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HOUSE BILL 1098

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Sawyer, Kirby, and Condotta

Read first time 01/11/17. Referred to Committee on Commerce & Gaming.

1 AN ACT Relating to establishing a process for qualifying patients  
2 age eighteen and over and designated providers to purchase their  
3 lawful marijuana plants and seeds from marijuana retailers with a  
4 medical marijuana endorsement; amending RCW 69.50.375, 69.50.325,  
5 69.50.331, 69.50.342, 69.50.345, 69.50.348, 69.50.351, 69.50.354,  
6 69.50.357, 43.06.490, 69.50.366, 69.50.369, 69.50.378, 69.50.380,  
7 69.50.382, 69.50.385, 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.060,  
8 69.51A.210, 69.51A.220, 69.51A.230, 69.51A.250, and 69.51A.290;  
9 reenacting and amending RCW 69.50.101 and 69.50.360; creating a new  
10 section; prescribing penalties; and providing an effective date.

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

12 **Sec. 1.** RCW 69.50.375 and 2015 c 70 s 10 are each amended to  
13 read as follows:

14 (1) A medical marijuana endorsement to a marijuana retail license  
15 is hereby established to permit a marijuana retailer to sell  
16 marijuana, and marijuana plants and seeds, for medical use to  
17 qualifying patients and designated providers. This endorsement also  
18 permits such retailers to provide marijuana, and marijuana plants and  
19 seeds, at no charge, at their discretion, to qualifying patients and  
20 designated providers.

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

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

4 (a) Not authorize the medical use of marijuana for qualifying  
5 patients at the retail outlet or permit health care professionals to  
6 authorize the medical use of marijuana for qualifying patients at the  
7 retail outlet;

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

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

13 (d) Demonstrate the ability to enter qualifying patients and  
14 designated providers in the medical marijuana authorization database  
15 established in RCW 69.51A.230 and issue recognition cards and agree  
16 to enter qualifying patients and designated providers into the  
17 database and issue recognition cards in compliance with department  
18 standards;

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

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

25 (4) The department, in conjunction with the state liquor and  
26 cannabis board, must adopt rules on requirements for marijuana  
27 concentrates, useable marijuana, ~~((and))~~ marijuana-infused products,  
28 and marijuana plants and seeds that may be sold, or provided at no  
29 charge, to qualifying patients or designated providers at a retail  
30 outlet holding a medical marijuana endorsement. These rules must  
31 include:

32 (a) THC concentration, CBD concentration, or low THC, high CBD  
33 ratios appropriate for marijuana concentrates, useable marijuana,  
34 ~~((or))~~ marijuana-infused products, and marijuana plants and seeds  
35 sold to qualifying patients or designated providers;

36 (b) Labeling requirements including that the labels attached to  
37 marijuana concentrates, useable marijuana, ~~((or))~~ marijuana-infused  
38 products, and marijuana plants and seeds contain THC concentration,  
39 CBD concentration, and THC to CBD ratios, except only for marijuana

1 plants and seeds as the state liquor and cannabis board determines is  
2 appropriate;

3 (c) Other product requirements, including any additional mold,  
4 fungus, or pesticide testing requirements, or limitations to the  
5 types of solvents that may be used in marijuana processing that the  
6 department deems necessary to address the medical needs of qualifying  
7 patients;

8 (d) Safe handling requirements for marijuana concentrates,  
9 useable marijuana, ~~((~~o~~))~~ marijuana-infused products, and marijuana  
10 plants and seeds; and

11 (e) Training requirements for employees.

12 (5) A marijuana retailer holding an endorsement to sell marijuana  
13 to qualifying patients or designated providers must train its  
14 employees on:

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

18 (b) Recognition of valid recognition cards; and

19 (c) Recognition of strains, varieties, THC concentration, CBD  
20 concentration, and THC to CBD ratios of marijuana concentrates,  
21 useable marijuana, ~~((~~and~~))~~ marijuana-infused products, and marijuana  
22 plants and seeds available for sale when assisting qualifying  
23 patients and designated providers at the retail outlet.

24 (6)(a) A marijuana retail outlet with a medical marijuana  
25 endorsement that sells marijuana plants or seeds to a qualifying  
26 patient age eighteen or older or to a designated provider pursuant to  
27 this chapter and chapter 69.51A RCW must conduct the sales consistent  
28 with this section and rules adopted by the state liquor and cannabis  
29 board to implement this section.

30 (b) A marijuana retail outlet with a medical marijuana  
31 endorsement may:

32 (i) Accept orders, in person at the retail outlet or as  
33 authorized by rules adopted by the state liquor and cannabis board,  
34 for future purchases of marijuana plants and seeds submitted by a  
35 qualifying patient age eighteen or over or a designated provider with  
36 a valid recognition card or authorization; and

37 (ii) Sell marijuana plants and seeds to the qualifying patient  
38 age eighteen or over or the designated provider who ordered marijuana  
39 plants or seeds from the retail outlet in accordance with this  
40 section and who purchases and takes possession of the marijuana

1 plants or seeds previously ordered while physically at the retail  
2 outlet.

3 (c) Before accepting an order for the future purchase of  
4 marijuana plants or seeds in accordance with this section, the retail  
5 outlet or its employee shall verify the validity of the recognition  
6 card or authorization belonging to the qualifying patient age  
7 eighteen or over or the designated provider submitting the order.

8 (d) Before accepting payment from and transferring possession of  
9 marijuana plants or seeds to a qualifying patient age eighteen or  
10 over or a designated provider who ordered the future purchase of such  
11 marijuana plants or seeds, the retail outlet or its employee shall  
12 again verify the validity of the recognition card or authorization  
13 belonging to the qualifying patient age eighteen or over or  
14 designated provider who submitted the order. The retail outlet shall  
15 ensure that the person who placed the order for the future purchase  
16 of marijuana plants or seeds is the same person who purchases and  
17 takes possession of the marijuana plants or seeds at the retail  
18 outlet.

19 (e) The only marijuana plants and seeds that a marijuana retail  
20 outlet with a medical marijuana endorsement may possess and hold at  
21 premises of the retail outlet are marijuana plants and seeds that a  
22 qualifying patient age eighteen or over or a designated provider  
23 ordered in accordance with this subsection, unless rules adopted by  
24 state liquor and cannabis board provide otherwise. The retail outlet  
25 may possess such plants at the premises of the retail outlet for not  
26 longer than as provided pursuant to rules adopted by the state liquor  
27 and cannabis board.

28 (f) A retail outlet with a medical marijuana endorsement may sell  
29 or donate no more marijuana plants or seeds to a qualifying patient  
30 age eighteen or over or designated provider, per day, than the  
31 qualifying patient age eighteen or over or designated provider is  
32 authorized to possess pursuant to RCW 69.51A.210.

33 (g) Nothing in this subsection authorizes a qualifying patient or  
34 designated provider to possess more marijuana plants, seeds, or  
35 marijuana products than as provided in RCW 69.51A.210.

36 NEW SECTION. Sec. 2. (1) By January 1, 2018, the state liquor  
37 and cannabis board shall adopt rules to implement this act and to  
38 establish criteria regarding the sale of marijuana plants and seeds  
39 from licensed marijuana producers to marijuana retailers with a

1 medical marijuana endorsement and from marijuana retailers with a  
2 medical marijuana endorsement to qualifying patients age eighteen and  
3 over and designated providers. The state liquor and cannabis board  
4 may adopt any rule consistent with this act that the state liquor and  
5 cannabis board determines is necessary and appropriate to implement  
6 this act and to establish an effective process for qualifying  
7 patients age eighteen and over and designated providers to obtain  
8 marijuana plants or seeds to grow the marijuana plants that such  
9 qualifying patients and designated providers may lawfully possess and  
10 grow pursuant to RCW 69.51A.210. The state liquor and cannabis board  
11 must consult with the department of health in adopting the rules to  
12 implement this act.

13 (2) The rules adopted pursuant to this act must:

14 (a) Establish limits on the time that marijuana plants or seeds  
15 ordered for future purchase by a qualifying patient age eighteen or  
16 over or designated provider with a valid recognition card or  
17 authorization may be held at the premises of the retail outlet before  
18 the marijuana plants and seeds must be:

19 (i) Purchased and taken into possession by the qualifying patient  
20 age eighteen or over or designated provider who submitted the order;  
21 or

22 (ii) Returned to the marijuana producer that provided the  
23 marijuana plants or seeds to the retail outlet; and

24 (b) Require that marijuana plants and seeds possessed by a retail  
25 outlet be separated physically from the retail outlet's point of sale  
26 area and not be in view of or accessible to customers at the retail  
27 outlet, except for a customer who is the qualifying patient age  
28 eighteen or over or designated provider who ordered the future  
29 purchase of the marijuana plants and seeds.

30 **Sec. 3.** RCW 69.50.101 and 2015 2nd sp.s. c 4 s 901 are each  
31 reenacted and amended to read as follows:

32 The definitions in this section apply throughout this chapter  
33 unless the context clearly requires otherwise.

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

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

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

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

7 (c) "CBD concentration" has the meaning provided in RCW  
8 69.51A.010.

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

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

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

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

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

26 (2) The term does not include:

27 (i) a controlled substance;

28 (ii) a substance for which there is an approved new drug  
29 application;

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

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

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

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

2 (i) "Designated provider" has the meaning provided in RCW  
3 69.51A.010.

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

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

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

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

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

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

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

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

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

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

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

1 (r) "Isomer" means an optical isomer, but in subsection (dd)(5)  
2 of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
3 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
4 (42), and 69.50.210(c) the term includes any positional isomer; and  
5 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
6 includes any positional or geometric isomer.

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

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

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

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

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

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



1 resin extracted therefrom), fiber, oil, or cake, or the sterilized  
2 seed of the plant which is incapable of germination.

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

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

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

18 (z) "Marijuana products" means useable marijuana, marijuana  
19 concentrates, and marijuana-infused products as defined in this  
20 section.

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

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

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

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

38 (1) Opium, opium derivative, and any derivative of opium or opium  
39 derivative, including their salts, isomers, and salts of isomers,  
40 whenever the existence of the salts, isomers, and salts of isomers is

1 possible within the specific chemical designation. The term does not  
2 include the isoquinoline alkaloids of opium.

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

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

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

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

13 (6) Cocaine base.

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

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

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

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

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

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

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

36 (jj) "Practitioner" means:

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

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

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

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

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

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

36 (mm) "Qualifying patient" has the meaning provided in RCW  
37 69.51A.010.

38 (nn) "Recognition card" has the meaning provided in RCW  
39 69.51A.010.

1 (oo) "Retail outlet" means a location licensed by the state  
2 liquor and cannabis board for the retail sale of marijuana  
3 concentrates, useable marijuana, and marijuana-infused products, and  
4 for a location with a medical marijuana endorsement, marijuana plants  
5 and seeds.

6 (pp) "Secretary" means the secretary of health or the secretary's  
7 designee.

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

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

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

23 (tt) "Useable marijuana" means dried marijuana flowers. The term  
24 "useable marijuana" does not include either marijuana-infused  
25 products or marijuana concentrates.

26 **Sec. 4.** RCW 69.50.325 and 2016 c 170 s 1 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 (~~and~~), to produce marijuana plants for sale to  
31 cooperatives as described under RCW 69.51A.250, and to produce  
32 marijuana plants and seeds for sale to marijuana retail outlets with  
33 a medical marijuana endorsement, regulated by the state liquor and  
34 cannabis board and subject to annual renewal. The production,  
35 possession, delivery, distribution, and sale of marijuana and  
36 marijuana plants and seeds in accordance with the provisions of this  
37 chapter and the rules adopted to implement and enforce it, by a  
38 validly licensed marijuana producer, shall not be a criminal or civil  
39 offense under Washington state law. Every marijuana producer's

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

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

30 (3) There shall be a marijuana retailer's license to sell  
31 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
32 products, and for those locations with a medical marijuana  
33 endorsement, marijuana plants and seeds at retail in retail outlets,  
34 regulated by the state liquor and cannabis board and subject to  
35 annual renewal. The possession, delivery, distribution, and sale of  
36 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
37 products, and for those locations with a medical marijuana  
38 endorsement, marijuana plants and seeds in accordance with the  
39 provisions of this chapter and the rules adopted to implement and  
40 enforce it, by a validly licensed marijuana retailer, shall not be a

1 criminal or civil offense under Washington state law. Every marijuana  
2 retailer's license shall be issued in the name of the applicant,  
3 shall specify the location of the retail outlet the licensee intends  
4 to operate, which must be within the state of Washington, and the  
5 holder thereof shall not allow any other person to use the license.  
6 The application fee for a marijuana retailer's license shall be two  
7 hundred fifty dollars. The annual fee for issuance and renewal of a  
8 marijuana retailer's license shall be one thousand dollars. A  
9 separate license shall be required for each location at which a  
10 marijuana retailer intends to sell marijuana concentrates, useable  
11 marijuana, ~~((and))~~ marijuana-infused products, and for those  
12 locations with a medical marijuana endorsement, marijuana plants and  
13 seeds.

14 **Sec. 5.** RCW 69.50.331 and 2015 2nd sp.s. c 4 s 301 are each  
15 amended to read as follows:

16 (1) For the purpose of considering any application for a license  
17 to produce, process, research, transport, or deliver marijuana,  
18 useable marijuana, marijuana concentrates, ~~((or))~~ marijuana-infused  
19 products, or as applicable, marijuana plants and seeds, subject to  
20 the regulations established under RCW 69.50.385, or sell marijuana,  
21 or for the renewal of a license to produce, process, research,  
22 transport, or deliver marijuana, useable marijuana, marijuana  
23 concentrates, ~~((or))~~ marijuana-infused products, or as applicable,  
24 marijuana plants and seeds, subject to the regulations established  
25 under RCW 69.50.385, or sell marijuana, the state liquor and cannabis  
26 board must conduct a comprehensive, fair, and impartial evaluation of  
27 the applications timely received.

28 (a) The state liquor and cannabis board must develop a  
29 competitive, merit-based application process that includes, at a  
30 minimum, the opportunity for an applicant to demonstrate experience  
31 and qualifications in the marijuana industry. The state liquor and  
32 cannabis board must give preference between competing applications in  
33 the licensing process to applicants that have the following  
34 experience and qualifications, in the following order of priority:

35 (i) First priority is given to applicants who:

36 (A) Applied to the state liquor and cannabis board for a  
37 marijuana retailer license prior to July 1, 2014;

38 (B) Operated or were employed by a collective garden before  
39 January 1, 2013;

1 (C) Have maintained a state business license and a municipal  
2 business license, as applicable in the relevant jurisdiction; and  
3 (D) Have had a history of paying all applicable state taxes and  
4 fees;  
5 (ii) Second priority must be given to applicants who:  
6 (A) Operated or were employed by a collective garden before  
7 January 1, 2013;  
8 (B) Have maintained a state business license and a municipal  
9 business license, as applicable in the relevant jurisdiction; and  
10 (C) Have had a history of paying all applicable state taxes and  
11 fees; and  
12 (iii) Third priority must be given to all other applicants who do  
13 not have the experience and qualifications identified in (a)(i) and  
14 (ii) of this subsection.  
15 (b) The state liquor and cannabis board may cause an inspection  
16 of the premises to be made, and may inquire into all matters in  
17 connection with the construction and operation of the premises. For  
18 the purpose of reviewing any application for a license and for  
19 considering the denial, suspension, revocation, or renewal or denial  
20 thereof, of any license, the state liquor and cannabis board may  
21 consider any prior criminal conduct of the applicant including an  
22 administrative violation history record with the state liquor and  
23 cannabis board and a criminal history record information check. The  
24 state liquor and cannabis board may submit the criminal history  
25 record information check to the Washington state patrol and to the  
26 identification division of the federal bureau of investigation in  
27 order that these agencies may search their records for prior arrests  
28 and convictions of the individual or individuals who filled out the  
29 forms. The state liquor and cannabis board must require  
30 fingerprinting of any applicant whose criminal history record  
31 information check is submitted to the federal bureau of  
32 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A  
33 RCW do not apply to these cases. Subject to the provisions of this  
34 section, the state liquor and cannabis board may, in its discretion,  
35 grant or deny the renewal or license applied for. Denial may be based  
36 on, without limitation, the existence of chronic illegal activity  
37 documented in objections submitted pursuant to subsections (7)(c) and  
38 (10) of this section. Authority to approve an uncontested or  
39 unopposed license may be granted by the state liquor and cannabis

1 board to any staff member the board designates in writing. Conditions  
2 for granting this authority must be adopted by rule.

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

4 (i) A person under the age of twenty-one years;

5 (ii) A person doing business as a sole proprietor who has not  
6 lawfully resided in the state for at least six months prior to  
7 applying to receive a license;

8 (iii) A partnership, employee cooperative, association, nonprofit  
9 corporation, or corporation unless formed under the laws of this  
10 state, and unless all of the members thereof are qualified to obtain  
11 a license as provided in this section; or

12 (iv) A person whose place of business is conducted by a manager  
13 or agent, unless the manager or agent possesses the same  
14 qualifications required of the licensee.

15 (2)(a) The state liquor and cannabis board may, in its  
16 discretion, subject to the provisions of RCW 69.50.334, suspend or  
17 cancel any license; and all protections of the licensee from criminal  
18 or civil sanctions under state law for producing, processing,  
19 researching, or selling marijuana, marijuana concentrates, useable  
20 marijuana, or marijuana-infused products thereunder must be suspended  
21 or terminated, as the case may be.

22 (b) The state liquor and cannabis board must immediately suspend  
23 the license of a person who has been certified pursuant to RCW  
24 74.20A.320 by the department of social and health services as a  
25 person who is not in compliance with a support order. If the person  
26 has continued to meet all other requirements for reinstatement during  
27 the suspension, reissuance of the license is automatic upon the state  
28 liquor and cannabis board's receipt of a release issued by the  
29 department of social and health services stating that the licensee is  
30 in compliance with the order.

31 (c) The state liquor and cannabis board may request the  
32 appointment of administrative law judges under chapter 34.12 RCW who  
33 shall have power to administer oaths, issue subpoenas for the  
34 attendance of witnesses and the production of papers, books,  
35 accounts, documents, and testimony, examine witnesses, and to receive  
36 testimony in any inquiry, investigation, hearing, or proceeding in  
37 any part of the state, under rules and regulations the state liquor  
38 and cannabis board may adopt.

39 (d) Witnesses must be allowed fees and mileage each way to and  
40 from any inquiry, investigation, hearing, or proceeding at the rate



1 authorized by RCW 34.05.446. Fees need not be paid in advance of  
2 appearance of witnesses to testify or to produce books, records, or  
3 other legal evidence.

4 (e) In case of disobedience of any person to comply with the  
5 order of the state liquor and cannabis board or a subpoena issued by  
6 the state liquor and cannabis board, or any of its members, or  
7 administrative law judges, or on the refusal of a witness to testify  
8 to any matter regarding which he or she may be lawfully interrogated,  
9 the judge of the superior court of the county in which the person  
10 resides, on application of any member of the board or administrative  
11 law judge, compels obedience by contempt proceedings, as in the case  
12 of disobedience of the requirements of a subpoena issued from said  
13 court or a refusal to testify therein.

14 (3) Upon receipt of notice of the suspension or cancellation of a  
15 license, the licensee must forthwith deliver up the license to the  
16 state liquor and cannabis board. Where the license has been suspended  
17 only, the state liquor and cannabis board must return the license to  
18 the licensee at the expiration or termination of the period of  
19 suspension. The state liquor and cannabis board must notify all other  
20 licensees in the county where the subject licensee has its premises  
21 of the suspension or cancellation of the license; and no other  
22 licensee or employee of another licensee may allow or cause any  
23 marijuana, marijuana concentrates, useable marijuana, or marijuana-  
24 infused products to be delivered to or for any person at the premises  
25 of the subject licensee.

26 (4) Every license issued under this chapter is subject to all  
27 conditions and restrictions imposed by this chapter or by rules  
28 adopted by the state liquor and cannabis board to implement and  
29 enforce this chapter. All conditions and restrictions imposed by the  
30 state liquor and cannabis board in the issuance of an individual  
31 license must be listed on the face of the individual license along  
32 with the trade name, address, and expiration date.

33 (5) Every licensee must post and keep posted its license, or  
34 licenses, in a conspicuous place on the premises.

35 (6) No licensee may employ any person under the age of twenty-one  
36 years.

37 (7)(a) Before the state liquor and cannabis board issues a new or  
38 renewed license to an applicant it must give notice of the  
39 application to the chief executive officer of the incorporated city  
40 or town, if the application is for a license within an incorporated

1 city or town, or to the county legislative authority, if the  
2 application is for a license outside the boundaries of incorporated  
3 cities or towns.

4 (b) The incorporated city or town through the official or  
5 employee selected by it, or the county legislative authority or the  
6 official or employee selected by it, has the right to file with the  
7 state liquor and cannabis board within twenty days after the date of  
8 transmittal of the notice for applications, or at least thirty days  
9 prior to the expiration date for renewals, written objections against  
10 the applicant or against the premises for which the new or renewed  
11 license is asked. The state liquor and cannabis board may extend the  
12 time period for submitting written objections.

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

26 (d) Upon the granting of a license under this title the state  
27 liquor and cannabis board must send written notification to the chief  
28 executive officer of the incorporated city or town in which the  
29 license is granted, or to the county legislative authority if the  
30 license is granted outside the boundaries of incorporated cities or  
31 towns.

32 (8)(a) Except as provided in (b) through (d) of this subsection,  
33 the state liquor and cannabis board may not issue a license for any  
34 premises within one thousand feet of the perimeter of the grounds of  
35 any elementary or secondary school, playground, recreation center or  
36 facility, child care center, public park, public transit center, or  
37 library, or any game arcade admission to which is not restricted to  
38 persons aged twenty-one years or older.

39 (b) A city, county, or town may permit the licensing of premises  
40 within one thousand feet but not less than one hundred feet of the

1 facilities described in (a) of this subsection, except elementary  
2 schools, secondary schools, and playgrounds, by enacting an ordinance  
3 authorizing such distance reduction, provided that such distance  
4 reduction will not negatively impact the jurisdiction's civil  
5 regulatory enforcement, criminal law enforcement interests, public  
6 safety, or public health.

7 (c) A city, county, or town may permit the licensing of research  
8 premises allowed under RCW 69.50.372 within one thousand feet but not  
9 less than one hundred feet of the facilities described in (a) of this  
10 subsection by enacting an ordinance authorizing such distance  
11 reduction, provided that the ordinance will not negatively impact the  
12 jurisdiction's civil regulatory enforcement, criminal law  
13 enforcement, public safety, or public health.

14 (d) The state liquor and cannabis board may license premises  
15 located in compliance with the distance requirements set in an  
16 ordinance adopted under (b) or (c) of this subsection. Before issuing  
17 or renewing a research license for premises within one thousand feet  
18 but not less than one hundred feet of an elementary school, secondary  
19 school, or playground in compliance with an ordinance passed pursuant  
20 to (c) of this subsection, the board must ensure that the facility:

21 (i) Meets a security standard exceeding that which applies to  
22 marijuana producer, processor, or retailer licensees;

23 (ii) Is inaccessible to the public and no part of the operation  
24 of the facility is in view of the general public; and

25 (iii) Bears no advertising or signage indicating that it is a  
26 marijuana research facility.

27 (9) Subject to section 1601 of this act, a city, town, or county  
28 may adopt an ordinance prohibiting a marijuana producer or marijuana  
29 processor from operating or locating a business within areas zoned  
30 primarily for residential use or rural use with a minimum lot size of  
31 five acres or smaller.

32 (10) In determining whether to grant or deny a license or renewal  
33 of any license, the state liquor and cannabis board must give  
34 substantial weight to objections from an incorporated city or town or  
35 county legislative authority based upon chronic illegal activity  
36 associated with the applicant's operations of the premises proposed  
37 to be licensed or the applicant's operation of any other licensed  
38 premises, or the conduct of the applicant's patrons inside or outside  
39 the licensed premises. "Chronic illegal activity" means (a) a  
40 pervasive pattern of activity that threatens the public health,

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

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

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

21 (a) The equipment and management of retail outlets and premises  
22 where marijuana is produced or processed, and inspection of the  
23 retail outlets and premises where marijuana is produced or processed;

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

27 (c) Methods of producing, processing, and packaging marijuana,  
28 useable marijuana, marijuana concentrates, ~~((and))~~ marijuana-infused  
29 products, and marijuana plants and seeds; conditions of sanitation;  
30 safe handling requirements; approved pesticides and pesticide testing  
31 requirements; and standards of ingredients, quality, and identity of  
32 marijuana, useable marijuana, marijuana concentrates, ~~((and))~~  
33 marijuana-infused products, and marijuana plants and seeds produced,  
34 processed, packaged, or sold by licensees;

35 (d) Security requirements for retail outlets and premises where  
36 marijuana is produced or processed, and safety protocols for  
37 licensees and their employees;

38 (e) Screening, hiring, training, and supervising employees of  
39 licensees;

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

2 (g) Labeling requirements and restrictions on advertisement of  
3 marijuana, useable marijuana, marijuana concentrates, cannabis health  
4 and beauty aids, (~~and~~) marijuana-infused products, and marijuana  
5 plants and seeds for sale in retail outlets;

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

21 (i) Application, reinstatement, and renewal fees for licenses  
22 issued under this chapter and chapter 69.51A RCW, and fees for  
23 anything done or permitted to be done under the rules adopted to  
24 implement and enforce this chapter and chapter 69.51A RCW;

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

28 (k) Times and periods when, and the manner, methods, and means by  
29 which, licensees transport and deliver marijuana, marijuana  
30 concentrates, useable marijuana, (~~and~~) marijuana-infused products,  
31 and marijuana plants and seeds within the state;

32 (l) Identification, seizure, confiscation, destruction, or  
33 donation to law enforcement for training purposes of all marijuana,  
34 marijuana concentrates, useable marijuana, (~~and~~) marijuana-infused  
35 products, and marijuana plants and seeds produced, processed, sold,  
36 or offered for sale within this state which do not conform in all  
37 respects to the standards prescribed by this chapter or chapter  
38 69.51A RCW or the rules adopted to implement and enforce these  
39 chapters.

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

4 **Sec. 7.** RCW 69.50.345 and 2015 c 70 s 8 are each amended to read  
5 as follows:

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

9 (1) Licensing of marijuana producers, marijuana processors, and  
10 marijuana retailers, including prescribing forms and establishing  
11 application, reinstatement, and renewal fees.

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

22 (b) The state liquor and cannabis board must reconsider and  
23 increase limits on the amount of square feet permitted to be in  
24 production on July 24, 2015, and increase the percentage of  
25 production space for those marijuana producers who intend to grow  
26 plants for marijuana retailers holding medical marijuana endorsements  
27 if the marijuana producer designates the increased production space  
28 to plants determined by the department under RCW 69.50.375 to be of a  
29 THC concentration, CBD concentration, or THC to CBD ratio appropriate  
30 for marijuana concentrates, useable marijuana, ((~~or~~)) marijuana-  
31 infused products, or marijuana plants and seeds to be sold to  
32 qualifying patients. If current marijuana producers do not use all  
33 the increased production space, the state liquor and cannabis board  
34 may reopen the license period for new marijuana producer license  
35 applicants but only to those marijuana producers who agree to grow  
36 plants for marijuana retailers holding medical marijuana  
37 endorsements. Priority in licensing must be given to marijuana  
38 producer license applicants who have an application pending on July  
39 24, 2015, but who are not yet licensed and then to new marijuana

1 producer license applicants. After January 1, 2017, any  
2 reconsideration of the limits on the amount of square feet permitted  
3 to be in production to meet the medical needs of qualifying patients  
4 must consider information contained in the medical marijuana  
5 authorization database established in RCW 69.51A.230;

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

9 (a) Population distribution;

10 (b) Security and safety issues;

11 (c) The provision of adequate access to licensed sources of  
12 marijuana concentrates, useable marijuana, (~~and~~) marijuana-infused  
13 products, and marijuana plants and seeds to discourage purchases from  
14 the illegal market; and

15 (d) The number of retail outlets holding medical marijuana  
16 endorsements necessary to meet the medical needs of qualifying  
17 patients. The state liquor and cannabis board must reconsider and  
18 increase the maximum number of retail outlets it established before  
19 July 24, 2015, and allow for a new license application period and a  
20 greater number of retail outlets to be permitted in order to  
21 accommodate the medical needs of qualifying patients and designated  
22 providers. After January 1, 2017, any reconsideration of the maximum  
23 number of retail outlets needed to meet the medical needs of  
24 qualifying patients must consider information contained in the  
25 medical marijuana authorization database established in RCW  
26 69.51A.230;

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

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

34 (5) Determining the maximum quantities of marijuana concentrates,  
35 useable marijuana, (~~and~~) marijuana-infused products, and for  
36 marijuana retailers with a medical marijuana endorsement, marijuana  
37 plants and seeds that a marijuana retailer may have on the premises  
38 of a retail outlet at any time without violating Washington state  
39 law;

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

3 (a) Security and safety issues;

4 (b) The provision of adequate access to licensed sources of  
5 marijuana, marijuana concentrates, useable marijuana, ~~((and))~~  
6 marijuana-infused products, and marijuana plants and seeds to  
7 discourage purchases from the illegal market; and

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

11 (7) Determining the nature, form, and capacity of all containers  
12 to be used by licensees to contain marijuana, marijuana concentrates,  
13 useable marijuana, ~~((and))~~ marijuana-infused products, marijuana  
14 plants and seeds intended for sale to qualifying patients and  
15 designated providers, and their labeling requirements, to include but  
16 not be limited to:

17 (a) The business or trade name and Washington state unified  
18 business identifier number of the licensees that processed and sold  
19 the marijuana, marijuana concentrates, useable marijuana, or  
20 marijuana-infused product;

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

23 (c) THC concentration and CBD concentration of the marijuana,  
24 marijuana concentrates, useable marijuana, or marijuana-infused  
25 product;

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

28 (e) Language required by RCW 69.04.480;

29 (8) In consultation with the department of agriculture and the  
30 department, establishing classes of marijuana, marijuana  
31 concentrates, useable marijuana, ~~((and))~~ marijuana-infused products,  
32 and marijuana plants and seeds intended for sale to qualifying  
33 patients and designated providers according to grade, condition,  
34 cannabinoid profile, THC concentration, CBD concentration, or other  
35 qualitative measurements deemed appropriate by the state liquor and  
36 cannabis board;

37 (9) Establishing reasonable time, place, and manner restrictions  
38 and requirements regarding advertising of marijuana plants and seeds  
39 intended for sale to qualifying patients age eighteen and over and  
40 designated providers, marijuana, marijuana concentrates, useable



1 marijuana, and marijuana-infused products that are not inconsistent  
2 with the provisions of this chapter, taking into consideration:

3 (a) Federal laws relating to marijuana that are applicable within  
4 Washington state;

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

7 (c) The inclusion of medically and scientifically accurate  
8 information about the health and safety risks posed by marijuana use  
9 in the advertising; and

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

12 (10) Specifying and regulating the time and periods when, and the  
13 manner, methods, and means by which, licensees shall transport and  
14 deliver marijuana, marijuana concentrates, useable marijuana, ~~((and))~~  
15 marijuana-infused products, and marijuana plants and seeds within the  
16 state;

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

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

22 (b) Prescribing:

23 (i) Methods of producing, processing, and packaging marijuana,  
24 marijuana concentrates, useable marijuana, ~~((and))~~ marijuana-infused  
25 products, and marijuana plants and seeds;

26 (ii) Conditions of sanitation; and

27 (iii) Standards of ingredients, quality, and identity of  
28 marijuana, marijuana concentrates, useable marijuana, ~~((and))~~  
29 marijuana-infused products, and marijuana plants and seeds produced,  
30 processed, packaged, or sold by licensees;

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

1       **Sec. 8.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to read  
2 as follows:

3       (1) On a schedule determined by the state liquor (~~((control))~~) and  
4 cannabis board, every licensed marijuana producer and processor must  
5 submit representative samples of marijuana, useable marijuana, or  
6 marijuana-infused products produced or processed by the licensee to  
7 an independent, third-party testing laboratory meeting the  
8 accreditation requirements established by the state liquor  
9 (~~((control))~~) and cannabis board, for inspection and testing to certify  
10 compliance with standards adopted by the state liquor (~~((control))~~) and  
11 cannabis board. Any sample remaining after testing shall be destroyed  
12 by the laboratory or returned to the licensee.

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

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

20       (4) The state liquor and cannabis board may require  
21 representative samples of marijuana plants and seeds produced by a  
22 marijuana producer to undergo the same, similar, or different testing  
23 as is required pursuant to this section for marijuana, useable  
24 marijuana, or marijuana-infused products.

25       **Sec. 9.** RCW 69.50.351 and 2013 c 3 s 12 are each amended to read  
26 as follows:

27       Except as provided by chapter 42.52 RCW, no member of the state  
28 liquor (~~((control))~~) and cannabis board and no employee of the state  
29 liquor (~~((control))~~) and cannabis board shall have any interest,  
30 directly or indirectly, in the producing, processing, or sale of  
31 marijuana, useable marijuana, (~~((or))~~) marijuana-infused products, or  
32 marijuana plants and seeds, or derive any profit or remuneration from  
33 the sale of marijuana, useable marijuana, (~~((or))~~) marijuana-infused  
34 products, or marijuana plants and seeds other than the salary or  
35 wages payable to him or her in respect of his or her office or  
36 position, and shall receive no gratuity from any person in connection  
37 with the business.

1       **Sec. 10.** RCW 69.50.354 and 2015 c 70 s 9 are each amended to  
2 read as follows:

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

17       **Sec. 11.** RCW 69.50.357 and 2016 c 171 s 1 are each amended to  
18 read as follows:

19       (1) Retail outlets may not sell products or services other than  
20 marijuana concentrates, useable marijuana, marijuana-infused  
21 products, for retail outlets with a medical marijuana endorsement  
22 marijuana plants and seeds, or paraphernalia intended for the storage  
23 or use of marijuana concentrates, useable marijuana, ~~((or))~~  
24 marijuana-infused products, or marijuana plants and seeds.

25       (2) Licensed marijuana retailers may not employ persons under  
26 twenty-one years of age or allow persons under twenty-one years of  
27 age to enter or remain on the premises of a retail outlet. However,  
28 qualifying patients between eighteen and twenty-one years of age with  
29 a recognition card may enter and remain on the premises of a retail  
30 outlet holding a medical marijuana endorsement and may purchase  
31 products for their personal medical use. Qualifying patients who are  
32 under the age of eighteen with a recognition card and who accompany  
33 their designated providers may enter and remain on the premises of a  
34 retail outlet holding a medical marijuana endorsement, but may not  
35 purchase products for their personal medical use.

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

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

3 (b) Licensed marijuana retailers with a medical marijuana  
4 endorsement must ensure that all employees are trained on the  
5 subjects required by (a) of this subsection as well as identification  
6 of authorizations and recognition cards. Employees must also be  
7 trained to permit qualifying patients who hold recognition cards and  
8 are between the ages of eighteen and twenty-one to enter the premises  
9 and purchase marijuana for their personal medical use and to permit  
10 qualifying patients who are under the age of eighteen with a  
11 recognition card to enter the premises if accompanied by their  
12 designated providers. Employees must further be trained to permit  
13 qualifying patients age eighteen or over or designated providers with  
14 a recognition card or authorization issued pursuant to chapter 69.51A  
15 RCW to enter the premises and make orders for future purchases of  
16 marijuana plants and seeds, and make purchases of marijuana plants  
17 and seeds, in accordance with RCW 69.50.375, for their personal  
18 medical use.

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

26 (5)(a) Except as provided in (b) of this subsection and for the  
27 purposes of disposal as authorized by the state liquor and cannabis  
28 board, no licensed marijuana retailer or employee of a retail outlet  
29 may open or consume, or allow to be opened or consumed, any marijuana  
30 concentrates, useable marijuana, ((~~or~~)) marijuana-infused product, or  
31 marijuana plants and seeds on the outlet premises.

32 (b) A marijuana retailer with a medical marijuana endorsement may  
33 open a package or container that holds a marijuana plant or seeds on  
34 the outlet premises in accordance with rules adopted by the state  
35 liquor and cannabis board.

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

1       **Sec. 12.** RCW 69.50.360 and 2015 c 207 s 6 and 2015 c 70 s 13 are  
2 each reenacted and amended to read as follows:

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

8       (1)(a) Purchase and receipt of marijuana concentrates, useable  
9 marijuana, or marijuana-infused products that have been properly  
10 packaged and labeled from a marijuana processor validly licensed  
11 under this chapter; and

12       (b) If the retail outlet holds a medical marijuana endorsement,  
13 purchase and receipt of marijuana plants and seeds produced by a  
14 marijuana producer validly licensed under this chapter and in  
15 accordance with state liquor and cannabis board rules;

16       (2) Possession of quantities of marijuana concentrates, useable  
17 marijuana, ~~((or))~~ marijuana-infused products, or if the retail outlet  
18 holds a medical marijuana endorsement, marijuana plants and seeds,  
19 that do not exceed the maximum amounts established by the state  
20 liquor and cannabis board under RCW 69.50.345(5);

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

25       (a) One ounce of useable marijuana;

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

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

29       (d) Seven grams of marijuana concentrate; ~~((and))~~

30       (4) Delivery, distribution, and sale, on the premises of a retail  
31 outlet with a medical marijuana endorsement, to a qualifying patient  
32 age eighteen or over or a designated provider with a valid  
33 recognition card or authorization who submitted an order for the  
34 future purchase of marijuana plants or seeds in accordance with RCW  
35 69.50.375, of any combination of the following amounts of marijuana  
36 plants and seeds:

37       (a) The amount of marijuana plants the qualifying patient or  
38 designated provider is authorized to possess and grow pursuant to RCW  
39 69.51A.210; and

40       (b) An unlimited number of marijuana seeds; and

1       (5)(a) Purchase and receipt of marijuana concentrates, useable  
2 marijuana, or marijuana-infused products that have been properly  
3 packaged and labeled from a federally recognized Indian tribe as  
4 permitted under an agreement between the state and the tribe entered  
5 into under RCW 43.06.490.

6       (b) Purchase and receipt of marijuana plants and seeds that have  
7 been properly packaged and labeled from a federally recognized Indian  
8 tribe as permitted under an agreement between the state and tribe  
9 entered into under RCW 43.06.490.

10       **Sec. 13.** RCW 43.06.490 and 2015 c 207 s 2 are each amended to  
11 read as follows:

12       (1) The governor may enter into agreements with federally  
13 recognized Indian tribes concerning marijuana. Marijuana agreements  
14 may address any marijuana-related issue that involves both state and  
15 tribal interests or otherwise has an impact on tribal-state  
16 relations. Such agreements may include, but are not limited to, the  
17 following provisions and subject matter:

18       (a) Criminal and civil law enforcement;

19       (b) Regulatory issues related to the commercial production,  
20 processing, sale, and possession of marijuana, and processed  
21 marijuana products, for both recreational and medical purposes;

22       (c) Medical and pharmaceutical research involving marijuana;

23       (d) Taxation in accordance with subsection (2) of this section;

24       (e) Any tribal immunities or preemption of state law regarding  
25 the production, processing, or marketing of marijuana; and

26       (f) Dispute resolution, including the use of mediation or other  
27 nonjudicial process.

28       (2)(a) Each marijuana agreement adopted under this section must  
29 provide for a tribal marijuana tax that is at least one hundred  
30 percent of the state marijuana excise tax imposed under RCW 69.50.535  
31 and state and local sales and use taxes on sales of marijuana.  
32 Marijuana agreements apply to sales in which tribes, tribal  
33 enterprises, or tribal member-owned businesses (i) deliver or cause  
34 delivery to be made to or receive delivery from a marijuana producer,  
35 processor, or retailer licensed under chapter 69.50 RCW or (ii)  
36 physically transfer possession of the marijuana from the seller to  
37 the buyer within Indian country.

38       (b) The tribe may allow an exemption from tax for sales to the  
39 tribe, tribal enterprises, tribal member-owned businesses, or tribal

1 members(~~(+)~~), on marijuana grown, produced, or processed within its  
2 Indian country, or for activities to the extent they are exempt under  
3 state or federal law from the state marijuana excise tax imposed  
4 under RCW 69.50.535 or state and local sales or use taxes on sales of  
5 marijuana. Medical marijuana products used in the course of medical  
6 treatments by a clinic, hospital, or similar facility owned and  
7 operated by a federally recognized Indian tribe within its Indian  
8 country may be exempted from tax under the terms of an agreement  
9 entered into under this section.

10 (3) Any marijuana agreement relating to the production,  
11 processing, and sale of marijuana in Indian country, whether for  
12 recreational or medical purposes, must address the following issues:

13 (a) Preservation of public health and safety;

14 (b) Ensuring the security of production, processing, retail, and  
15 research facilities; and

16 (c) Cross-border commerce in marijuana.

17 (4) The governor may delegate the power to negotiate marijuana  
18 agreements to the state liquor (~~(control)~~) and cannabis board. In  
19 conducting such negotiations, the state liquor (~~(control)~~) and  
20 cannabis board must, when necessary, consult with the governor and/or  
21 the department of revenue.

22 (5) The definitions in this subsection apply throughout this  
23 section unless the context clearly requires otherwise.

24 (a) "Indian country" has the same meaning as in RCW 82.24.010.

25 (b) "Indian tribe" or "tribe" means a federally recognized Indian  
26 tribe located within the geographical boundaries of the state of  
27 Washington.

28 (c) "Marijuana" means "marijuana," "marijuana concentrates,"  
29 "marijuana-infused products," (~~(and)~~) "useable marijuana," and  
30 "plant" as those terms are defined in RCW 69.50.101.

31 **Sec. 14.** RCW 69.50.366 and 2015 c 207 s 8 are each amended to  
32 read as follows:

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

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

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

7 (3) Delivery, distribution, and sale of marijuana or useable  
8 marijuana to a federally recognized Indian tribe as permitted under  
9 an agreement between the state and the tribe entered into under RCW  
10 43.06.490; and

11 (4) Production, possession, delivery, distribution, and sale of  
12 marijuana plants and seeds to marijuana retailers with a medical  
13 marijuana endorsement, subject to rules adopted by the state liquor  
14 and cannabis board.

15 **Sec. 15.** RCW 69.50.369 and 2015 2nd sp.s. c 4 s 204 are each  
16 amended to read as follows:

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

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

26 (b) On or in a public transit vehicle or public transit shelter;  
27 or

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

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

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

32 (4) The state liquor and cannabis board must fine a licensee one  
33 thousand dollars for each violation of subsection (1) of this  
34 section. Fines collected under this subsection must be deposited into  
35 the dedicated marijuana account created under RCW 69.50.530.

36 **Sec. 16.** RCW 69.50.378 and 2015 c 70 s 11 are each amended to  
37 read as follows:



1       (1) A marijuana retailer or a marijuana retailer holding a  
2 medical marijuana endorsement may sell products with a THC  
3 concentration of 0.3 percent or less. Marijuana retailers holding a  
4 medical marijuana endorsement may also provide these products at no  
5 charge to qualifying patients or designated providers.

6       (2) Marijuana retailers holding a medical marijuana endorsement  
7 may provide marijuana plants and seeds, in accordance with RCW  
8 69.50.375, at no charge to qualifying patients age eighteen or over  
9 and designated providers.

10       **Sec. 17.** RCW 69.50.380 and 2015 2nd sp.s. c 4 s 211 are each  
11 amended to read as follows:

12       (1) Marijuana producers, processors, and retailers are prohibited  
13 from making sales of any marijuana or marijuana product, if the sale  
14 of the marijuana or marijuana product is conditioned upon the buyer's  
15 purchase of any service or nonmarijuana product. This subsection  
16 applies whether the buyer purchases such service or nonmarijuana  
17 product at the time of sale of the marijuana or marijuana product, or  
18 in a separate transaction.

19       (2) The definitions in this subsection apply throughout this  
20 section unless the context clearly requires otherwise.

21       (a) "Marijuana product" means "useable marijuana," "marijuana  
22 concentrates," (~~and~~) "marijuana-infused products," and "plant" as  
23 those terms are defined in RCW 69.50.101.

24       (b) "Nonmarijuana product" includes paraphernalia, promotional  
25 items, lighters, bags, boxes, containers, and such other items as may  
26 be identified by the state liquor and cannabis board.

27       (c) "Selling price" has the same meaning as in RCW 69.50.535.

28       (d) "Service" includes memberships and any other services  
29 identified by the state liquor and cannabis board.

30       **Sec. 18.** RCW 69.50.382 and 2015 2nd sp.s. c 4 s 501 are each  
31 amended to read as follows:

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

1 marijuana concentrates, (~~and~~) marijuana-infused products, and  
2 marijuana plants and seeds between licensed marijuana businesses  
3 located within the state.

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

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

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

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

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

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

29 **Sec. 19.** RCW 69.50.385 and 2015 2nd sp.s. c 4 s 502 are each  
30 amended to read as follows:

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

36 (2) The rules for licensing must:

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

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

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

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

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

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

18 **Sec. 20.** RCW 69.51A.030 and 2015 c 70 s 18 are each amended to  
19 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

30 (d) A health care professional shall not:

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

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

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

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

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

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

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

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

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

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

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

7 **Sec. 21.** RCW 69.51A.040 and 2015 c 70 s 24 are each amended to  
8 read as follows:

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

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

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

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

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

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

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

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

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

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

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

17 **Sec. 22.** RCW 69.51A.045 and 2015 c 70 s 29 are each amended to  
18 read as follows:

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

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

37 **Sec. 23.** RCW 69.51A.060 and 2015 c 70 s 31 are each amended to  
38 read as follows:

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

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

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

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

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

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

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

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

38 **Sec. 24.** RCW 69.51A.210 and 2015 c 70 s 19 are each amended to  
39 read as follows:



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

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

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

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

1 plants for the personal medical use of the qualifying patient and  
2 possess an unlimited number of marijuana seeds and up to six ounces  
3 of useable marijuana in his or her domicile.

4 **Sec. 25.** RCW 69.51A.220 and 2015 c 70 s 20 are each amended to  
5 read as follows:

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

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

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

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

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

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

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

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

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

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

37 **Sec. 26.** RCW 69.51A.230 and 2015 c 70 s 21 are each amended to  
38 read as follows:

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

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

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

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

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

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

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

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

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

33 (2) A qualifying patient and his or her designated provider, if  
34 any, may be placed in the medical marijuana authorization database at  
35 a marijuana retailer with a medical marijuana endorsement. After a  
36 qualifying patient or designated provider is placed in the medical  
37 marijuana authorization database, he or she must be provided with a  
38 recognition card that contains identifiers required in subsection (3)  
39 of this section.

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

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

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

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

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

15 (e) The effective date and expiration date of the recognition  
16 card;

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

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

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

35 (5) If a recognition card is lost or stolen, a marijuana retailer  
36 with a medical marijuana endorsement, in conjunction with the  
37 database administrator, may issue a new card that will be valid for  
38 six months to one year if the patient is reexamined by a health care  
39 professional and determined to meet the definition of qualifying  
40 patient and depending on whether the patient is under the age of

1 eight or eighteen years of age or older as provided in subsection  
2 (4) of this section. If a reexamination is not performed, the  
3 expiration date of the replacement recognition card must be the same  
4 as the lost or stolen recognition card.

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

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

25 (8) The medical marijuana authorization database must meet the  
26 following requirements:

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

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

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

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

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

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

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

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

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

36 (11) If the database administrator fails to comply with this  
37 section, the department may cancel any contracts with the database  
38 administrator and contract with another database administrator to  
39 continue administration of the database. A database administrator who  
40 fails to comply with this section is subject to a fine of up to five

1 thousand dollars in addition to any penalties established in the  
2 contract. Fines collected under this section must be deposited into  
3 the health professions account created under RCW 43.70.320.

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

5 **Sec. 27.** RCW 69.51A.250 and 2016 c 170 s 2 are each amended to  
6 read as follows:

7 (1) Qualifying patients or designated providers may form a  
8 cooperative and share responsibility for acquiring and supplying the  
9 resources needed to produce and process marijuana only for the  
10 medical use of members of the cooperative. No more than four  
11 qualifying patients or designated providers may become members of a  
12 cooperative under this section and all members must hold valid  
13 recognition cards. All members of the cooperative must be at least  
14 twenty-one years old. The designated provider of a qualifying patient  
15 who is under twenty-one years old may be a member of a cooperative on  
16 the qualifying patient's behalf. All plants grown in the cooperative  
17 must be purchased or cloned from a plant purchased from a licensed  
18 marijuana producer as defined in RCW 69.50.101.

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

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

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

31 (b) Within the smaller of either:

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

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

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

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

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

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

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

24 (b) May only participate in one cooperative;

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

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

31 (e) May not sell, donate, or otherwise provide marijuana,  
32 marijuana concentrates, useable marijuana, ((~~or~~)) marijuana-infused  
33 products, or marijuana plants and seeds to a person who is not  
34 participating under this section.

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

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



1 (a) Any security requirements necessary to ensure the safety of  
2 the cooperative and to reduce the risk of diversion from the  
3 cooperative;

4 (b) A seed to sale traceability model that is similar to the seed  
5 to sale traceability model used by licensees that will allow the  
6 state liquor and cannabis board to track all marijuana grown in a  
7 cooperative.

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

13 **Sec. 28.** RCW 69.51A.290 and 2015 c 70 s 37 are each amended to  
14 read as follows:

15 A medical marijuana consultant certificate is hereby established.

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

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

20 (b) Establish forms and procedures necessary to administer this  
21 chapter;

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

24 (d) Receive criminal history record information that includes  
25 nonconviction information data for any purpose associated with  
26 initial certification or renewal of certification. The secretary  
27 shall require each applicant for initial certification to obtain a  
28 state or federal criminal history record information background check  
29 through the state patrol or the state patrol and the identification  
30 division of the federal bureau of investigation prior to the issuance  
31 of any certificate. The secretary shall specify those situations  
32 where a state background check is inadequate and an applicant must  
33 obtain an electronic fingerprint-based national background check  
34 through the state patrol and federal bureau of investigation.  
35 Situations where a background check is inadequate may include  
36 instances where an applicant has recently lived out-of-state or where  
37 the applicant has a criminal record in Washington;

1 (e) Establish administrative procedures, administrative  
2 requirements, and fees in accordance with RCW 43.70.110 and  
3 43.70.250; and

4 (f) Maintain the official department record of all applicants and  
5 certificate holders.

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

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

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

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

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

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

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

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

23 (3) Medical marijuana consultant certificates are subject to  
24 annual renewals and continuing education requirements established by  
25 the secretary.

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

29 (a) The certificate was procured through fraud,  
30 misrepresentation, or deceit;

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

33 (c) The certificate holder has violated or has permitted any  
34 employee or volunteer to violate any of the laws of this state  
35 relating to drugs or controlled substances or has been convicted of a  
36 felony.

37 In any case of the refusal, suspension, or revocation of a  
38 certificate by the secretary under the provisions of this chapter,  
39 appeal may be taken in accordance with chapter 34.05 RCW, the  
40 administrative procedure act.

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

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

8 (b) Describing the risks and benefits of products sold at the  
9 retail outlet;

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

12 (d) Advising a customer about the safe handling and storage of  
13 useable marijuana, marijuana-infused products, ~~((and))~~ marijuana  
14 concentrates, and marijuana plants and seeds, including strategies to  
15 reduce access by minors; and

16 (e) Providing instruction and demonstrations to customers about  
17 proper use and application of useable marijuana, marijuana-infused  
18 products, ~~((and))~~ marijuana concentrates, and marijuana plants and  
19 seeds.

20 (6) Nothing in this section authorizes a medical marijuana  
21 consultant to:

22 (a) Offer or undertake to diagnose or cure any human disease,  
23 ailment, injury, infirmity, deformity, pain, or other condition,  
24 physical or mental, real or imaginary, by use of marijuana or any  
25 other means or instrumentality; or

26 (b) Recommend or suggest modification or elimination of any  
27 course of treatment that does not involve the medical use of  
28 marijuana.

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

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

1        NEW SECTION.    **Sec. 29.**    Sections 1 and 3 through 28 of this act  
2    take effect April 1, 2018.

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