1, 2016, "authorization" means a form
15 developed by the department that is completed and signed by a
16 qualifying patient's health care professional and printed on tamper-
17 resistant paper.

18 (8) "Authorization card" means a card issued to qualifying
19 patients and designated providers by a marijuana retailer with a
20 medical marijuana endorsement that has entered them into the medical
21 marijuana authorization database.

22 (9) "CBD concentration" means the percent of cannabidiol content
23 per dry weight of any part of the plant *Cannabis*, or per volume or
24 weight of marijuana product.

25 (10) "Department" means the department of health.

26 (11) "Marijuana" has the meaning provided in RCW 69.50.101.

27 (12) "Marijuana concentrates" has the meaning provided in RCW
28 69.50.101.

29 (13) "Marijuana processor" has the meaning provided in RCW
30 69.50.101.

31 (14) "Marijuana producer" has the meaning provided in RCW
32 69.50.101.

33 (15) "Marijuana retailer" has the meaning provided in RCW
34 69.50.101.

35 (16) "Marijuana retailer with a medical marijuana endorsement"
36 means a marijuana retailer that has been issued a medical marijuana
37 endorsement by the state liquor and cannabis board pursuant to
38 section 10 of this act.

39 (17) "Marijuana-infused products" has the meaning provided in RCW
40 69.50.101.

1 (18) "Medical marijuana authorization database" means the secure
2 and confidential database established in section 21 of this act.

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

10 (20) "Secretary" means the secretary of the department of health.

11 (21) "THC concentration" has the meaning provided in RCW
12 69.50.101.

13 (22) "Useable marijuana" has the meaning provided in RCW
14 69.50.101.

15 (23) "Low THC, high CBD" means products determined by the
16 department to have a low THC, high CBD ratio under section 10 of this
17 act. Low THC, high CBD products must be inhalable, ingestible, or
18 absorbable.

19 **Sec. 18.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to
20 read as follows:

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

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

32 (b) Providing a patient or designated provider meeting the
33 criteria established under RCW 69.51A.010~~((+26))~~ with ~~((valid~~
34 ~~documentation))~~ an authorization, based upon the health care
35 professional's assessment of the patient's medical history and
36 current medical condition, ~~((where such use is))~~ if the health care
37 professional has complied with this chapter and he or she determines
38 within a professional standard of care or in the individual health

1 care professional's medical judgment the qualifying patient may
2 benefit from the medical use of marijuana.

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

12 ~~(i) Completing a))~~ marijuana in accordance with this section.

13 (b) In order to authorize for the medical use of marijuana under
14 (a) of this subsection, the health care professional must:

15 (i) Have a documented relationship with the patient, as a
16 principal care provider or a specialist, relating to the diagnosis
17 and ongoing treatment or monitoring of the patient's terminal or
18 debilitating medical condition;

19 (ii) Complete an in-person physical examination of the patient
20 ((as appropriate, based on the patient's condition and age));

21 ~~((ii) Documenting))~~ (iii) Document the terminal or debilitating
22 medical condition of the patient in the patient's medical record and
23 that the patient may benefit from treatment of this condition or its
24 symptoms with medical use of ~~((cannabis))~~ marijuana;

25 ~~((iii) Informing))~~ (iv) Inform the patient of other options for
26 treating the terminal or debilitating medical condition and
27 documenting in the patient's medical record that the patient has
28 received this information; ~~((and~~

29 ~~(iv) Documenting))~~ (v) Document in the patient's medical record
30 other measures attempted to treat the terminal or debilitating
31 medical condition that do not involve the medical use of ((cannabis))
32 marijuana; and

33 (vi) Complete an authorization on forms developed by the
34 department, in accordance with subsection (3) of this section.

35 ~~((b))~~ (c) For a qualifying patient eighteen years of age or
36 older, an authorization expires one year after its issuance. For a
37 qualifying patient less than eighteen years of age, an authorization
38 expires six months after its issuance. An authorization may be
39 renewed upon completion of an in-person physical examination and
40 compliance with the other requirements of (b) of this subsection.

1 (d) A health care professional shall not:

2 (i) Accept, solicit, or offer any form of pecuniary remuneration

3 from or to a (~~licensed dispenser, licensed producer, or licensed~~

4 ~~processor of cannabis products~~) marijuana retailer, marijuana

5 processor, or marijuana producer;

6 (ii) Offer a discount or any other thing of value to a qualifying

7 patient who is a customer of, or agrees to be a customer of, a

8 particular (~~licensed dispenser, licensed producer, or licensed~~

9 ~~processor of cannabis products~~) marijuana retailer;

10 (iii) Examine or offer to examine a patient for purposes of

11 diagnosing a terminal or debilitating medical condition at a location

12 where (~~cannabis~~) marijuana is produced, processed, or (~~dispensed~~)

13 sold;

14 (iv) Have a business or practice which consists (~~solely~~)

15 primarily of authorizing the medical use of (~~cannabis~~) marijuana or

16 authorize the medical use of marijuana at any location other than his

17 or her practice's permanent physical location;

18 (v) (~~Include any statement or reference, visual or otherwise, on~~

19 ~~the medical use of cannabis in any advertisement for his or her~~

20 ~~business or practice~~) Except as provided in section 35 of this act,

21 sell marijuana concentrates, marijuana-infused products, or useable

22 marijuana to a qualifying patient or designated provider; or

23 (vi) Hold an economic interest in an enterprise that produces,

24 processes, or (~~dispenses cannabis~~) sells marijuana if the health

25 care professional authorizes the medical use of (~~cannabis~~)

26 marijuana.

27 (3) (~~A violation of any provision of subsection (2) of this~~

28 ~~section constitutes unprofessional conduct under chapter 18.130~~

29 ~~RCW.~~) The department shall develop the form for the health care

30 professional to use as an authorization for qualifying patients and

31 designated providers. The form shall include the qualifying patient's

32 or designated provider's name, address, and date of birth; the health

33 care professional's name, address, and license number; the amount and

34 type of marijuana recommended for the qualifying patient; a telephone

35 number where the authorization can be verified during normal business

36 hours; the dates of issuance and expiration; and a statement that an

37 authorization does not provide protection from arrest unless the

38 qualifying patient or designated provider is also entered in the

39 medical marijuana authorization database and holds an authorization

40 card.

1 (4) Until July 1, 2016, a health care professional who, within a
2 single calendar month, authorizes the medical use of marijuana to
3 more than thirty patients must report the number of authorizations
4 issued.

5 (5) The appropriate health professions disciplining authority may
6 inspect or request patient records to confirm compliance with this
7 section. The health care professional must provide access to or
8 produce documents, records, or other items that are within his or her
9 possession or control within twenty-one calendar days of service of a
10 request by the health professions disciplining authority. If the
11 twenty-one calendar day limit results in a hardship upon the health
12 care professional, he or she may request, for good cause, an
13 extension not to exceed thirty additional calendar days. Failure to
14 produce the documents, records, or other items shall result in
15 citations and fines issued consistent with RCW 18.130.230. Failure to
16 otherwise comply with the requirements of this section shall be
17 considered unprofessional conduct and subject to sanctions under
18 chapter 18.130 RCW.

19 (6) After a health care professional authorizes a qualifying
20 patient for the medical use of marijuana, he or she must discuss with
21 the qualifying patient how to use marijuana and the types of products
22 the qualifying patient should seek from a retail outlet.

23 NEW SECTION. Sec. 19. A new section is added to chapter 69.51A
24 RCW to read as follows:

25 As part of authorizing a qualifying patient or designated
26 provider, the health care professional may include recommendations on
27 the amount of marijuana that is likely needed by the qualifying
28 patient for his or her medical needs and in accordance with this
29 section.

30 (1) If the health care professional does not include
31 recommendations on the qualifying patient's or designated provider's
32 authorization, the marijuana retailer with a medical marijuana
33 endorsement, when adding the qualifying patient or designated
34 provider to the medical marijuana authorization database, shall enter
35 into the database that the qualifying patient or designated provider
36 may purchase at a retail outlet holding a medical marijuana
37 endorsement a combination of the following: Forty-eight ounces of
38 marijuana-infused product in solid form; three ounces of useable
39 marijuana; two hundred sixteen ounces of marijuana-infused product in

1 liquid form; or twenty-one grams of marijuana concentrates. The
2 qualifying patient or designated provider may also grow, in his or
3 her domicile, up to six plants for the personal medical use of the
4 qualifying patient and possess up to eight ounces of useable
5 marijuana produced from his or her plants. These amounts shall be
6 specified on the authorization card that is issued to the qualifying
7 patient or designated provider.

8 (2) If the health care professional determines that the medical
9 needs of a qualifying patient exceed the amounts provided for in
10 subsection (1) of this section, the health care professional must
11 specify on the authorization that it is recommended that the patient
12 be allowed to grow, in his or her domicile, up to fifteen plants for
13 the personal medical use of the patient. A patient so authorized may
14 possess up to sixteen ounces of useable marijuana in his or her
15 domicile. The number of plants must be entered into the medical
16 marijuana authorization database by the marijuana retailer with a
17 medical marijuana endorsement and specified on the authorization card
18 that is issued to the qualifying patient or designated provider.

19 (3) If a qualifying patient or designated provider with an
20 authorization from a health care professional has not been entered
21 into the medical marijuana authorization database, he or she may not
22 receive an authorization card and may only purchase at a retail
23 outlet, whether it holds a medical marijuana endorsement or not, the
24 amounts established in RCW 69.50.360. In addition the qualifying
25 patient or the designated provider may grow, in his or her domicile,
26 up to four plants for the personal medical use of the qualifying
27 patient and possess up to six ounces of useable marijuana in his or
28 her domicile.

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

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

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

37 (b) The parent or guardian acts as the designated provider for
38 the minor and has sole control over the minor's marijuana.

1 (2) The minor may not grow plants or purchase marijuana-infused
2 products, useable marijuana, or marijuana concentrates from a
3 marijuana retailer with a medical marijuana endorsement.

4 (3) Both the minor and the minor's parent or guardian who is
5 acting as the designated provider must be entered in the medical
6 marijuana authorization database and hold an authorization card.

7 (4) A health care professional who authorizes the medical use of
8 marijuana by a minor must do so as part of the course of treatment of
9 the minor's terminal or debilitating medical condition. If
10 authorizing a minor for the medical use of marijuana, the health care
11 professional must:

12 (a) Consult with other health care providers involved in the
13 minor's treatment, as medically indicated, before authorization or
14 reauthorization of the medical use of marijuana; and

15 (b) Reexamine the minor at least once every six months or more
16 frequently as medically indicated. The reexamination must:

17 (i) Determine that the minor continues to have a terminal or
18 debilitating medical condition and that the condition benefits from
19 the medical use of marijuana; and

20 (ii) Include a follow-up discussion with the minor's parent or
21 guardian to ensure the parent or guardian continues to participate in
22 the treatment of the minor.

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

25 (1) The department must contract with an entity to create,
26 administer, and maintain a secure and confidential medical marijuana
27 authorization database that, beginning July 1, 2016, allows:

28 (a) A marijuana retailer with a medical marijuana endorsement to
29 add a qualifying patient or designated provider and include the
30 amount of marijuana concentrates, useable marijuana, marijuana-
31 infused products, or plants for which the qualifying patient is
32 authorized under section 19 of this act;

33 (b) Persons authorized to prescribe or dispense controlled
34 substances to access health care information on their patients for
35 the purpose of providing medical or pharmaceutical care for their
36 patients;

37 (c) A qualifying patient or designated provider to request and
38 receive his or her own health care information or information on any
39 person or entity that has queried their name or information;

1 (d) Appropriate local, state, tribal, and federal law enforcement
2 or prosecutorial officials who are engaged in a bona fide specific
3 investigation of suspected marijuana-related activity that may be
4 illegal under Washington state law to confirm the validity of the
5 authorization card of a qualifying patient or designated provider;

6 (e) A marijuana retailer holding a medical marijuana endorsement
7 to confirm the validity of the authorization card of a qualifying
8 patient or designated provider;

9 (f) The department of revenue to verify tax exemptions under
10 chapters 82.08 and 82.12 RCW;

11 (g) The department and the health care professional's
12 disciplining authorities to monitor authorizations and ensure
13 compliance with this chapter and chapter 18.130 RCW by their
14 licensees; and

15 (h) Authorizations to expire six months or one year after entry
16 into the medical marijuana authorization database, depending on
17 whether the authorization is for a minor or an adult.

18 (2) A qualifying patient and his or her designated provider, if
19 any, may be placed in the medical marijuana authorization database at
20 a marijuana retailer with a medical marijuana endorsement. After a
21 qualifying patient or designated provider is placed in the medical
22 marijuana authorization database, he or she must be provided with an
23 authorization card that contains identifiers required in subsection
24 (3) of this section.

25 (3) The authorization card requirements must be developed by the
26 department in rule and include:

27 (a) A randomly generated and unique identifying number;

28 (b) For designated providers, the unique identifying number of
29 the qualifying patient whom the provider is assisting;

30 (c) A photograph of the qualifying patient's or designated
31 provider's face taken by an employee of the marijuana retailer with a
32 medical marijuana endorsement at the same time that the qualifying
33 patient or designated provider is being placed in the medical
34 marijuana authorization database in accordance with rules adopted by
35 the department;

36 (d) The amount of marijuana concentrates, useable marijuana,
37 marijuana-infused products, or plants for which the qualifying
38 patient is authorized under section 19 of this act;

39 (e) The effective date and expiration date of the authorization
40 card;

1 (f) The name of the health care professional who authorized the
2 qualifying patient or designated provider; and

3 (g) For the authorization card, additional security features as
4 necessary to ensure its validity.

5 (4) For qualifying patients who are eighteen years of age or
6 older and their designated providers, authorization cards are valid
7 for one year from the date the health care professional issued the
8 authorization. For qualifying patients who are under the age of
9 eighteen and their designated providers, authorization cards are
10 valid for six months from the date the health care professional
11 issued the authorization. Qualifying patients may not be reentered
12 into the medical marijuana authorization database until they have
13 been reexamined by a health care professional and determined to meet
14 the definition of qualifying patient. After reexamination, a
15 marijuana retailer with a medical marijuana endorsement must reenter
16 the qualifying patient or designated provider into the medical
17 marijuana authorization database and a new authorization card will
18 then be issued in accordance with department rules.

19 (5) If an authorization card is lost or stolen, a marijuana
20 retailer with a medical marijuana endorsement, in conjunction with
21 the database administrator, may issue a new card that will be valid
22 for six months to one year if the patient is reexamined by a health
23 care professional and determined to meet the definition of qualifying
24 patient and depending on whether the patient is under the age of
25 eighteen or eighteen years of age or older as provided in subsection
26 (4) of this section. If a reexamination is not performed, the
27 expiration date of the replacement authorization card must be the
28 same as the lost or stolen authorization card.

29 (6) The database administrator must remove qualifying patients
30 and designated providers from the medical marijuana authorization
31 database upon expiration of the authorization card. Qualifying
32 patients and designated providers may request to remove themselves
33 from the medical marijuana authorization database before expiration
34 of an authorization card and health care professionals may request to
35 remove qualifying patients and designated providers from the medical
36 marijuana authorization database if the patient or provider no longer
37 qualifies for the medical use of marijuana. The database
38 administrator must retain database records for at least five calendar
39 years to permit the state liquor and cannabis board and the
40 department of revenue to verify eligibility for tax exemptions.

1 (7) During development of the medical marijuana authorization
2 database, the database administrator must consult with the
3 department, stakeholders, and persons with relevant expertise to
4 include, but not be limited to, qualifying patients, designated
5 providers, health care professionals, state and local law enforcement
6 agencies, and the University of Washington computer science and
7 engineering security and privacy research lab or a certified cyber
8 security firm, vendor, or service.

9 (8) The medical marijuana authorization database must meet the
10 following requirements:

11 (a) Any personally identifiable information included in the
12 database must be nonreversible, pursuant to definitions and standards
13 set forth by the national institute of standards and technology;

14 (b) Any personally identifiable information included in the
15 database must not be susceptible to linkage by use of data external
16 to the database;

17 (c) The database must incorporate current best differential
18 privacy practices, allowing for maximum accuracy of database queries
19 while minimizing the chances of identifying the personally
20 identifiable information included therein; and

21 (d) The database must be upgradable and updated in a timely
22 fashion to keep current with state of the art privacy and security
23 standards and practices.

24 (9)(a) Personally identifiable information of qualifying patients
25 and designated providers included in the medical marijuana
26 authorization database is confidential and exempt from public
27 disclosure, inspection, or copying under chapter 42.56 RCW.

28 (b) Information contained in the medical marijuana authorization
29 database may be released in aggregate form, with all personally
30 identifying information redacted, for the purpose of statistical
31 analysis and oversight of agency performance and actions.

32 (c) Information contained in the medical marijuana authorization
33 database shall not be shared with the federal government or its
34 agents unless the particular patient or designated provider is
35 convicted in state court for violating this chapter or chapter 69.50
36 RCW.

37 (10) The department must, in coordination with the database
38 administrator, establish a fee that is adequate to cover the costs of
39 administering the medical marijuana authorization database. The
40 marijuana retailer with a medical marijuana endorsement shall collect

1 the fee from the qualifying patient or designated provider at the
2 time that he or she is entered into the database and issued an
3 authorization card. The department shall establish a schedule for
4 marijuana retailers with a medical marijuana endorsement to remit the
5 fees collected.

6 (11) If the database administrator fails to comply with this
7 section, the department may cancel any contracts with the database
8 administrator and contract with another database administrator to
9 continue administration of the database. A database administrator who
10 fails to comply with this section is subject to a fine of up to five
11 thousand dollars in addition to any penalties established in the
12 contract. Fines collected under this section must be deposited into
13 the dedicated marijuana fund created under RCW 69.50.530.

14 (12) The department may adopt rules to implement this section.

15 NEW SECTION. **Sec. 22.** A new section is added to chapter 42.56
16 RCW to read as follows:

17 Records in the medical marijuana authorization database
18 established in section 21 of this act containing names and other
19 personally identifiable information of qualifying patients and
20 designated providers are exempt from disclosure under this chapter.

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

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

24 (a) Access the medical marijuana authorization database for any
25 reason not authorized under section 21 of this act;

26 (b) Disclose any information received from the medical marijuana
27 authorization database in violation of section 21 of this act
28 including, but not limited to, qualifying patient or designated
29 provider names, addresses, or amount of marijuana for which they are
30 authorized;

31 (c) Produce an authorization card or to tamper with an
32 authorization card for the purpose of having it accepted by a
33 marijuana retailer holding a medical marijuana endorsement in order
34 to purchase marijuana as a qualifying patient or designated provider
35 or to grow marijuana plants in accordance with this chapter;

36 (d) If a person is a designated provider to a qualifying patient,
37 sell, donate, or supply marijuana produced or obtained for the
38 qualifying patient to another person, or use the marijuana produced

1 or obtained for the qualifying patient for the designated provider's
2 own personal use or benefit; or

3 (e) If the person is a qualifying patient, sell, donate, or
4 otherwise supply marijuana produced or obtained by the qualifying
5 patient to another person.

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

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

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

24 (1)(a) The qualifying patient or designated provider has been
25 entered into the medical marijuana authorization database and holds a
26 valid authorization card and possesses no more than ~~((fifteen~~
27 ~~cannabis plants and:~~

28 ~~(i) No more than twenty four ounces of useable cannabis;~~

29 ~~(ii) No more cannabis product than what could reasonably be~~
30 ~~produced with no more than twenty four ounces of useable cannabis; or~~

31 ~~(iii) A combination of useable cannabis and cannabis product that~~
32 ~~does not exceed a combined total representing possession and~~
33 ~~processing of no more than twenty four ounces of useable cannabis))~~
34 the amount of marijuana concentrates, useable marijuana, plants, or
35 marijuana-infused products authorized under section 19 of this act.

36 ~~((b))~~ If a person is both a qualifying patient and a designated
37 provider for another qualifying patient, the person may possess no
38 more than twice the amounts described in ~~((a) of this subsection))~~
39 section 19 of this act for the qualifying patient and designated

1 provider, whether the plants, ~~((useable cannabis, and cannabis~~
2 ~~product)) marijuana concentrates, useable marijuana, or marijuana-~~
3 ~~infused products are possessed individually or in combination between~~
4 the qualifying patient and his or her designated provider;

5 ~~((+2))~~ (b) The qualifying patient or designated provider
6 presents his or her ~~((proof of registration with the department of~~
7 ~~health,)) authorization card to any ~~((peace))~~ law enforcement officer
8 who questions the patient or provider regarding his or her medical
9 use of ~~((cannabis))~~ marijuana;~~

10 ~~((+3))~~ (c) The qualifying patient or designated provider keeps a
11 copy of his or her ~~((proof of registration with the registry~~
12 ~~established in section 901 of this act)) authorization card and the
13 qualifying patient or designated provider's contact information
14 posted prominently next to any ~~((cannabis))~~ plants, ~~((cannabis))~~
15 marijuana concentrates, marijuana-infused products, or useable
16 ~~((cannabis))~~ marijuana located at his or her residence;~~

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

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

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

26 ~~((+5))~~ (e) The ~~((investigating peace officer does not possess~~
27 ~~evidence that the))~~ designated provider has not served as a
28 designated provider to more than one qualifying patient within a
29 fifteen-day period; ~~((and~~

30 ~~+6))~~ or

31 (2) The ~~((investigating peace officer has not observed evidence~~
32 ~~of any of the circumstances identified in section 901(4))~~ qualifying
33 patient or designated provider participates in a cooperative as
34 provided in section 26 of this act.

35 **Sec. 25.** RCW 69.51A.043 and 2011 c 181 s 402 are each amended to
36 read as follows:

37 (1) A qualifying patient or designated provider who has a valid
38 authorization from his or her health care professional, but is not
39 ~~((registered with the registry established in section 901 of this~~

1 ~~act~~) entered in the medical marijuana authorization database and
2 does not have an authorization card may raise the affirmative defense
3 set forth in subsection (2) of this section, if:

4 (a) The qualifying patient or designated provider presents his or
5 her (~~valid documentation to any peace~~) authorization to any law
6 enforcement officer who questions the patient or provider regarding
7 his or her medical use of (~~cannabis~~) marijuana;

8 (b) The qualifying patient or designated provider possesses no
9 more (~~cannabis~~) marijuana than the limits set forth in (~~RCW~~
10 ~~69.51A.040(1)~~) section 19(3) of this act;

11 (c) The qualifying patient or designated provider is in
12 compliance with all other terms and conditions of this chapter;

13 (d) The investigating (~~peace~~) law enforcement officer does not
14 have probable cause to believe that the qualifying patient or
15 designated provider has committed a felony, or is committing a
16 misdemeanor in the officer's presence, that does not relate to the
17 medical use of (~~cannabis~~) marijuana; and

18 (e) No outstanding warrant for arrest exists for the qualifying
19 patient or designated provider(~~;~~~~and~~

20 ~~(f) The investigating peace officer has not observed evidence of~~
21 ~~any of the circumstances identified in section 901(4) of this act).~~

22 (2) A qualifying patient or designated provider who is not
23 (~~registered with the registry established in section 901 of this~~
24 ~~act~~) entered in the medical marijuana authorization database and
25 does not have an authorization card, but who presents his or her
26 (~~valid documentation~~) authorization to any (~~peace~~) law
27 enforcement officer who questions the patient or provider regarding
28 his or her medical use of (~~cannabis~~) marijuana, may assert an
29 affirmative defense to charges of violations of state law relating to
30 (~~cannabis~~) marijuana through proof at trial, by a preponderance of
31 the evidence, that he or she otherwise meets the requirements of RCW
32 69.51A.040. A qualifying patient or designated provider meeting the
33 conditions of this subsection but possessing more (~~cannabis~~)
34 marijuana than the limits set forth in (~~RCW 69.51A.040(1)~~) section
35 19(3) of this act may, in the investigating (~~peace~~) law enforcement
36 officer's discretion, be taken into custody and booked into jail in
37 connection with the investigation of the incident.

38 NEW SECTION. Sec. 26. A new section is added to chapter 69.51A
39 RCW to read as follows:

1 (1) Qualifying patients or designated providers may form a
2 cooperative and share responsibility for acquiring and supplying the
3 resources needed to produce and process marijuana only for the
4 medical use of members of the cooperative. No more than four
5 qualifying patients or designated providers may become members of a
6 cooperative under this section and all members must hold valid
7 authorization cards.

8 (2) Cooperatives may not be located within one mile of a
9 marijuana retailer. People who wish to form a cooperative must
10 register the location with the state liquor and cannabis board and
11 this is the only location where cooperative members may grow or
12 process marijuana. This registration must include the names of all
13 participating members and copies of each participant's authorization
14 card. Only qualifying patients or designated providers registered
15 with the state liquor and cannabis board in association with the
16 location may participate in growing or receive useable marijuana or
17 marijuana-infused products grown at that location. The state liquor
18 and cannabis board must deny the registration of any cooperative if
19 the location is within one mile of a marijuana retailer.

20 (3) If a qualifying patient or designated provider no longer
21 participates in growing at the location, he or she must notify the
22 state liquor and cannabis board within fifteen days of the date the
23 qualifying patient or designated provider ceases participation. The
24 state liquor and cannabis board must remove his or her name from
25 connection to the cooperative. Additional qualifying patients or
26 designated providers may not join the cooperative until sixty days
27 have passed since the date on which the last qualifying patient or
28 designated provider notifies the state liquor and cannabis board that
29 he or she no longer participates in that cooperative.

30 (4) Qualifying patients or designated providers who participate
31 in a cooperative under this section:

32 (a) May grow up to the total amount of plants for which each
33 participating member is authorized on their authorization cards, up
34 to a maximum of sixty plants. At the location, the qualifying
35 patients or designated providers may possess the amount of useable
36 marijuana that can be produced with the number of plants permitted
37 under this subsection, but no more than seventy-two ounces;

38 (b) May only participate in one cooperative;

39 (c) May only grow plants in the cooperative and if he or she
40 grows plants in the cooperative may not grow plants elsewhere;

1 (d) Must provide assistance in growing plants. A monetary
2 contribution or donation is not to be considered assistance under
3 this section. Participants must provide nonmonetary resources and
4 labor in order to participate; and

5 (e) May not sell, donate, or otherwise provide marijuana,
6 marijuana concentrates, useable marijuana, or marijuana-infused
7 products to a person who is not participating under this section.

8 (5) The location of the cooperative must be the domicile of one
9 of the participants. Only one cooperative may be located per property
10 tax parcel. A copy of each participant's authorization card must be
11 kept at the location at all times.

12 (6) The state liquor and cannabis board may adopt rules to
13 implement this section including:

14 (a) Any security requirements necessary to ensure the safety of
15 the cooperative and to reduce the risk of diversion from the
16 cooperative;

17 (b) A seed to sale traceability model that is similar to the seed
18 to sale traceability model used by licensees that will allow the
19 state liquor and cannabis board to track all marijuana grown in a
20 cooperative.

21 (7) The state liquor and cannabis board or law enforcement may
22 inspect a cooperative registered under this section to ensure members
23 are in compliance with this section. The state liquor and cannabis
24 board must adopt rules on reasonable inspection hours and reasons for
25 inspections.

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

28 (1) Notwithstanding any other provision of this chapter and even
29 if multiple qualifying patients or designated providers reside in the
30 same housing unit, no more than fifteen plants may be grown or
31 located in any one housing unit other than a cooperative established
32 pursuant to section 26 of this act.

33 (2) Neither the production nor processing of marijuana or
34 marijuana-infused products pursuant to this section nor the storage
35 or growing of plants may occur if any portion of such activity can be
36 readily seen by normal unaided vision or readily smelled from a
37 public place or the private property of another housing unit.

38 (3) Cities, towns, counties, and other municipalities may create
39 and enforce civil penalties, including abatement procedures, for the

1 growing or processing of marijuana and for keeping marijuana plants
2 beyond or otherwise not in compliance with this section.

3 NEW SECTION. **Sec. 28.** A new section is added to chapter 69.51A
4 RCW to read as follows:

5 (1) Once the state liquor and cannabis board adopts rules under
6 subsection (2) of this section, qualifying patients or designated
7 providers may only extract or separate the resin from marijuana or
8 produce or process any form of marijuana concentrates or
9 marijuana-infused products in accordance with those standards.

10 (2) The state liquor and cannabis board must adopt rules
11 permitting qualifying patients and designated providers to extract or
12 separate the resin from marijuana using noncombustible methods. The
13 rules must provide the noncombustible methods permitted and any
14 restrictions on this practice.

15 **Sec. 29.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
16 read as follows:

17 (1) A qualifying patient or designated provider in possession of
18 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~
19 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the
20 limits set forth in ~~((RCW 69.51A.040(1)))~~ this chapter but otherwise
21 in compliance with all other terms and conditions of this chapter may
22 establish an affirmative defense to charges of violations of state
23 law relating to ~~((cannabis))~~ marijuana through proof at trial, by a
24 preponderance of the evidence, that the qualifying patient's
25 necessary medical use exceeds the amounts set forth in RCW
26 69.51A.040(~~((1))~~).

27 (2) An investigating ~~((peace))~~ law enforcement officer may seize
28 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~
29 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the
30 amounts set forth in ~~((RCW 69.51A.040(1): PROVIDED, That))~~ this
31 chapter. In the case of ~~((cannabis))~~ plants, the qualifying patient
32 or designated provider shall be allowed to select the plants that
33 will remain at the location. The officer and his or her law
34 enforcement agency may not be held civilly liable for failure to
35 seize ~~((cannabis))~~ marijuana in this circumstance.

36 **Sec. 30.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
37 to read as follows:

1 (1)(a) The arrest and prosecution protections established in RCW
2 69.51A.040 may not be asserted in a supervision revocation or
3 violation hearing by a person who is supervised by a corrections
4 agency or department, including local governments or jails, that has
5 determined that the terms of this section are inconsistent with and
6 contrary to his or her supervision.

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

14 (2) (~~The provisions of~~) RCW 69.51A.040(~~(7, 69.51A.085, and~~
15 ~~69.51A.025 de)~~) does not apply to a person who is supervised for a
16 criminal conviction by a corrections agency or department, including
17 local governments or jails, that has determined that the terms of
18 this chapter are inconsistent with and contrary to his or her
19 supervision.

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

27 **Sec. 31.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
28 read as follows:

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

32 (2) Nothing in this chapter establishes a right of care as a
33 covered benefit or requires any state purchased health care as
34 defined in RCW 41.05.011 or other health carrier or health plan as
35 defined in Title 48 RCW to be liable for any claim for reimbursement
36 for the medical use of (~~(cannabis))~~ marijuana. Such entities may
37 enact coverage or noncoverage criteria or related policies for
38 payment or nonpayment of medical (~~(cannabis))~~ marijuana in their sole
39 discretion.

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

3 (4) Nothing in this chapter requires any accommodation of any on-
4 site medical use of ~~((cannabis))~~ marijuana in any place of
5 employment, in any school bus or on any school grounds, in any youth
6 center, in any correctional facility, or smoking ~~((cannabis))~~
7 marijuana in any public place or hotel or motel. However, a school
8 may permit a minor who meets the requirements of section 20 of this
9 act to consume marijuana on school grounds. Such use must be in
10 accordance with school policy relating to medication use on school
11 grounds.

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

15 ~~((+5))~~ (6) Nothing in this chapter authorizes the use of medical
16 ~~((cannabis))~~ marijuana by any person who is subject to the Washington
17 code of military justice in chapter 38.38 RCW.

18 ~~((+6))~~ (7) Employers may establish drug-free work policies.
19 Nothing in this chapter requires an accommodation for the medical use
20 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

21 ~~((+7) It is a class C felony to fraudulently produce any record~~
22 ~~purporting to be, or tamper with the content of any record for the~~
23 ~~purpose of having it accepted as, valid documentation under RCW~~
24 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~
25 ~~earlier than its actual date of execution.))~~

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

33 **Sec. 32.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to
34 read as follows:

35 (1) Qualifying patients may create and participate in collective
36 gardens for the purpose of producing, processing, transporting, and
37 delivering ~~((cannabis))~~ marijuana for medical use subject to the
38 following conditions:

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

3 (b) No person under the age of twenty-one may participate in a
4 collective garden or receive marijuana that was produced, processed,
5 transported, or delivered through a collective garden. A designated
6 provider for a person who is under the age of twenty-one may
7 participate in a collective garden on behalf of the person under the
8 age of twenty-one;

9 (c) A collective garden may contain no more than fifteen plants
10 per patient up to a total of forty-five plants;

11 ~~((e))~~ (d) A collective garden may contain no more than twenty-
12 four ounces of useable ~~((cannabis))~~ marijuana per patient up to a
13 total of seventy-two ounces of useable ~~((cannabis))~~ marijuana;

14 ~~((d))~~ (e) A copy of each qualifying patient's ~~((valid~~
15 ~~documentation or proof of registration with the registry established~~
16 ~~in section 901 of this act))~~ authorization, including a copy of the
17 patient's proof of identity, must be available at all times on the
18 premises of the collective garden; and

19 ~~((e))~~ (f) No useable ~~((cannabis))~~ marijuana from the collective
20 garden is delivered to anyone other than one of the qualifying
21 patients participating in the collective garden.

22 (2) For purposes of this section, the creation of a "collective
23 garden" means qualifying patients sharing responsibility for
24 acquiring and supplying the resources required to produce and process
25 cannabis for medical use such as, for example, a location for a
26 collective garden; equipment, supplies, and labor necessary to plant,
27 grow, and harvest ~~((cannabis; cannabis))~~ marijuana plants, seeds, and
28 cuttings; and equipment, supplies, and labor necessary for proper
29 construction, plumbing, wiring, and ventilation of a garden of
30 ~~((cannabis))~~ marijuana plants.

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

33 NEW SECTION. Sec. 33. A new section is added to chapter 69.50
34 RCW to read as follows:

35 (1) The state liquor and cannabis board may conduct controlled
36 purchase programs to determine whether:

37 (a) A marijuana retailer is unlawfully selling marijuana to
38 persons under the age of twenty-one;

1 (b) A marijuana retailer holding a medical marijuana endorsement
2 is selling to persons under the age of eighteen or selling to persons
3 between the ages of eighteen and twenty-one who do not hold valid
4 authorization cards;

5 (c) Until July 1, 2016, collective gardens under RCW 69.51A.085
6 are providing marijuana to persons under the age of twenty-one; or

7 (d) A cooperative organized under section 26 of this act is
8 permitting a person under the age of twenty-one to participate.

9 (2) Every person under the age of twenty-one years who purchases
10 or attempts to purchase marijuana is guilty of a violation of this
11 chapter or chapter 69.51A RCW. This section does not apply to:

12 (a) Persons between the ages of eighteen and twenty-one who hold
13 valid authorization cards and purchase marijuana at a marijuana
14 retail outlet holding a medical marijuana endorsement;

15 (b) Persons between the ages of eighteen and twenty-one years who
16 are participating in a controlled purchase program authorized by the
17 state liquor and cannabis board under rules adopted by the board.
18 Violations occurring under a private, controlled purchase program
19 authorized by the state liquor and cannabis board may not be used for
20 criminal or administrative prosecution.

21 (3) A marijuana retailer who conducts an in-house controlled
22 purchase program authorized under this section shall provide his or
23 her employees a written description of the employer's in-house
24 controlled purchase program. The written description must include
25 notice of actions an employer may take as a consequence of an
26 employee's failure to comply with company policies regarding the sale
27 of marijuana during an in-house controlled purchase program.

28 (4) An in-house controlled purchase program authorized under this
29 section shall be for the purposes of employee training and employer
30 self-compliance checks. A marijuana retailer may not terminate an
31 employee solely for a first-time failure to comply with company
32 policies regarding the sale of marijuana during an in-house
33 controlled purchase program authorized under this section.

34 (5) Every person between the ages of eighteen and twenty-one who
35 is convicted of a violation of this section is guilty of a
36 misdemeanor punishable as provided by RCW 9A.20.021, except that a
37 minimum fine of two hundred fifty dollars shall be imposed and any
38 sentence requiring community restitution shall require not fewer than
39 twenty-five hours of community restitution.

1 **Sec. 34.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to
2 read as follows:

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

12 (2) A person may stop serving as a designated provider to a given
13 qualifying patient at any time by revoking that designation in
14 writing, signed and dated, and provided to the qualifying patient
15 and, if applicable, the medical marijuana authorization database
16 administrator. However, that person may not begin serving as a
17 designated provider to a different qualifying patient until fifteen
18 days have elapsed from the date the last qualifying patient
19 designated him or her to serve as a provider.

20 (3) The department may adopt rules to implement this section,
21 including a procedure to remove the name of the designated provider
22 from the medical marijuana authorization database upon receipt of a
23 revocation under this section.

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

26 Neither this chapter nor chapter 69.50 RCW prohibits a health
27 care professional from selling or donating topical, noningestable
28 products that have a THC concentration of less than .3 percent to
29 qualifying patients.

30 NEW SECTION. **Sec. 36.** A new section is added to chapter 69.51A
31 RCW to read as follows:

32 A medical marijuana consultant certificate is hereby established.

33 (1) In addition to any other authority provided by law, the
34 secretary of the department may:

35 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
36 to implement this chapter;

37 (b) Establish forms and procedures necessary to administer this
38 chapter;

1 (c) Approve training or education programs that meet the
2 requirements of this section and any rules adopted to implement it;

3 (d) Receive criminal history record information that includes
4 nonconviction information data for any purpose associated with
5 initial certification or renewal of certification. The secretary
6 shall require each applicant for initial certification to obtain a
7 state or federal criminal history record information background check
8 through the state patrol or the state patrol and the identification
9 division of the federal bureau of investigation prior to the issuance
10 of any certificate. The secretary shall specify those situations
11 where a state background check is inadequate and an applicant must
12 obtain an electronic fingerprint-based national background check
13 through the state patrol and federal bureau of investigation.
14 Situations where a background check is inadequate may include
15 instances where an applicant has recently lived out-of-state or where
16 the applicant has a criminal record in Washington;

17 (e) Establish administrative procedures, administrative
18 requirements, and fees in accordance with RCW 43.70.250; and

19 (f) Maintain the official department record of all applicants and
20 certificate holders.

21 (2) A training or education program approved by the secretary
22 must include the following topics:

23 (a) The medical conditions that constitute terminal or
24 debilitating conditions, and the symptoms of those conditions;

25 (b) Short and long-term effects of cannabinoids;

26 (c) Products that may benefit qualifying patients based on the
27 patient's terminal or debilitating medical condition;

28 (d) Risks and benefits of various routes of administration;

29 (e) Safe handling and storage of useable marijuana, marijuana-
30 infused products, and marijuana concentrates, including strategies to
31 reduce access by minors;

32 (f) Demonstrated knowledge of this chapter and the rules adopted
33 to implement it; and

34 (g) Other subjects deemed necessary and appropriate by the
35 secretary to ensure medical marijuana consultant certificate holders
36 are able to provide evidence-based and medically accurate advice on
37 the medical use of marijuana.

38 (3) Medical marijuana consultant certificates are subject to
39 annual renewals and continuing education requirements established by
40 the secretary.

1 (4) The secretary shall have the power to refuse, suspend, or
2 revoke the certificate of any medical marijuana consultant upon proof
3 that:

4 (a) The certificate was procured through fraud,
5 misrepresentation, or deceit;

6 (b) The certificate holder has committed acts in violation of
7 subsection (6) of this section; or

8 (c) The certificate holder has violated or has permitted any
9 employee or volunteer to violate any of the laws of this state
10 relating to drugs or controlled substances or has been convicted of a
11 felony.

12 In any case of the refusal, suspension, or revocation of a
13 certificate by the secretary under the provisions of this chapter,
14 appeal may be taken in accordance with chapter 34.05 RCW, the
15 administrative procedure act.

16 (5) A medical marijuana consultant may provide the following
17 services when acting as an owner, employee, or volunteer of a retail
18 outlet licensed under RCW 69.50.354 and holding a medical marijuana
19 endorsement under section 10 of this act:

20 (a) Assisting a customer with the selection of products sold at
21 the retail outlet that may benefit the qualifying patient's terminal
22 or debilitating medical condition;

23 (b) Describing the risks and benefits of products sold at the
24 retail outlet;

25 (c) Describing the risks and benefits of methods of
26 administration of products sold at the retail outlet;

27 (d) Advising a customer about the safe handling and storage of
28 useable marijuana, marijuana-infused products, and marijuana
29 concentrates, including strategies to reduce access by minors; and

30 (e) Providing instruction and demonstrations to customers about
31 proper use and application of useable marijuana, marijuana-infused
32 products, and marijuana concentrates.

33 (6) Nothing in this section authorizes a medical marijuana
34 consultant to:

35 (a) Offer or undertake to diagnose or cure any human disease,
36 ailment, injury, infirmity, deformity, pain, or other condition,
37 physical or mental, real or imaginary, by use of marijuana or any
38 other means or instrumentality; or

1 (b) Recommend or suggest modification or elimination of any
2 course of treatment that does not involve the medical use of
3 marijuana.

4 (7) Nothing in this section requires an owner, employee, or
5 volunteer of a retail outlet licensed under RCW 69.50.354 and holding
6 a medical marijuana endorsement under section 10 of this act to
7 obtain a medical marijuana consultant certification.

8 (8) Nothing in this section applies to the practice of a health
9 care profession by individuals who are licensed, certified, or
10 registered in a profession listed in RCW 18.130.040(2) and who are
11 performing services within their authorized scope of practice.

12 NEW SECTION. **Sec. 37.** A new section is added to chapter 69.51A
13 RCW to read as follows:

14 The board of naturopathy, the board of osteopathic medicine and
15 surgery, the medical quality assurance commission, and the nursing
16 care quality assurance commission shall develop and approve
17 continuing education programs related to the use of marijuana for
18 medical purposes for the health care providers that they each
19 regulate that are based upon practice guidelines that have been
20 adopted by each entity.

21 NEW SECTION. **Sec. 38.** A new section is added to chapter 82.08
22 RCW to read as follows:

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

24 (a) Beginning July 1, 2016, sales of marijuana concentrates,
25 useable marijuana, or marijuana-infused products, identified by the
26 department of health under section 10 of this act to be beneficial
27 for medical use, by marijuana retailers holding medical marijuana
28 endorsements to qualifying patients or designated providers who hold
29 authorization cards;

30 (b) Beginning July 1, 2016, sales of products containing THC with
31 a THC concentration of 0.3 percent or less to qualifying patients or
32 designated providers who hold authorization cards, by marijuana
33 retailers holding medical marijuana endorsements;

34 (c) Beginning July 1, 2016, sales of marijuana concentrates,
35 useable marijuana, or marijuana-infused products, identified by the
36 department of health under section 10 of this act to have a low THC,
37 high CBD ratio and to be beneficial for medical use, by marijuana

1 retailers, regardless of whether the buyer is a qualifying patient or
2 designated provider who holds an authorization card;

3 (d) Beginning July 1, 2016, sales of products containing THC with
4 a THC concentration of 0.3 percent or less by health care
5 professionals under section 35 of this act; or

6 (e) From the effective date of this section until July 1, 2016,
7 sales of marijuana, marijuana concentrates, useable marijuana,
8 marijuana-infused products, or products containing THC with a THC
9 concentration of 0.3 percent or less, by collective gardens under RCW
10 69.51A.085 to qualifying patients or designated providers who hold an
11 authorization card, if such sales are in compliance with chapter
12 69.51A RCW.

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

17 (3) Nothing in subsection (1)(a), (b), and (e) of this section
18 applies to transactions with qualifying patients and designated
19 providers who have not been entered in the medical marijuana
20 authorization database and do not have an authorization card.

21 (4) For the purposes of this section:

22 (a) The terms "THC concentration," "marijuana," "marijuana
23 concentrates," "useable marijuana," "marijuana retailer," and
24 "marijuana-infused products" have the meaning provided in RCW
25 69.50.101 and the terms "qualifying patients," "designated
26 providers," and "authorization card" have the meaning provided in RCW
27 69.51A.010; and

28 (b) "Products containing THC with a THC concentration of 0.3
29 percent or less" means all products containing THC with a THC
30 concentration not exceeding 0.3 percent and that, when used as
31 intended, are inhalable, ingestible, or absorbable.

32 NEW SECTION. **Sec. 39.** A new section is added to chapter 82.12
33 RCW to read as follows:

34 (1) From the effective date of this section until July 1, 2016,
35 the provisions of this chapter shall not apply to the use of
36 marijuana, marijuana concentrates, useable marijuana, marijuana-
37 infused products, or products containing THC with a THC concentration
38 of 0.3 percent or less, by a collective garden under RCW 69.51A.085
39 and the qualifying patients or designated providers participating in

1 the collective garden if such use is in compliance with chapter
2 69.51A RCW.

3 (2) Beginning July 1, 2016, the provisions of this chapter shall
4 not apply to:

5 (a) The use of marijuana concentrates, useable marijuana, or
6 marijuana-infused products, identified by the department of health
7 under section 10 of this act to be beneficial for medical use of
8 marijuana, by qualifying patients or designated providers who hold
9 authorization cards and have purchased such products from a marijuana
10 retailer holding a medical marijuana endorsement.

11 (b) The use of products containing THC with a THC concentration
12 of 0.3 percent or less by qualifying patients or designated providers
13 who hold authorization cards and have purchased such products from a
14 marijuana retailer holding a medical marijuana endorsement.

15 (c)(i) Marijuana retailers holding a medical marijuana
16 endorsement with respect to:

17 (A) Marijuana concentrates, useable marijuana, or marijuana-
18 infused products; or

19 (B) Products containing THC with a THC concentration of 0.3
20 percent or less;

21 (ii) The exemption in this subsection (2)(c) applies only if such
22 products are provided at no charge to a qualifying patient or
23 designated provider who holds an authorization card. Each such
24 retailer providing such products at no charge must maintain
25 information establishing eligibility for this exemption in the form
26 and manner required by the department.

27 (d) The use of marijuana concentrates, useable marijuana, or
28 marijuana-infused products, identified by the department of health
29 under section 10 of this act to have a low THC, high CBD ratio and to
30 be beneficial for medical use, purchased from marijuana retailers.

31 (e) Health care professionals with respect to the use of products
32 containing THC with a THC concentration of 0.3 percent or less
33 donated by the health care professionals under section 35 of this
34 act. Each health care professional providing such products at no
35 charge must maintain information establishing eligibility for this
36 exemption in the form and manner required by the department.

37 (f) The use of products containing THC with a THC concentration
38 of 0.3 percent or less by qualifying patients when purchased from or
39 provided at no charge by a health care professional under section 35
40 of this act.

1 (g) The use of marijuana, marijuana concentrates, useable
2 marijuana, marijuana-infused products, or products containing THC
3 with a THC concentration of 0.3 percent or less, by a cooperative and
4 its members, when produced by the cooperative.

5 (3) Nothing in subsection (2)(a), (b), (c), and (g) of this
6 section applies to use related to qualifying patients and designated
7 providers who have not been entered in the medical marijuana
8 authorization database and do not have an authorization card.

9 (4) For the purposes of this section:

10 (a) The terms "THC concentration," "marijuana," "marijuana
11 concentrates," "useable marijuana," "marijuana retailer," and
12 "marijuana-infused products" have the meaning provided in RCW
13 69.50.101 and the terms "qualifying patients," "designated
14 providers," and "authorization card" have the meaning provided in RCW
15 69.51A.010;

16 (b) "Cooperative" means a cooperative authorized by and operating
17 in compliance with section 26 of this act and any rules adopted by
18 the state liquor and cannabis board under section 26 of this act; and

19 (c) "Products containing THC with a THC concentration of 0.3
20 percent or less" has the same meaning as in section 38 of this act.

21 NEW SECTION. **Sec. 40.** A new section is added to chapter 82.04
22 RCW to read as follows:

23 (1) This chapter does not apply to any cooperative in respect to
24 growing marijuana, or manufacturing marijuana concentrates, useable
25 marijuana, or marijuana-infused products, as those terms are defined
26 in RCW 69.50.101.

27 (2) For purposes of this section, "cooperative" has the same
28 meaning provided in section 39 of this act.

29 NEW SECTION. **Sec. 41.** (1) The legislature finds marijuana use
30 for qualifying patients is a valid and necessary option health care
31 professionals may recommend for their patients. The legislature
32 further finds that although there is a distinction between
33 recreational and medical use of marijuana, the changing environment
34 for recreational marijuana use in Washington will also affect
35 qualifying patients. The legislature further finds that while
36 recognizing the difference between recreational and medical use of
37 marijuana, it is imperative to develop a single, comprehensive
38 regulatory scheme for marijuana use in the state. Acknowledging that

1 the implementation of this act may result in changes to how
2 qualifying patients access marijuana for their medical use, the
3 legislature intends to ease the transition towards a regulated market
4 and provide a statutory means for a safe, consistent, and secure
5 source of marijuana for qualifying patients. Therefore, the
6 legislature intends to provide qualifying patients a retail sales and
7 use tax exemption on purchases of marijuana for medical use when
8 authorized by a health care professional and when purchased at a
9 marijuana retailer with a medical marijuana endorsement. Because
10 marijuana is neither a prescription medicine nor an over-the-counter
11 medication, this policy should in no way be construed as precedence
12 for changes in the treatment of prescription medications or over-the-
13 counter medications.

14 (2)(a) This section is the tax preference performance statement
15 for the retail sales and use tax exemptions for marijuana
16 concentrates, useable marijuana, and marijuana-infused products
17 purchased by qualifying patients provided in sections 38 and 39 of
18 this act. The performance statement is only intended to be used for
19 subsequent evaluation of the tax preference. It is not intended to
20 create a private right of action by any party or be used to determine
21 eligibility for preferential tax treatment.

22 (b) The legislature categorizes the tax preference as one
23 intended to accomplish the general purposes indicated in RCW
24 82.32.808(2)(e).

25 (c) It is the legislature's specific public policy objective to
26 provide qualifying patients a retail sales and use tax exemption on
27 purchases of marijuana concentrates, useable marijuana, and
28 marijuana-infused products for medical use when qualifying patients
29 hold a valid authorization card. It is also the legislature's
30 specific public policy objective to provide a retail sales and use
31 tax exemption for all people who purchase low THC, high CBD products.
32 These products are more likely to be beneficial to those who use
33 marijuana for medical use and are not likely to appeal to nonmedical
34 users.

35 (d) To measure the effectiveness of the exemption provided in
36 sections 38 and 39 of this act in achieving the specific public
37 policy objectives described in (c) of this subsection, the joint
38 legislative audit and review committee must evaluate the actual
39 fiscal impact of the sales and use tax exemption compared to the
40 estimated impact in the fiscal note for this act.

1 (3) For the purposes of this section, the terms "authorization
2 card," "marijuana retailer," "qualifying patient," "low THC, high
3 CBD," and "health care professional" have the meaning provided in RCW
4 69.51A.010 and the terms "marijuana concentrates," "useable
5 marijuana," "marijuana retailer," and "marijuana-infused products"
6 have the meaning provided in RCW 69.50.101.

7 NEW SECTION. **Sec. 42.** (1) The department of health must develop
8 recommendations on establishing medical marijuana specialty clinics
9 that would allow for the authorization and dispensing of marijuana to
10 patients of health care professionals who work on-site of the clinic
11 and who are certified by the department of health in the medical use
12 of marijuana.

13 (2) Recommendations must be reported to the chairs of the health
14 care committees of both the senate and house of representatives by
15 December 1, 2015.

16 NEW SECTION. **Sec. 43.** All references to the Washington state
17 liquor control board must be construed as referring to the Washington
18 state liquor and cannabis board. The code reviser must prepare
19 legislation for the 2016 legislative session changing all references
20 in the Revised Code of Washington from the Washington state liquor
21 control board to the Washington state liquor and cannabis board.

22 NEW SECTION. **Sec. 44.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
25 & 1999 c 2 s 3;

26 (2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW
27 69.51A.040) and 2011 c 181 s 413;

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

30 (4) RCW 69.51A.070 (Addition of medical conditions) and 2007 c
31 371 s 7 & 1999 c 2 s 9;

32 (5) RCW 69.51A.090 (Applicability of valid documentation
33 definition) and 2010 c 284 s 5;

34 (6) RCW 69.51A.140 (Counties, cities, towns—Authority to adopt
35 and enforce requirements) and 2011 c 181 s 1102; and

36 (7) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

1 NEW SECTION. **Sec. 45.** RCW 69.51A.085 (Collective gardens) and
2 2015 c ... s 32 (section 32 of this act) and 2011 c 181 s 403 are
3 each repealed.

4 NEW SECTION. **Sec. 46.** Sections 38 and 39 of this act take
5 effect October 1, 2015.

6 NEW SECTION. **Sec. 47.** Sections 12, 19, 20, 23 through 26, 31,
7 35, 40, and 45 of this act take effect July 1, 2016.

8 NEW SECTION. **Sec. 48.** Sections 21, 22, 32, and 33 of this act
9 are necessary for the immediate preservation of the public health, or
10 safety, or support of the state government and its existing public
11 institutions, and take effect immediately.

12 NEW SECTION. **Sec. 49.** This act takes effect on the dates
13 provided in sections 46 through 48 of this act if House Bill No.
14 2136, or any subsequent version of House Bill No. 2136, is enacted
15 into law by October 1, 2015."

16 Correct the title.

EFFECT: (1) Gives preference in the marijuana producer, processor, and retailer application process to applicants that (a) were operating or employed by a collective garden prior to November 6, 2012; (b) had applied for a marijuana retailer license prior to July 1, 2014; (c) have appropriate business licenses; and (d) have a history of paying all applicable taxes. Prohibits persons who began operating a collective garden after November 6, 2012, from applying to be a marijuana producer, processor, or retailer until July 1, 2017, unless the collective garden was noncommercial in nature.

(2) Requires the state liquor and cannabis board to increase the amount of space that may be used for marijuana production as well as the number of marijuana retail outlets. Requires that, after January 1, 2017, reconsiderations of the amount of space for marijuana production and the number of retail outlets that are needed to meet the medical needs of qualifying patients must consider information in the medical marijuana authorization database (database).

(3) Changes the database and authorization card requirements to voluntary options for qualifying patients and designated providers, except it remains mandatory for qualifying patients who are minors and the designated provider of a minor. Applies arrest protections and sales and use tax exemptions to those who are entered in the database and obtain an authorization card. Provides an affirmative defense to qualifying patients and designated providers who have an authorization card, but are not entered in the database or hold an authorization card. Limits the amount of marijuana that a qualifying patient who is not entered in the database or holds an authorization card may possess to the amounts of useable marijuana, marijuana-

infused products, and marijuana concentrate as allowed for nonmedical purposes as well as up to four plants and six ounces of useable marijuana.

(4) Switches the responsibility for entering qualifying patients and designated providers into the database and issuing an authorization card from the health care professional to the marijuana retailer with a medical marijuana endorsement.

(5) Replaces the term "valid documentation" to "authorization." Defines an "authorization," after July 1, 2016, as a form developed by the department of health that is completed and signed by a qualifying patient's health care professional on tamper-proof paper. Requires the department's form for authorizations to include the qualifying patient's or designated provider's name, address, and date of birth; the health care professional's name, address, and license number; the amount and type of marijuana recommended; a telephone number to verify the authorization; and a statement that the authorization does not provide arrest protection unless the qualifying patient or designated provider is entered in the database and holds an authorization card.

(6) Removes the authority of a minor to hold their next dose and requires the parent or guardian of the minor to hold the minor's supply of marijuana.

(7) Limits the prohibition on unlicensed persons extracting marijuana resins, to extractions that use butane or other explosive gases. Specifies that the use of cooking oil, butter, and other nonexplosive home cooking substances for extracting marijuana resins for noncommercial medical use is permitted. Delays the enforcement of the limitation on extracting marijuana resins by unlicensed persons until the state liquor and cannabis board adopts rules for qualifying patients and designated providers to make such extractions, except for extractions using butane.

(8) Adds posttraumatic stress disorder to the list of conditions that qualify under the definition of "terminal or debilitating medical condition." Eliminates the medical quality assurance commission's authority to add new conditions to be considered "terminal or debilitating medical conditions."

(9) Reduces the distance that a cooperative must be from a marijuana retailer from 15 miles to one mile.

(10) Adds to the authority of medical marijuana consultants, the ability to provide instruction and demonstrations to customers about the proper use and application of marijuana products.

(11) Directs the board of naturopathy, board of osteopathic medicine and surgery, the medical quality assurance commission, and the nursing care quality assurance commission to develop and approve continuing education related to adopted practice guidelines for their regulated health care providers.

(12) Specifies that the fee for entry into the database and issuance of an authorization card is to be collected from the qualifying patient or designated provider by the marijuana retailer with a medical marijuana endorsement, which shall remit the funds to the department. Specifies that health care professionals must provide access to or produce documents, records, or other items to a disciplining authority to the same extent as required by the Uniform Disciplinary Act.

(13) Makes the act contingent upon the passage of HB 2136.

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