BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3409.8/14 8th draft

ATTY/TYPIST: AI:eab

BRIEF DESCRIPTION: Merging the medical marijuana system with the recreational marijuana system.

AN ACT Relating to merging the medical marijuana system with the recreational marijuana system; amending RCW 66.08.012, 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.50.535, 69.50.540, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100, 69.51A.110, and 69.51A.120; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating a new section; repealing RCW 69.51A.020, 69.51A.025, 69.51A.043, 69.51A.047, 69.51A.140, 69.51A.200, 69.51A.085, and 69.51A.090; prescribing penalties; and providing an effective date.

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

Sec. 1. RCW 66.08.012 and 2012 c 117 s 265 are each amended to read as follows:

There shall be a board, known as the "Washington state ((~~liquor~~)) substance control board," consisting of three members, to be appointed by the governor, with the consent of the senate, who shall each be paid an annual salary to be fixed by the governor in accordance with the

provisions of RCW 43.03.040. The governor may, in his or her discretion, appoint one of the members as chair of the board, and a majority of the members shall constitute a quorum of the board.

Sec. 2. RCW 69.50.101 and 2013 c 276 s 2 and 2013 c 116 s 1 are each reenacted and amended to read as follows:

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

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

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

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

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

(c) ((~~"Board"~~)) "Commission" means the ((~~state board of~~)) pharmacy quality assurance commission.

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

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

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

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

(2) The term does not include:

(i) a controlled substance;

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

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

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

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

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

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

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

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

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

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

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

(n) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug

of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(o) "Immediate precursor" means a substance:

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

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

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

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

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

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

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

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

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

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

(u) "Marijuana processor" means a person licensed by the state ((~~liquor~~)) substance control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

(v) "Marijuana producer" means a person licensed by the state ((~~liquor~~)) substance control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(w) "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

(x) "Marijuana retailer" means a person licensed by the state ((~~liquor~~)) substance control board to sell useable marijuana and marijuana-infused products in a retail outlet.

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

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

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

(3) Poppy straw and concentrate of poppy straw.

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

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

(6) Cocaine base.

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

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

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

(aa) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

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

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

(dd) "Practitioner" means:

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

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

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

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

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

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

(gg) "Retail outlet" means a location licensed by the state ((~~liquor~~)) <u>substance</u> control board for the retail sale of useable marijuana and marijuana-infused products.

(hh) "Secretary" means the secretary of health or the secretary's designee.

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

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

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

(ll) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

(mm) "Authorization card" has the meaning provided in RCW 69.51A.010.

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

(oo) "Health care professional" has the meaning provided in RCW 69.51A.010.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

Sec. 3. RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No. 502) are each amended to read as follows:

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

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

(2) The books and records to be created and maintained by

licensees, the reports to be made thereon to the state ((~~liquor~~)) substance control board, and inspection of the books and records;

(3) Methods of producing, processing, and packaging marijuana, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

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

(5) Screening, hiring, training, and supervising employees of licensees;

(6) Retail outlet locations and hours of operation;

(7) Labeling requirements and restrictions on advertisement of marijuana, useable marijuana, and marijuana-infused products;

(8) Forms to be used for purposes of chapter 3, Laws of 2013 or the rules adopted to implement and enforce it, the terms and conditions to be contained in licenses issued under chapter 3, Laws of 2013, and the qualifications for receiving a license issued under chapter 3, Laws of 2013, including a criminal history record information check. The state ((~~liquor~~)) substance control board may submit any criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state ((~~liquor~~)) substance control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

(9) Application, reinstatement, and renewal fees for licenses issued under chapter 3, Laws of 2013, and fees for anything done or permitted to be done under the rules adopted to implement and enforce chapter 3, Laws of 2013;

(10) The manner of giving and serving notices required by chapter 3, Laws of 2013 or rules adopted to implement or enforce it;

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

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

Sec. 4. RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No. 502) are each amended to read as follows:

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

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

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

(a) Population distribution;

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

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

(d) The number of marijuana retail stores holding medical marijuana endorsements necessary to meet the medical needs of qualifying patients and allowing for a number of such stores to be solely medical;

(3) Determining how licenses will be allocated to applicants must include a preference for those stores who are applying for a medical marijuana endorsement and who intend to be solely medical;

(4) Determining the maximum quantity of marijuana a marijuana

producer may have on the premises of a licensed location at any time without violating Washington state law;

((~~(4)~~)) (5) Determining the maximum quantities of marijuana, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a licensed location at any time without violating Washington state law;

((~~(5)~~)) (6) Determining the maximum quantities of useable marijuana and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet at any time without violating Washington state law;

((~~(6)~~)) (7) In making the determinations required by subsections ((~~(3)~~)) (4) through ((~~(5)~~)) (6) of this section, the state ((~~liquor~~)) substance control board shall take into consideration:

(a) Security and safety issues;

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

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

((~~(7)~~)) (8) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, useable marijuana, and marijuana-infused products, and their labeling requirements, to include but not be limited to:

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

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

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

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

(e) Language required by RCW 69.04.480;

((~~(8)~~)) (9) In consultation with the department of agriculture, establishing classes of marijuana, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile,

THC concentration, or other qualitative measurements deemed appropriate by the state ((~~liquor~~)) substance control board;

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

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

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

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

((~~(10)~~)) (11) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, useable marijuana, and marijuana-infused products within the state;

((~~(11)~~)) (12) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the state ((~~liquor~~)) substance control board, and prescribing methods of producing, processing, and packaging marijuana, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

((~~(12)~~)) (13) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all marijuana, useable marijuana, and marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter ((~~3, Laws of 2013~~)) or the rules of the state ((~~liquor~~)) substance control board.

Sec. 5. RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No. 502) are each amended to read as follows:

There may be licensed, in no greater number in each of the counties

of the state than as the state ((~~liquor~~)) substance control board shall deem advisable, retail outlets established for the purpose of making useable marijuana and marijuana-infused products available for sale to adults aged twenty-one and over and for qualifying patients aged eighteen and older under RCW 69.50.357. Retail sale of useable marijuana and marijuana-infused products in accordance with the provisions of this chapter ((~~3, Laws of 2013~~)) and chapter 69.51A RCW and the rules adopted to implement and enforce ((~~it~~)) this chapter, by a validly licensed marijuana retailer or retail outlet employee, shall not be a criminal or civil offense under Washington state law.

NEW SECTION. **Sec. 6.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A marijuana retailer may apply for an endorsement to sell useable marijuana and marijuana-infused products to:

(a) Qualifying patients aged eighteen or older who hold a valid authorization card; and

(b) Designated providers aged twenty-one or older who hold a valid authorization card.

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

(a) Indicate on its application whether the retailer intends to sell useable marijuana and marijuana-infused products to: (i) Both the recreational markets in compliance with this chapter and the medical market in compliance with chapter 69.51A RCW; or (ii) only the medical market in compliance with chapter 69.51A RCW;

(b) Not authorize qualifying patients at the retail location or permit health care professionals to provide authorizations to qualifying patients at the retail location;

(c) Carry useable marijuana and marijuana-infused products with a cannabidiol level identified by the department under subsection (3) of this section;

(d) Not use labels or market useable marijuana or marijuana-infused products in a way that make them intentionally attractive to minors or recreational users; and

(e) Meet other requirements as adopted by rule of the department or the state substance control board.

(3) The department must adopt rules on requirements for marijuana and marijuana-infused products that may be sold to qualifying patients

under an endorsement. These rules must include THC concentration or cannabidiol concentration appropriate for marijuana or marijuana-infused products sold to qualifying patients and that the labels attached to marijuana or marijuana-infused products contain THC concentration and cannabidiol concentration amounts.

(4) A marijuana retailer holding an endorsement to sell marijuana to qualifying patients may consult the medical marijuana registry established in section 22 of this act for the sole purpose of confirming the validity of qualifying patient or designated provider authorization cards.

Sec. 7. RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No. 502) are each amended to read as follows:

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

(2) Licensed marijuana retailers shall not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. <u>However, marijuana retailers holding a medical marijuana endorsement may allow qualifying patients aged eighteen years of age or older to enter or remain on the premises of a retail outlet if they possess a valid authorization card.</u>

(3) Licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred square inches identifying the retail outlet by the licensee's business or trade name. <u>Marijuana retailers who hold a medical marijuana endorsement may so indicate on the sign by adding a green cross to the sign.</u>

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

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

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

Sec. 8. RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No. 502) are each amended to read as follows:

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

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

(2) Possession of quantities of useable marijuana or marijuana-infused products that do not exceed the maximum amounts established by the state ((~~liquor~~)) substance control board under RCW 69.50.345((~~(5)~~)) (6); ((~~and~~))

(3) Except as provided in subsection (4) of this section, delivery, distribution, and sale, on the premises of the retail outlet, of any combination of the following amounts of useable marijuana or marijuana-infused product to any person twenty-one years of age or older:

(a) One ounce of useable marijuana;

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

(c) Seventy-two ounces of marijuana-infused product in liquid form; and

(4) Delivery, distribution, and sale, on the premises of the retail outlet holding a medical marijuana endorsement, of any combination of the following amounts of useable marijuana or marijuana-infused product to a qualifying patient holding a valid authorization card who is eighteen years of age or older or a designated provider holding a valid authorization card:

(a) Three ounces of useable marijuana;

(b) Forty-eight ounces of marijuana-infused product in solid form;

(c) Two hundred sixteen ounces of marijuana-infused product in liquid form.

Sec. 9. RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No. 502) are each amended to read as follows:

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

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

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

(b) The possession by a qualifying patient or designated provider of useable marijuana, marijuana-infused products, or plants, as that term is defined in RCW 69.51A.010, in accordance with RCW 69.51A.040 is not a violation of this section, this chapter, or any other provision of Washington state law.

Sec. 10. RCW 69.50.535 and 2013 c 3 s 27 (Initiative Measure No. 502) are each amended to read as follows:

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

(2) There is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each wholesale sale in this state of useable marijuana or marijuana-infused product by a licensed marijuana processor to a licensed marijuana retailer. This tax is the obligation of the licensed marijuana processor.

(3) Except as provided in subsection (4) of this section, there is levied and collected a marijuana excise tax equal to twenty-five percent of the selling price on each retail sale in this state of useable marijuana and marijuana-infused products. This tax is the obligation of the licensed marijuana retailer, is separate and in

addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is part of the total retail price to which general state and local sales and use taxes apply.

(4) Subsection (3) of this section does not apply to the retail sale of useable marijuana or marijuana-infused products by marijuana retailers who hold medical marijuana endorsements to qualified patients or designated providers who hold authorization cards. The exemption in this subsection applies only if the selling price of the useable marijuana or marijuana-infused product charged to a person holding an authorization card is reduced by at least twenty-five percent, as compared with the selling price of the useable marijuana or marijuana-infused product that is charged to any person not holding an authorization card. If the same product is not sold to persons who do not hold an authorization card, the seller must establish to the satisfaction of the substance control board that the benefit of the exemption provided in this subsection has been passed on to the buyer.

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

((~~(5)~~)) (6) The state ((~~liquor~~)) substance control board shall regularly review the tax levels established under this section and make recommendations to the legislature as appropriate regarding adjustments that would further the goal of discouraging use while undercutting illegal market prices.

NEW SECTION. **Sec. 11.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of useable marijuana or marijuana-infused products by marijuana retailers who hold medical marijuana endorsements under section 6 of this act to qualifying patients or designated providers who hold authorization cards.

(2) For the purposes of this section, the terms "useable marijuana," "marijuana-infused products," and "marijuana retailers"

have the meaning provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," and "authorization card" have the meaning provided in RCW 69.51A.010.

NEW SECTION. **Sec. 12.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply to use of useable marijuana or marijuana-infused products by:

(a) Qualifying patients or designated providers who hold authorization cards; or

(b) Marijuana retailers who hold a medical marijuana endorsement under chapter 69.50 RCW with respect to useable marijuana or marijuana-infused products if such marijuana or product is provided at no charge to a qualifying patient or designated provider who holds an authorization card.

(2) For the purposes of this section, the terms "useable marijuana," "marijuana-infused products," and "marijuana retailers" have the meaning provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," and "authorization card" have the meaning provided in RCW 69.51A.010.

Sec. 13. RCW 69.50.540 and 2013 c 3 s 28 (Initiative Measure No. 502) are each amended to read as follows:

All marijuana excise taxes collected from sales of marijuana, useable marijuana, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under chapter 3, Laws of 2013 from marijuana producer, marijuana processor, and marijuana retailer licenses shall every three months be disbursed by the state ((~~liquor~~)) substance control board as follows:

(1)(a) Fifteen percent of the excise tax collected from marijuana retailers under RCW 69.50.535(3) to counties, distributed in the manner described in section 14 of this act; and

(b) Fifteen percent of the excise tax collected from marijuana retailers under RCW 69.50.535(3) to incorporated cities and towns, distributed in the manner described in section 14 of this act;

(2) One hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce

reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state ((~~liquor~~)) substance control board. The survey shall be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

((~~(2)~~)) (3) Fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation shall end after production of the final report required by RCW 69.50.550;

((~~(3)~~)) (4) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

((~~(4)~~)) (5) An amount not exceeding one million two hundred fifty thousand dollars to the state ((~~liquor~~)) substance control board as is necessary for administration of chapter 3, Laws of 2013;

((~~(5)~~)) (6) Of the funds remaining after the disbursements identified in subsections ((~~(1)~~)) (2) through ((~~(4)~~)) (5) of this section:

(a) Fifteen percent to the department of social and health services division of behavioral health and recovery for implementation and maintenance of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance-use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle

school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation; PROVIDED, That:

(i) Of the funds disbursed under (a) of this subsection, at least eighty-five percent must be directed to evidence-based and cost-beneficial programs and practices that produce objectively measurable results; and

(ii) Up to fifteen percent of the funds disbursed under (a) of this subsection may be directed to research-based and emerging best practices or promising practices.

In deciding which programs and practices to fund, the secretary of the department of social and health services shall consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute;

(b) Ten percent to the department of health for the creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(i) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(ii) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(iii) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(c) Six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research;

(d) ((~~Fifty~~)) Sixteen percent to the ((~~state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW~~)) University of Washington and sixteen percent to the Washington State University to fund the research permitted in RCW 28B.20.502;

(e) Eighteen percent to the department to fund the development and implementation of the medical marijuana registry established in section 22 of this act;

((~~(e)~~)) (f) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

((~~(f)~~)) (g) Three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW; and

((~~(g)~~)) (h) The remainder to the general fund.

NEW SECTION. **Sec. 14.** A new section is added to chapter 69.50 RCW to read as follows:

(1) With respect to the distribution of funds to the counties under RCW 69.50.540, the computations for distribution must be made by the state substance control board as follows:

(a) The share coming to each county must be based on the number of marijuana producers, marijuana processors, and marijuana retailers in the county, with counties with the highest number of such licensees receiving a proportionally higher share than those counties with fewer licensees;

(b) The state substance control board must annually review the distribution of funds provided in (a) of this subsection.

(2) With respect to the distribution of funds to incorporated cities or towns, the computations for distribution must be made by the state substance control board as follows:

(a) The share coming to each city or town must be based on the number of marijuana producers, marijuana processors, and marijuana retailers in the city or town, with cities or towns with the highest number of such licensees receiving a proportionally higher share than those cities or towns with fewer licensees;

(b) The state substance control board must annually review the distribution of funds provided in (a) of this subsection.

Sec. 15. RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to read as follows:

The University of Washington and Washington State University may conduct scientific research on the efficacy and safety of administering ((~~cannabis~~)) marijuana as part of medical treatment. As part of this research, the University of Washington and Washington State University may develop and conduct studies to ascertain the general medical safety and efficacy of ((~~cannabis~~)) marijuana and may develop medical guidelines for the appropriate administration and use of ((~~cannabis~~)) marijuana.

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

(1) The legislature finds that:

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

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

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

(iii) Acute or chronic glaucoma;

(iv) Crohn's disease; and

(v) Some forms of intractable pain.

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

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

(a) Qualifying patients with terminal or debilitating medical conditions who, in the judgment of their health care professionals, may

benefit from the medical use of ((~~cannabis~~)) marijuana, shall not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law based solely on their medical use of ((~~cannabis~~)) marijuana, notwithstanding any other provision of law;

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

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

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

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

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

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

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

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

~~(b)~~)) and:

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

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

((~~(c)~~)) (b) Has been entered into the medical marijuana registry as being the designated provider to a qualifying patient, who must also be entered in the registry, and may only provide medical marijuana to that qualifying patient;

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

(d) Is in compliance with this chapter; and

(e) Is the designated provider to only one patient at any one time.

(2) "Health care professional," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physicians' assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

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

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

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

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

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

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

~~(e)~~)) (v) Has been advised by that health care professional that ((~~they~~)) he or she may benefit from the medical use of marijuana; and

(vi) Is otherwise in compliance with the terms and conditions established in this chapter.

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

(5) ((~~"Tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:~~

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

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

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

~~(6)~~)) "Terminal or debilitating medical condition" means:

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

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

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

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

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

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

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

((~~(7) "Valid documentation" means:~~

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

~~(b) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035.~~)) <u>(6) "Authorization card" means a card issued by the department to qualifying patients whose health care professionals have entered them into the department's medical marijuana registry.</u>

<u>(7) "Department" means the department of health.</u>

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

(9) "Marijuana processor" has the meaning provided in RCW 69.50.101.

(10) "Marijuana producer" has the meaning provided in RCW 69.50.101.

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

(12) "Marijuana-infused products" has the meaning provided in RCW 69.50.101.

(13) "Medical marijuana registry" means the secure and confidential registry of qualifying patients and designated providers established in section 22 of this act.

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

(15) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; premises where goods and services are offered to the public for retail sale; public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations that are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, buses, ferries, and other public conveyances of all kinds and character, and the depots, stops, and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and that are generally used by the public.

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

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

NEW SECTION. **Sec. 18.** A new section is added to chapter 69.51A RCW to read as follows:

The department, in consultation with health care professionals, must adopt rules defining the terms "terminal or debilitating medical condition" and "intractable pain" as used in RCW 69.51A.010. The rules adopted must assist a health care professional in determining, through an objective assessment and evaluation, that the terminal or debilitating medical condition is severe enough to significantly interfere with the qualifying patient's activities of daily living and his or her ability to function.

Sec. 19. RCW 69.51A.030 and 2011 c 181 s 301 are each amended to read as follows:

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

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

(b) ((~~Providing~~)) Registering a patient meeting the criteria established under RCW 69.51A.010((~~(26) with valid documentation~~)) (4) with the medical marijuana registry, based upon the health care professional's assessment of the patient's medical history and current medical condition, ((~~where such use is~~)) if the health care professional has complied with this chapter and he or she determines within a professional standard of care or in the individual health care professional's medical judgment the qualifying patient may benefit from use of medical marijuana.

(2)(a) A health care professional may only ((~~provide a patient with valid documentation authorizing the medical use of cannabis or~~)) register the patient with the medical marijuana registry established in section ((~~901~~)) 22 of this act if he or she has a ((~~newly initiated or existing~~)) documented relationship with the patient, as a primary care

provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:

(i) Completing ((~~a~~)) an in-person physical examination of the patient ((~~as appropriate, based on the patient's condition and age~~));

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

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

(iv) Documenting in the patient's medical record other measures attempted to treat the terminal or debilitating medical condition that do not involve the medical use of ((~~cannabis~~)) marijuana.

(b) A health care professional shall not:

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

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

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

(iv) Have a business or practice which consists ((~~solely~~)) primarily of authorizing the medical use of ((~~cannabis~~)) marijuana. However, the health care professional's business or practice must have a permanent physical location;

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

(vi) Hold an economic interest in an enterprise that produces,

processes, or ((~~dispenses cannabis~~)) sells marijuana if the health care professional authorizes the medical use of ((~~cannabis~~)) marijuana.

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

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

(1) The department shall convene a work group of representatives of the medical quality assurance commission, board of osteopathic medicine and surgery, the nursing care quality assurance commission, and the board of naturopathy to develop practice guidelines for health care professionals to consider when authorizing the medical use of marijuana for patients. The practice guidelines shall address:

(a) Assessing a patient to determine if he or she has a debilitating condition or intractable pain;

(b) Conducting an adequate examination of a patient for the need for marijuana for medical use;

(c) Dosing criteria related to the medical use of marijuana;

(d) Developing a treatment plan for patients who may benefit from the medical use of marijuana;

(e) Communicating with a patient about the medical use of marijuana and other options for treating his or her terminal or debilitating medical condition;

(f) Maintaining records for patients who have been authorized to use marijuana for medical purposes; and

(g) Other issues identified by the work group as necessary to provide appropriate care to patients who have been authorized to use marijuana for medical purposes.

(2) The department shall make the practice guidelines broadly available to health care professionals.

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

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

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

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

(c) The minor may not grow plants or purchase marijuana from a marijuana retailer.

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

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

(b) Reexamine the minor at least once a year or more frequently as medically indicated. The reexamination must:

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

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

(c) Enter both the minor and the minor's parent or guardian who is acting as the designated provider in the medical marijuana registry.

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

(1) By January 1, 2015, the department must adopt rules for the creation, implementation, maintenance, and timely upgrading of a secure and confidential medical marijuana registry that allows:

(a) A health care professional to register a qualifying patient or designated provider;

(b) A law enforcement officer to confirm the authorization card of a qualifying patient or designated provider;

(c) A marijuana retailer holding a medical marijuana endorsement to confirm the authorization card of a qualifying patient;

(d) The substance control board to verify tax exemptions under RCW 69.50.535;

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

(f) The department and the health care professional's disciplining authorities to monitor registrations and ensure compliance with this chapter by their licensees; and

(g) Registrations to expire one year after entry into the registry.

(2) A qualifying patient and his or her designated provider, if any, must be placed in the medical marijuana registry by the qualifying patient's health care professional. After a qualifying patient or designated provider is placed in the medical marijuana registry, the department must issue an authorization card. The authorization card must be developed by the department and include:

(a) The qualifying patient or designated provider's name;

(b) For designated providers, the name of the qualifying patient for whom the provider is assisting;

(c) The effective date and expiration date of the authorization card;

(d) The name of the health care professional who registered the qualifying patient or designated provider; and

(e) Additional security features as necessary to ensure the validity of the authorization card.

(3) Authorization cards are valid for one year from the date the health care professional registers the qualifying patient or designated provider in the medical marijuana registry. Qualifying patients may not be reentered into the medical marijuana registry until they have been reexamined by a health care professional and determined to meet the definition of qualifying patient. After reexamination, the health care professional must reenter the qualifying patient or designated provider into the medical marijuana registry and a new authorization card will then be issued by the department in accordance with department rules. The department must adopt rules on replacing lost or stolen authorization cards.

(4) The department must adopt rules for removing qualifying patients and designated providers from the medical marijuana registry upon expiration of the authorization card as well as a method for permitting qualifying patients and designated providers to remove their names from the medical marijuana registry before expiration. The

department must retain registry records for at least five calendar years to permit the substance control board and the department of revenue to verify eligibility for tax exemptions.

(5) During development of the medical marijuana registry, the department of health shall consult with stakeholders and persons with relevant expertise to include, but not be limited to, qualifying patients, designated providers, health care professionals, state and local law enforcement agencies, and the University of Washington computer science and engineering security and privacy research lab.

(6) The medical marijuana registry must meet the following requirements:

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

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

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

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

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

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

NEW SECTION. **Sec. 23.** A new section is added to chapter 42.56 RCW to read as follows:

Records in the medical marijuana registry established in section 22 of this act containing names and other personally identifiable

information of qualifying patients and designated providers are exempt from disclosure under this chapter.

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

The medical use of ((~~cannabis~~)) marijuana in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ((~~cannabis~~)) marijuana under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, ((~~cannabis~~)) marijuana under state law, and investigating ((~~peace~~)) law enforcement officers and ((~~law enforcement~~)) agencies may not be held civilly liable for failure to seize ((~~cannabis~~)) marijuana in this circumstance, if:

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

~~(i) No more than twenty-four~~)) any combination of the following amounts of useable marijuana or marijuana-infused products:

(a) Eight ounces of useable ((~~cannabis~~)) marijuana;

((~~(ii) No more cannabis product than what could reasonably be produced with no more than twenty-four ounces of useable cannabis~~)) (b) Forty-eight ounces of marijuana-infused product in solid form; ((~~or~~

~~(iii) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of useable cannabis.~~

~~(b) If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in (a) of this subsection, whether the plants, useable cannabis, and cannabis product are possessed individually or in combination between the qualifying patient and his or her designated provider~~)) (c) Two hundred sixteen ounces of marijuana-infused product in liquid form;

(2) The qualifying patient or designated provider holds a valid authorization card and grows plants for the patient's personal medical use under either (a) or (b) of this subsection:

(a) A qualifying patient who is eighteen years of age or older, or a designated provider may grow, in his or her domicile, up to three flowering plants and up to three nonflowering plants for a total of up to six plants for the personal medical use of a qualifying patient; or

(b) If the six plants described in (a) of this subsection do not meet the medical needs of a qualifying patient, a qualifying patient who is eighteen years of age or older, or his or her designated provider may grow, in his or her domicile, up to fifteen plants if each plant has been certified as having a THC concentration of one-half of one percent or less;

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

((~~(3)~~)) (4) The qualifying patient or designated provider keeps a copy of his or her ((~~proof of registration with the registry established in section 901 of this act~~)) authorization card and the qualifying patient or designated provider's contact information posted prominently next to any ((~~cannabis~~)) plants, ((~~cannabis~~)) marijuana-infused products, or useable ((~~cannabis~~)) marijuana located at his or her residence;

((~~(4)~~)) (5) The investigating ((~~peace~~)) law enforcement officer does not possess evidence that:

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

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

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

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

Sec. 25. RCW 69.51A.045 and 2011 c 181 s 405 are each amended to read as follows:

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

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

Sec. 26. RCW 69.51A.055 and 2011 c 181 s 1105 are each amended to read as follows:

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

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

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

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

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

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

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

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

(4) Nothing in this chapter requires any accommodation of any on-site medical use of ((~~cannabis~~)) marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking ((~~cannabis~~)) marijuana in any public place or hotel or motel. However, a school may permit a minor who meets the requirements of section 21 of this act to consume medical marijuana on school grounds. Such use must be in accordance with school policy relating to medication use on school grounds.

(5) Nothing in this chapter authorizes the possession or use of marijuana or marijuana-infused products on federal property.

(6) Nothing in this chapter authorizes the use of medical

((~~cannabis~~)) marijuana by any person who is subject to the Washington code of military justice in chapter 38.38 RCW.

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

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

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

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

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

(a) To produce an authorization card or to tamper with an authorization card for the purpose of having it accepted by a marijuana retailer in order to purchase marijuana as a medical marijuana patient or to grow marijuana plants in accordance with RCW 69.51A.040;

(b) If a person is a designated provider to a qualifying patient, to sell, donate, or otherwise use the marijuana produced or obtained for the qualifying patient for the designated provider's own personal use or benefit; or

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

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

Sec. 29. RCW 69.51A.070 and 2007 c 371 s 7 are each amended to read as follows:

The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery may make a preliminary finding of good cause before the public hearing and shall, after hearing, approve or deny such petitions within ((~~one~~)) two hundred ((~~eighty~~)) ten days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

Sec. 30. RCW 69.51A.100 and 2011 c 181 s 404 are each amended to read as follows:

(1) A qualifying patient may revoke his or her designation of a specific designated provider and designate a different designated provider at any time. A revocation of designation must be in writing, signed and dated, and provided to the department. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

(2) A person may stop serving as a designated provider to a given qualifying patient at any time by revoking that designation in writing, signed and dated, and provided to the department and the qualifying patient. However, that person may not begin serving as a designated provider to a different qualifying patient until fifteen days have elapsed from the date the last qualifying patient designated him or her to serve as a provider.

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

Sec. 31. RCW 69.51A.110 and 2011 c 181 s 408 are each amended to read as follows:

A qualifying patient's medical use of ((~~cannabis~~)) marijuana as authorized by a health care professional may not be a sole disqualifying factor in determining the patient's suitability for an organ transplant, unless it is shown that this use poses a significant risk of rejection or organ failure. This section does not preclude a health care professional from requiring that a patient abstain from the medical use of ((~~cannabis~~)) marijuana, for a period of time determined by the health care professional, while waiting for a transplant organ or before the patient undergoes an organ transplant.

Sec. 32. RCW 69.51A.120 and 2011 c 181 s 409 are each amended to read as follows:

A qualifying patient or designated provider may not have his or her parental rights or residential time with a child restricted solely due to his or her medical use of ((~~cannabis~~)) marijuana in compliance with the terms of this chapter absent written findings supported by evidence that such use has resulted in a long-term impairment that interferes with the performance of parenting functions as defined under RCW 26.09.004.

NEW SECTION. **Sec. 33.** All references to the Washington state liquor control board must be construed as referring to the Washington state substance control board. The code reviser must prepare legislation for the 2015 legislative session changing all references from the Washington state liquor control board to the Washington state substance control board.

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

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

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

(3) RCW 69.51A.043 (Failure to register--Affirmative defense) and 2011 c 181 s 402;

(4) RCW 69.51A.047 (Failure to register or present valid documentation--Affirmative defense) and 2011 c 181 s 406;

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

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

NEW SECTION. **Sec. 35.** The following acts or parts of acts are each repealed:

(1) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403; and

(2) RCW 69.51A.090 (Applicability of valid documentation definition) and 2010 c 284 s 5.

NEW SECTION. **Sec. 36.** Sections 2, 6 through 12, 17, 19, 21, 24, 25, 27, 28, 30, and 35 of this act take effect July 30, 2016.

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