

SB 5052-S2 - DIGEST

(DIGEST AS ENACTED)

Establishes the cannabis patient protection act.

Adopts a comprehensive act that uses the regulations in place for the recreational market to provide regulation for the medical use of marijuana.

Ensures that patients: (1) Retain their ability to grow their own marijuana for their own medical use; and

(2) Have the ability to possess more marijuana-infused products, useable marijuana, and marijuana concentrates than what is available to a nonmedical user.

Creates a medical marijuana endorsement to a marijuana retail license to permit a marijuana retailer to: (1) Sell marijuana for medical use to qualifying patients and designated providers; and

(2) Provide marijuana at no charge, at their discretion, to qualifying patients and designated providers.

Establishes a medical marijuana consultant certificate.

Requires the department of health to: (1) Develop recommendations on establishing medical marijuana specialty clinics that would allow for the authorization and dispensing of marijuana to patients of health care professionals who work on-site of the clinic; and

(2) Contract with an entity to create, administer, and maintain a secure and confidential medical marijuana authorization database.

Allows a qualifying patient and his or her designated provider to be placed in the medical marijuana authorization database at a marijuana retailer with a medical marijuana endorsement.

Allows health care professionals to authorize the medical use of marijuana for qualifying patients who are under the age of eighteen if certain conditions are met.

Authorizes qualifying patients or designated providers to form a cooperative to produce and process marijuana only for the medical use of members of the cooperative.

Requires the board of naturopathy, the board of osteopathic medicine and surgery, the medical quality assurance commission, and the nursing care quality assurance commission to develop and approve continuing education programs related to the use of marijuana for medical purposes for the health care providers that they each regulate.

Changes the name of the state liquor control board to the state liquor and cannabis board.

Provides a contingent effective date.

April 24, 2015

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 36, 42, 43, 44, 45, 46, and 52, Second Substitute Senate Bill No. 5052 entitled:

"AN ACT Relating to establishing the cannabis patient protection act."

After tremendous deliberation, compromise and hard work from our outstanding bipartisan sponsors and co-sponsors, committee chairs and ranking members from both houses, we have a measure that will create a medical marijuana system that works for our state.

I am committed to ensuring a system that serves patients well and makes medicine available in a safe and accessible manner, just like we would do for any medicine. That's what this bill strives to provide. It will help families of patients in real need.

As significant an accomplishment as this bill is for our state - and for patients to be ensured of having a safe place to get medicine they need - I know some remain concerned. These perspectives are important and compelling. I recognize the solution is not perfect. However, I do think this is far better than today's wholly unregulated system.

We will have options for patients and a system of strong enforcement to ensure public safety, especially for children. It is a good thing that this bill allows immediate enforcement of dispensaries to ensure they are not selling marijuana to kids.

I want to be clear that I am committed to implementing this law effectively by ensuring cooperatives are safe for patients in need, not sources of illicit diversion in our communities. To this end, I have directed the Liquor Control Board to work with the Attorney General's Office and local law enforcement to consider all options to ensure patient and public safety.

I also want to reassure you that the Department of Health will create an authorization form that will continue to honor the doctor-patient relationship.

While this bill takes a tremendous step forward, a large volume remains of unfinished work on marijuana tax policy, enforcement, local revenue sharing and funding for public health prevention programs. I strongly support efforts to address these items - and call on legislators to finish the job

and provide the tools necessary to ensure a well-regulated and functioning marijuana market in our state.

I am vetoing the following sections:

Section 36. This section prohibits employers of health care providers from limiting medical marijuana recommendations to patients. This is an employment law provision that may cause confusion and potential unintended consequences. This section was added without adequate input. The sponsors of this legislation have also requested this provision be vetoed to allow time for further discussion to develop appropriate policy.

Sections 42 and 43. These sections remove from Schedule I of our state's Controlled Substances Act any medical marijuana product. This is a laudable idea and I appreciate the intent to reduce the stigma of medical marijuana by rescheduling it from a Schedule I - an illegal - controlled substance to something more appropriate. However, our state's rescheduling system has very limited effect, and rescheduling just medicinal marijuana - not the entire cannabis plant and derivatives - may cause serious problems such as having the unintended effect of limiting the types of marijuana that are considered medicine. To that end, I have instructed the Department of Health to thoroughly consider this idea in consultation with medical professionals and stakeholders, and bring an appropriate resolution to me and the Legislature by next year. Furthermore, I will continue to advocate for the federal government to consider a national rescheduling solution, which may be most beneficial, considering the limited power that state rescheduling has in this respect.

Sections 44, 45 and 46. These sections create new felonies in our criminal code. Washington state does not need additional criminal penalties related to medical marijuana. Moreover, these sections were added as part of the same amendment that created sections 42 and 43 that would have rescheduled medical marijuana. Because I have vetoed sections 42 and 43, sections 44, 45, and 46 are also unnecessary.

Section 52. This section makes Senate Bill 5052 contingent on the enactment of some version of House Bill 2136 by October 1, 2015. This contingent effective date causes confusion and potentially conflicts with other effective dates in Senate Bill 5052. In addition, if the Legislature is unable to pass a version of House Bill 2136, the Code Reviser's Office has advised me that this provision acts as a null and void clause, in which case we risk jeopardizing the integrity of the system created in this bill. I strongly agree with the need for additional policy and administrative changes to ensure a well-regulated and functioning marijuana market. However, this bill should not be made contingent on those changes.

For these reasons I have vetoed Sections 36, 42, 43, 44, 45, 46, and 52 of Second Substitute Senate Bill No. 5052.

With the exception of Sections 36, 42, 43, 44, 45, 46, and 52, Second Substitute Senate Bill No. 5052 is approved.

Respectfully submitted,
Jay Inslee
Governor