
SECOND SUBSTITUTE SENATE BILL 5052

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rivers, Hatfield, and Conway)

READ FIRST TIME 02/10/15.

1 AN ACT Relating to establishing the cannabis patient protection
2 act; amending RCW 66.08.012, 69.50.101, 69.50.325, 69.50.331,
3 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013,
4 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.045,
5 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.085, and 69.51A.100;
6 adding new sections to chapter 69.50 RCW; adding new sections to
7 chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; adding
8 a new section to chapter 82.08 RCW; adding a new section to chapter
9 82.12 RCW; adding a new section to chapter 82.04 RCW; creating new
10 sections; repealing RCW 69.51A.020, 69.51A.025, 69.51A.047,
11 69.51A.090, 69.51A.140, 69.51A.200, 69.51A.043, and 69.51A.085;
12 prescribing penalties; providing an effective date; and declaring an
13 emergency.

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

15 NEW SECTION. **Sec. 1.** This act may be known and cited as the
16 cannabis patient protection act.

17 NEW SECTION. **Sec. 2.** The legislature finds that since voters
18 approved Initiative Measure No. 692 in 1998, it has been the public
19 policy of the state to permit the medical use of marijuana. Between
20 1998 and the present day, there have been multiple legislative

1 attempts to clarify what is meant by the medical use of marijuana and
2 to ensure qualifying patients have a safe, consistent, and adequate
3 source of marijuana for their medical needs.

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

19 The legislature further finds that while possession amounts are
20 provided in statute, these do not amount to protection from arrest
21 and prosecution for patients. In fact, patients in compliance with
22 state law are not provided arrest protection. They may be arrested
23 and their only remedy is to assert an affirmative defense at trial
24 that they are in compliance with the law and have a medical need. Too
25 many patients using marijuana for medical purposes today do not know
26 this; many falsely believe they cannot be arrested so long as their
27 health care provider has authorized them for the medical use of
28 marijuana.

29 The legislature further finds that in 2012 voters passed
30 Initiative Measure No. 502 which permitted the recreational use of
31 marijuana. For the first time in our nation's history, marijuana
32 would be regulated, taxed, and sold for recreational
33 consumption. Initiative Measure No. 502 provides for strict
34 regulation on the production, processing, and distribution of
35 marijuana. Under Initiative Measure No. 502, marijuana is trackable
36 from seed to sale and may only be sold or grown under license.
37 Marijuana must be tested for impurities and purchasers of marijuana
38 must be informed of the THC level in the marijuana. Since its
39 passage, two hundred fifty producer/processor licenses and sixty-
40 three retail licenses have been issued, covering the majority of the

1 state. With the current product canopy exceeding 2.9 million square
2 feet, and retailers in place, the state now has a system of safe,
3 consistent, and adequate access to marijuana; the marketplace is not
4 the same marketplace envisioned by the voters in 1998. While medical
5 needs remain, the state is in the untenable position of having a
6 recreational product that is tested and subject to production
7 standards that ensure safe access for recreational users. No such
8 standards exist for medical users and, consequently, the very people
9 originally meant to be helped through the medical use of marijuana do
10 not know if their product has been tested for molds, do not know
11 where their marijuana has been grown, have no certainty in the level
12 of THC or CBD in their products, and have no assurances that their
13 products have been handled through quality assurance measures. It is
14 not the public policy of the state to allow qualifying patients to
15 only have access to products that may be endangering their health.

16 The legislature, therefore, intends to adopt a comprehensive act
17 that uses the regulations in place for the recreational market to
18 provide regulation for the medical use of marijuana. It intends to
19 ensure that patients retain their ability to grow their own marijuana
20 for their own medical use and it intends to ensure that patients have
21 the ability to possess more marijuana-infused products, useable
22 marijuana, and marijuana concentrates than what is available to a
23 nonmedical user. It further intends that medical specific regulations
24 be adopted as needed and under consultation of the departments of
25 health and agriculture so that safe handling practices will be
26 adopted and so that testing standards for medical products meet or
27 exceed those standards in use in the recreational market.

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

30 There shall be a board, known as the "Washington state liquor
31 (~~control~~) and cannabis board," consisting of three members, to be
32 appointed by the governor, with the consent of the senate, who shall
33 each be paid an annual salary to be fixed by the governor in
34 accordance with the provisions of RCW 43.03.040. The governor may, in
35 his or her discretion, appoint one of the members as chair of the
36 board, and a majority of the members shall constitute a quorum of the
37 board.

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

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

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

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

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

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

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

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

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

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

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

33 (2) The term does not include:

34 (i) a controlled substance;

35 (ii) a substance for which there is an approved new drug
36 application;

37 (iii) a substance with respect to which an exemption is in effect
38 for investigational use by a particular person under Section 505 of
39 the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the

1 extent conduct with respect to the substance is pursuant to the
2 exemption; or

3 (iv) any substance to the extent not intended for human
4 consumption before an exemption takes effect with respect to the
5 substance.

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

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

10 (h) "Dispense" means the interpretation of a prescription or
11 order for a controlled substance and, pursuant to that prescription
12 or order, the proper selection, measuring, compounding, labeling, or
13 packaging necessary to prepare that prescription or order for
14 delivery.

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

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

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

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

30 (m) "Drug enforcement administration" means the drug enforcement
31 administration in the United States Department of Justice, or its
32 successor agency.

33 (n) "Electronic communication of prescription information" means
34 the transmission of a prescription or refill authorization for a drug
35 of a practitioner using computer systems. The term does not include a
36 prescription or refill authorization verbally transmitted by
37 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

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

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

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

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

39 (t) "Marijuana" or "marihuana" means all parts of the plant
40 *Cannabis*, whether growing or not, with a THC concentration greater

1 than 0.3 percent on a dry weight basis; the seeds thereof; the resin
2 extracted from any part of the plant; and every compound,
3 manufacture, salt, derivative, mixture, or preparation of the plant,
4 its seeds or resin. The term does not include the mature stalks of
5 the plant, fiber produced from the stalks, oil or cake made from the
6 seeds of the plant, any other compound, manufacture, salt,
7 derivative, mixture, or preparation of the mature stalks (except the
8 resin extracted therefrom), fiber, oil, or cake, or the sterilized
9 seed of the plant which is incapable of germination.

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

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

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

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

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

31 (z) "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 (aa) "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 (bb) "Opium poppy" means the plant of the species *Papaver*
26 *somniferum* L., except its seeds.

27 (cc) "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 (dd) "Poppy straw" means all parts, except the seeds, of the
32 opium poppy, after mowing.

33 (ee) "Practitioner" means:

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

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

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

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

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

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

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

37 (ii) "Secretary" means the secretary of health or the secretary's
38 designee.

39 (jj) "State," unless the context otherwise requires, means a
40 state of the United States, the District of Columbia, the

1 Commonwealth of Puerto Rico, or a territory or insular possession
2 subject to the jurisdiction of the United States.

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

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

14 (mm) "Useable marijuana" means dried marijuana flowers. The term
15 "useable marijuana" does not include either marijuana-infused
16 products or marijuana concentrates.

17 (nn) "Designated provider" has the meaning provided in RCW
18 69.51A.010.

19 (oo) "Qualifying patient" has the meaning provided in RCW
20 69.51A.010.

21 (pp) "CBD concentration" has the meaning provided in RCW
22 69.51A.010.

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

24 (rr) "Authorization card" has the meaning provided in RCW
25 69.51A.010.

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

28 (1) There shall be a marijuana producer's license to produce
29 marijuana for sale at wholesale to marijuana processors and other
30 marijuana producers, regulated by the state liquor ~~((control))~~ and
31 cannabis board and subject to annual renewal. The production,
32 possession, delivery, distribution, and sale of marijuana in
33 accordance with the provisions of this chapter ~~((3, Laws of 2013))~~
34 and the rules adopted to implement and enforce it, by a validly
35 licensed marijuana producer, shall not be a criminal or civil offense
36 under Washington state law. Every marijuana producer's license shall
37 be issued in the name of the applicant, shall specify the location at
38 which the marijuana producer intends to operate, which must be within
39 the state of Washington, and the holder thereof shall not allow any

1 other person to use the license. The application fee for a marijuana
2 producer's license shall be two hundred fifty dollars. The annual fee
3 for issuance and renewal of a marijuana producer's license shall be
4 one thousand dollars. A separate license shall be required for each
5 location at which a marijuana producer intends to produce marijuana.

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

27 (3) There shall be a marijuana retailer's license to sell
28 marijuana concentrates, useable marijuana, and marijuana-infused
29 products at retail in retail outlets, regulated by the state liquor
30 (~~control~~) and cannabis board and subject to annual renewal. The
31 possession, delivery, distribution, and sale of marijuana
32 concentrates, useable marijuana, and marijuana-infused products in
33 accordance with the provisions of this chapter (~~(3, Laws of 2013)~~)
34 and the rules adopted to implement and enforce it, by a validly
35 licensed marijuana retailer, shall not be a criminal or civil offense
36 under Washington state law. Every marijuana retailer's license shall
37 be issued in the name of the applicant, shall specify the location of
38 the retail outlet the licensee intends to operate, which must be
39 within the state of Washington, and the holder thereof shall not
40 allow any other person to use the license. The application fee for a

1 marijuana retailer's license shall be two hundred fifty dollars. The
2 annual fee for issuance and renewal of a marijuana retailer's license
3 shall be one thousand dollars. A separate license shall be required
4 for each location at which a marijuana retailer intends to sell
5 marijuana concentrates, useable marijuana, and marijuana-infused
6 products.

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

9 (1) For the purpose of considering any application for a license
10 to produce, process, or sell marijuana, or for the renewal of a
11 license to produce, process, or sell marijuana, the state liquor
12 ~~((control))~~ and cannabis board must conduct a comprehensive, fair,
13 and impartial evaluation of the applications timely received.

14 (a) The state liquor and cannabis board must develop a
15 competitive, merit-based application process that includes, at a
16 minimum, the opportunity for an applicant to demonstrate experience
17 and qualifications in the marijuana industry. Operating a collective
18 garden before the effective date of this section and having a
19 business license and a history of paying sales tax to the department
20 of revenue may be factors used to establish the experience and
21 qualifications of the applicant.

22 (b) The state liquor and cannabis board may cause an inspection
23 of the premises to be made, and may inquire into all matters in
24 connection with the construction and operation of the premises. For
25 the purpose of reviewing any application for a license and for
26 considering the denial, suspension, revocation, or renewal or denial
27 thereof, of any license, the state liquor ~~((control))~~ and cannabis
28 board may consider any prior criminal conduct of the applicant
29 including an administrative violation history record with the state
30 liquor ~~((control))~~ and cannabis board and a criminal history record
31 information check. The state liquor ~~((control))~~ and cannabis board
32 may submit the criminal history record information check to the
33 Washington state patrol and to the identification division of the
34 federal bureau of investigation in order that these agencies may
35 search their records for prior arrests and convictions of the
36 individual or individuals who filled out the forms. The state liquor
37 ~~((control))~~ and cannabis board shall require fingerprinting of any
38 applicant whose criminal history record information check is
39 submitted to the federal bureau of investigation. The provisions of

1 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.
2 Subject to the provisions of this section, the state liquor
3 (~~control~~) and cannabis board may, in its discretion, grant or deny
4 the renewal or license applied for. Denial may be based on, without
5 limitation, the existence of chronic illegal activity documented in
6 objections submitted pursuant to subsections (7)(c) and (9) of this
7 section. Authority to approve an uncontested or unopposed license may
8 be granted by the state liquor (~~control~~) and cannabis board to any
9 staff member the board designates in writing. Conditions for granting
10 this authority shall be adopted by rule.

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

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

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

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

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

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

30 (b) The state liquor (~~control~~) and cannabis board shall
31 immediately suspend the license of a person who has been certified
32 pursuant to RCW 74.20A.320 by the department of social and health
33 services as a person who is not in compliance with a support order.
34 If the person has continued to meet all other requirements for
35 reinstatement during the suspension, reissuance of the license shall
36 be automatic upon the state liquor (~~control~~) and cannabis board's
37 receipt of a release issued by the department of social and health
38 services stating that the licensee is in compliance with the order.

39 (c) The state liquor (~~control~~) and cannabis board may request
40 the appointment of administrative law judges under chapter 34.12 RCW

1 who shall have power to administer oaths, issue subpoenas for the
2 attendance of witnesses and the production of papers, books,
3 accounts, documents, and testimony, examine witnesses, and to receive
4 testimony in any inquiry, investigation, hearing, or proceeding in
5 any part of the state, under rules and regulations the state liquor
6 (~~control~~) and cannabis board may adopt.

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

12 (e) In case of disobedience of any person to comply with the
13 order of the state liquor (~~control~~) and cannabis board or a
14 subpoena issued by the state liquor (~~control~~) and cannabis board,
15 or any of its members, or administrative law judges, or on the
16 refusal of a witness to testify to any matter regarding which he or
17 she may be lawfully interrogated, the judge of the superior court of
18 the county in which the person resides, on application of any member
19 of the board or administrative law judge, shall compel obedience by
20 contempt proceedings, as in the case of disobedience of the
21 requirements of a subpoena issued from said court or a refusal to
22 testify therein.

23 (3) Upon receipt of notice of the suspension or cancellation of a
24 license, the licensee shall forthwith deliver up the license to the
25 state liquor (~~control~~) and cannabis board. Where the license has
26 been suspended only, the state liquor (~~control~~) and cannabis board
27 shall return the license to the licensee at the expiration or
28 termination of the period of suspension. The state liquor (~~control~~)
29 and cannabis board shall notify all other licensees in the county
30 where the subject licensee has its premises of the suspension or
31 cancellation of the license; and no other licensee or employee of
32 another licensee may allow or cause any marijuana, useable marijuana,
33 or marijuana-infused products to be delivered to or for any person at
34 the premises of the subject licensee.

35 (4) Every license issued under chapter 3, Laws of 2013 shall be
36 subject to all conditions and restrictions imposed by chapter 3, Laws
37 of 2013 or by rules adopted by the state liquor (~~control~~) and
38 cannabis board to implement and enforce chapter 3, Laws of 2013. All
39 conditions and restrictions imposed by the state liquor (~~control~~)
40 and cannabis board in the issuance of an individual license shall be

1 listed on the face of the individual license along with the trade
2 name, address, and expiration date.

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

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

7 (7)(a) Before the state liquor (~~((control))~~) and cannabis board
8 issues a new or renewed license to an applicant it shall give notice
9 of the application to the chief executive officer of the incorporated
10 city or town, if the application is for a license within an
11 incorporated city or town, or to the county legislative authority, if
12 the application is for a license outside the boundaries of
13 incorporated cities or towns.

14 (b) The incorporated city or town through the official or
15 employee selected by it, or the county legislative authority or the
16 official or employee selected by it, shall have the right to file
17 with the state liquor (~~((control))~~) and cannabis board within twenty
18 days after the date of transmittal of the notice for applications, or
19 at least thirty days prior to the expiration date for renewals,
20 written objections against the applicant or against the premises for
21 which the new or renewed license is asked. The state liquor
22 (~~((control))~~) and cannabis board may extend the time period for
23 submitting written objections.

24 (c) The written objections shall include a statement of all facts
25 upon which the objections are based, and in case written objections
26 are filed, the city or town or county legislative authority may
27 request, and the state liquor (~~((control))~~) and cannabis board may in
28 its discretion hold, a hearing subject to the applicable provisions
29 of Title 34 RCW. If the state liquor (~~((control))~~) and cannabis board
30 makes an initial decision to deny a license or renewal based on the
31 written objections of an incorporated city or town or county
32 legislative authority, the applicant may request a hearing subject to
33 the applicable provisions of Title 34 RCW. If a hearing is held at
34 the request of the applicant, state liquor (~~((control))~~) and cannabis
35 board representatives shall present and defend the state liquor
36 (~~((control))~~) and cannabis board's initial decision to deny a license
37 or renewal.

38 (d) Upon the granting of a license under this title the state
39 liquor (~~((control))~~) and cannabis board shall send written notification
40 to the chief executive officer of the incorporated city or town in

1 which the license is granted, or to the county legislative authority
2 if the license is granted outside the boundaries of incorporated
3 cities or towns.

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

10 (9) In determining whether to grant or deny a license or renewal
11 of any license, the state liquor (~~control~~) and cannabis board shall
12 give substantial weight to objections from an incorporated city or
13 town or county legislative authority based upon chronic illegal
14 activity associated with the applicant's operations of the premises
15 proposed to be licensed or the applicant's operation of any other
16 licensed premises, or the conduct of the applicant's patrons inside
17 or outside the licensed premises. "Chronic illegal activity" means
18 (a) a pervasive pattern of activity that threatens the public health,
19 safety, and welfare of the city, town, or county including, but not
20 limited to, open container violations, assaults, disturbances,
21 disorderly conduct, or other criminal law violations, or as
22 documented in crime statistics, police reports, emergency medical
23 response data, calls for service, field data, or similar records of a
24 law enforcement agency for the city, town, county, or any other
25 municipal corporation or any state agency; or (b) an unreasonably
26 high number of citations for violations of RCW 46.61.502 associated
27 with the applicant's or licensee's operation of any licensed premises
28 as indicated by the reported statements given to law enforcement upon
29 arrest.

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

32 (1) For the purpose of carrying into effect the provisions of
33 chapter 3, Laws of 2013 according to their true intent or of
34 supplying any deficiency therein, the state liquor (~~control~~) and
35 cannabis board may adopt rules not inconsistent with the spirit of
36 chapter 3, Laws of 2013 as are deemed necessary or advisable. Without
37 limiting the generality of the preceding sentence, the state liquor
38 (~~control~~) and cannabis board is empowered to adopt rules regarding
39 the following:

1 ~~((1))~~ (a) The equipment and management of retail outlets and
2 premises where marijuana is produced or processed, and inspection of
3 the retail outlets and premises where marijuana is produced or
4 processed;

5 ~~((2))~~ (b) The books and records to be created and maintained by
6 licensees, the reports to be made thereon to the state liquor
7 ~~((control))~~ and cannabis board, and inspection of the books and
8 records;

9 ~~((3))~~ (c) Methods of producing, processing, and packaging
10 marijuana, useable marijuana, marijuana concentrates, and marijuana-
11 infused products; conditions of sanitation; safe handling
12 requirements; approved pesticides and pesticide testing requirements;
13 and standards of ingredients, quality, and identity of marijuana,
14 useable marijuana, marijuana concentrates, and marijuana-infused
15 products produced, processed, packaged, or sold by licensees;

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

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

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

22 ~~((7))~~ (g) Labeling requirements and restrictions on
23 advertisement of marijuana, useable marijuana, marijuana
24 concentrates, and marijuana-infused products for sale in retail
25 outlets;

26 ~~((8))~~ (h) Forms to be used for purposes of this chapter ~~((3,~~
27 ~~Laws of 2013))~~ and chapter 69.51A RCW or the rules adopted to
28 implement and enforce ~~((it))~~ these chapters, the terms and conditions
29 to be contained in licenses issued under this chapter ~~((3, Laws of~~
30 ~~2013))~~ and chapter 69.51A RCW, and the qualifications for receiving a
31 license issued under this chapter ~~((3, Laws of 2013))~~ and chapter
32 69.51A RCW, including a criminal history record information check.
33 The state liquor ~~((control))~~ and cannabis board may submit any
34 criminal history record information check to the Washington state
35 patrol and to the identification division of the federal bureau of
36 investigation in order that these agencies may search their records
37 for prior arrests and convictions of the individual or individuals
38 who filled out the forms. The state liquor ~~((control))~~ and cannabis
39 board shall require fingerprinting of any applicant whose criminal

1 history record information check is submitted to the federal bureau
2 of investigation;

3 ~~((9))~~ (i) Application, reinstatement, and renewal fees for
4 licenses issued under this chapter ~~((3, Laws of 2013))~~ and chapter
5 69.51A RCW, and fees for anything done or permitted to be done under
6 the rules adopted to implement and enforce this chapter ~~((3, Laws of~~
7 ~~2013))~~ and chapter 69.51A RCW;

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

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

15 ~~((12))~~ (l) Identification, seizure, confiscation, destruction,
16 or donation to law enforcement for training purposes of all
17 marijuana, marijuana concentrates, useable marijuana, and marijuana-
18 infused products produced, processed, sold, or offered for sale
19 within this state which do not conform in all respects to the
20 standards prescribed by this chapter ~~((3, Laws of 2013))~~ or chapter
21 69.51A RCW or the rules adopted to implement and enforce ~~((it~~
22 ~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed~~
23 ~~as authorizing the state liquor control board to seize, confiscate,~~
24 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~
25 ~~or marijuana-infused products produced, processed, sold, offered for~~
26 ~~sale, or possessed in compliance with the Washington state medical~~
27 ~~use of cannabis act, chapter 69.51A RCW))~~ these chapters.

28 (2) Rules adopted on retail outlets holding medical marijuana
29 endorsements must be adopted in coordination and consultation with
30 the department.

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

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

37 (1) Licensing of marijuana producers, marijuana processors, and
38 marijuana retailers, including prescribing forms and establishing
39 application, reinstatement, and renewal fees.

1 (a) Application forms for marijuana producers must request the
2 applicant to state whether the applicant intends to produce marijuana
3 for sale by marijuana retailers holding medical marijuana
4 endorsements and the amount of or percentage of canopy the applicant
5 intends to commit to growing plants determined by the department
6 under section 10 of this act to be of a THC concentration, CBD
7 concentration, or THC to CBD ratio appropriate for marijuana
8 concentrates, useable marijuana, or marijuana-infused products sold
9 to qualifying patients.

10 (b) The state liquor and cannabis board must reconsider limits on
11 the amount of square feet permitted to be in production on the
12 effective date of this section and increase the percentage of
13 production space for those marijuana producers who intend to grow
14 plants for marijuana retailers holding medical marijuana endorsements
15 if the marijuana producer designates the increased production space
16 to plants determined by the department under section 10 of this act
17 to be of a THC concentration, CBD concentration, or THC to CBD ratio
18 appropriate for marijuana concentrates, useable marijuana, or
19 marijuana-infused products to be sold to qualifying patients. If
20 current marijuana producers do not use all the increased production
21 space, the state liquor and cannabis board may reopen the license
22 period for new marijuana producer license applicants but only to
23 those marijuana producers who agree to grow plants for marijuana
24 retailers holding medical marijuana endorsements. Priority in
25 licensing must be given to marijuana producer license applicants who
26 have an application pending on the effective date of this section but
27 who are not yet licensed and then to new marijuana producer license
28 applicants;

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

32 (a) Population distribution;

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

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

37 (d) The number of retail outlets holding medical marijuana
38 endorsements necessary to meet the medical needs of qualifying
39 patients. The state liquor and cannabis board must reconsider the
40 maximum number of retail outlets it established before the effective

1 date of this section and allow for a new license application period
2 and a greater number of retail outlets to be permitted in order to
3 accommodate the medical needs of qualifying patients and designated
4 providers;

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

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

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

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

19 (a) Security and safety issues;

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

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

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

30 (a) The business or trade name and Washington state unified
31 business identifier number of the licensees that grew, processed, and
32 sold the marijuana, marijuana concentrates, useable marijuana, or
33 marijuana-infused product;

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

36 (c) THC concentration and CBD concentration of the marijuana,
37 marijuana concentrates, useable marijuana, or marijuana-infused
38 product;

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

1 (e) Language required by RCW 69.04.480;

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) A medical marijuana endorsement to a marijuana retail license
21 is hereby established to permit a marijuana retailer to sell
22 marijuana for medical use to qualifying patients and designated
23 providers.

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

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

27 (a) Not authorize the medical use of marijuana for qualifying
28 patients at the retail outlet or permit health care professionals to
29 authorize the medical use of marijuana for qualifying patients at the
30 retail outlet;

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

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

36 (d) Keep copies of the qualifying patient's or designated
37 provider's authorization card, or keep equivalent records as required
38 by rule of the state liquor and cannabis board or the department of

1 revenue to document the validity of tax exempt sales under sections
2 37 and 38 of this act; and

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

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

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

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

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

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

26 (e) Training requirements for employees.

27 (5) A marijuana retailer holding an endorsement to sell marijuana
28 to qualifying patients or designated providers must train its
29 employees on recognition of valid authorization cards as well as
30 strains, varieties, THC concentration, CBD concentration, and THC to
31 CBD ratios of marijuana concentrates, useable marijuana, and
32 marijuana-infused products, available for sale when assisting
33 qualifying patients and designated providers at the retail outlet.

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

36 A marijuana retailer or a marijuana retailer holding a medical
37 marijuana endorsement may sell products with a THC concentration of
38 0.3 percent or less. Marijuana retailers holding a medical marijuana

1 endorsement may also provide these products at no cost to qualifying
2 patients or designated providers.

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

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

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

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

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

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

1 square inches identifying the retail outlet by the licensee's
2 business or trade name. Retail outlets that hold medical marijuana
3 endorsements may include this information on signage.

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

8 ((+5)) (6) No licensed marijuana retailer or employee of a
9 retail outlet shall open or consume, or allow to be opened or
10 consumed, any marijuana concentrates, useable marijuana, or
11 marijuana-infused product on the outlet premises.

12 ((+6)) (7) The state liquor ((control)) and cannabis board shall
13 fine a licensee one thousand dollars for each violation of any
14 subsection of this section. Fines collected under this section must
15 be deposited into the dedicated marijuana fund created under RCW
16 69.50.530.

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

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

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

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

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

37 (a) One ounce of useable marijuana;

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

- 1 (c) Seventy-two ounces of marijuana-infused product in liquid
2 form; or
3 (d) Seven grams of marijuana concentrate.

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

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

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

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

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

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

26 Nothing in this chapter permits anyone other than a validly
27 licensed marijuana processor to extract or separate resin from
28 marijuana or to produce or process any form of marijuana concentrates
29 or marijuana-infused products that include marijuana concentrates not
30 purchased from a validly licensed marijuana retailer as an
31 ingredient. The extraction or separation of resin from marijuana, the
32 processing of marijuana concentrates, and the processing of
33 marijuana-infused products that include marijuana concentrates not
34 purchased from a validly licensed marijuana retailer as an ingredient
35 by any person other than a validly licensed marijuana processor each
36 constitute manufacture of marijuana in violation of RCW 69.50.401.

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

3 (1) The legislature finds that:

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

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

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

13 (iii) Acute or chronic glaucoma;

14 (iv) Crohn's disease; and

15 (v) Some forms of intractable pain.

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

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

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

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

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

1 (3) Nothing in this chapter establishes the medical necessity or
2 medical appropriateness of ~~((cannabis))~~ marijuana for treating
3 terminal or debilitating medical conditions as defined in RCW
4 69.51A.010.

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

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

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

16 (1) "Designated provider" means a person who ~~((+~~
17 ~~(+))~~) is ~~((eighteen))~~ twenty-one years of age or older ~~((+~~
18 ~~(+))~~) and:

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

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

24 (b) Beginning July 1, 2016, has been entered into the medical
25 marijuana authorization database as being the designated provider to
26 a qualifying patient and may only provide marijuana to that
27 qualifying patient;

28 (c) Beginning July 1, 2016, has been provided an authorization
29 card;

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

33 ~~(+))~~ (e) Is in compliance with the terms and conditions of this
34 chapter; and

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

37 (2) "Health care professional," for purposes of this chapter
38 only, means a physician licensed under chapter 18.71 RCW, a physician
39 assistant licensed under chapter 18.71A RCW, an osteopathic physician

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

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

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

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

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

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

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

18 ~~(e))~~ (v) Has been advised by that health care professional that
19 they may benefit from the medical use of marijuana;

20 (vi) Beginning July 1, 2016, has been entered into the medical
21 marijuana authorization database;

22 (vii) Beginning July 1, 2016, has been provided an authorization
23 card; and

24 (viii) Is otherwise in compliance with the terms and conditions
25 established in this chapter.

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

31 (5) Until July 1, 2016, "tamper-resistant paper" means paper that
32 meets one or more of the following industry-recognized features:

33 (a) One or more features designed to prevent copying of the
34 paper;

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

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

39 (6) "Terminal or debilitating medical condition" means a
40 condition severe enough to significantly interfere with the patient's

1 activities of daily living and ability to function, which can be
2 objectively assessed and evaluated and limited to the following:

3 (a) Cancer, human immunodeficiency virus (HIV), multiple
4 sclerosis, epilepsy or other seizure disorder, or spasticity
5 disorders; ((~~or~~))

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

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

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

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

16 (f) Diseases, including anorexia, which result in nausea,
17 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,
18 or spasticity, when these symptoms are unrelieved by standard
19 treatments or medications; or

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

24 (7) Until July 1, 2016, "valid documentation" means:

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

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

31 (8) "Authorization card" means a card issued to qualifying
32 patients and designated providers whose health care professionals
33 have entered them into the medical marijuana authorization database.

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

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

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

39 (12) "Marijuana concentrates" has the meaning provided in RCW
40 69.50.101.

1 (13) "Marijuana processor" has the meaning provided in RCW
2 69.50.101.

3 (14) "Marijuana producer" has the meaning provided in RCW
4 69.50.101.

5 (15) "Marijuana-infused products" has the meaning provided in RCW
6 69.50.101.

7 (16) "Medical marijuana authorization database" means the secure
8 and confidential database established in section 21 of this act.

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

16 (18) "THC concentration" has the meaning provided in RCW
17 69.50.101.

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

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

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

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

34 (a) Advising a patient about the risks and benefits of medical
35 use of ~~((cannabis))~~ marijuana or that the patient may benefit from
36 the medical use of ~~((cannabis))~~ marijuana; or

37 (b) ~~((Providing))~~ Adding a patient or designated provider meeting
38 the criteria established under RCW 69.51A.010~~((-26) with valid~~
39 ~~documentation))~~ (4) to the medical marijuana authorization database,

1 based upon the health care professional's assessment of the patient's
2 medical history and current medical condition, ~~((where such use is))~~
3 if the health care professional has complied with this chapter and he
4 or she determines within a professional standard of care or in the
5 individual health care professional's medical judgment the qualifying
6 patient may benefit from the medical use of marijuana.

7 (2)(a) Until July 1, 2016, a health care professional may
8 ~~((only))~~ provide a qualifying patient or that patient's designated
9 provider with valid documentation authorizing the medical use of
10 ~~((cannabis or register the patient with the registry established in~~
11 ~~section 901 of this act if he or she has a newly initiated or~~
12 ~~existing documented relationship with the patient, as a primary care~~
13 ~~provider or a specialist, relating to the diagnosis and ongoing~~
14 ~~treatment or monitoring of the patient's terminal or debilitating~~
15 ~~medical condition, and only after:~~

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

17 (b) Beginning July 1, 2016, a health care professional may only
18 authorize a patient for the medical use of marijuana by adding the
19 qualifying patient and that patient's designated provider, if any, to
20 the medical marijuana authorization database and in accordance with
21 this section.

22 (c) In order to authorize for the medical use of marijuana under
23 (a) or (b) of this subsection, the health care professional must:

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

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

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

34 ~~((iii) Informing))~~ (iv) Inform the patient of other options for
35 treating the terminal or debilitating medical condition and
36 documenting in the patient's medical record that the patient has
37 received this information; and

38 ~~((iv) Documenting))~~ (v) Document in the patient's medical record
39 other measures attempted to treat the terminal or debilitating

1 medical condition that do not involve the medical use of ((cannabis))
2 marijuana.

3 ((b)) (d) A health care professional shall not:

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

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

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

16 (iv) Have a business or practice which consists ((solely))
17 primarily of authorizing the medical use of ((cannabis)) marijuana or
18 authorize the medical use of marijuana at any location other than his
19 or her practice's permanent physical location;

20 (v) (~~Include any statement or reference, visual or otherwise, on~~
21 ~~the medical use of cannabis in any advertisement for his or her~~
22 ~~business or practice~~) Except as provided in section 35 of this act,
23 sell marijuana concentrates, marijuana-infused products, or useable
24 marijuana to a qualifying patient or designated provider; or

25 (vi) Hold an economic interest in an enterprise that produces,
26 processes, or ((dispenses cannabis)) sells marijuana if the health
27 care professional authorizes the medical use of ((cannabis))
28 marijuana.

29 (3) (~~A violation of any provision of subsection (2) of this~~
30 ~~section constitutes unprofessional conduct under chapter 18.130~~
31 ~~RCW.~~) Until July 1, 2016, a health care professional who, within a
32 single calendar month, authorizes the medical use of marijuana to
33 more than thirty patients must report the number of authorizations
34 issued. The appropriate disciplining authority may inspect or request
35 patient records to confirm compliance with this section. Failure to
36 cooperate with a written request for patient records or failure to
37 comply with the requirements of this section shall be grounds for
38 disciplinary action under the uniform disciplinary act, chapter
39 18.130 RCW.

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

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

7 (1) As part of adding a qualifying patient or designated provider
8 to the medical marijuana authorization database, the health care
9 professional may include recommendations on the amount of marijuana
10 that is likely needed by the qualifying patient for his or her
11 medical needs and in accordance with subsection (2) of this section.
12 If no recommendations are included when the qualifying patient or
13 designated provider is added to the database, the qualifying patient
14 or designated provider may purchase at a retail outlet holding a
15 medical marijuana endorsement a combination of the following: Forty-
16 eight ounces of marijuana-infused product in solid form; three ounces
17 of useable marijuana; two hundred sixteen ounces of marijuana-infused
18 product in liquid form; or twenty-one grams of marijuana
19 concentrates. The qualifying patient or designated provider may also
20 grow, in his or her domicile, up to six plants for the personal
21 medical use of the qualifying patient and possess up to eight ounces
22 of useable marijuana produced from his or her plants.

23 (2) If a 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 may
26 recommend the patient be allowed to grow, in his or her domicile, up
27 to fifteen plants for the personal medical use of the patient. A
28 patient so authorized may possess up to sixteen ounces of useable
29 marijuana in his or her domicile. The number of plants must be
30 entered into the medical marijuana authorization database by the
31 authorizing health care professional.

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

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

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

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

5 (c) The minor may not grow plants or purchase marijuana-infused
6 products, useable marijuana, or marijuana concentrates from a
7 marijuana retailer with a medical marijuana endorsement.

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

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

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

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

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

24 (c) Enter both the minor and the minor's parent or guardian who
25 is acting as the designated provider in the medical marijuana
26 authorization database.

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

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

32 (a) A health care professional to add a qualifying patient or
33 designated provider and include the amount of marijuana concentrates,
34 useable marijuana, marijuana-infused products, or plants for which
35 the qualifying patient is authorized under section 19 of this act;

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

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

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

9 (e) A marijuana retailer holding a medical marijuana endorsement
10 to confirm the validity of the authorization card of a qualifying
11 patient or designated provider;

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

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

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

21 (2) A qualifying patient and his or her designated provider, if
22 any, must be placed in the medical marijuana authorization database
23 by the qualifying patient's health care professional. After a
24 qualifying patient or designated provider is placed in the medical
25 marijuana authorization database, he or she must be provided with an
26 authorization card that contains identifiers required in subsection
27 (3) of this section.

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

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

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

33 (c) A photograph of the qualifying patient's or designated
34 provider's face taken by the authorizing health care professional in
35 accordance with rules adopted by the department;

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

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

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

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

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

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

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

1 years to permit the state liquor and cannabis board and the
2 department of revenue to verify eligibility for tax exemptions.

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

11 (8) The medical marijuana authorization database must meet the
12 following requirements:

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

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

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

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

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

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

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

1 (10) The department must, in coordination with the database
2 administrator, establish a fee that is adequate to cover the costs of
3 administrating the medical marijuana authorization database.

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

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

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

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

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

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

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

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

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

34 (d) If a person is a designated provider to a qualifying patient,
35 sell, donate, or supply marijuana produced or obtained for the
36 qualifying patient to another person, or use the marijuana produced
37 or obtained for the qualifying patient for the designated provider's
38 own personal use or benefit; or

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

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

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

9 The medical use of ~~((cannabis))~~ marijuana in accordance with the
10 terms and conditions of this chapter does not constitute a crime and
11 a 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~~((τ))~~ for
14 possession, manufacture, or delivery of, or for possession with
15 intent to manufacture or deliver, ~~((cannabis))~~ marijuana under state
16 law, or have real or personal property seized or forfeited for
17 possession, manufacture, or delivery of, or for possession with
18 intent to manufacture or deliver, ~~((cannabis))~~ marijuana under state
19 law, and investigating ~~((peace))~~ law enforcement officers and ~~((law~~
20 ~~enforcement))~~ agencies may not be held civilly liable for failure to
21 seize ~~((cannabis))~~ marijuana in this circumstance, if:

22 (1)(a) The qualifying patient or designated provider holds a
23 valid authorization card and possesses no more than ~~((fifteen~~
24 ~~cannabis plants and:~~

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

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

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

33 ~~((b))~~ If a person is both a qualifying patient and a designated
34 provider for another qualifying patient, the person may possess no
35 more than twice the amounts described in ~~((a) of this subsection))~~
36 section 19 of this act for the qualifying patient and designated
37 provider, whether the plants, ~~((useable cannabis, and cannabis~~
38 ~~product))~~ marijuana concentrates, useable marijuana, or marijuana-

1 infused products are possessed individually or in combination between
2 the qualifying patient and his or her designated provider;

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

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

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

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

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

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

28 ~~(6))~~ or

29 (2) The ~~((investigating peace officer has not observed evidence
30 of any of the circumstances identified in section 901(4))~~ qualifying
31 patient or designated provider participates in a cooperative as
32 provided in section 25 of this act.

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

35 (1) Qualifying patients or designated providers may form a
36 cooperative and share responsibility for acquiring and supplying the
37 resources needed to produce and process marijuana only for the
38 medical use of members of the cooperative. No more than four
39 qualifying patients or designated providers may become members of a

1 cooperative under this section and all members must hold valid
2 authorization cards.

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

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

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

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

33 (b) May only participate in one cooperative;

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

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

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

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

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

10 (a) Any security requirements necessary to ensure the safety of
11 the cooperative and to reduce the risk of diversion from the
12 cooperative;

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

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

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

24 (1) Notwithstanding any other provision of this chapter and even
25 if multiple qualifying patients or designated providers reside in the
26 same housing unit, no more than fifteen plants may be grown or
27 located in any one housing unit other than a cooperative established
28 pursuant to section 25 of this act.

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

34 (3) Cities, towns, counties, and other municipalities may create
35 and enforce civil penalties, including abatement procedures, for the
36 growing or processing of marijuana and for keeping marijuana plants
37 beyond or otherwise not in compliance with this section.

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

3 (1) Until the state liquor and cannabis board adopts rules under
4 subsection (2) of this section, qualifying patients or designated
5 providers may not extract or separate the resin from marijuana or
6 produce or process any form of marijuana concentrates or
7 marijuana-infused products that include marijuana concentrates not
8 purchased from a validly licensed marijuana retailer as an
9 ingredient.

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

15 **Sec. 28.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
16 read as follows:

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

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

36 **Sec. 29.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
37 to read as follows:

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

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

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

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

27 **Sec. 30.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
28 read as follows:

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

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

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

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

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

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

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

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

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

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

35 The Washington state medical quality assurance commission in
36 consultation with the board of osteopathic medicine and surgery, or
37 other appropriate agency as designated by the governor, shall accept
38 for consideration petitions submitted to add terminal or debilitating
39 conditions to those included in this chapter. In considering such

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

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

14 (1) Qualifying patients may create and participate in collective
15 gardens for the purpose of producing, processing, transporting, and
16 delivering ~~((cannabis))~~ marijuana for medical use subject to the
17 following conditions:

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

20 (b) No person under the age of twenty-one may participate in a
21 collective garden or receive marijuana that was produced, processed,
22 transported, or delivered through a collective garden. A designated
23 provider for a person who is under the age of twenty-one may
24 participate in a collective garden on behalf of the person under the
25 age of twenty-one;

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

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

31 ~~((d))~~ (e) A copy of each qualifying patient's valid
32 documentation ~~((or proof of registration with the registry~~
33 ~~established in section 901 of this act))~~, including a copy of the
34 patient's proof of identity, must be available at all times on the
35 premises of the collective garden; and

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

1 (2) For purposes of this section, the creation of a "collective
2 garden" means qualifying patients sharing responsibility for
3 acquiring and supplying the resources required to produce and process
4 cannabis for medical use such as, for example, a location for a
5 collective garden; equipment, supplies, and labor necessary to plant,
6 grow, and harvest (~~cannabis; cannabis~~) marijuana plants, seeds, and
7 cuttings; and equipment, supplies, and labor necessary for proper
8 construction, plumbing, wiring, and ventilation of a garden of
9 (~~cannabis~~) marijuana plants.

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

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

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

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

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

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

24 (d) A cooperative organized under section 25 of this act is
25 permitting a person under the age of twenty-one to participate.

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

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

32 (b) Persons between the ages of eighteen and twenty-one years who
33 are participating in a controlled purchase program authorized by the
34 state liquor and cannabis board under rules adopted by the board.
35 Violations occurring under a private, controlled purchase program
36 authorized by the state liquor and cannabis board may not be used for
37 criminal or administrative prosecution.

38 (3) A marijuana retailer who conducts an in-house controlled
39 purchase program authorized under this section shall provide his or

1 her employees a written description of the employer's in-house
2 controlled purchase program. The written description must include
3 notice of actions an employer may take as a consequence of an
4 employee's failure to comply with company policies regarding the sale
5 of marijuana during an in-house controlled purchase program.

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

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

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

20 (1) A qualifying patient may revoke his or her designation of a
21 specific designated provider and designate a different designated
22 provider at any time. A revocation of designation must be in writing,
23 signed and dated, and provided to the medical marijuana authorization
24 database administrator and designated provider. The protections of
25 this chapter cease to apply to a person who has served as a
26 designated provider to a qualifying patient seventy-two hours after
27 receipt of that patient's revocation of his or her designation.

28 (2) A person may stop serving as a designated provider to a given
29 qualifying patient at any time by revoking that designation in
30 writing, signed and dated, and provided to the medical marijuana
31 authorization database administrator and the qualifying patient.
32 However, that person may not begin serving as a designated provider
33 to a different qualifying patient until fifteen days have elapsed
34 from the date the last qualifying patient designated him or her to
35 serve as a provider.

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

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

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

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

9 A medical marijuana consultant certificate is hereby established.

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

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

14 (b) Establish forms and procedures necessary to administer this
15 chapter;

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

18 (d) Receive criminal history record information that includes
19 nonconviction information data for any purpose associated with
20 initial certification or renewal of certification. The secretary
21 shall require each applicant for initial certification to obtain a
22 state background check through the state patrol prior to the issuance
23 of any certificate. The background check may be fingerprint-based at
24 the discretion of the department;

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

27 (f) Maintain the official department record of all applicants and
28 certificate holders.

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

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

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

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

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

37 (e) Safe handling and storage of useable marijuana, marijuana-
38 infused products, and marijuana concentrates, including strategies to
39 reduce access by minors;

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

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

7 (3) Medical marijuana consultant certificates are subject to
8 annual renewals and continuing education requirements established by
9 the secretary.

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

13 (a) The certificate was procured through fraud,
14 misrepresentation, or deceit;

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

17 (c) The certificate holder has violated or has permitted any
18 employee or volunteer to violate any of the laws of this state
19 relating to drugs or controlled substances or has been convicted of a
20 felony.

21 In any case of the refusal, suspension, or revocation of a
22 certificate by the secretary under the provisions of this chapter,
23 appeal may be taken in accordance with chapter 34.05 RCW, the
24 administrative procedure act.

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

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

32 (b) Describing the risks and benefits of products sold at the
33 retail outlet;

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

36 (d) Advising a customer about the safe handling and storage of
37 useable marijuana, marijuana-infused products, and marijuana
38 concentrates, including strategies to reduce access by minors.

39 (6) Nothing in this section authorizes a medical marijuana
40 consultant to:

1 (a) Offer or undertake to diagnose or cure any human disease,
2 ailment, injury, infirmity, deformity, pain, or other condition,
3 physical or mental, real or imaginary, by use of marijuana or any
4 other means or instrumentality; or

5 (b) Recommend or suggest modification or elimination of any
6 course of treatment that does not involve the medical use of
7 marijuana.

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

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

16 NEW SECTION. **Sec. 37.** A new section is added to chapter 82.08
17 RCW to read as follows:

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

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

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

29 (c) Beginning July 1, 2016, sales of marijuana concentrates,
30 useable marijuana, or marijuana-infused products identified by the
31 department of health under section 10 of this act to have a low THC,
32 high CBD ratio and to be beneficial for medical use by marijuana
33 retailers, regardless of whether the buyer is a qualifying patient or
34 designated provider;

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

38 (e) From the effective date of this section until July 1, 2016,
39 sales of marijuana, marijuana concentrates, useable marijuana,

1 marijuana-infused products, or products containing THC with a THC
2 concentration of 0.3 percent or less, by collective gardens under RCW
3 69.51A.085 to qualifying patients or designated providers if such
4 sales are in compliance with chapter 69.51A RCW.

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

9 (3) For the purposes of this section:

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

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

20 NEW SECTION. **Sec. 38.** A new section is added to chapter 82.12
21 RCW to read as follows:

22 (1) From the effective date of this section until July 1, 2016,
23 the provisions of this chapter shall not apply to the use of
24 marijuana, marijuana concentrates, useable marijuana, marijuana-
25 infused products, or products containing THC with a THC concentration
26 of 0.3 percent or less, by a collective garden under RCW 69.51A.085
27 and the qualifying patients or designated providers participating in
28 the collective garden if such use is in compliance with chapter
29 69.51A RCW.

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

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

38 (b) The use of products containing THC with a THC concentration
39 of 0.3 percent or less by qualifying patients or designated providers

1 who hold authorization cards and have purchased such products from a
2 marijuana retailer holding a medical marijuana endorsement.

3 (c)(i) Marijuana retailers holding a medical marijuana
4 endorsement with respect to:

5 (A) Marijuana concentrates, useable marijuana, or marijuana-
6 infused products; or

7 (B) Products containing THC with a THC concentration of 0.3
8 percent or less;

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

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

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

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

29 (g) The use of marijuana, marijuana concentrates, useable
30 marijuana, marijuana-infused products, or products containing THC
31 with a THC concentration of 0.3 percent or less, by a cooperative and
32 its members, when produced by the cooperative.

33 (3) For the purposes of this section:

34 (a) The terms "THC concentration," "marijuana," "marijuana
35 concentrates," "useable marijuana," "marijuana retailer," and
36 "marijuana-infused products" have the meaning provided in RCW
37 69.50.101 and the terms "qualifying patients," "designated
38 providers," and "authorization card" have the meaning provided in RCW
39 69.51A.010;

1 (b) "Cooperative" means a cooperative authorized by and operating
2 in compliance with section 25 of this act and any rules adopted by
3 the state liquor and cannabis board under section 25 of this act; and

4 (c) "Products containing THC with a THC concentration of 0.3
5 percent or less" has the same meaning as in section 37 of this act.

6 NEW SECTION. **Sec. 39.** A new section is added to chapter 82.04
7 RCW to read as follows:

8 (1) This chapter does not apply to any cooperative in respect to
9 growing marijuana, or manufacturing marijuana concentrates, useable
10 marijuana, or marijuana-infused products, as those terms are defined
11 in RCW 69.50.101.

12 (2) For purposes of this section, "cooperative" has the same
13 meaning provided in section 38 of this act.

14 NEW SECTION. **Sec. 40.** (1) The legislature finds marijuana use
15 for qualifying patients is a valid and necessary option health care
16 professionals may recommend for their patients. The legislature
17 further finds that although there is a distinction between
18 recreational and medical use of marijuana, the changing environment
19 for recreational marijuana use in Washington will also affect
20 qualifying patients. The legislature further finds that while
21 recognizing the difference between recreational and medical use of
22 marijuana, it is imperative to develop a single, comprehensive
23 regulatory scheme for marijuana use in the state. Acknowledging that
24 the implementation of this act may result in changes to how
25 qualifying patients access marijuana for their medical use, the
26 legislature intends to ease the transition towards a regulated market
27 and provide a statutory means for a safe, consistent, and secure
28 source of marijuana for qualifying patients. Therefore, the
29 legislature intends to provide qualifying patients a retail sales and
30 use tax exemption on purchases of marijuana for medical use when
31 authorized by a health care professional and when purchased at a
32 marijuana retailer with a medical marijuana endorsement. Because
33 marijuana is neither a prescription medicine nor an over-the-counter
34 medication, this policy should in no way be construed as precedence
35 for changes in the treatment of prescription medications or over-the-
36 counter medications.

37 (2)(a) This section is the tax preference performance statement
38 for the retail sales and use tax exemptions for marijuana

1 concentrates, useable marijuana, and marijuana-infused products
2 purchased by qualifying patients provided in sections 37 and 38 of
3 this act. The performance statement is only intended to be used for
4 subsequent evaluation of the tax preference. It is not intended to
5 create a private right of action by any party or be used to determine
6 eligibility for preferential tax treatment.

7 (b) The legislature categorizes the tax preference as one
8 intended to accomplish the general purposes indicated in RCW
9 82.32.808(2)(e).

10 (c) It is the legislature's specific public policy objective to
11 provide qualifying patients a retail sales and use tax exemption on
12 purchases of marijuana concentrates, useable marijuana, and
13 marijuana-infused products for medical use when qualifying patients
14 hold a valid authorization card. It is also the legislature's
15 specific public policy objective to provide a retail sales and use
16 tax exemption for all people who purchase low THC, high CBD products.
17 These products are more likely to be beneficial to those who use
18 marijuana for medical use and are not likely to appeal to nonmedical
19 users.

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

26 (3) For the purposes of this section, the terms "authorization
27 card," "marijuana retailer," "qualifying patient," "low THC, high
28 CBD," and "health care professional" have the meaning provided in RCW
29 69.51A.010 and the terms "marijuana concentrates," "useable
30 marijuana," "marijuana retailer," and "marijuana-infused products"
31 have the meaning provided in RCW 69.50.101.

32 NEW SECTION. **Sec. 41.** (1) The department of health must develop
33 recommendations on establishing medical marijuana specialty clinics
34 that would allow for the authorization and dispensing of marijuana to
35 patients of health care professionals who work on-site of the clinic
36 and who are certified by the department of health in the medical use
37 of marijuana.

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

4 NEW SECTION. **Sec. 42.** All references to the Washington state
5 liquor control board must be construed as referring to the Washington
6 state liquor and cannabis board. The code reviser must prepare
7 legislation for the 2016 legislative session changing all references
8 in the Revised Code of Washington from the Washington state liquor
9 control board to the Washington state liquor and cannabis board.

10 NEW SECTION. **Sec. 43.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
13 & 1999 c 2 s 3;

14 (2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW
15 69.51A.040) and 2011 c 181 s 413;

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

18 (4) RCW 69.51A.090 (Applicability of valid documentation
19 definition) and 2010 c 284 s 5;

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

22 (6) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

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

25 (1) RCW 69.51A.043 (Failure to register—Affirmative defense) and
26 2011 c 181 s 402; and

27 (2) RCW 69.51A.085 (Collective gardens) and 2015 c ... s 32
28 (section 32 of this act) and 2011 c 181 s 403.

29 NEW SECTION. **Sec. 45.** Sections 12, 19, 20, 23, 24, 25, 30, 34,
30 and 44 of this act take effect July 1, 2016.

31 NEW SECTION. **Sec. 46.** Sections 21, 22, 32, and 33 of this act
32 are necessary for the immediate preservation of the public health, or

1 safety, or support of the state government and its existing public
2 institutions, and take effect immediately.

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