

---

HOUSE BILL 1698

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Appleton and Moscoso

Read first time 01/26/15. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to medical cannabis; amending RCW 69.51A.005,  
2 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.047, 69.51A.050,  
3 69.51A.055, 69.51A.085, 69.51A.140, 69.50.325, 69.50.345, 69.50.357,  
4 69.50.363, 69.50.366, and 69.50.535; reenacting and amending RCW  
5 18.130.040; adding new sections to chapter 69.51A RCW; adding new  
6 sections to chapter 69.50 RCW; adding a new section to chapter 82.08  
7 RCW; adding a new section to chapter 48.43 RCW; repealing RCW  
8 69.51A.043 and 69.51A.045; and providing an effective date.

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

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

12 (1) The legislature finds that:

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

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

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

- 1 (iii) Acute or chronic glaucoma;  
2 (iv) Crohn's disease; and  
3 (v) Some forms of intractable pain.

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

9 (2) Therefore, the legislature intends that:

10 (a) Qualifying patients with chronic, terminal, or debilitating  
11 medical conditions who, in the judgment of their certified health  
12 care professional(~~s~~), may benefit from the medical use of cannabis,  
13 shall not be arrested, prosecuted, searched, have property seized, or  
14 subject to other criminal sanctions or civil consequences under state  
15 law based solely on their medical use of cannabis, notwithstanding  
16 any other provision of law;

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

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

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

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

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

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1) "Designated provider" means a person who:

6       (a) Is (~~(eighteen)~~) twenty-one years of age or older;

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

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

12       (d) Has been issued valid documentation; and

13       (e) Is the designated provider to only one qualifying patient  
14 (~~(at any one time)~~) within a fifteen-day period.

15       (2) "Certified health care professional," for purposes of this  
16 chapter only, means a person who holds a certification under this  
17 chapter to recommend and administer cannabis and who is either a  
18 physician licensed under chapter 18.71 RCW, a physician assistant  
19 licensed under chapter 18.71A RCW, an osteopathic physician licensed  
20 under chapter 18.57 RCW, an osteopathic physicians' assistant  
21 licensed under chapter 18.57A RCW, a naturopath licensed under  
22 chapter 18.36A RCW, or an advanced registered nurse practitioner  
23 licensed under chapter 18.79 RCW.

24       (3) "Medical use of (~~(marijuana)~~) cannabis" means the  
25 consumption, processing, production, possession, dispensing,  
26 delivery, or administration of (~~(marijuana, as defined in RCW~~  
27 ~~69.50.101(q),)~~) cannabis for the exclusive benefit of a qualifying  
28 patient in the treatment of his or her chronic, terminal, or  
29 debilitating illness.

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

31       (a) Is a patient of a certified health care professional;

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

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

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

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

1 (5) "Tamper-resistant (~~paper~~) material" means (~~paper~~) a  
2 record that meets one or more of the following industry-recognized  
3 features:

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

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

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

10 (6) "Chronic, terminal, or debilitating medical condition" means:

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

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

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; or

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

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

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 documented and unrelieved by  
27 standard treatments or medications; (~~or~~)

28 (g) Posttraumatic stress disorder that is unrelieved by standard  
29 treatments or medications; or

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

34 (7) "Valid documentation" means:

35 (a) A (~~statement~~) verification card signed and dated by a  
36 qualifying patient's certified health care professional (~~written~~)  
37 and documented on tamper-resistant (~~paper~~) material, which states  
38 that, in the certified health care professional's professional  
39 opinion, the patient may benefit from the medical use of

1 ((marijuana)) cannabis and the amount and type of cannabis and  
2 cannabis plants that he or she recommends; and

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

5 (8) "Department" means the department of health.

6 (9) "Secretary" means the secretary of the department of health.

7 (10) "Cannabis" has the same meaning as the term "marijuana" in  
8 RCW 69.50.101.

9 (11) "Certified medical cannabis dispensing assistant" means a  
10 person who holds a certification under this chapter to dispense  
11 cannabis to qualifying patients under the supervision of a certified  
12 health care professional.

13 (12) "Certified medical cannabis clinic" means a facility that is  
14 certified by the secretary where appropriately qualified staff are  
15 available to determine whether or not the use of cannabis for medical  
16 purposes should be recommended for patients and qualifying patients  
17 and to administer cannabis to qualifying patients.

18 (13) "Licensed medical cannabis retailer" means a business  
19 licensed under section 24 of this act.

20 (14) "Patient cooperative garden" means a noncommercial garden  
21 plot dedicated to the production of cannabis for the medical use of  
22 the participating qualifying patients and maintained by the  
23 participating qualifying patients.

24 NEW SECTION. Sec. 3. A new section is added to chapter 69.51A  
25 RCW to read as follows:

26 (1) In addition to any other authority, the secretary has the  
27 authority to:

28 (a) Adopt rules under chapter 34.05 RCW necessary to implement  
29 this chapter;

30 (b) Establish fees related to initial certification, renewal  
31 certification, and surveys and inspections necessary to defray the  
32 costs associated with the regulation of certified medical cannabis  
33 clinics;

34 (c) Establish fees related to initial and renewal certification  
35 and registration of certified health care professionals and certified  
36 medical cannabis dispensing assistants and examination of certified  
37 health care professionals and certified medical cannabis dispensing  
38 assistants in accordance with RCW 43.70.250;

1 (d) Issue initial and renewal certifications to operate certified  
2 medical cannabis clinics to applicants who meet the requirements for  
3 obtaining certification and to deny certification to applicants who  
4 do not meet the certification requirements;

5 (e) Issue initial and renewal certifications to applicants to  
6 become certified health care professionals or certified medical  
7 cannabis dispensing assistants who meet the requirements for  
8 obtaining certification and to deny certification to applicants who  
9 do not meet the requirements;

10 (f) Establish certification standards and operation parameters  
11 for certified medical cannabis clinics based upon the requirements of  
12 section 4 of this act;

13 (g) Establish certification standards and practice parameters for  
14 certified health care professionals and certified medical cannabis  
15 dispensing assistants based upon the requirements of sections 5 and 6  
16 of this act;

17 (h) Establish a secure and confidential database to record  
18 information related to the issuance of verification cards by  
19 certified health care professionals; and

20 (i) Approve examinations for certified health care professionals  
21 and certified medical cannabis dispensing assistants.

22 (2) The secretary may take any necessary actions to establish a  
23 phased approach under chapter ..., Laws of 2015 (this act) to assure  
24 that by December 1, 2016, qualifying patients are able to receive  
25 verification cards and cannabis for medical use without disruption,  
26 including, prior to June 1, 2017, issuing credentials to facilities  
27 and health care providers, allowing for the issuance of verification  
28 cards, and establishing the database in section 12 of this act.

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

31 (1) The secretary shall issue a certification to operate a  
32 certified medical cannabis clinic to any applicant who demonstrates  
33 the ability to comply with all regulations adopted by the secretary,  
34 including:

35 (a) Documentation that staff who recommend and administer  
36 cannabis and cannabis products are appropriately credentialed and  
37 supervised;

38 (b) Requirements to maintain a permanent physical address;

39 (c) Security requirements;

1 (d) Traceability requirements;

2 (e) Reporting requirements;

3 (f) Requirements to document dispensed amounts of cannabis and  
4 cannabis products;

5 (g) Survey and inspection requirements; and

6 (h) Payment of applicable fees.

7 (2) The secretary shall renew a certification to operate a  
8 certified medical cannabis clinic to any applicant who meets the  
9 requirements of subsection (1) of this section and has been in good  
10 standing with the department during the prior certification period.

11 (3) The secretary may deny the application for certification or  
12 revoke or suspend the existing certification of any certified medical  
13 cannabis clinic that fails to comply with the regulations adopted by  
14 the secretary.

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

17 (1) The secretary shall issue a certification to a certified  
18 health care professional to recommend and administer cannabis to any  
19 applicant who has:

20 (a) A current valid license in good standing as any of the health  
21 professions identified in RCW 69.51A.010(2);

22 (b) Successfully completed an examination; and

23 (c) Has paid any applicable fees.

24 (2) The secretary may deny the application for certification or  
25 revoke or suspend the existing certification of any certified health  
26 care professional who fails to comply with the regulations adopted by  
27 the secretary.

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

30 (1) The secretary shall issue a certification to an individual to  
31 practice as a certified cannabis dispensing assistant to any  
32 applicant who pays any applicable fees and successfully completes an  
33 examination.

34 (2) The secretary may deny the application for certification or  
35 revoke or suspend the existing certification of any certified  
36 cannabis dispensing assistant who fails to comply with the  
37 regulations adopted by the secretary.

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

3        The uniform disciplinary act, chapter 18.130 RCW, governs  
4    unlicensed practice, the issuance and denial of a license, and the  
5    discipline of persons certified as a certified health care  
6    professional or a certified cannabis dispensing assistant.

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

9        (1) A patient may only obtain a verification card from a  
10    certified health care professional;

11        (2) A qualifying patient may only obtain a renewal of a  
12    verification card from a certified health care professional;

13        (3) A qualifying patient may only obtain cannabis for medical use  
14    from:

15        (a) A licensed medical cannabis retailer licensed under chapter  
16    69.50 RCW;

17        (b) A licensed marijuana retailer licensed under chapter 69.50  
18    RCW;

19        (c) The patient cooperative garden in which the qualifying  
20    patient participates;

21        (d) The qualifying patient's supply grown at his or her residence  
22    if the property is owned by the qualifying patient or the landlord  
23    has given written permission to the qualifying patient; or

24        (e) The qualifying patient's designated provider.

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

27        (1) A certified health care professional may:

28        (a) Advise patients and qualifying patients on the risks and  
29    benefits of the medical use of cannabis and provide a patient or  
30    qualifying patient with valid documentation authorizing the medical  
31    use of cannabis. These activities may only occur at the certified  
32    health care professional's principal office where he or she regularly  
33    practices or at a certified medical cannabis clinic where he or she  
34    is employed; and

35        (b) Administer cannabis to qualifying patients at a certified  
36    medical cannabis clinic.

37        (2) When advising a qualifying patient under subsection (1) of  
38    this section, a certified health care professional shall recommend to



1 the qualifying patient the most appropriate method of using cannabis  
2 for the qualifying patient's condition. The certified health care  
3 professional must make reasonable attempts to identify methods of use  
4 other than the smoking of cannabis. A certified health care  
5 professional shall not be in violation of this section for  
6 recommending the smoking of cannabis to a qualifying patient if the  
7 reasonable attempts to identify other methods are noted in the  
8 qualifying patient's medical record.

9 (3) A certified medical cannabis dispensing assistant may not  
10 dispense cannabis, except to qualifying patients while working on-  
11 site as an employee of a licensed medical cannabis retailer under the  
12 general supervision and protocols of a certified health care  
13 professional during the hours while the certified health care  
14 professional is practicing on-site.

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

17 (1) Certified health care professionals may authorize the medical  
18 use of cannabis for qualifying patients who are under the age of  
19 eighteen if:

20 (a) The minor's parent or guardian participates in the minor's  
21 treatment and agrees to the medical use of cannabis by the minor;

22 (b) The parent or guardian has sole control over the minor's  
23 cannabis, except that the minor may possess up to the amount of  
24 cannabis that is necessary for his or her next dose; and

25 (c) The minor does not grow plants or purchase cannabis from a  
26 cannabis retailer.

27 (2) If authorizing a minor for the medical use of cannabis, the  
28 certified health care professional must:

29 (a) Consult with other health care providers involved in the  
30 child's treatment, as medically indicated; and

31 (b) Reexamine the minor at least once every three months or more  
32 frequently as medically indicated. The reexamination must:

33 (i) Determine that the minor continues to have a chronic,  
34 terminal, or debilitating medical condition and that the condition  
35 benefits from the medical use of cannabis; and

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

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

3        (1) A certified medical cannabis clinic may only administer  
4    cannabis purchased from a licensed medical cannabis retailer that is  
5    licensed under chapter 69.50 RCW. The cannabis and cannabis products  
6    must meet all sanitation, testing, and labeling requirements  
7    established by the state liquor control board for medical class  
8    marijuana, useable marijuana, and marijuana-infused products under  
9    RCW 69.50.345.

10       (2) A certified medical cannabis clinic may not:

11       (a) Display any signage in a window, on a door, or on the outside  
12    of the premises of the facility that is visible to the general public  
13    from a public right-of-way, other than a single sign no larger than  
14    one thousand six hundred square inches identifying the certified  
15    medical cannabis clinic or certified affiliated medical cannabis  
16    dispensary by the certification holder's business or trade name;

17       (b) Display cannabis or cannabis products in a manner that is  
18    visible to the general public from a public right-of-way; or

19       (c) Open or consume, or allow to be opened or consumed, any  
20    cannabis or cannabis products on the premises, except as necessary  
21    for a certified health care professional to administer the cannabis  
22    or cannabis product to a qualifying patient.

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

25       (1) The department shall, with the advice and consultation of the  
26    medical cannabis advisory committee established in section 23 of this  
27    act, establish and maintain an online, secure, and confidential  
28    database for certified health care professionals to report  
29    information about authorization practices as listed in subsection (2)  
30    of this section.

31       (2) For each verification card issued to a qualifying patient,  
32    the issuing certified health care professional must report to the  
33    database established in subsection (1) of this section:

34       (a) The qualifying patient's year of birth;

35       (b) The qualifying patient's city of residence;

36       (c) The condition for which the qualifying patient was issued a  
37    verification card;

1 (d) The type and amount of useable cannabis and cannabis plants  
2 that were authorized for the qualifying patient by the certified  
3 health care professional;

4 (e) The expiration date of the qualifying patient's verification  
5 card;

6 (f) The name of the authorizing certified health care  
7 professional; and

8 (g) A unique identifier that corresponds to each verification  
9 card issued by the certified health care professional.

10 (3) Certified health care professionals may not report the name  
11 of any qualifying patient or any other personally identifying  
12 information to the database, other than the information listed in  
13 subsection (2) of this section.

14 (4) Certified health care professionals must be able to enter  
15 information into the database on a continual basis.

16 (5) Information in the database may only be accessed by:

17 (a) The department and the health care professions disciplining  
18 authorities to monitor compliance with this chapter;

19 (b) Appropriate local, state, and federal law enforcement or  
20 prosecutorial officials who are engaged in a bona fide specific  
21 investigation of suspected cannabis-related activity that is illegal  
22 under Washington state law or to confirm the validity of a  
23 verification card and confirm the expiration date, the number of  
24 plants recommended to the qualifying patient, and the maximum amount  
25 and type of useable cannabis recommended to the qualifying patient;

26 (c) Certified health care professionals, as necessary to correct  
27 information, renew a verification card, or provide patient care; and

28 (d) Certified medical cannabis clinics and licensed medical  
29 cannabis retailers, as necessary to verify that an individual is a  
30 qualifying patient and the amount of cannabis that the qualifying  
31 patient is authorized to purchase.

32 (6) The department may access the information in the database to  
33 maintain the reporting system and to produce aggregated reports  
34 related to the number of qualifying patients, the geographic  
35 distribution of qualifying patients, the age distribution of  
36 qualifying patients, and the amount and type of cannabis that has  
37 been recommended for patients.

38 **Sec. 13.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to  
39 read as follows:

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

10 (a) Advising a patient about the risks and benefits of medical  
11 use of cannabis or that the patient may benefit from the medical use  
12 of cannabis; or

13 (b) Providing a patient meeting the criteria established under  
14 RCW 69.51A.010(~~((+26))~~) with valid documentation, based upon the  
15 certified health care professional's assessment of the patient's  
16 medical history and current medical condition, where such use is  
17 within a professional standard of care or in the individual certified  
18 health care professional's medical judgment.

19 (2)(a) A certified health care professional may only provide a  
20 patient with valid documentation authorizing the medical use of  
21 cannabis (~~((or register the patient with the registry established in~~  
22 ~~section 901 of this act))~~) if he or she has a newly initiated or  
23 existing documented relationship with the patient, as a primary care  
24 provider or a specialist, relating to the diagnosis and ongoing  
25 treatment or monitoring of the patient's chronic, terminal, or  
26 debilitating medical condition, and only after:

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

29 (ii) Documenting the chronic, terminal, or debilitating medical  
30 condition of the patient in the patient's medical record and that the  
31 patient may benefit from treatment of this condition or its symptoms  
32 with medical use of cannabis;

33 (iii) Informing the patient of other options for treating the  
34 chronic, terminal, or debilitating medical condition; and

35 (iv) Documenting other measures attempted to treat the chronic,  
36 terminal, or debilitating medical condition that do not involve the  
37 medical use of cannabis.

38 (b) A certified health care professional must identify the date  
39 on which a qualifying patient's verification card expires. For a  
40 patient eighteen years old or older, the verification card must

1 expire within one year of its issuance. For a qualifying patient who  
2 is less than eighteen years old, the verification card must expire  
3 within six months of its issuance.

4 (c) A certified health care professional (~~(shall)~~) may not:

5 (i) Accept, solicit, or offer any form of pecuniary remuneration  
6 from or to a licensed dispenser, licensed producer, or licensed  
7 processor of cannabis products;

8 (ii) Offer a discount or any other thing of value to a qualifying  
9 patient who is a customer of, or agrees to be a customer of, a  
10 particular licensed dispenser, licensed producer, or licensed  
11 processor of cannabis products;

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

15 ~~(iv) ((Have a business or practice which consists solely of~~  
16 ~~authorizing the medical use of cannabis;~~

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

20 ~~(vi))~~ Hold an economic interest in an enterprise that produces,  
21 processes, or dispenses cannabis if the certified health care  
22 professional authorizes the medical use of cannabis.

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

25 **Sec. 14.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
26 read as follows:

27 The medical use of cannabis in accordance with the terms and  
28 conditions of this chapter does not constitute a crime and a  
29 qualifying patient or designated provider in compliance with the  
30 terms and conditions of this chapter may not be arrested, prosecuted,  
31 or subject to other criminal sanctions or civil consequences, for  
32 possession, processing, manufacture, or delivery of, or for  
33 possession with intent to manufacture, process, or deliver, cannabis  
34 under state law, or have real or personal property searched, seized,  
35 or forfeited for possession, use, processing, manufacture, or  
36 delivery of, or for possession with intent to manufacture, process,  
37 or deliver, cannabis under state law, and investigating peace  
38 officers and law enforcement agencies may not be held civilly liable  
39 for failure to seize cannabis in this circumstance, if:

1 (1)(a) The qualifying patient or designated provider possesses:  
2 (i) No more than ((fifteen cannabis plants)) the number of plants  
3 specified on a verification card issued by a certified health care  
4 professional; and((+  
5 (+)) (ii)(A) No more than ((twenty-four ounces)) the amount of  
6 useable cannabis specified on a verification card issued by a  
7 certified health care professional;  
8 ~~((ii) No more cannabis product than what could reasonably be~~  
9 ~~produced with no more than twenty-four ounces of useable cannabis; or~~  
10 ~~(iii)) (B) A combination of useable cannabis and cannabis~~  
11 ~~product that does not exceed a combined total representing possession~~  
12 ~~and processing of no more than ((twenty-four ounces)) the amount of~~  
13 ~~useable cannabis specified on a verification card issued by a~~  
14 ~~certified health care professional.~~  
15 (b) If a person is both a qualifying patient and a designated  
16 provider for another qualifying patient, the person may possess no  
17 more than ~~((twice the amounts described in (a) of this subsection))~~  
18 the amount specified on the verification card issued to the person by  
19 a certified health care professional and the amount specified on the  
20 verification card of the qualified patient for whom the person serves  
21 as a designated provider, as issued to the qualified patient by a  
22 certified health care professional, whether the plants, useable  
23 cannabis, and cannabis product are possessed individually or in  
24 combination between the qualifying patient and his or her designated  
25 provider;  
26 (2) The qualifying patient or designated provider presents his or  
27 her ~~((proof of registration with the department of health))~~  
28 verification card, to any peace officer who questions the patient or  
29 provider regarding his or her medical use of cannabis;  
30 (3) The qualifying patient or designated provider keeps a copy of  
31 his or her ~~((proof of registration with the registry established in~~  
32 ~~section 901 of this act))~~ verification card and the qualifying  
33 patient's or designated provider's contact information posted  
34 prominently next to any cannabis plants, cannabis products, or  
35 useable cannabis located at his or her residence;  
36 (4) The investigating peace officer does not possess evidence  
37 that:  
38 (a) The designated provider has converted cannabis produced or  
39 obtained for the qualifying patient for his or her own personal use  
40 or benefit; or

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

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

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

9 **Sec. 15.** RCW 69.51A.047 and 2011 c 181 s 406 are each amended to  
10 read as follows:

11 A qualifying patient or designated provider who (~~(is not~~  
12 ~~registered with the registry established in section 901 of this act~~  
13 ~~or~~)) does not present his or her (~~(valid documentation)~~) verification  
14 card to a peace officer who questions the patient or provider  
15 regarding his or her medical use of cannabis but is in compliance  
16 with all other terms and conditions of this chapter may establish an  
17 affirmative defense to charges of violations of state law relating to  
18 cannabis through proof at trial, by a preponderance of the evidence,  
19 that he or she was a validly authorized qualifying patient or  
20 designated provider at the time of the officer's questioning. (~~(A~~  
21 ~~qualifying patient or designated provider who establishes an~~  
22 ~~affirmative defense under the terms of this section may also~~  
23 ~~establish an affirmative defense under RCW 69.51A.045.))~~

24 **Sec. 16.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to  
25 read as follows:

26 (1) The lawful possession, processing, use, transportation, or  
27 manufacture of medical (~~(marijuana)~~) cannabis as authorized by this  
28 chapter shall not result in the forfeiture or seizure of any  
29 property.

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

34 (3) The state shall not be held liable for any deleterious  
35 outcomes from the medical use of marijuana by any qualifying patient.

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

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

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

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

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

26 **Sec. 18.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to  
27 read as follows:

28 (1) Qualifying patients may create and participate in  
29 (~~collective~~) patient cooperative gardens for the purpose of  
30 producing, processing, transporting, and delivering cannabis to the  
31 participating qualifying patients for medical use. Qualifying  
32 patients participating in a patient cooperative garden share  
33 responsibility for acquiring and supplying the resources required to  
34 produce and process cannabis for the medical use of the participating  
35 qualifying patients, such as a location for the patient cooperative  
36 garden; equipment, supplies, and labor necessary to plant, grow, and  
37 harvest cannabis; cannabis plants, seeds, and cuttings; and  
38 equipment, supplies, and labor necessary for proper construction,  
39 plumbing, wiring, and ventilation of a garden of cannabis plants. Any



1 cannabis garden with more than one qualifying patient is considered  
2 to be a patient cooperative garden. Patient cooperative gardens are  
3 subject to the following conditions:

4 (a) No more than ten qualifying patients may participate in a  
5 single ~~((collective))~~ patient cooperative garden ~~((at any time))~~;

6 (b) A ~~((collective))~~ patient cooperative garden may contain no  
7 more than ~~((fifteen plants per patient up to a total of))~~ forty-five  
8 plants;

9 (c) A ~~((collective))~~ patient cooperative garden may contain no  
10 more than ~~((twenty-four ounces of useable cannabis per patient up to~~  
11 ~~a total of))~~ seventy-two ounces of useable cannabis;

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

17 (e) No useable cannabis from the ~~((collective))~~ patient  
18 cooperative garden is delivered to anyone other than one of the  
19 qualifying patients participating in the ~~((collective))~~ patient  
20 cooperative garden;

21 (f) Only one patient cooperative garden may exist at any  
22 residence;

23 (g) The property on which a patient cooperative garden is located  
24 must be owned by one of the qualifying patients participating in the  
25 patient cooperative garden or by a property owner who has provided  
26 written permission to the participating qualifying patients and  
27 posted notice of the permission and the participants' verification  
28 cards at the patient cooperative garden site;

29 (h) Any qualifying patient who participates in a patient  
30 cooperative garden may withdraw from the patient cooperative garden  
31 at any time and remove his or her share of plants or useable cannabis  
32 at the time of withdrawal; and

33 (i) A patient cooperative garden must wait at least fifteen days  
34 after a qualifying patient has withdrawn from the patient cooperative  
35 garden before another qualifying patient may join the patient  
36 cooperative garden.

37 (2) ~~((For purposes of this section, the creation of a "collective~~  
38 ~~garden" means qualifying patients sharing responsibility for~~  
39 ~~acquiring and supplying the resources required to produce and process~~  
40 ~~cannabis for medical use such as, for example, a location for a~~

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

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

8 **Sec. 19.** RCW 69.51A.140 and 2011 c 181 s 1102 are each amended  
9 to read as follows:

10 (1) Cities and towns may adopt and enforce any of the following  
11 pertaining to the (~~production, processing,~~) administering or  
12 dispensing of medical cannabis or medical cannabis products within  
13 their jurisdiction: Zoning requirements, business licensing  
14 requirements, health and safety requirements, and business taxes.  
15 Nothing in chapter 181, Laws of 2011 is intended to limit the  
16 authority of cities and towns to impose zoning requirements or other  
17 conditions upon certified medical cannabis clinics and licensed  
18 (~~dispensers~~) medical cannabis retailers, so long as such  
19 requirements do not preclude the possibility of siting (~~licensed~~  
20 ~~dispensers~~) certified medical cannabis clinics and licensed medical  
21 cannabis retailers within the jurisdiction. If the jurisdiction has  
22 no commercial zones, the jurisdiction is not required to adopt zoning  
23 to accommodate certified medical cannabis clinics and licensed  
24 (~~dispensers~~) medical cannabis retailers.

25 (2) Counties may adopt and enforce any of the following  
26 pertaining to the (~~production, processing,~~) administering or  
27 dispensing of medical cannabis or medical cannabis products within  
28 their jurisdiction in locations outside of the corporate limits of  
29 any city or town: Zoning requirements, business licensing  
30 requirements, and health and safety requirements. Nothing in chapter  
31 181, Laws of 2011 is intended to limit the authority of counties to  
32 impose zoning requirements or other conditions upon certified medical  
33 cannabis clinics and licensed (~~dispensers~~) medical cannabis  
34 retailers, so long as such requirements do not preclude the  
35 possibility of siting (~~licensed dispensers~~) certified medical  
36 cannabis clinics and licensed medical cannabis retailers within the  
37 jurisdiction. If the jurisdiction has no commercial zones, the  
38 jurisdiction is not required to adopt zoning to accommodate certified

1 medical cannabis clinics and licensed ((dispensers)) medical cannabis  
2 retailers.

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

5 All valid documentation issued prior to June 1, 2016, expires  
6 June 1, 2017. Until June 1, 2017, qualifying patients and designated  
7 providers in possession of valid documentation may not be arrested,  
8 prosecuted, or subject to other criminal sanctions or civil  
9 consequences, for possession, manufacture, or delivery of, or for  
10 possession with intent to manufacture or deliver, cannabis under  
11 state law, or have real or personal property searched, seized, or  
12 forfeited for possession, manufacture, or delivery of, or for  
13 possession with intent to manufacture or deliver, cannabis under  
14 state law.

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

17 Certified health care professionals, certified cannabis  
18 dispensing assistants, and certified medical cannabis clinics and  
19 their employees are subject to the requirements of health care  
20 providers and health care facilities under chapter 70.02 RCW.

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

23 Upon approval by an institutional review board, the University of  
24 Washington and Washington State University may produce, process,  
25 dispense, and administer cannabis and cannabis products for purposes  
26 of research and treatment.

27 NEW SECTION. Sec. 23. A new section is added to chapter 69.50  
28 RCW to read as follows:

- 29 (1) The medical cannabis advisory committee is established.  
30 (a) Until June 30, 2018, the committee shall be comprised of the  
31 following members, to be appointed by the governor:  
32 (i) One member of the medical quality assurance commission;  
33 (ii) One member of the state board of osteopathic medicine and  
34 surgery;  
35 (iii) One member of the nursing care quality assurance  
36 commission;

- 1 (iv) One member of the board of naturopathy;
- 2 (v) One member of the pharmacy quality assurance commission;
- 3 (vi) One member of the chemical dependency certification advisory
- 4 committee who is a certified chemical dependency professional;
- 5 (vii) One member of the faculty of the University of Washington
- 6 with expertise in medical marijuana research;
- 7 (viii) Five qualifying patients;
- 8 (ix) One representative of law enforcement agencies;
- 9 (x) One person who is licensed by the state liquor control board
- 10 as both a marijuana producer and a marijuana processor;
- 11 (xi) One person employed by a third-party testing laboratory
- 12 meeting the accreditation standards established by the state liquor
- 13 control board under RCW 69.50.345;
- 14 (xii) One person representing the department of agriculture;
- 15 (xiii) One person representing the state liquor control board;
- 16 and
- 17 (xiv) One person representing the department of health.

18 (b) Beginning July 1, 2018, the committee shall be comprised of

19 three members, to be appointed by the governor.

20 (2) The committee shall provide advice and consultation to the

21 state liquor control board, the secretary of health, and the

22 legislature related to:

23 (a) The regulation of certified medical cannabis clinics and

24 licensed medical cannabis retailers;

25 (b) The regulation of certified health care professionals and

26 registered medical cannabis dispensing assistants, including

27 standards for the supervision of registered medical cannabis

28 dispensing assistants and the identification of examinations for

29 certified health care professionals;

30 (c) Reporting and charting requirements for certified medical

31 cannabis clinics, certified health care professionals, and registered

32 medical cannabis dispensing assistants; and

33 (d) The development of the online, secure, and confidential

34 database established under section 12 of this act.

35 NEW SECTION. **Sec. 24.** A new section is added to chapter 69.50

36 RCW to read as follows:

37 (1) A licensed medical cannabis retailer may only sell medical

38 class marijuana, useable marijuana, and marijuana-infused products in

39 the same business location.

1 (2) In addition to meeting licensing and operation requirements  
2 for licensed marijuana retailers, the state liquor control board  
3 shall establish regulations for licensed medical cannabis retailers  
4 that only sell medical class marijuana, useable marijuana, and  
5 marijuana-infused products to:

6 (a) Require that any owners and employees of a licensed medical  
7 cannabis retailer are at least twenty-one years of age;

8 (b) Require that there be a certified health care professional  
9 present and available on-site during business hours to oversee  
10 qualifying patients during the process of selecting an appropriate  
11 type of marijuana for the qualifying patient's condition and to  
12 advise the qualifying patient on the appropriate use of the marijuana  
13 for the patient's condition; and

14 (c) Only sell marijuana, useable marijuana, and marijuana-infused  
15 products that are medical class as determined by an accredited  
16 testing facility according to the state liquor control board's  
17 standards.

18 (3) Licensed medical cannabis retailers may allow qualifying  
19 patients who hold valid documentation and are eighteen to twenty-one  
20 years of age to enter or remain on the premises and may allow  
21 qualifying patients with valid documentation under the age of  
22 eighteen to enter or remain on the premises if those minor patients  
23 are with their parent or guardian who is acting as the minor  
24 patient's designated provider.

25 (4) Licensed medical cannabis retailers are prohibited from:

26 (a) Allowing their certified health care professionals to conduct  
27 activities under chapter 69.51A RCW related to the recommending of  
28 marijuana for medical purposes, issuance of verification cards, or  
29 administration of marijuana; or

30 (b) Providing any form of compensation to certified health care  
31 professionals, other than a salary, such as a bonus, commission, or  
32 other payment based upon incentives.

33 (5) Certified health care professionals and licensed medical  
34 cannabis retailers are subject to the requirements of health care  
35 providers and health care facilities under chapter 70.02 RCW.

36 (6) For the purposes of this section:

37 (a) "Certified health care professional" has the same meaning as  
38 in RCW 69.51A.010.

39 (b) "Qualifying patient" has the same meaning as in RCW  
40 69.51A.010.

1 (c) "Valid documentation" has the same meaning as in RCW  
2 69.51A.010.

3 **Sec. 25.** RCW 69.50.325 and 2014 c 192 s 2 are each amended to  
4 read as follows:

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

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

1 thousand dollars. A separate license shall be required for each  
2 location at which a marijuana processor intends to process marijuana.

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

22 **Sec. 26.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to  
23 read as follows:

24 The state liquor control board, subject to the provisions of  
25 chapter 3, Laws of 2013, must adopt rules (~~(by December 1, 2013,)~~)  
26 that establish the procedures and criteria necessary to implement the  
27 following:

28 (1) Licensing of marijuana producers, marijuana processors, and  
29 marijuana retailers, including prescribing forms and establishing  
30 application, reinstatement, and renewal fees;

31 (2) Determining, in consultation with the office of financial  
32 management, the maximum number of (~~retail outlets~~):

33 (a) Marijuana retailers that may be licensed in each county,  
34 taking into consideration:

35 ~~((a))~~ (i) Population distribution;

36 ~~((b))~~ (ii) Security and safety issues; and

37 ~~((c))~~ (iii) The provision of adequate access to licensed  
38 sources of useable marijuana and marijuana-infused products to  
39 discourage purchases from the illegal market;

1 (b) Licensed medical cannabis retailers that may be licensed in  
2 each county, taking into consideration:

3 (i) Population distribution;

4 (ii) Security and safety issues;

5 (iii) Patient need;

6 (iv) The burden on patients to travel long distances for access  
7 to a safe, stable source of medical class marijuana, useable  
8 marijuana, and marijuana-infused products;

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

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

16 (5) Determining the maximum quantities of useable marijuana and  
17 marijuana-infused products a marijuana retailer may have on the  
18 premises of a retail outlet at any time without violating Washington  
19 state law;

20 (6) In making the determinations required by subsections (3)  
21 through (5) of this section, the state liquor control board shall  
22 take into consideration:

23 (a) Security and safety issues;

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

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

30 (7) Determining the nature, form, and capacity of all containers  
31 to be used by licensees to contain marijuana, useable marijuana, and  
32 marijuana-infused products, and their labeling requirements, to  
33 include but not be limited to:

34 (a) The business or trade name and Washington state unified  
35 business identifier number of the licensees that grew, processed, and  
36 sold the marijuana, useable marijuana, or marijuana-infused product;

37 (b) Lot numbers of the marijuana, useable marijuana, or  
38 marijuana-infused product;

39 (c) THC concentration of the marijuana, useable marijuana, or  
40 marijuana-infused product;



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

3 (e) Language required by RCW 69.04.480;

4 (8) In consultation with the department of agriculture,  
5 establishing classes of marijuana, useable marijuana, and marijuana-  
6 infused products according to grade, condition, cannabinoid profile,  
7 THC concentration, or other qualitative measurements deemed  
8 appropriate by the state liquor control board. Among the classes,  
9 there shall be a medical class for marijuana, useable marijuana, and  
10 marijuana-infused products that are determined to be free of  
11 pesticides, molds, and other contaminants;

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

17 (a) Federal laws relating to marijuana that are applicable within  
18 Washington state;

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

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

24 (10) Specifying and regulating the time and periods when, and the  
25 manner, methods, and means by which, licensees shall transport and  
26 deliver marijuana, useable marijuana, and marijuana-infused products  
27 within the state;

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

37 (12) Specifying procedures for identifying, seizing,  
38 confiscating, destroying, and donating to law enforcement for  
39 training purposes all marijuana, useable marijuana, and marijuana-  
40 infused products produced, processed, packaged, labeled, or offered

1 for sale in this state that do not conform in all respects to the  
2 standards prescribed by chapter 3, Laws of 2013 or the rules of the  
3 state liquor control board.

4 **Sec. 27.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to  
5 read as follows:

6 (1) Retail outlets and licensed medical cannabis retailers shall  
7 sell no products or services other than marijuana concentrates,  
8 useable marijuana, marijuana-infused products, or paraphernalia  
9 intended for the storage or use of marijuana concentrates, useable  
10 marijuana, or marijuana-infused products.

11 (2) Licensed marijuana retailers and licensed medical cannabis  
12 retailers shall not employ persons under twenty-one years of age or  
13 allow persons under twenty-one years of age to enter or remain on the  
14 premises of a retail outlet.

15 (3) Licensed marijuana retailers and licensed medical cannabis  
16 retailers shall not display any signage in a window, on a door, or on  
17 the outside of the premises of a retail outlet that is visible to the  
18 general public from a public right-of-way, other than a single sign  
19 no larger than one thousand six hundred square inches identifying the  
20 retail outlet by the licensee's business or trade name.

21 (4) Licensed marijuana retailers and licensed medical cannabis  
22 retailers shall not display useable marijuana or marijuana-infused  
23 products in a manner that is visible to the general public from a  
24 public right-of-way.

25 (5) No licensed marijuana retailer, licensed medical cannabis  
26 retailer, or employee of a retail outlet shall open or consume, or  
27 allow to be opened or consumed, any marijuana concentrates, useable  
28 marijuana, or marijuana-infused product on the outlet premises.

29 (6) The state liquor control board (~~shall~~) may fine a licensee  
30 one thousand dollars for each violation of any subsection of this  
31 section. Fines collected under this section must be deposited into  
32 the dedicated marijuana fund created under RCW 69.50.530.

33 **Sec. 28.** RCW 69.50.363 and 2013 c 3 s 16 are each amended to  
34 read as follows:

35 The following acts, when performed by a validly licensed  
36 marijuana processor or employee of a validly licensed marijuana  
37 processor in compliance with rules adopted by the state liquor

1 control board to implement and enforce chapter 3, Laws of 2013, shall  
2 not constitute criminal or civil offenses under Washington state law:

3 (1) Purchase and receipt of marijuana that has been properly  
4 packaged and labeled from a marijuana producer validly licensed under  
5 chapter 3, Laws of 2013;

6 (2) Possession, processing, packaging, and labeling of quantities  
7 of marijuana, useable marijuana, and marijuana-infused products that  
8 do not exceed the maximum amounts established by the state liquor  
9 control board under RCW 69.50.345(4); and

10 (3) Delivery, distribution, and sale of useable marijuana or  
11 marijuana-infused products to a marijuana retailer validly licensed  
12 under chapter 3, Laws of 2013 or licensed medical cannabis retailer.

13 **Sec. 29.** RCW 69.50.366 and 2013 c 3 s 17 are each amended to  
14 read as follows:

15 The following acts, when performed by a validly licensed  
16 marijuana producer or employee of a validly licensed marijuana  
17 producer in compliance with rules adopted by the state liquor control  
18 board to implement and enforce chapter 3, Laws of 2013, shall not  
19 constitute criminal or civil offenses under Washington state law:

20 (1) Production or possession of quantities of marijuana that do  
21 not exceed the maximum amounts established by the state liquor  
22 control board under RCW 69.50.345(3); and

23 (2) Delivery, distribution, and sale of marijuana to a marijuana  
24 processor (~~(or)~~) another marijuana producer validly licensed under  
25 chapter 3, Laws of 2013, or licensed medical cannabis retailer.

26 **Sec. 30.** RCW 69.50.535 and 2014 c 192 s 7 are each amended to  
27 read as follows:

28 (1) There is levied and collected a marijuana excise tax equal to  
29 twenty-five percent of the selling price on each wholesale sale in  
30 this state of marijuana by a licensed marijuana producer to a  
31 licensed marijuana processor or another licensed marijuana producer.  
32 This tax is the obligation of the licensed marijuana producer.

33 (2) There is levied and collected a marijuana excise tax equal to  
34 twenty-five percent of the selling price on each wholesale sale in  
35 this state of marijuana concentrates, useable marijuana, and  
36 marijuana-infused products by a licensed marijuana processor to a  
37 licensed marijuana retailer. This tax is the obligation of the  
38 licensed marijuana processor.

1 (3) There is levied and collected a marijuana excise tax equal to  
2 twenty-five percent of the selling price on each retail sale in this  
3 state of marijuana concentrates, useable marijuana, and marijuana-  
4 infused products. This tax is the obligation of the licensed  
5 marijuana retailer, is separate and in addition to general state and  
6 local sales and use taxes that apply to retail sales of tangible  
7 personal property, and is part of the total retail price to which  
8 general state and local sales and use taxes apply.

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

14 (5) The state liquor control board shall regularly review the tax  
15 levels established under this section and make recommendations to the  
16 legislature as appropriate regarding adjustments that would further  
17 the goal of discouraging use while undercutting illegal market  
18 prices.

19 (6) Nothing in this section levies a marijuana excise tax under  
20 subsection (1), (2), or (3) of this section upon sales by a licensed  
21 marijuana producer or licensed marijuana processor to a licensed  
22 medical cannabis retailer licensed under section 24 of this act.

23 NEW SECTION. Sec. 31. A new section is added to chapter 82.08  
24 RCW to read as follows:

25 (1) Subject to the conditions and limitations provided in this  
26 section, the tax levied by RCW 82.08.020 does not apply to the sales  
27 of marijuana, useable marijuana, or marijuana-infused products to  
28 qualifying patients or their designated providers in a licensed  
29 medical marijuana retailer or the sales of cannabis at a certified  
30 medical cannabis clinic or certified affiliated medical cannabis  
31 dispensary.

32 (2) The exemption authorized in this section only applies to  
33 purchases made from licensed medical marijuana retail outlets  
34 authorized under chapter 69.50 RCW and certified medical cannabis  
35 clinics and certified affiliated medical cannabis dispensaries  
36 authorized under chapter 69.51A RCW. Retail outlets that sell sales  
37 tax exempt useable marijuana or marijuana-infused products are  
38 required to file their tax return electronically with the department.

1 (3) Each licensed medical marijuana retailer, certified medical  
2 cannabis clinic, or certified affiliated medical cannabis dispensary  
3 making exempt sales is required to maintain records of qualifying  
4 patient authorizations provided by the purchaser.

5 (4) For sellers who electronically file their taxes, the  
6 department must provide a separate tax reporting line for exemption  
7 amounts claimed under this section.

8 (5) For the purposes of this section:

9 (a) "Designated provider," "qualifying patient," "certified  
10 medical cannabis clinic," "certified affiliated medical cannabis  
11 dispensary" have the same meanings as provided in RCW 69.51A.010.

12 (b) "Useable marijuana" and "marijuana-infused product" have the  
13 same meanings as provided in RCW 69.50.101.

14 **Sec. 32.** RCW 18.130.040 and 2013 c 171 s 8 and 2013 c 19 s 45  
15 are each reenacted and amended to read as follows:

16 (1) This chapter applies only to the secretary and the boards and  
17 commissions having jurisdiction in relation to the professions  
18 licensed under the chapters specified in this section. This chapter  
19 does not apply to any business or profession not licensed under the  
20 chapters specified in this section.

21 (2)(a) The secretary has authority under this chapter in relation  
22 to the following professions:

23 (i) Dispensing opticians licensed and designated apprentices  
24 under chapter 18.34 RCW;

25 (ii) Midwives licensed under chapter 18.50 RCW;

26 (iii) Ocularists licensed under chapter 18.55 RCW;

27 (iv) Massage practitioners and businesses licensed under chapter  
28 18.108 RCW;

29 (v) Dental hygienists licensed under chapter 18.29 RCW;

30 (vi) East Asian medicine practitioners licensed under chapter  
31 18.06 RCW;

32 (vii) Radiologic technologists certified and X-ray technicians  
33 registered under chapter 18.84 RCW;

34 (viii) Respiratory care practitioners licensed under chapter  
35 18.89 RCW;

36 (ix) Hypnotherapists and agency affiliated counselors registered  
37 and advisors and counselors certified under chapter 18.19 RCW;

38 (x) Persons licensed as mental health counselors, mental health  
39 counselor associates, marriage and family therapists, marriage and

1 family therapist associates, social workers, social work associates—  
2 advanced, and social work associates—independent clinical under  
3 chapter 18.225 RCW;

4 (xi) Persons registered as nursing pool operators under chapter  
5 18.52C RCW;

6 (xii) Nursing assistants registered or certified or medication  
7 assistants endorsed under chapter 18.88A RCW;

8 (xiii) Dietitians and nutritionists certified under chapter  
9 18.138 RCW;

10 (xiv) Chemical dependency professionals and chemical dependency  
11 professional trainees certified under chapter 18.205 RCW;

12 (xv) Sex offender treatment providers and certified affiliate sex  
13 offender treatment providers certified under chapter 18.155 RCW;

14 (xvi) Persons licensed and certified under chapter 18.73 RCW or  
15 RCW 18.71.205;

16 (xvii) Orthotists and prosthetists licensed under chapter 18.200  
17 RCW;

18 (xviii) Surgical technologists registered under chapter 18.215  
19 RCW;

20 (xix) Recreational therapists under chapter 18.230 RCW;

21 (xx) Animal massage practitioners certified under chapter 18.240  
22 RCW;

23 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

24 (xxii) Home care aides certified under chapter 18.88B RCW;

25 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

26 (xxiv) Reflexologists certified under chapter 18.108 RCW; (~~and~~)

27 (xxv) Medical assistants-certified, medical assistants-  
28 hemodialysis technician, medical assistants-phlebotomist, and medical  
29 assistants-registered certified and registered under chapter 18.360  
30 RCW; and

31 (xxvi) Certified health care professionals or certified cannabis  
32 dispensing assistants certified under chapter 69.51A RCW.

33 (b) The boards and commissions having authority under this  
34 chapter are as follows:

35 (i) The podiatric medical board as established in chapter 18.22  
36 RCW;

37 (ii) The chiropractic quality assurance commission as established  
38 in chapter 18.25 RCW;

39 (iii) The dental quality assurance commission as established in  
40 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,

1 licenses and registrations issued under chapter 18.260 RCW, and  
2 certifications issued under chapter 18.350 RCW;

3 (iv) The board of hearing and speech as established in chapter  
4 18.35 RCW;

5 (v) The board of examiners for nursing home administrators as  
6 established in chapter 18.52 RCW;

7 (vi) The optometry board as established in chapter 18.54 RCW  
8 governing licenses issued under chapter 18.53 RCW;

9 (vii) The board of osteopathic medicine and surgery as  
10 established in chapter 18.57 RCW governing licenses issued under  
11 chapters 18.57 and 18.57A RCW;

12 (viii) The pharmacy quality assurance commission as established  
13 in chapter 18.64 RCW governing licenses issued under chapters 18.64  
14 and 18.64A RCW;

15 (ix) The medical quality assurance commission as established in  
16 chapter 18.71 RCW governing licenses and registrations issued under  
17 chapters 18.71 and 18.71A RCW;

18 (x) The board of physical therapy as established in chapter 18.74  
19 RCW;

20 (xi) The board of occupational therapy practice as established in  
21 chapter 18.59 RCW;

22 (xii) The nursing care quality assurance commission as  
23 established in chapter 18.79 RCW governing licenses and registrations  
24 issued under that chapter;

25 (xiii) The examining board of psychology and its disciplinary  
26 committee as established in chapter 18.83 RCW;

27 (xiv) The veterinary board of governors as established in chapter  
28 18.92 RCW;

29 (xv) The board of naturopathy established in chapter 18.36A RCW;  
30 and

31 (xvi) The board of denturists established in chapter 18.30 RCW.

32 (3) In addition to the authority to discipline license holders,  
33 the disciplining authority has the authority to grant or deny  
34 licenses. The disciplining authority may also grant a license subject  
35 to conditions.

36 (4) All disciplining authorities shall adopt procedures to ensure  
37 substantially consistent application of this chapter, the uniform  
38 disciplinary act, among the disciplining authorities listed in  
39 subsection (2) of this section.

1        NEW SECTION.    **Sec. 33.**    A new section is added to chapter 48.43  
2    RCW to read as follows:

3        (1) A health carrier may issue health benefit plans that provide  
4    benefits or coverage for activities related to the issuance of a  
5    verification card to an enrollee who is a patient or qualifying  
6    patient under chapter 69.51A RCW or for cannabis and cannabis  
7    products for medical use consistent with the recommendations  
8    identified on an enrollee's verification card.

9        (2) Health carriers and their employees do not commit a crime  
10    under state law and may not be arrested, searched, prosecuted,  
11    disciplined, or subject to other criminal sanctions, civil  
12    consequences, regulatory sanctions, or liability under state law, or  
13    have real or personal property searched, seized, or forfeited  
14    pursuant to state law for conducting payment activities on behalf of  
15    an enrollee for the issuance of a verification card to an enrollee  
16    who is a patient or qualifying patient under chapter 69.51A RCW or  
17    for cannabis and cannabis products for medical use consistent with  
18    the recommendations of an enrollee's verification card.

19        NEW SECTION.    **Sec. 34.**    The following acts or parts of acts are  
20    each repealed:

21        (1) RCW 69.51A.043 (Failure to register—Affirmative defense) and  
22    2011 c 181 s 402; and

23        (2) RCW 69.51A.045 (Possession of cannabis exceeding lawful  
24    amount—Affirmative defense) and 2011 c 181 s 405.

25        NEW SECTION.    **Sec. 35.**    Sections 2, 4 through 15, 17 through 19,  
26    21, and 24 through 32 of this act take effect December 1, 2016.

--- END ---