

2SSB 5052 - S AMD 19

By Senator Kohl-Welles

NOT ADOPTED 2/13/2015

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 comprehensive marijuana reform act.

5 **Part I - Intent**

6 NEW SECTION. **Sec. 101.** The legislature finds that the voters of
7 Washington state have consistently acted in a progressive manner when
8 it comes to marijuana policy, beginning in 1998 with Initiative
9 Measure No. 692, when voters authorized the medical use of marijuana,
10 and continuing in 2012 with Initiative Measure No. 502, when voters
11 authorized the recreational use of marijuana by enacting a system to
12 bring the illicit marijuana market under regulatory control and
13 directed tax revenues to prevention, treatment, research, education,
14 and evaluation.

15 However, the road from 1998 to 2012 has not been entirely smooth.
16 In 2011, a comprehensive regulatory scheme relating to the medical
17 use of marijuana was passed by both houses of the legislature but was
18 partially vetoed by the governor who voiced concerns about federal
19 intervention. Unfortunately, the partial veto did not add clarity to
20 the medical marijuana system and is responsible for some of the
21 confusion relating to it that exists to this day. The 2011 bill,
22 chapter 181, Laws of 2011 (Engrossed Second Substitute Senate Bill
23 No. 5073), provided for licensed producers, processors, and
24 distributors of marijuana. It also provided for small patient
25 collective gardens to allow for their own personal, medical use.
26 These collective gardens were intended by the legislature to
27 supplement the licensed producers; they were never intended to become
28 storefront businesses, operating without regulatory oversight. Yet,
29 today, collective gardens have developed into dispensaries, selling
30 marijuana for the medical use of patients, without testing or safe
31 handling standards and without regulatory oversight.

1 The resulting landscape is untenable. The state has two
2 contradictory methods of addressing marijuana: A medical system
3 without regulation and a recreational system subject to strict
4 regulation, including agency oversight, seed to sale tracking,
5 product testing and labeling, and strict controls relating to
6 underage use. Law enforcement does not have bright lines to follow in
7 determining who are recreational users and who are medical users.
8 Consequently, medical dispensaries are operating, many of which are
9 selling untested products to medical users and without any assurances
10 that people who truly need medical products are accessing those
11 products or that the products they purchase are free from
12 contaminants and have the THC/CBD level that would benefit their
13 medical conditions. The legislature intends to draw bright line rules
14 to aid enforcement of both medical and recreational systems, to merge
15 medical into the recreational regulatory scheme so all products sold
16 in the state meet at least the same testing and product safety
17 requirements, and to ensure that people who require marijuana for
18 their medical care are still provided adequate access to this
19 product.

20 The legislature further finds that, while Initiative Measure No.
21 502 began the discussion for this state in regulating the
22 recreational use of marijuana, there is much work that needs to be
23 done. This includes: Developing safe delivery methods for marijuana,
24 becoming a leader in the country in research related to the use of
25 marijuana, permitting all people regardless of whether they are
26 medical or recreational users to grow up to six plants for their
27 personal use, permitting all people to purchase products low in THC
28 and high in CBD without paying sales and use tax, permitting
29 qualifying patients and designated providers to purchase medical
30 grade marijuana without paying sales and use tax, addressing local
31 government regulation by requiring that all moratoria and bans on
32 marijuana be subject to public vote, and limiting access to marijuana
33 by minors. Further qualifying patients need assurances that they will
34 continue to have access to marijuana for their personal, medical use.
35 The legislature intends to adopt a medical marijuana waiver system
36 that allows patients to directly apply with the department of health
37 to get a waiver from the limits provided by this bill in order to
38 address their unique medical needs. This system eliminates the need
39 for a medical marijuana registry that involves the health care

1 professional as the "gatekeeper" to entry and will eliminate abuse of
2 authorizations.

3 **Part II - Definitions**

4 **Sec. 201.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
5 read as follows:

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

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

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

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

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

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

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

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

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

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

36 (2) The term does not include:

37 (i) a controlled substance;

1 (ii) a substance for which there is an approved new drug
2 application;

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

8 (iv) any substance to the extent not intended for human
9 consumption before an exemption takes effect with respect to the
10 substance.

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

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

15 (h) "Dispense" means the interpretation of a prescription or
16 order for a controlled substance and, pursuant to that prescription
17 or order, the proper selection, measuring, compounding, labeling, or
18 packaging necessary to prepare that prescription or order for
19 delivery.

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

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

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

24 (l) "Drug" means (1) a controlled substance recognized as a drug
25 in the official United States pharmacopoeia/national formulary or the
26 official homeopathic pharmacopoeia of the United States, or any
27 supplement to them; (2) controlled substances intended for use in the
28 diagnosis, cure, mitigation, treatment, or prevention of disease in
29 individuals or animals; (3) controlled substances (other than food)
30 intended to affect the structure or any function of the body of
31 individuals or animals; and (4) controlled substances intended for
32 use as a component of any article specified in (1), (2), or (3) of
33 this subsection. The term does not include devices or their
34 components, parts, or accessories.

35 (m) "Drug enforcement administration" means the drug enforcement
36 administration in the United States Department of Justice, or its
37 successor agency.

38 (n) "Electronic communication of prescription information" means
39 the transmission of a prescription or refill authorization for a drug
40 of a practitioner using computer systems. The term does not include a

1 prescription or refill authorization verbally transmitted by
2 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

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

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

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

38 (2) by a practitioner, or by the practitioner's authorized agent
39 under the practitioner's supervision, for the purpose of, or as an

1 incident to, research, teaching, or chemical analysis and not for
2 sale.

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

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

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

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

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

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

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

39 (1) Opium, opium derivative, and any derivative of opium or opium
40 derivative, including their salts, isomers, and salts of isomers,

1 whenever the existence of the salts, isomers, and salts of isomers is
2 possible within the specific chemical designation. The term does not
3 include the isoquinoline alkaloids of opium.

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

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

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

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

14 (6) Cocaine base.

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

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

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

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

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

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

36 (ee) "Practitioner" means:

37 (1) A physician under chapter 18.71 RCW; a physician assistant
38 under chapter 18.71A RCW; an osteopathic physician and surgeon under
39 chapter 18.57 RCW; an osteopathic physician assistant under chapter
40 18.57A RCW who is licensed under RCW 18.57A.020 subject to any

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

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

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

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

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

36 (hh) "Retail outlet" means a location licensed by the state
37 liquor ~~((control))~~ and cannabis board for the retail sale of
38 marijuana concentrates, useable marijuana, and marijuana-infused
39 products.

1 (ii) "Secretary" means the secretary of health or the secretary's
2 designee.

3 (jj) "State," unless the context otherwise requires, means a
4 state of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, or a territory or insular possession
6 subject to the jurisdiction of the United States.

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

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

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

21 (nn) "Designated provider" has the meaning provided in RCW
22 69.51A.010.

23 (oo) "Qualifying patient" has the meaning provided in RCW
24 69.51A.010.

25 (pp) "CBD concentration" has the meaning provided in RCW
26 69.51A.010.

27 (qq) "Plant" means a marijuana plant having at least three
28 distinguishable and distinct leaves, each leaf being at least three
29 centimeters in diameter, and a readily observable root formation
30 consisting of at least two separate and distinct roots, each being at
31 least two centimeters in length. Multiple stalks emanating from the
32 same root ball or root system is considered part of the same single
33 plant.

34 (rr) "Health care professional" has the meaning provided in RCW
35 69.51A.010.

36 (ss) "Evidence-based" means a program or practice that has been
37 tested in heterogeneous or intended populations with multiple
38 randomized, or statistically controlled evaluations, or both; or one
39 large multiple site randomized, or statistically controlled
40 evaluation, or both, where the weight of the evidence from a systemic

1 review demonstrates sustained improvements in at least one outcome.
2 "Evidence-based" also means a program or practice that can be
3 implemented with a set of procedures to allow successful replication
4 in Washington and, when possible, is determined to be cost-
5 beneficial.

6 (tt) "Research-based" means a program or practice that has been
7 tested with a single randomized, or statistically controlled
8 evaluation, or both, demonstrating sustained desirable outcomes; or
9 where the weight of the evidence from a systemic review supports
10 sustained outcomes as described in (ss) of this subsection but does
11 not meet the full criteria for evidence-based.

12 (uu) "Emerging best practices" or "promising practice" means a
13 program or practice that, based on statistical analyses or a well
14 established theory of change, shows potential for meeting the
15 evidence-based or research-based criteria, which may include the use
16 of a program that is evidence-based for outcomes other than those
17 listed in (ss) of this subsection.

18 (vv) "Immature plant" means a marijuana plant with no observable
19 flowers or buds.

20 (ww) "Mature plant" means a marijuana plant with observable
21 flowers or buds.

22 (xx) "Waiver" or "waiver card" has the meaning provided in RCW
23 69.51A.010.

24 (yy) "Medical grade marijuana" has the meaning provided in RCW
25 69.51A.010.

26 **Sec. 202.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
27 read as follows:

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

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

33 (a)(i) Is the parent or guardian of a qualifying patient who is
34 under the age of eighteen; 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) Has been listed on a waiver application as being the
39 designated provider to a qualifying patient and may only provide

1 marijuana to that qualifying patient under the department-approved
2 waiver;

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

6 (d) Is in compliance with the terms and conditions of this
7 chapter; and

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

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

17 (3) "Medical use of marijuana" means the production, possession,
18 transportation, delivery, ingestion, application, or administration
19 of marijuana(~~(, as defined in RCW 69.50.101(q),)~~) for the exclusive
20 benefit of a qualifying patient in the treatment of his or her
21 terminal or debilitating ~~((illness))~~ medical condition.

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

23 (a)(i) Is a patient of a health care professional;

24 ~~((b))~~ (ii) Has been diagnosed by that health care professional
25 as having a terminal or debilitating medical condition;

26 ~~((c))~~ (iii) Is a resident of the state of Washington at the
27 time of such diagnosis;

28 ~~((d))~~ (iv) Has been advised by that health care professional
29 about the risks and benefits of the medical use of marijuana(~~(; and~~

30 ~~(e))~~ (v) Has been advised by that health care professional that
31 ~~((they))~~ he or she may benefit from the medical use of marijuana; and

32 (vi) Is otherwise in compliance with the terms and conditions
33 established in this chapter.

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

39 ~~((("Tamper-resistant paper" means paper that meets one or more~~
40 ~~of the following industry recognized features:~~

1 ~~(a) One or more features designed to prevent copying of the~~
2 ~~paper;~~
3 ~~(b) One or more features designed to prevent the erasure or~~
4 ~~modification of information on the paper; or~~
5 ~~(c) One or more features designed to prevent the use of~~
6 ~~counterfeit valid documentation.~~
7 ~~(6))~~ "Terminal or debilitating medical condition" means a
8 condition severe enough to significantly interfere with the patient's
9 activities of daily living and ability to function, which can be
10 objectively assessed and evaluated and limited to the following:
11 (a) Cancer, human immunodeficiency virus (HIV), multiple
12 sclerosis, epilepsy or other seizure disorder, or spasticity
13 disorders; ~~((e))~~
14 (b) Intractable pain, limited for the purpose of this chapter to
15 mean pain unrelieved by standard medical treatments and medications;
16 ~~((e))~~
17 (c) Glaucoma, either acute or chronic, limited for the purpose of
18 this chapter to mean increased intraocular pressure unrelieved by
19 standard treatments and medications; ~~((e))~~
20 (d) Crohn's disease with debilitating symptoms unrelieved by
21 standard treatments or medications; ~~((e))~~
22 (e) Hepatitis C with debilitating nausea or intractable pain
23 unrelieved by standard treatments or medications; ~~((e))~~
24 (f) Diseases, including anorexia, which result in nausea,
25 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,
26 or spasticity, when these symptoms are unrelieved by standard
27 treatments or medications;
28 (g) Posttraumatic stress disorder; or
29 ~~((g))~~ (h) Any other medical condition duly approved by the
30 Washington state medical quality assurance commission in consultation
31 with the board of osteopathic medicine and surgery as directed in
32 this chapter.
33 ~~((7) "Valid documentation" means:~~
34 ~~(a) A statement signed and dated by a qualifying patient's health~~
35 ~~care professional written on tamper-resistant paper, which states~~
36 ~~that, in the health care professional's professional opinion, the~~
37 ~~patient may benefit from the medical use of marijuana; and~~
38 ~~(b) Proof of identity such as a Washington state driver's license~~
39 ~~or identicard, as defined in RCW 46.20.035))~~ (6) "CBD concentration"

1 means the percent of cannabidiol content per dry weight of any part
2 of the plant Cannabis, or per volume or weight of marijuana product.

3 (7) "Department" means the department of health.

4 (8) "Marijuana" has the meaning provided in RCW 69.50.101.

5 (9) "Marijuana concentrates" has the meaning provided in RCW
6 69.50.101.

7 (10) "Marijuana processor" has the meaning provided in RCW
8 69.50.101.

9 (11) "Marijuana producer" has the meaning provided in RCW
10 69.50.101.

11 (12) "Marijuana-infused products" has the meaning provided in RCW
12 69.50.101.

13 (13) "Plant" has the meaning provided in RCW 69.50.101.

14 (14) "THC concentration" has the meaning provided in RCW
15 69.50.101.

16 (15) "Useable marijuana" has the meaning provided in RCW
17 69.50.101.

18 (16) "Waiver" or "waiver card" means the document provided by the
19 department under section 603 of this act that permits a qualifying
20 patient or designated provider to possess more useable marijuana or
21 marijuana plants than what is permitted under chapter 69.50 RCW, that
22 permits persons between the ages of eighteen and twenty-one to
23 purchase marijuana from a marijuana retailer that holds a medical
24 marijuana endorsement, and permits all marijuana purchases made with
25 the card at a marijuana retailer that holds a medical marijuana
26 endorsement to be exempt from sales and use tax.

27 (17) "Immature plant" has the meaning provided in RCW 69.50.101.

28 (18) "Mature plant" has the meaning provided in RCW 69.50.101.

29 (19) "Medical grade marijuana" means marijuana concentrates,
30 useable marijuana, marijuana-infused products, and plants that are
31 identified under section 308 of this act as beneficial to qualifying
32 patients.

33 **Sec. 203.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
34 read as follows:

35 There shall be a board, known as the "Washington state liquor
36 (~~and cannabis~~) and cannabis board," consisting of three members, to be
37 appointed by the governor, with the consent of the senate, who shall
38 each be paid an annual salary to be fixed by the governor in
39 accordance with the provisions of RCW 43.03.040. The governor may, in

1 his or her discretion, appoint one of the members as chair of the
2 board, and a majority of the members shall constitute a quorum of the
3 board.

4 **Part III - Licenses**

5 **Sec. 301.** RCW 69.50.325 and 2014 c 192 s 2 are each amended to
6 read as follows:

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

25 (2) There shall be a marijuana processor's license to process,
26 package, and label marijuana concentrates, useable marijuana,
27 immature marijuana plants, and marijuana-infused products for sale at
28 wholesale to marijuana processors and marijuana retailers, regulated
29 by the state liquor (~~control~~) and cannabis board and subject to
30 annual renewal. The processing, packaging, possession, delivery,
31 distribution, and sale of marijuana, useable marijuana, marijuana-
32 infused products, immature marijuana plants, and marijuana
33 concentrates in accordance with the provisions of this chapter (~~(3,~~
34 ~~Laws of 2013)~~) and the rules adopted to implement and enforce it, by
35 a validly licensed marijuana processor, shall not be a criminal or
36 civil offense under Washington state law. Every marijuana processor's
37 license shall be issued in the name of the applicant, shall specify
38 the location at which the licensee intends to operate, which must be

1 within the state of Washington, and the holder thereof shall not
2 allow any other person to use the license. The application fee for a
3 marijuana processor's license shall be two hundred fifty dollars. The
4 annual fee for issuance and renewal of a marijuana processor's
5 license shall be one thousand dollars. A separate license shall be
6 required for each location at which a marijuana processor intends to
7 process marijuana.

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

29 **Sec. 302.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to
30 read as follows:

31 (1) For the purpose of considering any application for a license
32 to produce, process, or sell marijuana, or for the renewal of a
33 license to produce, process, or sell marijuana, the state liquor
34 (~~control~~) and cannabis board must conduct a comprehensive, fair,
35 and impartial evaluation of the applications timely received.

36 (a) The state liquor and cannabis board must develop a
37 competitive, merit-based basis application process that includes at a
38 minimum, the opportunity for an applicant to demonstrate experience
39 and qualifications in the marijuana industry. Operating a collective

1 garden before the effective date of this section and having a
2 business license and a history of paying sales tax to the department
3 of revenue may be factors used to establish the experience and
4 qualifications of the applicant.

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

33 (c) No license of any kind may be issued to:

34 ~~((a))~~ (i) A person under the age of twenty-one years;

35 ~~((b))~~ (ii) A person doing business as a sole proprietor who has
36 not lawfully resided in the state for at least three months prior to
37 applying to receive a license;

38 ~~((c))~~ (iii) A partnership, employee cooperative, association,
39 nonprofit corporation, or corporation unless formed under the laws of

1 this state, and unless all of the members thereof are qualified to
2 obtain a license as provided in this section; or

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

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

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

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

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

35 (e) In case of disobedience of any person to comply with the
36 order of the state liquor ~~((control))~~ and cannabis board or a
37 subpoena issued by the state liquor ~~((control))~~ and cannabis board,
38 or any of its members, or administrative law judges, or on the
39 refusal of a witness to testify to any matter regarding which he or
40 she may be lawfully interrogated, the judge of the superior court of

1 the county in which the person resides, on application of any member
2 of the board or administrative law judge, shall compel obedience by
3 contempt proceedings, as in the case of disobedience of the
4 requirements of a subpoena issued from said court or a refusal to
5 testify therein.

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

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

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

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

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

37 (b) The incorporated city or town through the official or
38 employee selected by it, or the county legislative authority or the
39 official or employee selected by it, shall have the right to file
40 with the state liquor (~~(control)~~) and cannabis board within twenty

1 days after the date of transmittal of the notice for applications, or
2 at least thirty days prior to the expiration date for renewals,
3 written objections against the applicant or against the premises for
4 which the new or renewed license is asked. The state liquor
5 (~~control~~) and cannabis board may extend the time period for
6 submitting written objections.

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

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

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

34 (b) If a city or county adopts an ordinance under section 701 of
35 this act, the state liquor and cannabis board shall not issue a
36 license if the premises violates the terms of the ordinance.

37 (9) In determining whether to grant or deny a license or renewal
38 of any license, the state liquor (~~control~~) and cannabis board shall
39 give substantial weight to objections from an incorporated city or
40 town or county legislative authority based upon chronic illegal

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

17 **Sec. 303.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to
18 read as follows:

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

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

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

34 (3) Methods of producing, processing, (~~((and))~~) packaging, and
35 transporting marijuana, useable marijuana, marijuana concentrates,
36 immature plants, and marijuana-infused products; conditions of
37 sanitation; safe handling requirements; and standards of ingredients,
38 quality, and identity of marijuana, useable marijuana, marijuana

1 concentrates, immature plants, and marijuana-infused products
2 produced, processed, packaged, or sold by licensees;

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

6 (5) Security requirements for marijuana distributor and marijuana
7 delivery licensees, and safety protocols for these licensees and
8 their employees;

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

11 ~~((+6))~~ (7) Retail outlet locations and hours of operation;

12 ~~((+7))~~ (8) Labeling requirements and restrictions on
13 advertisement of marijuana, useable marijuana, marijuana
14 concentrates, and marijuana-infused products for sale in retail
15 outlets;

16 ~~((+8))~~ (9) Forms to be used for purposes of this chapter ~~((3,~~
17 ~~Laws of 2013))~~ or the rules adopted to implement and enforce it, the
18 terms and conditions to be contained in licenses issued under this
19 chapter ~~((3, Laws of 2013)),~~ and the qualifications for receiving a
20 license issued under this chapter ~~((3, Laws of 2013)),~~ including a
21 criminal history record information check. The state liquor
22 ~~((control))~~ and cannabis board may submit any criminal history record
23 information check to the Washington state patrol and to the
24 identification division of the federal bureau of investigation in
25 order that these agencies may search their records for prior arrests
26 and convictions of the individual or individuals who filled out the
27 forms. The state liquor ~~((control))~~ and cannabis board shall require
28 fingerprinting of any applicant whose criminal history record
29 information check is submitted to the federal bureau of
30 investigation;

31 ~~((+9))~~ (10) Application, reinstatement, and renewal fees for
32 licenses issued under this chapter ~~((3, Laws of 2013)),~~ and fees for
33 anything done or permitted to be done under the rules adopted to
34 implement and enforce this chapter ~~((3, Laws of 2013));~~

35 ~~((+10))~~ (11) The manner of giving and serving notices required
36 by this chapter ~~((3, Laws of 2013))~~ or rules adopted to implement or
37 enforce it;

38 ~~((+11))~~ (12) Times and periods when, and the manner, methods,
39 and means by which, licensees shall transport and deliver marijuana,

1 marijuana concentrates, immature or mature plants, useable marijuana,
2 and marijuana-infused products within the state;
3 ~~((12))~~ (13) Identification, seizure, confiscation, destruction,
4 or donation to law enforcement for training purposes of all
5 marijuana, marijuana concentrates, immature or mature plants, useable
6 marijuana, and marijuana-infused products produced, processed, sold,
7 or offered for sale within this state which do not conform in all
8 respects to the standards prescribed by this chapter ~~((3, Laws of~~
9 ~~2013))~~ or the rules adopted to implement and enforce ~~((it: PROVIDED,~~
10 ~~That nothing in chapter 3, Laws of 2013 shall be construed as~~
11 ~~authorizing the state liquor control board to seize, confiscate,~~
12 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~
13 ~~or marijuana-infused products produced, processed, sold, offered for~~
14 ~~sale, or possessed in compliance with the Washington state medical~~
15 ~~use of cannabis act, chapter 69.51A RCW)) this chapter.~~

16 **Sec. 304.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to
17 read as follows:

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

22 (1) Licensing of marijuana producers, marijuana processors, and
23 marijuana retailers, including prescribing forms and establishing
24 application, reinstatement, and renewal fees. Application forms for
25 marijuana producers must request the applicant to state whether the
26 applicant intends to produce medical grade marijuana for sale by
27 marijuana retailers who hold medical marijuana endorsements and the
28 amount of or percentage of canopy the applicant intends to commit to
29 growing medical grade marijuana;

30 (2) Reconsidering limits on the amount of square feet permitted
31 to be in production on the effective date of this section and
32 increasing the percentage of production space for those marijuana
33 producers who intend to grow medical grade marijuana if the marijuana
34 producer designates the increased production space to medical grade
35 marijuana. If current marijuana producers do not use all the
36 increased production space, the state liquor and cannabis board may
37 reopen the license period for new marijuana producer license
38 applicants but only to those marijuana producers who agree to grow

1 medical grade marijuana for medical marijuana endorsed retail
2 outlets;

3 ((+2)) (3) Determining, in consultation with the office of
4 financial management, the maximum number of retail outlets that may
5 be licensed in each county, taking into consideration:

6 (a) Population distribution;

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

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

11 (d) The number of retail outlets holding medical marijuana
12 endorsements necessary to meet the medical needs of qualifying
13 patients. The state liquor and cannabis board must reconsider the
14 maximum number of retail outlets it established before the effective
15 date of this section and allow for a new license application period
16 and a greater number of retail outlets to be permitted in order to
17 accommodate the medical needs of qualifying patients and designated
18 providers;

19 ((+3)) (4) Determining the maximum quantity of marijuana a
20 marijuana producer may have on the premises of a licensed location at
21 any time without violating Washington state law;

22 ((+4)) (5) Determining the maximum quantities of marijuana,
23 marijuana concentrates, useable marijuana, and marijuana-infused
24 products a marijuana processor may have on the premises of a licensed
25 location at any time without violating Washington state law;

26 ((+5)) (6) Determining the maximum quantities of marijuana
27 concentrates, useable marijuana, and marijuana-infused products a
28 marijuana retailer may have on the premises of a retail outlet at any
29 time without violating Washington state law;

30 ((+6)) (7) In making the determinations required by
31 ~~((subsections (3) through (5) of))~~ this section, the state liquor
32 ~~((control))~~ and cannabis board shall take into consideration:

33 (a) Security and safety issues;

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

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

1 ((+7)) (8) Determining the nature, form, and capacity of all
2 containers to be used by licensees to contain marijuana, marijuana
3 concentrates, useable marijuana, and marijuana-infused products, and
4 their labeling requirements, to include but not be limited to:

5 (a) The business or trade name and Washington state unified
6 business identifier number of the licensees that grew, processed, and
7 sold the marijuana, marijuana concentrates, useable marijuana, or
8 marijuana-infused product;

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

11 (c) THC concentration of the marijuana, marijuana concentrates,
12 useable marijuana, or marijuana-infused product;

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

15 (e) Language required by RCW 69.04.480;

16 ((+8)) (9) In consultation with the department of agriculture,
17 establishing classes of marijuana, marijuana concentrates, useable
18 marijuana, and marijuana-infused products according to grade,
19 condition, cannabinoid profile, THC concentration, or other
20 qualitative measurements deemed appropriate by the state liquor
21 ~~((control))~~ and cannabis board;

22 ((+9)) (10) Establishing reasonable time, place, and manner
23 restrictions and requirements regarding advertising of marijuana,
24 marijuana concentrates, useable marijuana, and marijuana-infused
25 products that are not inconsistent with the provisions of this
26 chapter ~~((3, Laws of 2013))~~, taking into consideration:

27 (a) Federal laws relating to marijuana that are applicable within
28 Washington state;

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

31 (c) The inclusion of medically and scientifically accurate
32 information about the health and safety risks posed by marijuana use
33 in the advertising; and

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

36 ((+10)) (11) Specifying and regulating the time and periods
37 when, and the manner, methods, and means by which, licensees shall
38 transport and deliver marijuana, marijuana concentrates, useable
39 marijuana, and marijuana-infused products within the state;

1 (~~(11)~~) (12) In consultation with the department and the
2 department of agriculture, establishing accreditation requirements
3 for testing laboratories used by licensees to demonstrate compliance
4 with standards adopted by the state liquor (~~(control)~~) and cannabis
5 board, and prescribing methods of producing, processing, and
6 packaging marijuana, marijuana concentrates, useable marijuana, and
7 marijuana-infused products; conditions of sanitation; and standards
8 of ingredients, quality, and identity of marijuana, marijuana
9 concentrates, useable marijuana, and marijuana-infused products
10 produced, processed, packaged, or sold by licensees;

11 (~~(12)~~) (13) Specifying procedures for identifying, seizing,
12 confiscating, destroying, and donating to law enforcement for
13 training purposes all marijuana, marijuana concentrates, useable
14 marijuana, and marijuana-infused products produced, processed,
15 packaged, labeled, or offered for sale in this state that do not
16 conform in all respects to the standards prescribed by this chapter
17 (~~(3, Laws of 2013)~~) or the rules of the state liquor (~~(control)~~) and
18 cannabis board.

19 **Sec. 305.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to
20 read as follows:

21 (1) On a schedule determined by the state liquor (~~(control)~~) and
22 cannabis board, every licensed marijuana producer and processor must
23 submit representative samples of marijuana, marijuana concentrates,
24 useable marijuana, or marijuana-infused products produced or
25 processed by the licensee to an independent, third-party testing
26 laboratory meeting the accreditation requirements established by the
27 state liquor (~~(control)~~) and cannabis board, for inspection and
28 testing to certify compliance with standards adopted by the state
29 liquor (~~(control)~~) and cannabis board. Any sample remaining after
30 testing shall be destroyed by the laboratory or returned to the
31 licensee.

32 (2) Licensees must submit the results of this inspection and
33 testing to the state liquor (~~(control)~~) and cannabis board on a form
34 developed by the state liquor (~~(control)~~) and cannabis board.

35 (3) If a representative sample inspected and tested under this
36 section does not meet the applicable standards adopted by the state
37 liquor (~~(control)~~) and cannabis board, the entire lot from which the
38 sample was taken must be destroyed.

1 **Sec. 306.** RCW 69.50.351 and 2013 c 3 s 12 are each amended to
2 read as follows:

3 Except as provided by chapter 42.52 RCW, no member of the state
4 liquor (~~control~~) and cannabis board and no employee of the state
5 liquor (~~control~~) and cannabis board shall have any interest,
6 directly or indirectly, in the producing, processing, or sale of
7 marijuana, marijuana concentrates, useable marijuana, immature
8 plants, or marijuana-infused products, or derive any profit or
9 remuneration from the sale of marijuana, marijuana concentrates,
10 useable marijuana, immature plants, or marijuana-infused products
11 other than the salary or wages payable to him or her in respect of
12 his or her office or position, and shall receive no gratuity from any
13 person in connection with the business.

14 **Sec. 307.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to
15 read as follows:

16 There may be licensed, in no greater number in each of the
17 counties of the state than as the state liquor (~~control~~) and
18 cannabis board shall deem advisable, retail outlets established for
19 the purpose of making marijuana concentrates, immature plants,
20 useable marijuana, and marijuana-infused products available for sale
21 to adults aged twenty-one and over. Retail sale of marijuana
22 concentrates, immature plants, useable marijuana, and marijuana-
23 infused products in accordance with (~~the provisions of~~) this
24 chapter (~~(3, Laws of 2013)~~) and the rules adopted to implement and
25 enforce it, by a validly licensed marijuana retailer or retail outlet
26 employee, shall not be a criminal or civil offense under Washington
27 state law.

28 NEW SECTION. **Sec. 308.** A new section is added to chapter 69.50
29 RCW to read as follows:

30 (1) A medical marijuana endorsement to a marijuana retail license
31 is hereby established to permit a marijuana retailer to sell medical
32 grade marijuana to persons over the age of twenty-one or to persons
33 holding waiver cards as provided in sections 602 and 603 of this act.

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

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

37 (a) Not authorize the medical use of marijuana for qualifying
38 patients at the retail outlet or permit health care professionals to

1 authorize the medical use of marijuana for qualifying patients at the
2 retail outlet;

3 (b) Carry medical grade marijuana identified by the state liquor
4 and cannabis board under subsection (5) of this section;

5 (c) Not use labels or market marijuana concentrates, useable
6 marijuana, immature plants, or marijuana-infused products in a way
7 that make them intentionally attractive to minors;

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

13 (e) Meet other requirements as adopted by rule of the department
14 or the state liquor and cannabis board.

15 (4) A marijuana retailer holding a medical marijuana endorsement
16 may sell or provide at no charge products with a THC concentration of
17 0.3 percent or less to qualifying patients or designated providers
18 who possess valid waiver cards.

19 (5) The state liquor and cannabis board must, in consultation
20 with the department and the department of agriculture, establish a
21 medical grade standard and identify medical grade marijuana products
22 that may be sold to qualifying patients or designated providers under
23 a medical marijuana endorsement. These rules must include:

24 (a) THC concentration, CBD concentration, and THC to CBD ratios
25 appropriate for marijuana concentrates, immature plants, useable
26 marijuana, or marijuana-infused products sold to qualifying patients;

27 (b) Labeling requirements for medical grade marijuana;

28 (c) The number and type of medical grade marijuana products that
29 must be offered at medical marijuana endorsed stores;

30 (d) Safe handling requirements for products intended for medical
31 use;

32 (e) Laboratory testing requirements for products intended for
33 medical use to ensure medical grade marijuana products meet the
34 medical grade standard, including requirements for molds, pesticides,
35 and other contaminants; and

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

39 (6) A marijuana retailer holding an endorsement to sell medical
40 grade marijuana to qualifying patients must train its employees on

1 recognition of valid waiver cards as well as strains, varieties, THC
2 concentration, CBD concentration, and THC to CBD ratios of marijuana
3 concentrates, useable marijuana, and marijuana-infused products,
4 available for sale when assisting qualifying patients and designated
5 providers at the retail outlet. To meet the requirements of this
6 subsection, the marijuana retailer may employ a medical marijuana
7 consultant, certified by the department under section 611 of this
8 act. The medical marijuana consultant must be available on the retail
9 outlet premises during business hours to provide advice to consumers
10 on the potential medical benefits of marijuana.

11 **Sec. 309.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to
12 read as follows:

13 (1)(a) Retail outlets (~~shall~~) may sell (~~no products or~~
14 ~~services other than~~) marijuana concentrates, useable marijuana,
15 marijuana-infused products, (~~or~~) immature plants, products
16 containing THC with a THC concentration of 0.3 percent or less, and
17 other nonedible consumer goods including, but not limited to,
18 clothing with the retail outlet's name or logo on it. Retail outlets
19 may also sell paraphernalia intended for the storage or use of
20 marijuana concentrates, useable marijuana, or marijuana-infused
21 products.

22 (b) Retail outlets shall not sell liquor, as that term is defined
23 in RCW 66.04.010.

24 (c) The state liquor and cannabis board may adopt rules on
25 nonedible consumer goods that may not be sold in retail outlets,
26 including prohibiting consumer goods that are intended for use by
27 persons under the age of eighteen.

28 (2) Licensed marijuana retailers shall not employ persons under
29 twenty-one years of age or allow persons under twenty-one years of
30 age to enter or remain on the premises of a retail outlet. However,
31 qualifying patients between eighteen and twenty-one years of age who
32 hold waiver cards may enter and remain on the premises of a retail
33 outlet holding a medical marijuana endorsement and may purchase
34 products for their personal medical use.

35 (3)(a) Licensed marijuana retailers must ensure that all
36 employees are trained on the rules adopted to implement this chapter,
37 identification of persons under the age of twenty-one, and other
38 requirements adopted by the state liquor and cannabis board to ensure

1 that persons under the age of twenty-one are not permitted to enter
2 or remain on the premises of a retail outlet.

3 (b) Licensed marijuana retailers with a medical marijuana
4 endorsement must ensure that all employees are trained on the
5 subjects required by (a) of this subsection as well as identification
6 of waiver cards issued under section 602 of this act. Employees must
7 also be trained to permit qualifying patients who hold waiver cards
8 and are between the ages of eighteen and twenty-one to enter the
9 premises and purchase marijuana for their personal medical use.

10 ~~((3))~~ (4) Licensed marijuana retailers shall not display any
11 signage in a window, on a door, or on the outside of the premises of
12 a retail outlet that is visible to the general public from a public
13 right-of-way, other than a single sign no larger than one thousand
14 six hundred square inches identifying the retail outlet by the
15 licensee's business or trade name. Retail outlets that hold medical
16 marijuana endorsements may include this information on signage.

17 ~~((4))~~ (5) Licensed marijuana retailers shall not display
18 marijuana concentrates, immature plants, useable marijuana, or
19 marijuana-infused products in a manner that is visible to the general
20 public from a public right-of-way.

21 ~~((5))~~ (6) No licensed marijuana retailer or employee of a
22 retail outlet shall open or consume, or allow to be opened or
23 consumed, any marijuana concentrates, useable marijuana, or
24 marijuana-infused product on the outlet premises.

25 ~~((6))~~ (7) The state liquor (~~control~~) and cannabis board shall
26 fine a licensee one thousand dollars for each violation of any
27 subsection of this section. Fines collected under this section must
28 be deposited into the dedicated marijuana fund created under RCW
29 69.50.530.

30 **Sec. 310.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
31 read as follows:

32 The following acts, when performed by a validly licensed
33 marijuana retailer or employee of a validly licensed retail outlet in
34 compliance with rules adopted by the state liquor (~~control~~) and
35 cannabis board to implement and enforce this chapter (~~(3, Laws of~~
36 ~~2013))~~, shall not constitute criminal or civil offenses under
37 Washington state law:

38 (1) Purchase and receipt of marijuana concentrates, useable
39 marijuana, immature plants, or marijuana-infused products that have

1 been properly packaged and labeled from a marijuana processor validly
2 licensed under this chapter (~~(3, Laws of 2013)~~);

3 (2) Possession of quantities of marijuana concentrates, useable
4 marijuana, immature plants, or marijuana-infused products that do not
5 exceed the maximum amounts established by the state liquor
6 (~~control~~) and cannabis board under RCW 69.50.345(~~(5)~~) (6);
7 (~~and~~)

8 (3) Delivery, distribution, and sale, on the premises of the
9 retail outlet, of any combination of the following amounts of
10 marijuana concentrates, useable marijuana, immature plants, or
11 marijuana-infused product to any person twenty-one years of age or
12 older:

- 13 (a) One ounce of useable marijuana;
- 14 (b) Sixteen ounces of marijuana-infused product in solid form;
- 15 (c) Seventy-two ounces of marijuana-infused product in liquid
16 form; (~~or~~)
- 17 (d) Seven grams of marijuana concentrate; or
- 18 (e) Six immature plants; and
- 19 (4) Resale or return of mature plants to a marijuana producer or
20 marijuana processor.

21 NEW SECTION. Sec. 311. The department of health must develop
22 recommendations on establishing medical marijuana specialty clinics
23 that would allow for the authorization and dispensing of marijuana to
24 patients of health care professionals who work on-site of the clinic
25 and who are certified by the department of health in the medical use
26 of marijuana.

27 Recommendations must be reported to the chairs of the health care
28 committees of both the house of representatives and the senate by
29 December 1, 2015.

30 NEW SECTION. Sec. 312. A new section is added to chapter 69.50
31 RCW to read as follows:

32 (1) There shall be a marijuana research license that permits a
33 licensee to produce and possess marijuana for the following limited
34 research purposes:

- 35 (a) To test chemical potency and composition levels;
- 36 (b) To conduct clinical investigations of marijuana-derived drug
37 products;

1 (c) To conduct research on the efficacy and safety of
2 administering marijuana as part of medical treatment; and

3 (d) To conduct genomic or agricultural research.

4 (2) As part of the application process for a marijuana research
5 license, an applicant must submit to the life sciences discovery fund
6 authority a description of the research that is intended to be
7 conducted. The life sciences discovery fund authority must review the
8 project and determine that it meets the requirements of subsection
9 (1) of this section. If the life sciences discovery fund authority
10 determines that the research project does not meet the requirements
11 of subsection (1) of this section, the application must be denied.

12 (3) A marijuana research licensee may only sell marijuana grown
13 or within its operation to other marijuana research licensees. The
14 state liquor and cannabis board may revoke a marijuana research
15 license for violations of this subsection.

16 (4) A marijuana research licensee may contract with the
17 University of Washington or Washington State University to perform
18 research in conjunction with the university. All research projects
19 must be approved by the life sciences discovery fund authority and
20 meet the requirements of subsection (1) of this section.

21 (5) In establishing a marijuana research license, the state
22 liquor and cannabis board may adopt rules on the following:

23 (a) Application requirements;

24 (b) Marijuana research license renewal requirements, including
25 whether additional research projects may be added or considered;

26 (c) Conditions for license revocation;

27 (d) Security measures to ensure marijuana is not diverted to
28 purposes other than research;

29 (e) Amount of plants, useable marijuana, marijuana concentrates,
30 or marijuana-infused products a licensee may have on its premises;

31 (f) Licensee reporting requirements;

32 (g) Conditions under which marijuana grown by marijuana
33 processors may be donated to marijuana research licensees; and

34 (h) Additional requirements deemed necessary by the state liquor
35 and cannabis board.

36 (6) The production, possession, delivery, donation, and sale of
37 marijuana in accordance with this section and the rules adopted to
38 implement and enforce it, by a validly licensed marijuana researcher,
39 shall not be a criminal or civil offense under Washington state law.
40 Every marijuana research license shall be issued in the name of the

1 applicant, shall specify the location at which the marijuana
2 researcher intends to operate, which must be within the state of
3 Washington, and the holder thereof shall not allow any other person
4 to use the license.

5 (7) The application fee for a marijuana research license is two
6 hundred fifty dollars. The annual fee for issuance and renewal of a
7 marijuana research license is one thousand dollars. Fifty percent of
8 the application fee and the renewal fee must be deposited to the life
9 sciences discovery fund under RCW 43.350.070.

10 **Sec. 313.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended
11 to read as follows:

12 (1) The University of Washington and Washington State University
13 may conduct scientific research on the efficacy and safety of
14 administering ((~~cannabis~~)) marijuana as part of medical treatment. As
15 part of this research, the University of Washington and Washington
16 State University may develop and conduct studies to ascertain the
17 general medical safety and efficacy of ((~~cannabis~~)) marijuana, and
18 may develop medical guidelines for the appropriate administration and
19 use of ((~~cannabis~~)) marijuana.

20 (2) The University of Washington and Washington State University
21 may, in accordance with section 312 of this act, contract with
22 marijuana research licensees to conduct research permitted under this
23 section and section 312 of this act.

24 **Sec. 314.** RCW 43.350.030 and 2005 c 424 s 4 are each amended to
25 read as follows:

26 In addition to other powers and duties prescribed in this
27 chapter, the authority is empowered to:

28 (1) Use public moneys in the life sciences discovery fund,
29 leveraging those moneys with amounts received from other public and
30 private sources in accordance with contribution agreements, to
31 promote life sciences research;

32 (2) Solicit and receive gifts, grants, and bequests, and enter
33 into contribution agreements with private entities and public
34 entities other than the state to receive moneys in consideration of
35 the authority's promise to leverage those moneys with amounts
36 received through appropriations from the legislature and
37 contributions from other public entities and private entities, in
38 order to use those moneys to promote life sciences research. Nonstate

1 moneys received by the authority for this purpose shall be deposited
2 in the life sciences discovery fund created in RCW 43.350.070;

3 (3) Hold funds received by the authority in trust for their use
4 pursuant to this chapter to promote life sciences research;

5 (4) Manage its funds, obligations, and investments as necessary
6 and as consistent with its purpose including the segregation of
7 revenues into separate funds and accounts;

8 (5) Make grants to entities pursuant to contract for the
9 promotion of life sciences research to be conducted in the state.
10 Grant agreements shall specify deliverables to be provided by the
11 recipient pursuant to the grant. The authority shall solicit requests
12 for funding and evaluate the requests by reference to factors such
13 as: (a) The quality of the proposed research; (b) its potential to
14 improve health outcomes, with particular attention to the likelihood
15 that it will also lower health care costs, substitute for a more
16 costly diagnostic or treatment modality, or offer a breakthrough
17 treatment for a particular disease or condition; (c) its potential
18 for leveraging additional funding; (d) its potential to provide
19 health care benefits or benefit human learning and development; (e)
20 its potential to stimulate the health care delivery, biomedical
21 manufacturing, and life sciences related employment in the state; (f)
22 the geographic diversity of the grantees within Washington; (g)
23 evidence of potential royalty income and contractual means to
24 recapture such income for purposes of this chapter; and (h) evidence
25 of public and private collaboration;

26 (6) Create one or more advisory boards composed of scientists,
27 industrialists, and others familiar with life sciences research;
28 ((and))

29 (7) Review and approve or disapprove marijuana research license
30 applications under section 312 of this act;

31 (8) Review any reports made by marijuana research licensees under
32 state liquor and cannabis board rule and provide the state liquor and
33 cannabis board with its determination on whether the research project
34 continues to meet research qualifications under section 312(1) of
35 this act; and

36 (9) Adopt policies and procedures to facilitate the orderly
37 process of grant application, review, and reward.

38 NEW SECTION. Sec. 315. A new section is added to chapter 42.56
39 RCW to read as follows:

1 Reports submitted by marijuana research licensees in accordance
2 with rules adopted by the state liquor and cannabis board under
3 section 312 of this act that contain proprietary information are
4 exempt from disclosure under this chapter.

5 NEW SECTION. **Sec. 316.** A new section is added to chapter 69.50
6 RCW to read as follows:

7 (1) There shall be a marijuana distribution license that permits
8 a licensee to transport:

9 (a) Marijuana and immature plants from marijuana producers to
10 marijuana processors and other marijuana producers;

11 (b) Marijuana concentrates, useable marijuana, immature plants,
12 and marijuana-infused products from marijuana processors to marijuana
13 retailers and other marijuana processors;

14 (c) Plants from marijuana retailers that are being returned to
15 marijuana producers or marijuana processors;

16 (d) Marijuana grown by marijuana researchers that are being sold
17 to other marijuana researchers; and

18 (e) Cash and receipts from marijuana producers, marijuana
19 processors, and marijuana retailers to a financial institution.

20 (2) The state liquor and cannabis board must adopt rules to
21 implement this section. The rules must address, at a minimum, the
22 following:

23 (a) Hours during which marijuana distribution licensees may
24 deliver marijuana, plants, marijuana concentrates, marijuana-infused
25 products, useable marijuana, and cash and receipts;

26 (b) Safety standards for marijuana distribution licensees,
27 including requirements relating to the size of the delivery vehicle
28 and what signage is permissible on the vehicle;

29 (c) Background check requirements for marijuana distribution
30 licensees;

31 (d) Insurance or bonding requirements for marijuana distribution
32 licensees;

33 (e) License fees; and

34 (f) License renewals and suspensions.

35 (3) Other than remuneration for services rendered, marijuana
36 distribution licensees may not have a financial interest in a
37 marijuana producer, processor, retailer, or research licensee.

38 (4) The possession and delivery of marijuana in accordance with
39 this section and the rules adopted to implement and enforce it, by a

1 marijuana distribution licensee, shall not be a criminal or civil
2 offense under Washington state law. Every marijuana distribution
3 license shall be issued in the name of the applicant, shall specify a
4 permanent physical location out of which the marijuana distribution
5 licensee intends to operate, which must be within the state of
6 Washington, and the holder thereof shall not allow any other person
7 to use the license.

8 NEW SECTION. **Sec. 317.** A new section is added to chapter 69.50
9 RCW to read as follows:

10 (1) There shall be a marijuana delivery license that permits a
11 licensee to transport marijuana concentrates, immature plants,
12 marijuana-infused products, and useable marijuana from a marijuana
13 retailer to a marijuana consumer.

14 (2) The state liquor and cannabis board must adopt rules to
15 implement this section. The rules must address, at a minimum, the
16 following:

17 (a) Hours during which marijuana delivery licensees may deliver
18 marijuana concentrates, immature plants, marijuana-infused products,
19 and useable marijuana;

20 (b) Safety standards for marijuana delivery licensees, including
21 requirements related to the delivery vehicle and what signage is
22 permissible on the vehicle;

23 (c) Marijuana delivery licensee identification requirements;

24 (d) Background check requirements for marijuana delivery
25 licensees;

26 (e) Insurance or bonding requirements for marijuana delivery
27 licensees;

28 (f) License fees; and

29 (g) License renewals and suspensions.

30 (3) Other than remuneration for services rendered, marijuana
31 delivery licensees may not have a financial interest in a marijuana
32 retailer.

33 (4) The possession and delivery of marijuana in accordance with
34 this section and the rules adopted to implement and enforce it, by a
35 marijuana delivery licensee, shall not be a criminal or civil offense
36 under Washington state law. Every marijuana delivery license shall be
37 issued in the name of the applicant, shall specify a permanent
38 physical location out of which the marijuana delivery licensee
39 intends to operate, which must be within the state of Washington, and

1 the holder thereof shall not allow any other person to use the
2 license.

3 **Part IV - Tax Provisions**

4 NEW SECTION. **Sec. 401.** A new section is added to chapter 82.08
5 RCW to read as follows:

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

7 (a) Sales of marijuana concentrates, useable marijuana, immature
8 plants, or marijuana-infused products with a low THC, high CBD ratio,
9 as established by the department of health under section 308 of this
10 act, by marijuana retailers;

11 (b) Beginning July 1, 2015, sales of medical grade marijuana, or
12 products containing THC with a THC concentration of 0.3 percent or
13 less by marijuana retailers who hold medical marijuana endorsements
14 under section 308 of this act to qualifying patients or designated
15 providers who hold medical marijuana waiver cards; or

16 (c) Until September 1, 2015, sales of marijuana concentrates,
17 useable marijuana, marijuana-infused products, or products containing
18 THC with a THC concentration of 0.3 percent or less by collective
19 gardens under RCW 69.51A.085.

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

24 (3) For the purposes of this section, the terms "THC
25 concentration," "marijuana concentrates," "useable marijuana,"
26 "marijuana-infused products," and "marijuana retailers" have the
27 meanings provided in RCW 69.50.101 and the terms "qualifying
28 patients," "designated providers," "medical grade marijuana," and
29 "waiver card" have the meanings provided in RCW 69.51A.010.

30 NEW SECTION. **Sec. 402.** A new section is added to chapter 82.12
31 RCW to read as follows:

32 (1) The provisions of this chapter do not apply to:

33 (a) The use of marijuana concentrates, useable marijuana,
34 immature plants, or marijuana-infused products with a low THC, high
35 CBD ratio, as established by the department of health in section 308
36 of this act;

1 (b) The use of marijuana concentrates, useable marijuana,
2 marijuana-infused products, or products containing THC with a THC
3 concentration of 0.3 percent or less in compliance with chapters
4 69.50 and 69.51A RCW by:

5 (i) Until September 1, 2015, collective gardens under RCW
6 69.51A.085 and the qualifying patients participating in the
7 collective gardens;

8 (ii) Beginning July 1, 2015, qualifying patients or designated
9 providers who hold medical marijuana waiver cards; or

10 (iii) Beginning July 1, 2015, marijuana retailers who hold a
11 medical marijuana endorsement under chapter 69.50 RCW with respect to
12 medical grade marijuana, or products containing THC with a THC
13 concentration of 0.3 percent or less if such marijuana or product is
14 provided at no charge to a qualifying patient or designated provider
15 who holds a valid waiver card. Each such retailer providing such
16 marijuana or product at no charge must maintain information
17 establishing eligibility for this exemption in the form and manner
18 required by the department.

19 (2) For the purposes of this section, the terms "THC
20 concentration," "marijuana concentrates," "useable marijuana,"
21 "marijuana-infused products," and "marijuana retailers" have the
22 meanings provided in RCW 69.50.101 and the terms "qualifying
23 patients," "designated providers," "medical grade marijuana," and
24 "waiver card" have the meanings provided in RCW 69.51A.010.

25 NEW SECTION. **Sec. 403.** (1) The legislature finds marijuana use
26 for qualifying patients is a valid and necessary option health care
27 professionals may recommend for their patients. The legislature
28 further finds that qualifying patients benefit from a wide range of
29 products, but products with a low THC, high CBD ratio are of
30 particular use to persons seeking marijuana for medical use and these
31 products are least likely to be purchased by recreational users.
32 Acknowledging that the implementation of this act may result in
33 changes to how qualifying patients access medical marijuana, the
34 legislature intends to ease the transition towards a regulated market
35 and provide a statutory means for an adequate, safe, consistent, and
36 secure source of marijuana for qualifying patients. Therefore, the
37 legislature intends to provide all people who seek to purchase
38 marijuana products with a low THC, high CBD ratio with a retail sales
39 and use tax exemption. Also recognizing that the medical needs of all

1 patients may not be met through purchase of low THC, high CBD
2 products, the legislature intends to provide qualifying patients who
3 are approved for a waiver from the department of health with a retail
4 sales and use tax exemption on purchases of marijuana for medical
5 use. Because marijuana is neither a prescription medicine nor an
6 over-the-counter medication, this policy should in no way be
7 construed as precedence for changes in the treatment of prescription
8 medications or over-the-counter medications.

9 (2)(a) This section is the tax preference performance statement
10 for the retail sales and use tax exemptions for marijuana
11 concentrates, useable marijuana, immature plants, and marijuana-
12 infused products purchased by qualifying patients and designated
13 providers provided in sections 401 and 402 of this act. The
14 performance statement is only intended to be used for subsequent
15 evaluation of the tax preference. It is not intended to create a
16 private right of action by any party or be used to determine
17 eligibility for preferential tax treatment.

18 (b) The legislature categorizes the tax preference as one
19 intended to accomplish the general purposes indicated in RCW
20 82.32.808(2)(e).

21 (c) It is the legislature's specific public policy objective to
22 provide qualifying patients and designated providers a retail sales
23 and use tax exemption on purchases of marijuana concentrates, useable
24 marijuana, and marijuana-infused products for medical use when
25 approved for a waiver by the department of health and for all people
26 purchasing products with a low THC, high CBD ratio.

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

33 **Part V - Penalties**

34 **Sec. 501.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to
35 read as follows:

36 (1) Except as authorized by this chapter, it is unlawful for any
37 person to manufacture, deliver, or possess with intent to manufacture
38 or deliver, a controlled substance.

1 (2) Any person who violates this section with respect to:

2 (a) A controlled substance classified in Schedule I or II which
3 is a narcotic drug or flunitrazepam, including its salts, isomers,
4 and salts of isomers, classified in Schedule IV, is guilty of a class
5 B felony and upon conviction may be imprisoned for not more than ten
6 years, or (i) fined not more than twenty-five thousand dollars if the
7 crime involved less than two kilograms of the drug, or both such
8 imprisonment and fine; or (ii) if the crime involved two or more
9 kilograms of the drug, then fined not more than one hundred thousand
10 dollars for the first two kilograms and not more than fifty dollars
11 for each gram in excess of two kilograms, or both such imprisonment
12 and fine;

13 (b) Amphetamine, including its salts, isomers, and salts of
14 isomers, or methamphetamine, including its salts, isomers, and salts
15 of isomers, is guilty of a class B felony and upon conviction may be
16 imprisoned for not more than ten years, or (i) fined not more than
17 twenty-five thousand dollars if the crime involved less than two
18 kilograms of the drug, or both such imprisonment and fine; or (ii) if
19 the crime involved two or more kilograms of the drug, then fined not
20 more than one hundred thousand dollars for the first two kilograms
21 and not more than fifty dollars for each gram in excess of two
22 kilograms, or both such imprisonment and fine. Three thousand dollars
23 of the fine may not be suspended. As collected, the first three
24 thousand dollars of the fine must be deposited with the law
25 enforcement agency having responsibility for cleanup of laboratories,
26 sites, or substances used in the manufacture of the methamphetamine,
27 including its salts, isomers, and salts of isomers. The fine moneys
28 deposited with that law enforcement agency must be used for such
29 clean-up cost;

30 (c) Any other controlled substance classified in Schedule I, II,
31 or III, is guilty of a class C felony punishable according to chapter
32 9A.20 RCW;

33 (d) A substance classified in Schedule IV, except flunitrazepam,
34 including its salts, isomers, and salts of isomers, is guilty of a
35 class C felony punishable according to chapter 9A.20 RCW; or

36 (e) A substance classified in Schedule V, is guilty of a class C
37 felony punishable according to chapter 9A.20 RCW.

38 (3) The production, manufacture, processing, packaging, delivery,
39 distribution, sale, or possession of marijuana in compliance with the
40 terms set forth in (~~RCW 69.50.360, 69.50.363, or 69.50.366~~) this

1 chapter or chapter 69.51A RCW shall not constitute a violation of
2 this section, this chapter, or any other provision of Washington
3 state law.

4 **Sec. 502.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to
5 read as follows:

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

11 (2) Except as provided in RCW 69.50.4014, any person who violates
12 this section is guilty of a class C felony punishable under chapter
13 9A.20 RCW.

14 ~~((The possession, by a person twenty one years of age or
15 elder, of))~~ It is not a violation of this section, this chapter, or
16 any other provision of Washington state law for a person twenty-one
17 years of age or older to possess marijuana concentrates, useable
18 marijuana, plants, or marijuana-infused products in amounts that do
19 not exceed ((those set forth in RCW 69.50.360(3) is not a violation
20 of this section, this chapter, or any other provision of Washington
21 state law))):

22 (a) One ounce of useable marijuana. If the person grows his or
23 her own plants, the amount not to be exceeded is eight ounces of
24 useable marijuana;

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

26 (c) Seventy-two ounces of marijuana-infused product in liquid
27 form;

28 (d) Seven grams of marijuana concentrate; or

29 (e) Six plants.

30 (4) It is not a violation of this section, this chapter, or any
31 other provision of Washington state law for a qualifying patient or
32 designated provider to possess marijuana concentrates, useable
33 marijuana, plants, or marijuana-infused products in amounts that do
34 not exceed the amounts described in subsection (3) of this section or
35 a greater amount authorized in accordance with section 602 of this
36 act.

37 (5) It is not a violation of this section, this chapter, or any
38 other provision of Washington state law for a person to:

1 (a) Transport immature plants from a marijuana retailer to his or
2 her domicile, or to possess mature plants in the person's domicile;
3 or

4 (b) To share up to one ounce of useable marijuana with another
5 person; remuneration for the provision of this marijuana is
6 prohibited.

7 **Part VI - Medical Use of Marijuana**

8 **Sec. 601.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended
9 to read as follows:

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

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

21 (b) Providing ~~((a patient meeting the criteria established under~~
22 ~~RCW 69.51A.010(26) with valid documentation, based upon the health~~
23 ~~care professional's assessment of the patient's medical history and~~
24 ~~current medical condition, where such use is within a professional~~
25 ~~standard of care or in the individual health care professional's~~
26 ~~medical judgment))~~ information to the department in order to verify
27 that an applicant for a waiver has been diagnosed by the health care
28 professional with a terminal or debilitating medical condition.

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

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

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

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

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

10 ~~(b))~~ A health care professional who advises a patient on the
11 risks or benefits of the medical use of marijuana shall not:

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

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

19 ~~((iii))~~ (b) Examine or offer to examine a patient for purposes
20 of diagnosing a terminal or debilitating medical condition and
21 agreeing to verify this condition with the department at a location
22 where ~~((cannabis))~~ marijuana is produced, processed, or dispensed; or

23 ~~((iv))~~ (c) Have a business or practice which consists
24 ~~((solely))~~ primarily of authorizing the medical use of ~~((cannabis;~~

25 ~~(v) Include any statement or reference, visual or otherwise, on~~
26 ~~the medical use of cannabis in any advertisement for his or her~~
27 ~~business or practice; or~~

28 ~~(vi) Hold an economic interest in an enterprise that produces,~~
29 ~~processes, or dispenses cannabis if the health care professional~~
30 ~~authorizes the medical use of cannabis.~~

31 ~~(3) A violation of any provision of subsection (2) of this~~
32 ~~section constitutes unprofessional conduct under chapter 18.130 RCW)~~
33 marijuana.

34 NEW SECTION. Sec. 602. A new section is added to chapter 69.51A
35 RCW to read as follows:

36 (1)(a) A medical marijuana waiver is established to be issued by
37 the department. The medical marijuana waiver permits a qualifying
38 patient or his or her designated provider to:

1 (i) Possess and purchase more marijuana concentrates, marijuana-
2 infused products, plants, or useable marijuana than what is permitted
3 under RCW 69.50.4013(3) and up to a combination of the following: (A)
4 Three ounces of useable marijuana; (B) forty-eight ounces of
5 marijuana-infused products in solid form; (C) two hundred sixteen
6 ounces of marijuana-infused products in liquid form; or (D) twenty-
7 one grams of marijuana concentrates. The medical marijuana waiver
8 also permits the qualifying patient or his or her designated provider
9 to grow, in his or her domicile, up to fifteen plants for the
10 personal medical use of the qualifying patient;

11 (ii) Purchase marijuana concentrates, marijuana-infused products,
12 plants, or useable marijuana without paying sales and use tax; and

13 (iii) If the waiver is for purchases of high THC products, to be
14 able to purchase those products without paying sales and use tax.

15 (b) Unless approved by the state liquor and cannabis board and
16 the department, the waiver does not permit a qualifying patient or
17 designated provider to produce marijuana concentrates. The state
18 liquor and cannabis board, in conjunction with the department, may
19 adopt rules permitting waiver holders to produce marijuana
20 concentrates using nonbutane extraction methods. At a minimum, the
21 rules must require that waiver holders who produce marijuana
22 concentrates register this information with the state liquor and
23 cannabis board.

24 (2) A qualifying patient who is twenty-one years of age or older
25 and who, after consultation with his or her health care professional,
26 determines that the amounts of marijuana concentrates, marijuana-
27 infused products, plants, or useable marijuana permitted under RCW
28 69.50.4013(3) will not address his or her medical needs may apply to
29 the department for a medical marijuana waiver.

30 (3) A qualifying patient who, after consultation with his or her
31 health care professional, determines that marijuana products with
32 high THC levels are necessary to address his or her medical needs may
33 apply to the department for a waiver.

34 (4) A qualifying patient who is between eighteen and twenty-one
35 years of age and who, after consultation with his or her health care
36 professional, determines that he or she wishes to use marijuana for
37 the treatment of his or her terminal or debilitating medical
38 condition may apply to the department for a waiver permitting the
39 patient to purchase marijuana concentrates, marijuana-infused
40 products, useable marijuana, or immature plants at a marijuana

1 retailer holding a medical marijuana endorsement. Unless otherwise
2 specified in the waiver, the patient may only possess the amounts
3 provided under RCW 69.50.4013(3). The patient may also apply to
4 possess up to the amounts provided under subsection (1) of this
5 section if the additional amounts of marijuana are required to treat
6 his or her terminal or debilitating medical condition.

7 (5) A parent or guardian of a qualifying patient who is under the
8 age of eighteen and who, after consultation with the minor's health
9 care professional, determines that the minor would benefit from the
10 medical use of marijuana for treatment of the minor's terminal or
11 debilitating medical condition may apply to the department for a
12 waiver permitting the parent or guardian to become the designated
13 provider for the minor. The parent or guardian designated provider
14 may only possess the amounts provided under RCW 69.50.4013 and must
15 have sole control over the minor's marijuana. The minor may possess
16 up to the amount of marijuana that is necessary for his or her next
17 dose. The minor may not purchase products from a marijuana retailer,
18 nor may the minor grow plants for his or her medical use. The parent
19 or guardian may also apply to possess up to the amounts provided
20 under subsection (1) of this section if the additional amounts of
21 marijuana are required to treat the minor's terminal or debilitating
22 medical condition.

23 NEW SECTION. **Sec. 603.** A new section is added to chapter 69.51A
24 RCW to read as follows:

25 (1) The department must develop a medical marijuana waiver
26 process in order to process and approve or deny waiver applications
27 submitted under section 602 of this act.

28 (2) The medical marijuana waiver process must include:

29 (a) Development of a waiver application. The application must be
30 completed by the qualifying patient if there is not a designated
31 provider or both the designated provider and the qualifying patient
32 for whom the marijuana will be provided. The application must
33 include:

34 (i) For qualifying patients, a statement that the applicant has a
35 terminal or debilitating medical condition as described in RCW
36 69.50.101 and that he or she has been diagnosed with that condition
37 by a health care professional;

38 (ii) For designated providers, a statement that the qualifying
39 patient for whom the applicant intends to provide marijuana has a

1 terminal or debilitating medical condition as described in RCW
2 69.50.101 and, in the case of designated providers for people under
3 the age of eighteen, have discussed the medical use of marijuana with
4 the diagnosing health care professional;

5 (iii) A statement that the applicant understands that the
6 department may contact the diagnosing health care professional to
7 confirm the existence of a terminal or debilitating medical condition
8 and that no waiver will be issued if the condition is not confirmed
9 by the health care professional;

10 (iv) If the amount of marijuana needed for the medical use of the
11 qualifying patient is higher than the amounts listed in RCW
12 69.50.4013(3), an option for the qualifying patient to request higher
13 amounts up to the amounts provided in section 602 of this act. The
14 need for this higher amount may also be confirmed by the department
15 with the diagnosing health care professional. Higher amounts will not
16 be authorized unless the health care professional confirms the
17 medical need for these higher amounts.

18 (b) Development of a waiver card which qualifying patients and
19 designated providers may use to demonstrate they have been approved
20 for a medical marijuana waiver. The card must include:

21 (i) The name of the qualifying patient or designated provider who
22 applied for and was approved for a waiver;

23 (ii) If the waiver permits possession of a greater amount of
24 marijuana than what is permitted under RCW 69.50.4013(3), the amount
25 of marijuana concentrates, useable marijuana, marijuana-infused
26 products, and plant for which the qualifying patient or designated
27 provider has been authorized;

28 (iii) The expiration date of the waiver card.

29 (3) Approved applicants must be issued a medical marijuana waiver
30 card. The waiver card:

31 (a) May be provided to law enforcement officers who are engaged
32 in a bona fide specific investigation of suspected marijuana-related
33 activity that may be illegal under Washington state law to confirm
34 the validity of the waiver of the qualifying patient or designated
35 provider;

36 (b) May be provided to a marijuana retailer holding a medical
37 marijuana endorsement to confirm the validity of the waiver and to
38 allow waiver holders to purchase medical grade marijuana without
39 paying taxes in accordance with sections 401 and 402 of this act;

1 (c) Is valid for one year after the date of issuance. The waiver
2 card may not be renewed until the qualifying patient has completed a
3 new application.

4 NEW SECTION. **Sec. 604.** A new section is added to chapter 42.56
5 RCW to read as follows:

6 Medical marijuana waiver applications submitted to the department
7 of health under sections 602 and 603 of this act containing names and
8 other personally identifiable information of qualifying patients and
9 designated providers are exempt from disclosure under this chapter.

10 NEW SECTION. **Sec. 605.** A new section is added to chapter 69.51A
11 RCW to read as follows:

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

13 (a) Create or present a medical marijuana waiver card or to
14 tamper with a medical marijuana waiver card for the purposes of
15 having it accepted by a medical marijuana retailer in order to
16 purchase marijuana as a qualifying patient or designated provider or
17 to grow marijuana in greater amounts than those permitted under RCW
18 69.50.4013(3);

19 (b) If a person is a designated provider to a qualifying patient,
20 sell marijuana produced for the qualifying patient to another person,
21 or to donate or supply more than one ounce of useable marijuana
22 produced for the qualifying patient to another person; or

23 (c) If the person is a qualifying patient, sell marijuana
24 produced by the qualifying patient to another person or to donate or
25 supply more than one ounce of useable marijuana produced for the
26 qualifying patient to another person.

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

30 **Sec. 606.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended
31 to read as follows:

32 The medical use of (~~cannabis~~) marijuana in accordance with the
33 terms and conditions of this chapter does not constitute a crime and
34 a qualifying patient or designated provider in compliance with the
35 terms and conditions of this chapter may not be arrested, prosecuted,
36 or subject to other criminal sanctions or civil consequences, for
37 possession, manufacture, or delivery of, or for possession with

1 intent to manufacture or deliver, (~~eannabis~~) marijuana under state
2 law, or have real or personal property seized or forfeited for
3 possession, manufacture, or delivery of, or for possession with
4 intent to manufacture or deliver, (~~eannabis~~) marijuana under state
5 law, and investigating (~~peace—officers—and~~) law enforcement
6 (~~agencies~~) officers may not be held civilly liable for failure to
7 seize (~~eannabis~~) marijuana in this circumstance, if:

8 (1)(a) The qualifying patient or designated provider possesses no
9 more than (~~fifteen cannabis plants and:~~

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

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

13 ~~(iii) A combination of useable cannabis and cannabis product that~~
14 ~~does not exceed a combined total representing possession and~~
15 ~~processing of no more than twenty four ounces of useable cannabis))~~
16 the amount of marijuana permitted under RCW 69.50.4013.

17 (b) If a person is both a qualifying patient and a designated
18 provider for another qualifying patient, the person may possess no
19 more than twice the amounts described in (a) of this subsection,
20 whether the marijuana concentrates, plants, useable (~~eannabis~~)
21 marijuana, and (~~eannabis~~) marijuana-infused products are possessed
22 individually or in combination between the qualifying patient and his
23 or her designated provider;

24 (2) The qualifying patient or designated provider presents his or
25 her (~~proof of registration with the department of health~~) waiver
26 card, to any (~~peace~~) law enforcement officer who questions the
27 patient or provider regarding his or her medical use of (~~eannabis~~)
28 marijuana;

29 (3) The qualifying patient or designated provider (~~keeps a copy~~
30 ~~of his or her proof of registration with the registry established in~~
31 ~~section 901 of this act and the qualifying patient or designated~~
32 ~~provider's contact information)) is permitted to possess more
33 marijuana than what is allowed under RCW 69.50.4013(3), he or she
34 keeps a copy of his or her contact information and waiver card posted
35 prominently next to any (~~eannabis~~) marijuana plants, (~~eannabis~~)
36 marijuana-infused products, marijuana concentrates, or useable
37 (~~eannabis~~) marijuana located at his or her residence;~~

38 (4) The investigating (~~peace~~) law enforcement officer does not
39 possess evidence that:

1 (a) The designated provider has converted ((~~eannabis~~)) more than
2 one ounce of marijuana produced or obtained for the qualifying
3 patient for his or her own personal use or benefit; or

4 (b) The qualifying patient has converted ((~~eannabis~~)) more than
5 one ounce of marijuana produced or obtained for his or her own
6 medical use to the qualifying patient's personal, nonmedical use or
7 benefit; and

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

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

13 **Sec. 607.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended
14 to read as follows:

15 A qualifying patient or designated provider in possession of
16 ((~~eannabis~~)) plants, marijuana concentrates, useable ((~~eannabis~~))
17 marijuana, or ((~~eannabis~~)) marijuana-infused products exceeding the
18 limits set forth in RCW ((~~69.51A.040(1)~~)) 69.50.4013 but otherwise in
19 compliance with all other terms and conditions of this chapter and
20 chapter 69.50 RCW may establish an affirmative defense to charges of
21 violations of state law relating to ((~~eannabis~~)) marijuana through
22 proof at trial, by a preponderance of the evidence, that the
23 qualifying patient's necessary medical use exceeds the amounts set
24 forth in RCW ((~~69.51A.040(1)~~)) 69.50.4013. An investigating ((~~peace~~))
25 law enforcement officer may seize ((~~eannabis~~)) plants, marijuana
26 concentrates, useable ((~~eannabis~~)) marijuana, or ((~~eannabis~~))
27 marijuana-infused products exceeding the amounts set forth in RCW
28 ((~~69.51A.040(1)~~)) 69.50.4013: PROVIDED, That in the case of
29 ((~~eannabis~~)) plants, the qualifying patient or designated provider
30 shall be allowed to select the plants that will remain at the
31 location. The officer and his or her law enforcement agency may not
32 be held civilly liable for failure to seize ((~~eannabis~~)) marijuana in
33 this circumstance.

34 **Sec. 608.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
35 to read as follows:

36 (1)(a) The arrest and prosecution protections established in RCW
37 69.51A.040 may not be asserted in a supervision revocation or
38 violation hearing by a person who is supervised by a corrections

1 agency or department, including local governments or jails, that has
2 determined that the terms of this section are inconsistent with and
3 contrary to his or her supervision.

4 (b) The affirmative defenses established in RCW (~~69.51A.043,~~)
5 69.51A.045(~~(, 69.51A.047, and section 407 of this act)~~) may not be
6 asserted in a supervision revocation or violation hearing by a person
7 who is supervised by a corrections agency or department, including
8 local governments or jails, that has determined that the terms of
9 this section are inconsistent with and contrary to his or her
10 supervision.

11 (2) (~~The provisions of~~) RCW 69.51A.040(~~(, 69.51A.085, and~~
12 ~~69.51A.025 de)~~) does not apply to a person who is supervised for a
13 criminal conviction by a corrections agency or department, including
14 local governments or jails, that has determined that the terms of
15 this chapter are inconsistent with and contrary to his or her
16 supervision.

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

24 **Sec. 609.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended
25 to read as follows:

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

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

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

1 ~~(4))~~ Nothing in this chapter requires any accommodation of any
2 on-site medical use of ~~((cannabis))~~ marijuana in any place of
3 employment, in any school bus or on any school grounds, in any youth
4 center, in any correctional facility, or smoking ~~((cannabis))~~
5 marijuana in any public place or hotel or motel.

6 ~~((5))~~ (4) Nothing in this chapter authorizes the use of medical
7 ~~((cannabis))~~ marijuana by any person who is subject to the Washington
8 code of military justice in chapter 38.38 RCW.

9 ~~((6))~~ (5) Employers may establish drug-free work policies.
10 Nothing in this chapter requires an accommodation for the medical use
11 of ~~((cannabis))~~ marijuana if an employer has a drug-free work place.

12 ~~((7) It is a class C felony to fraudulently produce any record
13 purporting to be, or tamper with the content of any record for the
14 purpose of having it accepted as, valid documentation under RCW
15 69.51A.010(32)(a), or to backdate such documentation to a time
16 earlier than its actual date of execution.~~

17 ~~(8))~~ (6) No person shall be entitled to claim the protection
18 from arrest and prosecution under RCW 69.51A.040 or the affirmative
19 defense under RCW ~~((69.51A.043))~~ 69.51A.045 for engaging in the
20 medical use of ~~((cannabis))~~ marijuana in a way that endangers the
21 health or well-being of any person through the use of a motorized
22 vehicle on a street, road, or highway, including violations of RCW
23 46.61.502 or 46.61.504, or equivalent local ordinances.

24 **Sec. 610.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
25 read as follows:

26 The Washington state medical quality assurance commission in
27 consultation with the board of osteopathic medicine and surgery, or
28 other appropriate agency as designated by the governor, shall accept
29 for consideration petitions submitted to add terminal or debilitating
30 conditions to those included in this chapter. In considering such
31 petitions, the Washington state medical quality assurance commission
32 in consultation with the board of osteopathic medicine and surgery
33 shall include public notice of, and an opportunity to comment in a
34 public hearing upon, such petitions. The Washington state medical
35 quality assurance commission in consultation with the board of
36 osteopathic medicine and surgery may make a preliminary finding of
37 good cause before the public hearing and shall, after hearing,
38 approve or deny such petitions within ~~((one))~~ two hundred ~~((eighty))~~
39 ten days of submission. The approval or denial of such a petition

1 shall be considered a final agency action, subject to judicial
2 review.

3 NEW SECTION. **Sec. 611.** A new section is added to chapter 69.51A
4 RCW to read as follows:

5 (1) A medical marijuana consultant certificate is hereby
6 established. The department shall adopt rules establishing
7 certification requirements, including:

8 (a) Products that meet the definition of medical grade marijuana
9 under section 308 of this act;

10 (b) The medical conditions that constitute terminal or
11 debilitating conditions;

12 (c) Demonstrated knowledge of this chapter and the rules adopted
13 to implement it;

14 (d) Training and education requirements relating to the medical
15 use of marijuana; and

16 (e) Other items deemed necessary and appropriate by the
17 department to ensure medical marijuana consultant certificate holders
18 are able to provide professional advice on the medical use of
19 marijuana.

20 (2) Medical marijuana consultant certificates are subject to
21 annual renewals and continuing education requirements established by
22 the department.

23 **Part VII - Local Governments**

24 NEW SECTION. **Sec. 701.** A new section is added to chapter 69.50
25 RCW to read as follows:

26 (1) Except as provided in subsection (2) of this section, no
27 marijuana producer, marijuana processor, marijuana retailer, or
28 marijuana researcher may locate its premises within one thousand feet
29 of the perimeter of the grounds of any elementary or secondary
30 school, playground, recreation center or facility, child care center,
31 public park, public transit center, or library, or any game arcade
32 admission to which is not restricted to persons aged twenty-one years
33 or older.

34 (2) A city, town, or county may adopt an ordinance to decrease to
35 no less than five hundred feet the distance that marijuana producers,
36 marijuana processors, marijuana retailers, or marijuana researchers
37 must be located from recreation centers or facilities, child care

1 centers, public parks, public transit centers, or libraries, or any
2 game arcades admission to which is not restricted to persons aged
3 twenty-one years or older. A city, town, or county may adopt an
4 ordinance to prohibit a marijuana producer, marijuana processor,
5 marijuana retailer, or marijuana researcher from locating its
6 premises up to one thousand feet from a church.

7 (3) For the purposes of this section, "church" means a building
8 erected for and used exclusively for religious worship and schooling
9 or other activity in connection therewith.

10 NEW SECTION. **Sec. 702.** A new section is added to chapter 69.50
11 RCW to read as follows:

12 No city, town, or county may adopt, renew, or extend a
13 prohibition or moratorium on marijuana licensees except by ordinance
14 and no such ordinance may take effect unless it is submitted to a
15 vote of the people at a general or special election and approved by a
16 majority of those voting thereon.

17 **Sec. 703.** RCW 69.50.369 and 2013 c 3 s 18 are each amended to
18 read as follows:

19 (1) No licensed marijuana producer, processor, or retailer shall
20 place or maintain, or cause to be placed or maintained, an
21 advertisement of marijuana, useable marijuana, or a marijuana-infused
22 product in any form or through any medium whatsoever:

23 (a) Within one thousand feet of the perimeter of a school
24 grounds, playground, recreation center or facility, child care
25 center, public park, or library, or any game arcade admission to
26 which is not restricted to persons aged twenty-one years or older, or
27 if an ordinance has been adopted under section 701 of this act, the
28 minimum distance for these facilities permitted under the ordinance;

29 (b) On or in a public transit vehicle or public transit shelter;
30 or

31 (c) On or in a publicly owned or operated property.

32 (2) Merchandising within a retail outlet is not advertising for
33 the purposes of this section.

34 (3) This section does not apply to a noncommercial message.

35 (4) The state liquor (~~control~~) and cannabis board shall fine a
36 licensee one thousand dollars for each violation of subsection (1) of
37 this section. Fines collected under this subsection must be deposited
38 into the dedicated marijuana fund created under RCW 69.50.530.

1 **Part VIII - Repealers and Effective Dates**

2 NEW SECTION. **Sec. 801.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 69.51A.005 (Purpose and intent) and 2011 c 181 s 102,
5 2010 c 284 s 1, 2007 c 371 s 2, & 1999 c 2 s 2;

6 (2) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
7 & 1999 c 2 s 3;

8 (3) RCW 69.51A.025 (Construction of chapter—Compliance with RCW
9 69.51A.040) and 2011 c 181 s 413;

10 (4) RCW 69.51A.043 (Failure to register—Affirmative defense) and
11 2011 c 181 s 402;

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

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

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

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

19 NEW SECTION. **Sec. 802.** RCW 69.51A.085 (Collective gardens) and
20 2011 c 181 s 403 are each repealed.

21 NEW SECTION. **Sec. 803.** Section 802 of this act takes effect
22 August 1, 2016."

2SSB 5052 - S AMD 19
By Senator Kohl-Welles

NOT ADOPTED 2/13/2015

23 On page 1, line 1 of the title, after "Relating to" strike the
24 remainder of the title and insert "the comprehensive marijuana reform
25 act; amending RCW 69.50.101, 69.51A.010, 66.08.012, 69.50.325,
26 69.50.331, 69.50.342, 69.50.345, 69.50.348, 69.50.351, 69.50.354,
27 69.50.357, 69.50.360, 28B.20.502, 43.350.030, 69.50.401, 69.50.4013,
28 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060,
29 69.51A.070, and 69.50.369; adding new sections to chapter 69.50 RCW;
30 adding new sections to chapter 42.56 RCW; adding a new section to
31 chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding
32 new sections to chapter 69.51A RCW; creating new sections; repealing

1 RCW 69.51A.005, 69.51A.020, 69.51A.025, 69.51A.043, 69.51A.047,
2 69.51A.090, 69.51A.140, 69.51A.200, and 69.51A.085; prescribing
3 penalties; and providing an effective date."

EFFECT: (1) Qualifying Terminal or Debilitating Medical Conditions. The definition for terminal or debilitating medical condition is clarified to mean a condition severe enough to significantly interfere with the patient's activities of daily living and ability to function, which can be objectively assessed and evaluated. Posttraumatic stress disorder (PTSD) is added to the list of qualifying medical conditions. The Medical Quality Assurance Commission has 210 days to act on a petition and may make preliminary findings before a public hearing is held on whether to add new qualifying medical conditions.

(2) Health Care Professionals. Health care professionals may confirm a patient's terminal or debilitating medical condition with the DOH, as needed to verify an applicant's request for a medical marijuana waiver. Health care professionals may advertise marijuana in conjunction with their medical practice, accept remuneration from a licensee, and hold an economic interest in a marijuana enterprise.

(3) Age Requirements. Adults ages 18 to 21 may use medical marijuana if they obtain a DOH waiver. Minors under the age of 18 may use medical marijuana with parental consent and a DOH waiver. Designated providers must be age 21 or older, and be the parent or listed on the DOH waiver. Persons ages 18 to 21, with a DOH waiver card, may be on the premises of a medical marijuana retailer without a parent. Minors may not purchase or grow plants, but a parent or designated provider may grow the marijuana for them.

(4) DOH Waiver Card. A qualifying patient may seek a DOH waiver card if the patient has been diagnosed with a terminal or debilitating medical condition. The waiver card allows the holder to possess medical amounts of product; 18 to 21 year-olds to purchase from retailers with a medical endorsement; and medical purchases to be exempt from sales and use taxes. No medical provider note is necessary, but the DOH may confirm the diagnosis.

(a) The waiver card must include the following: (i) The name of the qualified patient or designated provider; (ii) amounts of marijuana, products, or plants authorized for, if higher than recreational levels; and (iii) the expiration date. Cards are valid for one year and must be renewed with a new application.

(b) It is a class C felony if knowingly or intentionally: (i) A person creates or presents an unauthorized card or tampers with a card; (ii) a designated provider sells marijuana produced for a qualifying patient or gives more than 1 ounce of his or her product away; or (iii) a qualifying patient sells marijuana produced by the patient or donates more than 1 ounce of product produced for the patient.

(5) Possession Amounts. The recreational limit of 1 ounce of useable marijuana, with exceptions for those who grow and those with waiver cards, is retained. Individuals may have up to six plants for personal use or, with a waiver, up to 15 plants for medical use, and up to 8 ounces of usable marijuana if they grow their own plants. With a medical DOH waiver, an individual may possess up to a combination of 3 ounces of useable marijuana; 48 ounces of marijuana-infused product in solid form; 216 ounces of marijuana-infused product in liquid form; or 21 grams of marijuana concentrates; and 15 plants. Adults may obtain a medical waiver for additional amounts or

for high THC products. Minors with medical waivers may only possess the amount necessary for their next dose.

(6) Affirmative Defense and Arrest Protection. Patients and designated providers who have DOH waiver cards and are in compliance with the law on medical marijuana are provided arrest protection. Patients and designated providers with a DOH waiver card may assert an affirmative defense for possession in amounts greater than those allowed for recreational use.

(7) Who May Grow Marijuana. Individuals age 21 or older may grow up to six plants in their home and share up to 1 ounce with another person. It is illegal to sell homegrown marijuana. Patients with a waiver may grow up to 15 plants for themselves or designate a provider to grow on their behalf. Patients who grow for themselves may also act as a designated provider for another patient. The LCB must reopen the licensing application process for producers and reconsider the amount of growing space needed to meet the product needs of medical patients. The LCB may issue new licenses if existing producers cannot meet the medical needs.

(8) Who May Sell Medical Marijuana. Licensed retail stores may obtain a medical endorsement to sell products to qualifying patients. The Office of Financial Management and the LCB must determine the number of retail outlets holding medical endorsements that are needed to meet the medical need. A greater number of outlets must be authorized. Retail outlets may advertise their medical endorsements. Retail outlets may sell immature plants and items such as t-shirts and topical products, but may not sell alcohol. Employees at a store with a medical endorsement must take a DOH-approved class regarding medical use of marijuana. Individuals may give, but not sell, up to 1 ounce of marijuana, regardless of the source, to an individual age 21 or older.

(9) Collective Gardens. Collective gardens are eliminated effective August 1, 2016. Current businesses operating as collective gardens must close or become licensed by the LCB.

(10) Regulating Agencies. The Liquor Control Board is renamed the Liquor and Cannabis Board (LCB). The LCB must adopt a competitive, merit-based licensing application system. Experience operating a collective garden, possession of a business license, and a history of paying sales taxes are factors to be considered. The LCB must reopen the licensing application process, and reconsider the amount of growing space needed to meet the product needs of medical patients. LCB may issue new licenses if existing producers cannot meet the medical needs. The DOH develops a waiver application process and a waiver card. The DOH certifies medical marijuana consultants. The LCB and DOH establish medical-grade marijuana standards, adopt standards for safe handling, and testing of products for medical use.

(11) Taxes. There is no sales or use tax on low-THC, high-CBD ratio products, as defined by the DOH. There is no sales or use tax on medical-grade products, high-THC products, or products with a THC level of 0.3 or less, if sold by a retailer with a medical endorsement to a patient or designated provider with a DOH waiver card.

(12) Licenses. Producers, processors, and retailers of medical marijuana must be licensed under the system created for the recreational market. A medical marijuana endorsement is created to sell to medical patients.

(13) Research License. The LCB creates a marijuana research license for testing marijuana; conducting clinical investigations of marijuana-derived drug products; researching the efficacy and safety of administering marijuana for medical treatment; and conducting genomic or agricultural research. Research license applicants must

have projects approved by the Life Sciences Discovery Fund Authority. The University of Washington and Washington State University may contract with licensed researchers.

(14) Distribution License. The LCB creates a distribution license to allow third-party carriers to transport products from producers and processors to retailers. They may also transport money earned in the marijuana market to financial institutions.

(15) Delivery License. The LCB creates a delivery license for the transportation of marijuana from retail outlets to consumers.

(16) Medical Specialty Clinics. The DOH must develop by December 1, 2015, recommendations regarding medical specialty clinics that could authorize and dispense or sell marijuana to patients of DOH-certified health care professionals who work on site.

(17) Medical Marijuana Consultants. The DOH must create a medical marijuana consultant certificate and adopt rules on training and educational requirements.

(18) 1000-Foot Buffers. Local governments may adopt ordinances to decrease the buffer zone to 500 feet for recreation centers or facilities, child care centers, public parks, public transit centers, or libraries, or any game arcade for those over age 21. Local governments may add churches to the buffer zones.

(19) Local Government Bans. Local governments may only ban marijuana licensees by an ordinance submitted to the voters in their jurisdictions. Only voter-approved marijuana bans may go into effect.

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