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HOUSE BILL 2696

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Blake, Rossetti, and Condotta

Read first time 01/18/16. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to the sale of marijuana plants and seeds for  
2 medical purposes; amending RCW 69.50.325, 69.50.342, 69.50.345,  
3 69.50.348, 69.50.351, 69.50.354, 69.50.357, 69.50.357, 69.50.366,  
4 69.50.369, 69.50.375, 69.50.382, 69.50.385, 69.51A.030, 69.51A.040,  
5 69.51A.045, 69.51A.060, 69.51A.210, 69.51A.220, 69.51A.230,  
6 69.51A.250, and 69.51A.290; reenacting and amending RCW 69.50.101 and  
7 69.50.360; creating a new section; prescribing penalties; providing  
8 an effective date; providing an expiration date; and declaring an  
9 emergency.

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

11 **Sec. 1.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each  
12 reenacted and amended to read as follows:

13 The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

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

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

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

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

5 (c) "CBD concentration" has the meaning provided in RCW  
6 69.51A.010.

7 (d) "Commission" means the pharmacy quality assurance commission.

8 (e) "Controlled substance" means a drug, substance, or immediate  
9 precursor included in Schedules I through V as set forth in federal  
10 or state laws, or federal or commission rules.

11 (f)(1) "Controlled substance analog" means a substance the  
12 chemical structure of which is substantially similar to the chemical  
13 structure of a controlled substance in Schedule I or II and:

14 (i) that has a stimulant, depressant, or hallucinogenic effect on  
15 the central nervous system substantially similar to the stimulant,  
16 depressant, or hallucinogenic effect on the central nervous system of  
17 a controlled substance included in Schedule I or II; or

18 (ii) with respect to a particular individual, that the individual  
19 represents or intends to have a stimulant, depressant, or  
20 hallucinogenic effect on the central nervous system substantially  
21 similar to the stimulant, depressant, or hallucinogenic effect on the  
22 central nervous system of a controlled substance included in Schedule  
23 I or II.

24 (2) The term does not include:

25 (i) a controlled substance;

26 (ii) a substance for which there is an approved new drug  
27 application;

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

33 (iv) any substance to the extent not intended for human  
34 consumption before an exemption takes effect with respect to the  
35 substance.

36 (g) "Deliver" or "delivery(( $\tau$ ))" means the actual or constructive  
37 transfer from one person to another of a substance, whether or not  
38 there is an agency relationship.

39 (h) "Department" means the department of health.

1 (i) "Designated provider" has the meaning provided in RCW  
2 69.51A.010.

3 (j) "Dispense" means the interpretation of a prescription or  
4 order for a controlled substance and, pursuant to that prescription  
5 or order, the proper selection, measuring, compounding, labeling, or  
6 packaging necessary to prepare that prescription or order for  
7 delivery.

8 (k) "Dispenser" means a practitioner who dispenses.

9 (l) "Distribute" means to deliver other than by administering or  
10 dispensing a controlled substance.

11 (m) "Distributor" means a person who distributes.

12 (n) "Drug" means (1) a controlled substance recognized as a drug  
13 in the official United States pharmacopoeia/national formulary or the  
14 official homeopathic pharmacopoeia of the United States, or any  
15 supplement to them; (2) controlled substances intended for use in the  
16 diagnosis, cure, mitigation, treatment, or prevention of disease in  
17 individuals or animals; (3) controlled substances (other than food)  
18 intended to affect the structure or any function of the body of  
19 individuals or animals; and (4) controlled substances intended for  
20 use as a component of any article specified in (1), (2), or (3) of  
21 this subsection. The term does not include devices or their  
22 components, parts, or accessories.

23 (o) "Drug enforcement administration" means the drug enforcement  
24 administration in the United States Department of Justice, or its  
25 successor agency.

26 (p) "Electronic communication of prescription information" means  
27 the transmission of a prescription or refill authorization for a drug  
28 of a practitioner using computer systems. The term does not include a  
29 prescription or refill authorization verbally transmitted by  
30 telephone nor a facsimile manually signed by the practitioner.

31 (q) "Immediate precursor" means a substance:

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

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

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

39 (r) "Isomer" means an optical isomer, but in subsection (dd)(5)  
40 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),

1 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
2 (42), and 69.50.210(c) the term includes any positional isomer; and  
3 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
4 includes any positional or geometric isomer.

5 (s) "Lot" means a definite quantity of marijuana, marijuana  
6 concentrates, useable marijuana, or marijuana-infused product  
7 identified by a lot number, every portion or package of which is  
8 uniform within recognized tolerances for the factors that appear in  
9 the labeling.

10 (t) "Lot number" must identify the licensee by business or trade  
11 name and Washington state unified business identifier number, and the  
12 date of harvest or processing for each lot of marijuana, marijuana  
13 concentrates, useable marijuana, or marijuana-infused product.

14 (u) "Manufacture" means the production, preparation, propagation,  
15 compounding, conversion, or processing of a controlled substance,  
16 either directly or indirectly or by extraction from substances of  
17 natural origin, or independently by means of chemical synthesis, or  
18 by a combination of extraction and chemical synthesis, and includes  
19 any packaging or repackaging of the substance or labeling or  
20 relabeling of its container. The term does not include the  
21 preparation, compounding, packaging, repackaging, labeling, or  
22 relabeling of a controlled substance:

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

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

30 (v) "Marijuana" or "marihuana" means all parts of the plant  
31 *Cannabis*, whether growing or not, with a THC concentration greater  
32 than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
33 extracted from any part of the plant; and every compound,  
34 manufacture, salt, derivative, mixture, or preparation of the plant,  
35 its seeds or resin. The term does not include the mature stalks of  
36 the plant, fiber produced from the stalks, oil or cake made from the  
37 seeds of the plant, any other compound, manufacture, salt,  
38 derivative, mixture, or preparation of the mature stalks (except the  
39 resin extracted therefrom), fiber, oil, or cake, or the sterilized  
40 seed of the plant which is incapable of germination.

1 (w) "Marijuana concentrates" means products consisting wholly or  
2 in part of the resin extracted from any part of the plant *Cannabis*  
3 and having a THC concentration greater than ten percent.

4 (x) "Marijuana processor" means a person licensed by the state  
5 liquor and cannabis board to process marijuana into marijuana  
6 concentrates, useable marijuana, and marijuana-infused products,  
7 package and label marijuana concentrates, useable marijuana, and  
8 marijuana-infused products for sale in retail outlets, and sell  
9 marijuana concentrates, useable marijuana, and marijuana-infused  
10 products at wholesale to marijuana retailers.

11 (y) "Marijuana producer" means a person licensed by the state  
12 liquor and cannabis board to produce and sell marijuana at wholesale  
13 to marijuana processors, marijuana retailers with a medical marijuana  
14 endorsement, and other marijuana producers.

15 (z) "Marijuana products" means useable marijuana, marijuana  
16 concentrates, and marijuana-infused products as defined in this  
17 section.

18 (aa) "Marijuana researcher" means a person licensed by the state  
19 liquor and cannabis board to produce, process, and possess marijuana  
20 for the purposes of conducting research on marijuana and marijuana-  
21 derived drug products.

22 (bb) "Marijuana retailer" means a person licensed by the state  
23 liquor and cannabis board to sell marijuana concentrates, useable  
24 marijuana, and marijuana-infused products in a retail outlet.

25 (cc) "Marijuana-infused products" means products that contain  
26 marijuana or marijuana extracts, are intended for human use, are  
27 derived from marijuana as defined in subsection (v) of this section,  
28 and have a THC concentration no greater than ten percent. The term  
29 "marijuana-infused products" does not include either useable  
30 marijuana or marijuana concentrates.

31 (dd) "Narcotic drug" means any of the following, whether produced  
32 directly or indirectly by extraction from substances of vegetable  
33 origin, or independently by means of chemical synthesis, or by a  
34 combination of extraction and chemical synthesis:

35 (1) Opium, opium derivative, and any derivative of opium or opium  
36 derivative, including their salts, isomers, and salts of isomers,  
37 whenever the existence of the salts, isomers, and salts of isomers is  
38 possible within the specific chemical designation. The term does not  
39 include the isoquinoline alkaloids of opium.

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

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

7 (4) Coca leaves, except coca leaves and extracts of coca leaves  
8 from which cocaine, ecgonine, and derivatives or ecgonine or their  
9 salts have been removed.

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

11 (6) Cocaine base.

12 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer  
13 thereof.

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

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

25 (ff) "Opium poppy" means the plant of the species *Papaver*  
26 *somniferum* L., except its seeds.

27 (gg) "Person" means individual, corporation, business trust,  
28 estate, trust, partnership, association, joint venture, government,  
29 governmental subdivision or agency, or any other legal or commercial  
30 entity.

31 (hh) "Plant" has the meaning provided in RCW 69.51A.010.

32 (ii) "Poppy straw" means all parts, except the seeds, of the  
33 opium poppy, after mowing.

34 (jj) "Practitioner" means:

35 (1) A physician under chapter 18.71 RCW; a physician assistant  
36 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
37 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
38 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
39 limitations in RCW 18.57A.040; an optometrist licensed under chapter  
40 18.53 RCW who is certified by the optometry board under RCW 18.53.010

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

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

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

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

32 (ll) "Production" includes the manufacturing, planting,  
33 cultivating, growing, or harvesting of a controlled substance.

34 (mm) "Qualifying patient" has the meaning provided in RCW  
35 69.51A.010.

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

38 (oo) "Retail outlet" means a location licensed by the state  
39 liquor and cannabis board for the retail sale of marijuana  
40 concentrates((τ))i useable marijuana((τ—and))i marijuana-infused

1 products; and, for those locations with a medical marijuana  
2 endorsement, marijuana plants and seeds.

3 (pp) "Secretary" means the secretary of health or the secretary's  
4 designee.

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

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

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

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

23 **Sec. 2.** RCW 69.50.325 and 2015 c 70 s 5 are each amended to read  
24 as follows:

25 (1) There shall be a marijuana producer's license to produce  
26 marijuana for sale at wholesale to marijuana processors (~~and~~),  
27 other marijuana producers, and marijuana retailers with a medical  
28 marijuana endorsement, regulated by the state liquor and cannabis  
29 board and subject to annual renewal. The production, possession,  
30 delivery, distribution, and sale of marijuana in accordance with the  
31 provisions of this chapter and the rules adopted to implement and  
32 enforce it, by a validly licensed marijuana producer, shall not be a  
33 criminal or civil offense under Washington state law. Every marijuana  
34 producer's license shall be issued in the name of the applicant,  
35 shall specify the location at which the marijuana producer intends to  
36 operate, which must be within the state of Washington, and the holder  
37 thereof shall not allow any other person to use the license. The  
38 application fee for a marijuana producer's license shall be two  
39 hundred fifty dollars. The annual fee for issuance and renewal of a



1 marijuana producer's license shall be one thousand dollars. A  
2 separate license shall be required for each location at which a  
3 marijuana producer intends to produce marijuana.

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

24 (3) There shall be a marijuana retailer's license to sell  
25 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
26 products, and, for those locations with a medical marijuana  
27 endorsement, marijuana plants and seeds, at retail in retail outlets,  
28 regulated by the state liquor and cannabis board and subject to  
29 annual renewal. The possession, delivery, distribution, and sale of  
30 marijuana concentrates, useable marijuana, and marijuana-infused  
31 products in accordance with the provisions of this chapter and the  
32 rules adopted to implement and enforce it, by a validly licensed  
33 marijuana retailer, shall not be a criminal or civil offense under  
34 Washington state law. Every marijuana retailer's license shall be  
35 issued in the name of the applicant, shall specify the location of  
36 the retail outlet the licensee intends to operate, which must be  
37 within the state of Washington, and the holder thereof shall not  
38 allow any other person to use the license. The application fee for a  
39 marijuana retailer's license shall be two hundred fifty dollars. The  
40 annual fee for issuance and renewal of a marijuana retailer's license

1 shall be one thousand dollars. A separate license shall be required  
2 for each location at which a marijuana retailer intends to sell  
3 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
4 products, and, for those locations with a medical marijuana  
5 endorsement, marijuana plants and seeds.

6 **Sec. 3.** RCW 69.50.342 and 2015 2nd sp.s. c 4 s 1601 are each  
7 amended to read as follows:

8 (1) For the purpose of carrying into effect the provisions of  
9 chapter 3, Laws of 2013 according to their true intent or of  
10 supplying any deficiency therein, the state liquor and cannabis board  
11 may adopt rules not inconsistent with the spirit of chapter 3, Laws  
12 of 2013 as are deemed necessary or advisable. Without limiting the  
13 generality of the preceding sentence, the state liquor and cannabis  
14 board is empowered to adopt rules regarding the following:

15 (a) The equipment and management of retail outlets and premises  
16 where marijuana is produced or processed, and inspection of the  
17 retail outlets and premises where marijuana is produced or processed;

18 (b) The books and records to be created and maintained by  
19 licensees, the reports to be made thereon to the state liquor and  
20 cannabis board, and inspection of the books and records;

21 (c) Methods of producing, processing, and packaging marijuana,  
22 useable marijuana, marijuana concentrates, ~~((and))~~ marijuana-infused  
23 products, and marijuana plants and seeds; conditions of sanitation;  
24 safe handling requirements; approved pesticides and pesticide testing  
25 requirements; and standards of ingredients, quality, and identity of  
26 marijuana, useable marijuana, marijuana concentrates, ~~((and))~~  
27 marijuana-infused products, and marijuana plants and seeds produced,  
28 processed, packaged, or sold by licensees;

29 (d) Security requirements for retail outlets and premises where  
30 marijuana is produced or processed, and safety protocols for  
31 licensees and their employees;

32 (e) Screening, hiring, training, and supervising employees of  
33 licensees;

34 (f) Retail outlet locations and hours of operation;

35 (g) Labeling requirements and restrictions on advertisement of  
36 marijuana, useable marijuana, marijuana concentrates, cannabis health  
37 and beauty aids, ~~((and))~~ marijuana-infused products, and, for  
38 marijuana retailers with a medical marijuana endorsement, marijuana  
39 plants and seeds for sale in retail outlets;

1 (h) Forms to be used for purposes of this chapter and chapter  
2 69.51A RCW or the rules adopted to implement and enforce these  
3 chapters, the terms and conditions to be contained in licenses issued  
4 under this chapter and chapter 69.51A RCW, and the qualifications for  
5 receiving a license issued under this chapter and chapter 69.51A RCW,  
6 including a criminal history record information check. The state  
7 liquor and cannabis board may submit any criminal history record  
8 information check to the Washington state patrol and to the  
9 identification division of the federal bureau of investigation in  
10 order that these agencies may search their records for prior arrests  
11 and convictions of the individual or individuals who filled out the  
12 forms. The state liquor and cannabis board must require  
13 fingerprinting of any applicant whose criminal history record  
14 information check is submitted to the federal bureau of  
15 investigation;

16 (i) Application, reinstatement, and renewal fees for licenses  
17 issued under this chapter and chapter 69.51A RCW, and fees for  
18 anything done or permitted to be done under the rules adopted to  
19 implement and enforce this chapter and chapter 69.51A RCW;

20 (j) The manner of giving and serving notices required by this  
21 chapter and chapter 69.51A RCW or rules adopted to implement or  
22 enforce these chapters;

23 (k) Times and periods when, and the manner, methods, and means by  
24 which, licensees transport and deliver marijuana, marijuana  
25 concentrates, useable marijuana, ~~((and))~~ marijuana-infused products,  
26 and marijuana plants and seeds within the state;

27 (1) Identification, seizure, confiscation, destruction, or  
28 donation to law enforcement for training purposes of all marijuana,  
29 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
30 products, and marijuana plants and seeds produced, processed, sold,  
31 or offered for sale within this state which do not conform in all  
32 respects to the standards prescribed by this chapter or chapter  
33 69.51A RCW or the rules adopted to implement and enforce these  
34 chapters.

35 (2) Rules adopted on retail outlets holding medical marijuana  
36 endorsements must be adopted in coordination and consultation with  
37 the department.

38 **Sec. 4.** RCW 69.50.345 and 2015 c 70 s 8 are each amended to read  
39 as follows:

1 The state liquor and cannabis board, subject to the provisions of  
2 this chapter, must adopt rules that establish the procedures and  
3 criteria necessary to implement the following:

4 (1) Licensing of marijuana producers, marijuana processors, and  
5 marijuana retailers, including prescribing forms and establishing  
6 application, reinstatement, and renewal fees.

7 (a) Application forms for marijuana producers must request the  
8 applicant to state whether the applicant intends to produce marijuana  
9 for sale by marijuana retailers holding medical marijuana  
10 endorsements and the amount of or percentage of canopy the applicant  
11 intends to commit to growing plants determined by the department  
12 under RCW 69.50.375 to be of a THC concentration, CBD concentration,  
13 or THC to CBD ratio appropriate for marijuana concentrates, useable  
14 marijuana, ~~((or))~~ marijuana-infused products, or marijuana plants and  
15 seeds sold to qualifying patients.

16 (b) The state liquor and cannabis board must reconsider and  
17 increase limits on the amount of square feet permitted to be in  
18 production on July 24, 2015, and increase the percentage of  
19 production space for those marijuana producers who intend to grow  
20 plants for marijuana retailers holding medical marijuana endorsements  
21 if the marijuana producer designates the increased production space  
22 to plants determined by the department under RCW 69.50.375 to be of a  
23 THC concentration, CBD concentration, or THC to CBD ratio appropriate  
24 for marijuana concentrates, useable marijuana, ~~((or))~~ marijuana-  
25 infused products, or marijuana plants and seeds to be sold to  
26 qualifying patients. If current marijuana producers do not use all  
27 the increased production space, the state liquor and cannabis board  
28 may reopen the license period for new marijuana producer license  
29 applicants but only to those marijuana producers who agree to grow  
30 plants for marijuana retailers holding medical marijuana  
31 endorsements. Priority in licensing must be given to marijuana  
32 producer license applicants who have an application pending on July  
33 24, 2015, but who are not yet licensed and then to new marijuana  
34 producer license applicants. After January 1, 2017, any  
35 reconsideration of the limits on the amount of square feet permitted  
36 to be in production to meet the medical needs of qualifying patients  
37 must consider information contained in the medical marijuana  
38 authorization database established in RCW 69.51A.230;

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

4 (a) Population distribution;

5 (b) Security and safety issues;

6 (c) The provision of adequate access to licensed sources of  
7 marijuana concentrates(~~(,)~~); useable marijuana(~~(, and)~~); marijuana-  
8 infused products; and, for qualifying patients, marijuana plants and  
9 seeds to discourage purchases from the illegal market; and

10 (d) The number of retail outlets holding medical marijuana  
11 endorsements necessary to meet the medical needs of qualifying  
12 patients. The state liquor and cannabis board must reconsider and  
13 increase the maximum number of retail outlets it established before  
14 July 24, 2015, and allow for a new license application period and a  
15 greater number of retail outlets to be permitted in order to  
16 accommodate the medical needs of qualifying patients and designated  
17 providers. After January 1, 2017, any reconsideration of the maximum  
18 number of retail outlets needed to meet the medical needs of  
19 qualifying patients must consider information contained in the  
20 medical marijuana authorization database established in RCW  
21 69.51A.230;

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

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

29 (5) Determining the maximum quantities of marijuana concentrates,  
30 useable marijuana, (~~and~~) marijuana-infused products, and, for  
31 marijuana retailers with a medical marijuana endorsement, marijuana  
32 plants and seeds a marijuana retailer may have on the premises of a  
33 retail outlet at any time without violating Washington state law;

34 (6) In making the determinations required by this section, the  
35 state liquor and cannabis board shall take into consideration:

36 (a) Security and safety issues;

37 (b) The provision of adequate access to licensed sources of  
38 marijuana, marijuana concentrates, useable marijuana, (~~and~~)  
39 marijuana-infused products, and marijuana plants and seeds intended

1 for sale to qualifying patients to discourage purchases from the  
2 illegal market; and

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

6 (7) Determining the nature, form, and capacity of all containers  
7 to be used by licensees to contain marijuana, marijuana concentrates,  
8 useable marijuana, ~~((and))~~ marijuana-infused products, and marijuana  
9 plants and seeds intended for sale to qualifying patients, and their  
10 labeling requirements, to include but not be limited to:

11 (a) The business or trade name and Washington state unified  
12 business identifier number of the licensees that processed and sold  
13 the marijuana, marijuana concentrates, useable marijuana, ~~((or))~~  
14 marijuana-infused product, or marijuana plants and seeds intended for  
15 sale to qualifying patients;

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

18 (c) THC concentration and CBD concentration of the marijuana,  
19 marijuana concentrates, useable marijuana, or marijuana-infused  
20 product;

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

23 (e) Language required by RCW 69.04.480;

24 (8) In consultation with the department of agriculture and the  
25 department, establishing classes of marijuana, marijuana  
26 concentrates, useable marijuana, ~~((and))~~ marijuana-infused products,  
27 and marijuana plants and seeds intended for sale to qualifying  
28 patients according to grade, condition, cannabinoid profile, THC  
29 concentration, CBD concentration, or other qualitative measurements  
30 deemed appropriate by the state liquor and cannabis board;

31 (9) Establishing reasonable time, place, and manner restrictions  
32 and requirements regarding advertising of marijuana, marijuana  
33 concentrates, useable marijuana, ~~((and))~~ marijuana-infused products,  
34 and marijuana plants and seeds intended for sale to qualifying  
35 patients that are not inconsistent with the provisions of this  
36 chapter, taking into consideration:

37 (a) Federal laws relating to marijuana that are applicable within  
38 Washington state;

39 (b) Minimizing exposure of people under twenty-one years of age  
40 to the advertising;

1 (c) The inclusion of medically and scientifically accurate  
2 information about the health and safety risks posed by marijuana use  
3 in the advertising; and

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

6 (10) Specifying and regulating the time and periods when, and the  
7 manner, methods, and means by which, licensees shall transport and  
8 deliver marijuana, marijuana concentrates, useable marijuana, ~~((and))~~  
9 marijuana-infused products, and marijuana plants and seeds intended  
10 for sale to qualifying patients within the state;

11 (11) In consultation with the department and the department of  
12 agriculture~~((τ))~~:

13 (a) Establishing accreditation requirements for testing  
14 laboratories used by licensees to demonstrate compliance with  
15 standards adopted by the state liquor and cannabis board~~((τ))~~; and

16 (b) Prescribing:

17 (i) Methods of producing, processing, and packaging marijuana,  
18 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
19 products, and marijuana plants and seeds intended for sale to  
20 qualifying patients;

21 (ii) Conditions of sanitation; and

22 (iii) Standards of ingredients, quality, and identity of  
23 marijuana, marijuana concentrates, useable marijuana, ~~((and))~~  
24 marijuana-infused products, and marijuana plants and seeds intended  
25 for sale to qualifying patients produced, processed, packaged, or  
26 sold by licensees;

27 (12) Specifying procedures for identifying, seizing,  
28 confiscating, destroying, and donating to law enforcement for  
29 training purposes all marijuana, marijuana concentrates, useable  
30 marijuana, ~~((and))~~ marijuana-infused products, and marijuana plants  
31 and seeds intended for sale to qualifying patients produced,  
32 processed, packaged, labeled, or offered for sale in this state that  
33 do not conform in all respects to the standards prescribed by this  
34 chapter or the rules of the state liquor and cannabis board.

35 **Sec. 5.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to read  
36 as follows:

37 (1) On a schedule determined by the state liquor ~~((control))~~ and  
38 cannabis board, every licensed marijuana producer and processor must  
39 submit representative samples of marijuana, useable marijuana, ~~((or))~~

1 marijuana-infused products, or marijuana plants and seeds produced or  
2 processed by the licensee to an independent, third-party testing  
3 laboratory meeting the accreditation requirements established by the  
4 state liquor (~~((control))~~) and cannabis board, for inspection and  
5 testing to certify compliance with standards adopted by the state  
6 liquor (~~((control))~~) and cannabis board. Any sample remaining after  
7 testing shall be destroyed by the laboratory or returned to the  
8 licensee.

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

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

16 **Sec. 6.** RCW 69.50.351 and 2013 c 3 s 12 are each amended to read  
17 as follows:

18 Except as provided by chapter 42.52 RCW, no member of the state  
19 liquor (~~((control))~~) and cannabis board and no employee of the state  
20 liquor (~~((control))~~) and cannabis board shall have any interest,  
21 directly or indirectly, in the producing, processing, or sale of  
22 marijuana, useable marijuana, (~~((or))~~) marijuana-infused products, or  
23 marijuana plants and seeds, or derive any profit or remuneration from  
24 the sale of marijuana, useable marijuana, (~~((or))~~) marijuana-infused  
25 products, or marijuana plants and seeds other than the salary or  
26 wages payable to him or her in respect of his or her office or  
27 position, and shall receive no gratuity from any person in connection  
28 with the business.

29 **Sec. 7.** RCW 69.50.354 and 2015 c 70 s 9 are each amended to read  
30 as follows:

31 There may be licensed, in no greater number in each of the  
32 counties of the state than as the state liquor and cannabis board  
33 shall deem advisable, retail outlets established for the purpose of  
34 making marijuana concentrates, useable marijuana, (~~((and))~~) marijuana-  
35 infused products available, and, for marijuana retailers with a  
36 medical marijuana endorsement, marijuana plants and seeds for sale to  
37 adults aged twenty-one and over. Retail sale of marijuana  
38 concentrates, useable marijuana, (~~((and))~~) marijuana-infused products,



1 and, for marijuana retailers with a medical marijuana endorsement,  
2 marijuana plants and seeds in accordance with the provisions of this  
3 chapter and the rules adopted to implement and enforce it, by a  
4 validly licensed marijuana retailer or retail outlet employee, shall  
5 not be a criminal or civil offense under Washington state law.

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

8 (1) Retail outlets shall sell no products or services other than  
9 marijuana concentrates, useable marijuana, marijuana-infused  
10 products, for retail outlets with a medical marijuana endorsement,  
11 marijuana plants and seeds, or paraphernalia intended for the storage  
12 or use of marijuana concentrates, useable marijuana, ((~~or~~)  
13 marijuana-infused products, or marijuana plants and seeds.

14 (2) Licensed marijuana retailers shall not employ persons under  
15 twenty-one years of age or allow persons under twenty-one years of  
16 age to enter or remain on the premises of a retail outlet.

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

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

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

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

34 **Sec. 9.** RCW 69.50.357 and 2015 2nd sp.s. c 4 s 203 are each  
35 amended to read as follows:

36 (1) Retail outlets may not sell products or services other than  
37 marijuana concentrates, useable marijuana, marijuana-infused  
38 products, for retail outlets with a medical marijuana endorsement,

1 marijuana plants and seeds, or paraphernalia intended for the storage  
2 or use of marijuana concentrates, useable marijuana, ((~~or~~))  
3 marijuana-infused products, or marijuana plants and seeds.

4 (2) Licensed marijuana retailers may not employ persons under  
5 twenty-one years of age or allow persons under twenty-one years of  
6 age to enter or remain on the premises of a retail outlet. However,  
7 qualifying patients between eighteen and twenty-one years of age with  
8 a recognition card may enter and remain on the premises of a retail  
9 outlet holding a medical marijuana endorsement and may purchase  
10 products for their personal medical use. Qualifying patients who are  
11 under the age of eighteen with a recognition card and who accompany  
12 their designated providers may enter and remain on the premises of a  
13 retail outlet holding a medical marijuana endorsement, but may not  
14 purchase products for their personal medical use.

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

21 (b) Licensed marijuana retailers with a medical marijuana  
22 endorsement must ensure that all employees are trained on the  
23 subjects required by (a) of this subsection as well as identification  
24 of authorizations and recognition cards. Employees must also be  
25 trained to permit qualifying patients who hold recognition cards and  
26 are between the ages of eighteen and twenty-one to enter the premises  
27 and purchase marijuana for their personal medical use and to permit  
28 qualifying patients who are under the age of eighteen with a  
29 recognition card to enter the premises if accompanied by their  
30 designated providers.

31 (4) Licensed marijuana retailers may not display any signage  
32 outside of the licensed premises, other than two signs identifying  
33 the retail outlet by the licensee's business or trade name. Each sign  
34 must be no larger than one thousand six hundred square inches, be  
35 permanently affixed to a building or other structure, and be posted  
36 not less than one thousand feet from any elementary school, secondary  
37 school, or playground.

38 (5) No licensed marijuana retailer or employee of a retail outlet  
39 may open or consume, or allow to be opened or consumed, any marijuana

1 concentrates, useable marijuana, ((~~or~~)) marijuana-infused product, or  
2 marijuana plants or seeds on the outlet premises.

3 (6) The state liquor and cannabis board must fine a licensee one  
4 thousand dollars for each violation of any subsection of this  
5 section. Fines collected under this section must be deposited into  
6 the dedicated marijuana account created under RCW 69.50.530.

7 **Sec. 10.** RCW 69.50.360 and 2015 c 207 s 6 and 2015 c 70 s 13 are  
8 each reenacted and amended to read as follows:

9 The following acts, when performed by a validly licensed  
10 marijuana retailer or employee of a validly licensed retail outlet in  
11 compliance with rules adopted by the state liquor and cannabis board  
12 to implement and enforce chapter 3, Laws of 2013, do not constitute  
13 criminal or civil offenses under Washington state law:

14 (1) Purchase and receipt of marijuana concentrates, useable  
15 marijuana, ((~~or~~)) marijuana-infused products, or for marijuana  
16 retailers with a medical marijuana endorsement, marijuana plants and  
17 seeds that have been properly packaged and labeled from a marijuana  
18 processor validly licensed under this chapter;

19 (2) Possession of quantities of marijuana concentrates, useable  
20 marijuana, or marijuana-infused products that do not exceed the  
21 maximum amounts established by the state liquor and cannabis board  
22 under RCW 69.50.345(5);

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

- 27 (a) One ounce of useable marijuana;
- 28 (b) Sixteen ounces of marijuana-infused product in solid form;
- 29 (c) Seventy-two ounces of marijuana-infused product in liquid  
30 form; or
- 31 (d) Seven grams of marijuana concentrate; and

32 (4) Purchase and receipt of marijuana concentrates, useable  
33 marijuana, ((~~or~~)) marijuana-infused products, or for marijuana  
34 retailers with a medical marijuana endorsement, marijuana plants and  
35 seeds that have been properly packaged and labeled from a federally  
36 recognized Indian tribe as permitted under an agreement between the  
37 state and the tribe entered into under RCW 43.06.490.

1       **Sec. 11.** RCW 69.50.366 and 2015 c 207 s 8 are each amended to  
2 read as follows:

3       The following acts, when performed by a validly licensed  
4 marijuana producer or employee of a validly licensed marijuana  
5 producer in compliance with rules adopted by the state liquor  
6 (~~control~~) and cannabis board to implement and enforce chapter 3,  
7 Laws of 2013, do not constitute criminal or civil offenses under  
8 Washington state law:

9       (1) Production or possession of quantities of marijuana that do  
10 not exceed the maximum amounts established by the state liquor  
11 (~~control~~) and cannabis board under RCW 69.50.345(3);

12       (2) Delivery, distribution, and sale of marijuana to a marijuana  
13 processor or another marijuana producer validly licensed under  
14 chapter 3, Laws of 2013; (~~and~~)

15       (3) Delivery, distribution, and sale of marijuana or useable  
16 marijuana to a federally recognized Indian tribe as permitted under  
17 an agreement between the state and the tribe entered into under RCW  
18 43.06.490; and

19       (4) Delivery, distribution, and sale of marijuana plants and  
20 seeds to a marijuana retailer with a medical marijuana endorsement.

21       **Sec. 12.** RCW 69.50.369 and 2015 2nd sp.s. c 4 s 204 are each  
22 amended to read as follows:

23       (1) No licensed marijuana producer, processor, researcher, or  
24 retailer may place or maintain, or cause to be placed or maintained,  
25 an advertisement of marijuana, useable marijuana, marijuana  
26 concentrates, (~~or~~) a marijuana-infused product, or marijuana plants  
27 and seeds in any form or through any medium whatsoever:

28       (a) Within one thousand feet of the perimeter of a school  
29 grounds, playground, recreation center or facility, child care  
30 center, public park, or library, or any game arcade admission to  
31 which is not restricted to persons aged twenty-one years or older;

32       (b) On or in a public transit vehicle or public transit shelter;  
33 or

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

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

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

38       (4) The state liquor and cannabis board must fine a licensee one  
39 thousand dollars for each violation of subsection (1) of this

1 section. Fines collected under this subsection must be deposited into  
2 the dedicated marijuana account created under RCW 69.50.530.

3 **Sec. 13.** RCW 69.50.375 and 2015 c 70 s 10 are each amended to  
4 read as follows:

5 (1) A medical marijuana endorsement to a marijuana retail license  
6 is hereby established to permit a marijuana retailer to sell  
7 marijuana for medical use to qualifying patients and designated  
8 providers. This endorsement also permits such retailers to provide  
9 marijuana at no charge, at their discretion, to qualifying patients  
10 and designated providers.

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

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

14 (a) Not authorize the medical use of marijuana for qualifying  
15 patients at the retail outlet or permit health care professionals to  
16 authorize the medical use of marijuana for qualifying patients at the  
17 retail outlet;

18 (b) Carry marijuana plants and seeds, marijuana concentrates, and  
19 marijuana-infused products identified by the department under  
20 subsection (4) of this section;

21 (c) Not use labels or market marijuana plants and seeds,  
22 marijuana concentrates, useable marijuana, or marijuana-infused  
23 products in a way that make them intentionally attractive to minors;

24 (d) Demonstrate the ability to enter qualifying patients and  
25 designated providers in the medical marijuana authorization database  
26 established in RCW 69.51A.230 and issue recognition cards and agree  
27 to enter qualifying patients and designated providers into the  
28 database and issue recognition cards in compliance with department  
29 standards;

30 (e) Keep copies of the qualifying patient's or designated  
31 provider's recognition card, or keep equivalent records as required  
32 by rule of the state liquor and cannabis board or the department of  
33 revenue to document the validity of tax exempt sales; and

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

36 (4) The department, in conjunction with the state liquor and  
37 cannabis board, must adopt rules on requirements for marijuana plants  
38 and seeds, marijuana concentrates, useable marijuana, and marijuana-  
39 infused products that may be sold, or provided at no charge, to

1 qualifying patients or designated providers at a retail outlet  
2 holding a medical marijuana endorsement. These rules must include:

3 (a) THC concentration, CBD concentration, or low THC, high CBD  
4 ratios appropriate for marijuana plants and seeds, marijuana  
5 concentrates, useable marijuana, or marijuana-infused products sold  
6 to qualifying patients or designated providers;

7 (b) Labeling requirements including that the labels attached to  
8 marijuana plants and seeds, marijuana concentrates, useable  
9 marijuana, or marijuana-infused products contain THC concentration,  
10 CBD concentration, and THC to CBD ratios;

11 (c) Other product requirements, including any additional mold,  
12 fungus, or pesticide testing requirements, or limitations to the  
13 types of solvents that may be used in marijuana processing that the  
14 department deems necessary to address the medical needs of qualifying  
15 patients;

16 (d) Safe handling requirements for marijuana plants and seeds,  
17 marijuana concentrates, useable marijuana, or marijuana-infused  
18 products; and

19 (e) Training requirements for employees.

20 (5) A marijuana retailer holding an endorsement to sell marijuana  
21 to qualifying patients or designated providers must train its  
22 employees on:

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

26 (b) Recognition of valid recognition cards; and

27 (c) Recognition of strains, varieties, THC concentration, CBD  
28 concentration, and THC to CBD ratios of marijuana plants and seeds,  
29 marijuana concentrates, useable marijuana, and marijuana-infused  
30 products, available for sale when assisting qualifying patients and  
31 designated providers at the retail outlet.

32 **Sec. 14.** RCW 69.50.382 and 2015 2nd sp.s. c 4 s 501 are each  
33 amended to read as follows:

34 (1) A licensed marijuana producer, marijuana processor, marijuana  
35 researcher, or marijuana retailer, or their employees, in accordance  
36 with the requirements of this chapter and the administrative rules  
37 adopted thereunder, may use the services of a common carrier subject  
38 to regulation under chapters 81.28 and 81.29 RCW and licensed in  
39 compliance with the regulations established under RCW 69.50.385, to

1 physically transport or deliver marijuana, useable marijuana,  
2 marijuana concentrates, (~~and~~) marijuana-infused products, and  
3 marijuana plants and seeds between licensed marijuana businesses  
4 located within the state.

5 (2) An employee of a common carrier engaged in marijuana-related  
6 transportation or delivery services authorized under subsection (1)  
7 of this section is prohibited from carrying or using a firearm during  
8 the course of providing such services, unless:

9 (a) Pursuant to RCW 69.50.385, the state liquor and cannabis  
10 board explicitly authorizes the carrying or use of firearms by such  
11 employee while engaged in the transportation or delivery services;

12 (b) The employee has an armed private security guard license  
13 issued pursuant to RCW 18.170.040; and

14 (c) The employee is in full compliance with the regulations  
15 established by the state liquor and cannabis board under RCW  
16 69.50.385.

17 (3) A common carrier licensed under RCW 69.50.385 may, for the  
18 purpose of transporting and delivering marijuana, useable marijuana,  
19 marijuana concentrates, (~~and~~) marijuana-infused products, and  
20 marijuana plants and seeds, utilize Washington state ferry routes for  
21 such transportation and delivery.

22 (4) The possession of marijuana, useable marijuana, marijuana  
23 concentrates, (~~and~~) marijuana-infused products, and marijuana  
24 plants and seeds being physically transported or delivered within the  
25 state, in amounts not exceeding those that may be established under  
26 RCW 69.50.385(3), by a licensed employee of a common carrier when  
27 performing the duties authorized under, and in accordance with, this  
28 section and RCW 69.50.385, is not a violation of this section, this  
29 chapter, or any other provision of Washington state law.

30 **Sec. 15.** RCW 69.50.385 and 2015 2nd sp.s. c 4 s 502 are each  
31 amended to read as follows:

32 (1) The state liquor and cannabis board must adopt rules  
33 providing for an annual licensing procedure of a common carrier who  
34 seeks to transport or deliver marijuana, useable marijuana, marijuana  
35 concentrates, (~~and~~) marijuana-infused products, and marijuana  
36 plants and seeds within the state.

37 (2) The rules for licensing must:

38 (a) Establish criteria for considering the approval or denial of  
39 a common carrier's original application or renewal application;

1 (b) Provide minimum qualifications for any employee authorized to  
2 drive or operate the transportation or delivery vehicle, including a  
3 minimum age of at least twenty-one years;

4 (c) Address the safety of the employees transporting or  
5 delivering the products, including issues relating to the carrying of  
6 firearms by such employees;

7 (d) Address the security of the products being transported,  
8 including a system of electronically tracking all products at both  
9 the point of pickup and the point of delivery; and

10 (e) Set reasonable fees for the application and licensing  
11 process.

12 (3) The state liquor and cannabis board may adopt rules  
13 establishing the maximum amounts of marijuana, useable marijuana,  
14 marijuana concentrates, ~~((and))~~ marijuana-infused products, and  
15 marijuana plants and seeds that may be physically transported or  
16 delivered at one time by a common carrier as provided under RCW  
17 69.50.382.

18 **Sec. 16.** RCW 69.51A.030 and 2015 c 70 s 18 are each amended to  
19 read as follows:

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

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

31 (b) Providing a patient or designated provider meeting the  
32 criteria established under RCW 69.51A.010 with an authorization,  
33 based upon the health care professional's assessment of the patient's  
34 medical history and current medical condition, if the health care  
35 professional has complied with this chapter and he or she determines  
36 within a professional standard of care or in the individual health  
37 care professional's medical judgment the qualifying patient may  
38 benefit from the medical use of marijuana.



1 (2)(a) A health care professional may provide a qualifying  
2 patient or that patient's designated provider with an authorization  
3 for the medical use of marijuana in accordance with this section.

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

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

10 (ii) Complete an in-person physical examination of the patient;

11 (iii) Document the terminal or debilitating medical condition of  
12 the patient in the patient's medical record and that the patient may  
13 benefit from treatment of this condition or its symptoms with medical  
14 use of marijuana;

15 (iv) Inform the patient of other options for treating the  
16 terminal or debilitating medical condition and documenting in the  
17 patient's medical record that the patient has received this  
18 information;

19 (v) Document in the patient's medical record other measures  
20 attempted to treat the terminal or debilitating medical condition  
21 that do not involve the medical use of marijuana; and

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

24 (c) For a qualifying patient eighteen years of age or older, an  
25 authorization expires one year after its issuance. For a qualifying  
26 patient less than eighteen years of age, an authorization expires six  
27 months after its issuance. An authorization may be renewed upon  
28 completion of an in-person physical examination and compliance with  
29 the other requirements of (b) of this subsection.

30 (d) A health care professional shall not:

31 (i) Accept, solicit, or offer any form of pecuniary remuneration  
32 from or to a marijuana retailer, marijuana processor, or marijuana  
33 producer;

34 (ii) Offer a discount or any other thing of value to a qualifying  
35 patient who is a customer of, or agrees to be a customer of, a  
36 particular marijuana retailer;

37 (iii) Examine or offer to examine a patient for purposes of  
38 diagnosing a terminal or debilitating medical condition at a location  
39 where marijuana is produced, processed, or sold;

1 (iv) Have a business or practice which consists primarily of  
2 authorizing the medical use of marijuana or authorize the medical use  
3 of marijuana at any location other than his or her practice's  
4 permanent physical location;

5 (v) Except as provided in RCW 69.51A.280, sell, or provide at no  
6 charge, marijuana concentrates, marijuana-infused products, ((~~or~~))  
7 useable marijuana, or marijuana plants and seeds to a qualifying  
8 patient or designated provider; or

9 (vi) Hold an economic interest in an enterprise that produces,  
10 processes, or sells marijuana if the health care professional  
11 authorizes the medical use of marijuana.

12 (3) The department shall develop the form for the health care  
13 professional to use as an authorization for qualifying patients and  
14 designated providers. The form shall include the qualifying patient's  
15 or designated provider's name, address, and date of birth; the health  
16 care professional's name, address, and license number; the amount of  
17 marijuana recommended for the qualifying patient; a telephone number  
18 where the authorization can be verified during normal business hours;  
19 the dates of issuance and expiration; and a statement that an  
20 authorization does not provide protection from arrest unless the  
21 qualifying patient or designated provider is also entered in the  
22 medical marijuana authorization database and holds a recognition  
23 card.

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

28 (5) The appropriate health professions disciplining authority may  
29 inspect or request patient records to confirm compliance with this  
30 section. The health care professional must provide access to or  
31 produce documents, records, or other items that are within his or her  
32 possession or control within twenty-one calendar days of service of a  
33 request by the health professions disciplining authority. If the  
34 twenty-one calendar day limit results in a hardship upon the health  
35 care professional, he or she may request, for good cause, an  
36 extension not to exceed thirty additional calendar days. Failure to  
37 produce the documents, records, or other items shall result in  
38 citations and fines issued consistent with RCW 18.130.230. Failure to  
39 otherwise comply with the requirements of this section shall be

1 considered unprofessional conduct and subject to sanctions under  
2 chapter 18.130 RCW.

3 (6) After a health care professional authorizes a qualifying  
4 patient for the medical use of marijuana, he or she may discuss with  
5 the qualifying patient how to use marijuana and the types of products  
6 the qualifying patient should seek from a retail outlet.

7 **Sec. 17.** RCW 69.51A.040 and 2015 c 70 s 24 are each amended to  
8 read as follows:

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

21 (1)(a) The qualifying patient or designated provider has been  
22 entered into the medical marijuana authorization database and holds a  
23 valid recognition card and possesses no more than the amount of  
24 marijuana concentrates, useable marijuana, (~~((plants, or))~~) marijuana-  
25 infused products, or marijuana plants and seeds authorized under RCW  
26 69.51A.210.

27 If a person is both a qualifying patient and a designated  
28 provider for another qualifying patient, the person may possess no  
29 more than twice the amounts described in RCW 69.51A.210 for the  
30 qualifying patient and designated provider, whether the (~~((plants,))~~)  
31 marijuana concentrates, useable marijuana, (~~((or))~~) marijuana-infused  
32 products, or marijuana plants and seeds are possessed individually or  
33 in combination between the qualifying patient and his or her  
34 designated provider;

35 (b) The qualifying patient or designated provider presents his or  
36 her recognition card to any law enforcement officer who questions the  
37 patient or provider regarding his or her medical use of marijuana;

38 (c) The qualifying patient or designated provider keeps a copy of  
39 his or her recognition card and the qualifying patient or designated

1 provider's contact information posted prominently next to any  
2 ((~~plants,~~)) marijuana concentrates, marijuana-infused products,  
3 ((~~or~~)) useable marijuana, or marijuana plants and seeds located at  
4 his or her residence;

5 (d) The investigating law enforcement officer does not possess  
6 evidence that:

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

10 (ii) The qualifying patient sold, donated, or supplied marijuana  
11 to another person; and

12 (e) The designated provider has not served as a designated  
13 provider to more than one qualifying patient within a fifteen-day  
14 period; or

15 (2) The qualifying patient or designated provider participates in  
16 a cooperative as provided in RCW 69.51A.250.

17 **Sec. 18.** RCW 69.51A.045 and 2015 c 70 s 29 are each amended to  
18 read as follows:

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

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

37 **Sec. 19.** RCW 69.51A.060 and 2015 c 70 s 31 are each amended to  
38 read as follows:

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

4 (2) Nothing in this chapter establishes a right of care as a  
5 covered benefit or requires any state purchased health care as  
6 defined in RCW 41.05.011 or other health carrier or health plan as  
7 defined in Title 48 RCW to be liable for any claim for reimbursement  
8 for the medical use of marijuana. Such entities may enact coverage or  
9 noncoverage criteria or related policies for payment or nonpayment of  
10 medical marijuana in their sole discretion.

11 (3) Nothing in this chapter requires any health care professional  
12 to authorize the medical use of marijuana for a patient.

13 (4) Nothing in this chapter requires any accommodation of any on-  
14 site medical use of marijuana in any place of employment, in any  
15 school bus or on any school grounds, in any youth center, in any  
16 correctional facility, or smoking marijuana in any public place or  
17 hotel or motel. However, a school may permit a minor who meets the  
18 requirements of RCW 69.51A.220 to consume marijuana on school  
19 grounds. Such use must be in accordance with school policy relating  
20 to medication use on school grounds.

21 (5) Nothing in this chapter authorizes the possession or use of  
22 marijuana, marijuana concentrates, useable marijuana, ((~~or~~))  
23 marijuana-infused products, or marijuana plants and seeds on federal  
24 property.

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

28 (7) Employers may establish drug-free work policies. Nothing in  
29 this chapter requires an accommodation for the medical use of  
30 marijuana if an employer has a drug-free workplace.

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

38 **Sec. 20.** RCW 69.51A.210 and 2015 c 70 s 19 are each amended to  
39 read as follows:

1 As part of authorizing a qualifying patient or designated  
2 provider, the health care professional may include recommendations on  
3 the amount of marijuana that is likely needed by the qualifying  
4 patient for his or her medical needs and in accordance with this  
5 section.

6 (1) If the health care professional does not include  
7 recommendations on the qualifying patient's or designated provider's  
8 authorization, the marijuana retailer with a medical marijuana  
9 endorsement, when adding the qualifying patient or designated  
10 provider to the medical marijuana authorization database, shall enter  
11 into the database that the qualifying patient or designated provider  
12 may purchase or obtain at a retail outlet holding a medical marijuana  
13 endorsement a combination of the following: Forty-eight ounces of  
14 marijuana-infused product in solid form; three ounces of useable  
15 marijuana; two hundred sixteen ounces of marijuana-infused product in  
16 liquid form; or twenty-one grams of marijuana concentrates. The  
17 qualifying patient or designated provider may also grow, in his or  
18 her domicile, up to six plants, or a combination of six plants and  
19 seeds, for the personal medical use of the qualifying patient and  
20 possess up to eight ounces of useable marijuana produced from his or  
21 her plants. These amounts shall be specified on the recognition card  
22 that is issued to the qualifying patient or designated provider.

23 (2) If the health care professional determines that the medical  
24 needs of a qualifying patient exceed the amounts provided for in  
25 subsection (1) of this section, the health care professional must  
26 specify on the authorization that it is recommended that the patient  
27 be allowed to grow, in his or her domicile, up to fifteen plants, or  
28 possess a combination of up to fifteen plants and seeds, for the  
29 personal medical use of the patient. A patient so authorized may  
30 possess up to sixteen ounces of useable marijuana in his or her  
31 domicile. The number of plants must be entered into the medical  
32 marijuana authorization database by the marijuana retailer with a  
33 medical marijuana endorsement and specified on the recognition card  
34 that is issued to the qualifying patient or designated provider.

35 (3) If a qualifying patient or designated provider with an  
36 authorization from a health care professional has not been entered  
37 into the medical marijuana authorization database, he or she may not  
38 receive a recognition card and may only purchase at a retail outlet,  
39 whether it holds a medical marijuana endorsement or not, the amounts  
40 established in RCW 69.50.360. In addition the qualifying patient or

1 the designated provider may grow, in his or her domicile, up to four  
2 plants, or possess a combination of up to four plants and seeds, for  
3 the personal medical use of the qualifying patient and possess up to  
4 six ounces of useable marijuana in his or her domicile.

5 **Sec. 21.** RCW 69.51A.220 and 2015 c 70 s 20 are each amended to  
6 read as follows:

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

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

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

15 (2) The minor may not grow plants or purchase marijuana-infused  
16 products, useable marijuana, ~~((or))~~ marijuana concentrates, or  
17 marijuana plants and seeds from a marijuana retailer with a medical  
18 marijuana endorsement.

19 (3) Both the minor and the minor's parent or guardian who is  
20 acting as the designated provider must be entered in the medical  
21 marijuana authorization database and hold a recognition card.

22 (4) A health care professional who authorizes the medical use of  
23 marijuana by a minor must do so as part of the course of treatment of  
24 the minor's terminal or debilitating medical condition. If  
25 authorizing a minor for the medical use of marijuana, the health care  
26 professional must:

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

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

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

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

1       **Sec. 22.** RCW 69.51A.230 and 2015 c 70 s 21 are each amended to  
2 read as follows:

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

6       (a) A marijuana retailer with a medical marijuana endorsement to  
7 add a qualifying patient or designated provider and include the  
8 amount of marijuana concentrates, useable marijuana, marijuana-  
9 infused products, or marijuana plants and seeds for which the  
10 qualifying patient is authorized under RCW 69.51A.210;

11       (b) Persons authorized to prescribe or dispense controlled  
12 substances to access health care information on their patients for  
13 the purpose of providing medical or pharmaceutical care for their  
14 patients;

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

18       (d) Appropriate local, state, tribal, and federal law enforcement  
19 or prosecutorial officials who are engaged in a bona fide specific  
20 investigation of suspected marijuana-related activity that may be  
21 illegal under Washington state law to confirm the validity of the  
22 recognition card of a qualifying patient or designated provider;

23       (e) A marijuana retailer holding a medical marijuana endorsement  
24 to confirm the validity of the recognition card of a qualifying  
25 patient or designated provider;

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

28       (g) The department and the health care professional's  
29 disciplining authorities to monitor authorizations and ensure  
30 compliance with this chapter and chapter 18.130 RCW by their  
31 licensees; and

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

35       (2) A qualifying patient and his or her designated provider, if  
36 any, may be placed in the medical marijuana authorization database at  
37 a marijuana retailer with a medical marijuana endorsement. After a  
38 qualifying patient or designated provider is placed in the medical  
39 marijuana authorization database, he or she must be provided with a



1 recognition card that contains identifiers required in subsection (3)  
2 of this section.

3 (3) The recognition card requirements must be developed by the  
4 department in rule and include:

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

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

8 (c) A photograph of the qualifying patient's or designated  
9 provider's face taken by an employee of the marijuana retailer with a  
10 medical marijuana endorsement at the same time that the qualifying  
11 patient or designated provider is being placed in the medical  
12 marijuana authorization database in accordance with rules adopted by  
13 the department;

14 (d) The amount of marijuana concentrates, useable marijuana,  
15 marijuana-infused products, or marijuana plants and seeds for which  
16 the qualifying patient is authorized under RCW 69.51A.210;

17 (e) The effective date and expiration date of the recognition  
18 card;

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

21 (g) For the recognition card, additional security features as  
22 necessary to ensure its validity.

23 (4) For qualifying patients who are eighteen years of age or  
24 older and their designated providers, recognition cards are valid for  
25 one year from the date the health care professional issued the  
26 authorization. For qualifying patients who are under the age of  
27 eighteen and their designated providers, recognition cards are valid  
28 for six months from the date the health care professional issued the  
29 authorization. Qualifying patients may not be reentered into the  
30 medical marijuana authorization database until they have been  
31 reexamined by a health care professional and determined to meet the  
32 definition of qualifying patient. After reexamination, a marijuana  
33 retailer with a medical marijuana endorsement must reenter the  
34 qualifying patient or designated provider into the medical marijuana  
35 authorization database and a new recognition card will then be issued  
36 in accordance with department rules.

37 (5) If a recognition card is lost or stolen, a marijuana retailer  
38 with a medical marijuana endorsement, in conjunction with the  
39 database administrator, may issue a new card that will be valid for  
40 six months to one year if the patient is reexamined by a health care

1 professional and determined to meet the definition of qualifying  
2 patient and depending on whether the patient is under the age of  
3 eighteen or eighteen years of age or older as provided in subsection  
4 (4) of this section. If a reexamination is not performed, the  
5 expiration date of the replacement recognition card must be the same  
6 as the lost or stolen recognition card.

7 (6) The database administrator must remove qualifying patients  
8 and designated providers from the medical marijuana authorization  
9 database upon expiration of the recognition card. Qualifying patients  
10 and designated providers may request to remove themselves from the  
11 medical marijuana authorization database before expiration of a  
12 recognition card and health care professionals may request to remove  
13 qualifying patients and designated providers from the medical  
14 marijuana authorization database if the patient or provider no longer  
15 qualifies for the medical use of marijuana. The database  
16 administrator must retain database records for at least five calendar  
17 years to permit the state liquor and cannabis board and the  
18 department of revenue to verify eligibility for tax exemptions.

19 (7) During development of the medical marijuana authorization  
20 database, the database administrator must consult with the  
21 department, stakeholders, and persons with relevant expertise to  
22 include, but not be limited to, qualifying patients, designated  
23 providers, health care professionals, state and local law enforcement  
24 agencies, and the University of Washington computer science and  
25 engineering security and privacy research lab or a certified cyber  
26 security firm, vendor, or service.

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

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

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

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

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

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

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

13 (c) Information contained in the medical marijuana authorization  
14 database shall not be shared with the federal government or its  
15 agents unless the (~~particular~~ [~~qualifying~~]) qualifying patient or  
16 designated provider is convicted in state court for violating this  
17 chapter or chapter 69.50 RCW.

18 (10)(a) The department must charge a one dollar fee for each  
19 initial and renewal recognition card issued by a marijuana retailer  
20 with a medical marijuana endorsement. The marijuana retailer with a  
21 medical marijuana endorsement shall collect the fee from the  
22 qualifying patient or designated provider at the time that he or she  
23 is entered into the database and issued a recognition card. The  
24 department shall establish a schedule for marijuana retailers with a  
25 medical marijuana endorsement to remit the fees collected. Fees  
26 collected under this subsection shall be deposited into the health  
27 professions account created under RCW 43.70.320.

28 (b) By November 1, 2016, the department shall report to the  
29 governor and the fiscal committees of both the house of  
30 representatives and the senate regarding the cost of implementation  
31 and administration of the medical marijuana authorization database.  
32 The report must specify amounts from the health professions account  
33 used to finance the establishment and administration of the medical  
34 marijuana authorization database as well as estimates of the  
35 continuing costs associated with operating the medical marijuana  
36 (~~authorization~~) authorization database. The report must also  
37 provide initial enrollment figures in the medical marijuana  
38 authorization database and estimates of expected future enrollment.

39 (11) If the database administrator fails to comply with this  
40 section, the department may cancel any contracts with the database

1 administrator and contract with another database administrator to  
2 continue administration of the database. A database administrator who  
3 fails to comply with this section is subject to a fine of up to five  
4 thousand dollars in addition to any penalties established in the  
5 contract. Fines collected under this section must be deposited into  
6 the health professions account created under RCW 43.70.320.

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

8 **Sec. 23.** RCW 69.51A.250 and 2015 2nd sp.s. c 4 s 1001 are each  
9 amended to read as follows:

10 (1) Qualifying patients or designated providers may form a  
11 cooperative and share responsibility for acquiring and supplying the  
12 resources needed to produce and process marijuana only for the  
13 medical use of members of the cooperative. No more than four  
14 qualifying patients or designated providers may become members of a  
15 cooperative under this section and all members must hold valid  
16 recognition cards. All members of the cooperative must be at least  
17 twenty-one years old. The designated provider of a qualifying patient  
18 who is under twenty-one years old may be a member of a cooperative on  
19 the qualifying patient's behalf.

20 (2) Qualifying patients and designated providers who wish to form  
21 a cooperative must register the location with the state liquor and  
22 cannabis board and this is the only location where cooperative  
23 members may grow or process marijuana. This registration must include  
24 the names of all participating members and copies of each  
25 participant's recognition card. Only qualifying patients or  
26 designated providers registered with the state liquor and cannabis  
27 board in association with the location may participate in growing or  
28 receive useable marijuana or marijuana-infused products grown at that  
29 location.

30 (3) No cooperative may be located in any of the following areas:

31 (a) Within one mile of a marijuana retailer;

32 (b) Within the smaller of either:

33 (i) One thousand feet of the perimeter of the grounds of any  
34 elementary or secondary school, playground, recreation center or  
35 facility, child care center, public park, public transit center,  
36 library, or any game arcade that admission to which is not restricted  
37 to persons aged twenty-one years or older; or

1 (ii) The area restricted by ordinance, if the cooperative is  
2 located in a city, county, or town that has passed an ordinance  
3 pursuant to RCW 69.50.331(8); or

4 (c) Where prohibited by a city, town, or county zoning provision.

5 (4) The state liquor and cannabis board must deny the  
6 registration of any cooperative if the location does not comply with  
7 the requirements set forth in subsection (3) of this section.

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

18 (6) Qualifying patients or designated providers who participate  
19 in a cooperative under this section:

20 (a) May grow up to the total amount of plants for which each  
21 participating member is authorized on their recognition cards, or  
22 possess a combination of marijuana plants and seeds that represents  
23 the total amount of plants for which each participating member is  
24 authorized on their recognition cards, up to a maximum of a combined  
25 sixty marijuana plants and seeds. At the location, the qualifying  
26 patients or designated providers may possess the amount of useable  
27 marijuana that can be produced with the number of plants permitted  
28 under this subsection, but no more than seventy-two ounces;

29 (b) May only participate in one cooperative;

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

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

36 (e) May not sell, donate, or otherwise provide marijuana,  
37 marijuana concentrates, useable marijuana, (~~(or)~~) marijuana-infused  
38 products, or marijuana plants and seeds to a person who is not  
39 participating under this section.

1 (7) The location of the cooperative must be the domicile of one  
2 of the participants. Only one cooperative may be located per property  
3 tax parcel. A copy of each participant's recognition card must be  
4 kept at the location at all times.

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

7 (a) Any security requirements necessary to ensure the safety of  
8 the cooperative and to reduce the risk of diversion from the  
9 cooperative;

10 (b) A seed to sale traceability model that is similar to the seed  
11 to sale traceability model used by licensees that will allow the  
12 state liquor and cannabis board to track all marijuana grown in a  
13 cooperative.

14 (9) The state liquor and cannabis board or law enforcement may  
15 inspect a cooperative registered under this section to ensure members  
16 are in compliance with this section. The state liquor and cannabis  
17 board must adopt rules on reasonable inspection hours and reasons for  
18 inspections.

19 **Sec. 24.** RCW 69.51A.290 and 2015 c 70 s 37 are each amended to  
20 read as follows:

21 A medical marijuana consultant certificate is hereby established.

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

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

26 (b) Establish forms and procedures necessary to administer this  
27 chapter;

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

30 (d) Receive criminal history record information that includes  
31 nonconviction information data for any purpose associated with  
32 initial certification or renewal of certification. The secretary  
33 shall require each applicant for initial certification to obtain a  
34 state or federal criminal history record information background check  
35 through the state patrol or the state patrol and the identification  
36 division of the federal bureau of investigation prior to the issuance  
37 of any certificate. The secretary shall specify those situations  
38 where a state background check is inadequate and an applicant must  
39 obtain an electronic fingerprint-based national background check

1 through the state patrol and federal bureau of investigation.  
2 Situations where a background check is inadequate may include  
3 instances where an applicant has recently lived out-of-state or where  
4 the applicant has a criminal record in Washington;

5 (e) Establish administrative procedures, administrative  
6 requirements, and fees in accordance with RCW 43.70.110 and  
7 43.70.250; and

8 (f) Maintain the official department record of all applicants and  
9 certificate holders.

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

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

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

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

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

18 (e) Safe handling and storage of useable marijuana, marijuana-  
19 infused products, ~~((and))~~ marijuana concentrates, and marijuana  
20 plants and seeds, including strategies to reduce access by minors;

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

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

27 (3) Medical marijuana consultant certificates are subject to  
28 annual renewals and continuing education requirements established by  
29 the secretary.

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

33 (a) The certificate was procured through fraud,  
34 misrepresentation, or deceit;

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

37 (c) The certificate holder has violated or has permitted any  
38 employee or volunteer to violate any of the laws of this state  
39 relating to drugs or controlled substances or has been convicted of a  
40 felony.

1 In any case of the refusal, suspension, or revocation of a  
2 certificate by the secretary under the provisions of this chapter,  
3 appeal may be taken in accordance with chapter 34.05 RCW, the  
4 administrative procedure act.

5 (5) A medical marijuana consultant may provide the following  
6 services when acting as an owner, employee, or volunteer of a retail  
7 outlet licensed under RCW 69.50.354 and holding a medical marijuana  
8 endorsement under RCW 69.50.375:

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

12 (b) Describing the risks and benefits of products sold at the  
13 retail outlet;

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

16 (d) Advising a customer about the safe handling and storage of  
17 useable marijuana, marijuana-infused products, ~~((and))~~ marijuana  
18 concentrates, and marijuana plants and seeds, including strategies to  
19 reduce access by minors; and

20 (e) Providing instruction and demonstrations to customers about  
21 proper use and application of useable marijuana, marijuana-infused  
22 products, ~~((and))~~ marijuana concentrates, and marijuana plants and  
23 seeds.

24 (6) Nothing in this section authorizes a medical marijuana  
25 consultant to:

26 (a) Offer or undertake to diagnose or cure any human disease,  
27 ailment, injury, infirmity, deformity, pain, or other condition,  
28 physical or mental, real or imaginary, by use of marijuana or any  
29 other means or instrumentality; or

30 (b) Recommend or suggest modification or elimination of any  
31 course of treatment that does not involve the medical use of  
32 marijuana.

33 (7) Nothing in this section requires an owner, employee, or  
34 volunteer of a retail outlet licensed under RCW 69.50.354 and holding  
35 a medical marijuana endorsement under RCW 69.50.375 to obtain a  
36 medical marijuana consultant certification.

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



1        NEW SECTION.    **Sec. 25.**    By September 1, 2016, the state liquor  
2 and cannabis board shall adopt rules to establish criteria regarding  
3 the sale of marijuana plants and seeds from licensed marijuana  
4 producers to marijuana retailers with a medical marijuana endorsement  
5 and from marijuana retailers with a medical marijuana endorsement to  
6 qualifying patients.

7        NEW SECTION.    **Sec. 26.**    Section 8 of this act expires July 1,  
8 2016.

9        NEW SECTION.    **Sec. 27.**    Sections 9, 17, 19 through 21, and 23 of  
10 this act take effect July 1, 2016.

11        NEW SECTION.    **Sec. 28.**    Section 25 of this act is necessary for  
12 the immediate preservation of the public peace, health, or safety, or  
13 support of the state government and its existing public institutions,  
14 and takes effect immediately.

--- END ---