
SECOND SUBSTITUTE SENATE BILL 5052

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington **64th Legislature** **2015 Regular Session**

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

READ FIRST TIME 02/10/15.

1 AN ACT Relating to establishing the cannabis patient protection
2 act; amending RCW 66.08.012, 69.50.101, 69.50.325, 69.50.331,
3 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013,
4 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043,
5 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.085, 69.51A.100,
6 43.70.320, 69.50.203, 69.50.204, and 9.94A.518; adding new sections
7 to chapter 69.50 RCW; adding new sections to chapter 69.51A RCW;
8 adding a new section to chapter 42.56 RCW; adding a new section to
9 chapter 82.04 RCW; creating new sections; repealing RCW 69.51A.020,
10 69.51A.025, 69.51A.047, 69.51A.070, 69.51A.090, 69.51A.140,
11 69.51A.200, and 69.51A.085; prescribing penalties; providing an
12 effective date; providing a contingent effective date; and declaring
13 an emergency.

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

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

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

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

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

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

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

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

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

28 The legislature further intends that the costs associated with
29 implementing and administering the medical marijuana authorization
30 database shall be financed from the health professions account and
31 that these funds shall be restored to the health professions account
32 through future appropriations using funds derived from the dedicated
33 marijuana account.

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

36 There shall be a board, known as the "Washington state liquor
37 (~~and cannabis~~) and cannabis board," consisting of three members, to be
38 appointed by the governor, with the consent of the senate, who shall
39 each be paid an annual salary to be fixed by the governor in

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

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

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

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

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

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

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

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

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

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

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

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

37 (2) The term does not include:

38 (i) a controlled substance;

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

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

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

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

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

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

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

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

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

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

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

38 (n) "Electronic communication of prescription information" means
39 the transmission of a prescription or refill authorization for a drug
40 of a practitioner using computer systems. The term does not include a

1 prescription or refill authorization verbally transmitted by
2 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

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

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

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

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

38 (2) by a practitioner, or by the practitioner's authorized agent
39 under the practitioner's supervision, for the purpose of, or as an

1 incident to, research, teaching, or chemical analysis and not for
2 sale.

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

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

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

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

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

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

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

39 (1) Opium, opium derivative, and any derivative of opium or opium
40 derivative, including their salts, isomers, and salts of isomers,

1 whenever the existence of the salts, isomers, and salts of isomers is
2 possible within the specific chemical designation. The term does not
3 include the isoquinoline alkaloids of opium.

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

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

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

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

14 (6) Cocaine base.

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

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

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

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

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

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

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

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

1 (ii) "Secretary" means the secretary of health or the secretary's
2 designee.

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

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

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

18 (mm) "Useable marijuana" means dried marijuana flowers. The term
19 "useable marijuana" does not include either marijuana-infused
20 products or marijuana concentrates.

21 (nn) "Designated provider" has the meaning provided in RCW
22 69.51A.010.

23 (oo) "Qualifying patient" has the meaning provided in RCW
24 69.51A.010.

25 (pp) "CBD concentration" has the meaning provided in RCW
26 69.51A.010.

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

28 (rr) "Recognition card" has the meaning provided in RCW
29 69.51A.010.

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

32 (1) There shall be a marijuana producer's license to produce
33 marijuana for sale at wholesale to marijuana processors and other
34 marijuana producers, regulated by the state liquor (~~control~~) and
35 cannabis board and subject to annual renewal. The production,
36 possession, delivery, distribution, and sale of marijuana in
37 accordance with the provisions of this chapter (~~(3, Laws of 2013)~~)
38 and the rules adopted to implement and enforce it, by a validly
39 licensed marijuana producer, shall not be a criminal or civil offense

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

31 (3) There shall be a marijuana retailer's license to sell
32 marijuana concentrates, useable marijuana, and marijuana-infused
33 products at retail in retail outlets, regulated by the state liquor
34 ~~((control))~~ and cannabis board and subject to annual renewal. The
35 possession, delivery, distribution, and sale of marijuana
36 concentrates, useable marijuana, and marijuana-infused products in
37 accordance with the provisions of this chapter ~~((3, Laws of 2013))~~
38 and the rules adopted to implement and enforce it, by a validly
39 licensed marijuana retailer, shall not be a criminal or civil offense
40 under Washington state law. Every marijuana retailer's license shall

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

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

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

18 (a) The state liquor and cannabis board must develop a
19 competitive, merit-based application process that includes, at a
20 minimum, the opportunity for an applicant to demonstrate experience
21 and qualifications in the marijuana industry. The state liquor and
22 cannabis board shall give preference between competing applications
23 in the licensing process to applicants that have the following
24 experience and qualifications, in the following order of priority:

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

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

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

30 (C) Have maintained a state business license and a municipal
31 business license, as applicable in the relevant jurisdiction; and

32 (D) Have had a history of paying all applicable state taxes and
33 fees;

34 (ii) Second priority shall be given to applicants who:

35 (A) Operated or were employed by a collective garden before
36 January 1, 2013;

37 (B) Have maintained a state business license and a municipal
38 business license, as applicable in the relevant jurisdiction; and

1 (C) Have had a history of paying all applicable state taxes and
2 fees; and

3 (iii) Third priority shall be given to all other applicants who
4 do not have the experience and qualifications identified in (a)(i)
5 and (ii) of this subsection.

6 (b) The state liquor and cannabis board may cause an inspection
7 of the premises to be made, and may inquire into all matters in
8 connection with the construction and operation of the premises. For
9 the purpose of reviewing any application for a license and for
10 considering the denial, suspension, revocation, or renewal or denial
11 thereof, of any license, the state liquor (~~((control))~~) and cannabis
12 board may consider any prior criminal conduct of the applicant
13 including an administrative violation history record with the state
14 liquor (~~((control))~~) and cannabis board and a criminal history record
15 information check. The state liquor (~~((control))~~) and cannabis board
16 may submit the criminal history record information check to the
17 Washington state patrol and to the identification division of the
18 federal bureau of investigation in order that these agencies may
19 search their records for prior arrests and convictions of the
20 individual or individuals who filled out the forms. The state liquor
21 (~~((control))~~) and cannabis board shall require fingerprinting of any
22 applicant whose criminal history record information check is
23 submitted to the federal bureau of investigation. The provisions of
24 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.
25 Subject to the provisions of this section, the state liquor
26 (~~((control))~~) and cannabis board may, in its discretion, grant or deny
27 the renewal or license applied for. Denial may be based on, without
28 limitation, the existence of chronic illegal activity documented in
29 objections submitted pursuant to subsections (7)(c) and (9) of this
30 section. Authority to approve an uncontested or unopposed license may
31 be granted by the state liquor (~~((control))~~) and cannabis board to any
32 staff member the board designates in writing. Conditions for granting
33 this authority shall be adopted by rule.

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

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

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

39 ~~((c))~~ (iii) A partnership, employee cooperative, association,
40 nonprofit corporation, or corporation unless formed under the laws of

1 this state, and unless all of the members thereof are qualified to
2 obtain a license as provided in this section; or

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

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

13 (b) The state liquor ~~((control))~~ and cannabis board shall
14 immediately suspend the license of a person who has been certified
15 pursuant to RCW 74.20A.320 by the department of social and health
16 services as a person who is not in compliance with a support order.
17 If the person has continued to meet all other requirements for
18 reinstatement during the suspension, reissuance of the license shall
19 be automatic upon the state liquor ~~((control))~~ and cannabis board's
20 receipt of a release issued by the department of social and health
21 services stating that the licensee is in compliance with the order.

22 (c) The state liquor ~~((control))~~ and cannabis board may request
23 the appointment of administrative law judges under chapter 34.12 RCW
24 who shall have power to administer oaths, issue subpoenas for the
25 attendance of witnesses and the production of papers, books,
26 accounts, documents, and testimony, examine witnesses, and to receive
27 testimony in any inquiry, investigation, hearing, or proceeding in
28 any part of the state, under rules and regulations the state liquor
29 ~~((control))~~ and cannabis board may adopt.

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

35 (e) In case of disobedience of any person to comply with the
36 order of the state liquor ~~((control))~~ and cannabis board or a
37 subpoena issued by the state liquor ~~((control))~~ and cannabis board,
38 or any of its members, or administrative law judges, or on the
39 refusal of a witness to testify to any matter regarding which he or
40 she may be lawfully interrogated, the judge of the superior court of

1 the county in which the person resides, on application of any member
2 of the board or administrative law judge, shall compel obedience by
3 contempt proceedings, as in the case of disobedience of the
4 requirements of a subpoena issued from said court or a refusal to
5 testify therein.

6 (3) Upon receipt of notice of the suspension or cancellation of a
7 license, the licensee shall forthwith deliver up the license to the
8 state liquor (~~(control)~~) and cannabis board. Where the license has
9 been suspended only, the state liquor (~~(control)~~) and cannabis board
10 shall return the license to the licensee at the expiration or
11 termination of the period of suspension. The state liquor (~~(control)~~)
12 and cannabis board shall notify all other licensees in the county
13 where the subject licensee has its premises of the suspension or
14 cancellation of the license; and no other licensee or employee of
15 another licensee may allow or cause any marijuana, useable marijuana,
16 or marijuana-infused products to be delivered to or for any person at
17 the premises of the subject licensee.

18 (4) Every license issued under chapter 3, Laws of 2013 shall be
19 subject to all conditions and restrictions imposed by chapter 3, Laws
20 of 2013 or by rules adopted by the state liquor (~~(control)~~) and
21 cannabis board to implement and enforce chapter 3, Laws of 2013. All
22 conditions and restrictions imposed by the state liquor (~~(control)~~)
23 and cannabis board in the issuance of an individual license shall be
24 listed on the face of the individual license along with the trade
25 name, address, and expiration date.

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

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

30 (7)(a) Before the state liquor (~~(control)~~) and cannabis board
31 issues a new or renewed license to an applicant it shall give notice
32 of the application to the chief executive officer of the incorporated
33 city or town, if the application is for a license within an
34 incorporated city or town, or to the county legislative authority, if
35 the application is for a license outside the boundaries of
36 incorporated cities or towns.

37 (b) The incorporated city or town through the official or
38 employee selected by it, or the county legislative authority or the
39 official or employee selected by it, shall have the right to file
40 with the state liquor (~~(control)~~) and cannabis board within twenty

1 days after the date of transmittal of the notice for applications, or
2 at least thirty days prior to the expiration date for renewals,
3 written objections against the applicant or against the premises for
4 which the new or renewed license is asked. The state liquor
5 (~~control~~) and cannabis board may extend the time period for
6 submitting written objections.

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

21 (d) Upon the granting of a license under this title the state
22 liquor (~~control~~) and cannabis board shall send written notification
23 to the chief executive officer of the incorporated city or town in
24 which the license is granted, or to the county legislative authority
25 if the license is granted outside the boundaries of incorporated
26 cities or towns.

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

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

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

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

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

23 ~~((1))~~ (a) The equipment and management of retail outlets and
24 premises where marijuana is produced or processed, and inspection of
25 the retail outlets and premises where marijuana is produced or
26 processed;

27 ~~((2))~~ (b) The books and records to be created and maintained by
28 licensees, the reports to be made thereon to the state liquor
29 ~~((control))~~ and cannabis board, and inspection of the books and
30 records;

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

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

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

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

7 ~~((7))~~ (g) Labeling requirements and restrictions on
8 advertisement of marijuana, useable marijuana, marijuana
9 concentrates, and marijuana-infused products for sale in retail
10 outlets;

11 ~~((8))~~ (h) Forms to be used for purposes of this chapter (~~(3,~~
12 ~~Laws of 2013))~~ and chapter 69.51A RCW or the rules adopted to
13 implement and enforce (~~(it))~~ these chapters, the terms and conditions
14 to be contained in licenses issued under this chapter (~~(3,~~
15 ~~Laws of~~
16 ~~2013))~~ and chapter 69.51A RCW, and the qualifications for receiving a
17 license issued under this chapter (~~(3,~~
18 ~~Laws of 2013))~~ and chapter
19 69.51A RCW, including a criminal history record information check.
20 The state liquor (~~control~~) and cannabis board may submit any
21 criminal history record information check to the Washington state
22 patrol and to the identification division of the federal bureau of
23 investigation in order that these agencies may search their records
24 for prior arrests and convictions of the individual or individuals
25 who filled out the forms. The state liquor (~~control~~) and cannabis
26 board shall require fingerprinting of any applicant whose criminal
27 history record information check is submitted to the federal bureau
28 of investigation;

29 ~~((9))~~ (i) Application, reinstatement, and renewal fees for
30 licenses issued under this chapter (~~(3,~~
31 ~~Laws of 2013))~~ and chapter
32 69.51A RCW, and fees for anything done or permitted to be done under
33 the rules adopted to implement and enforce this chapter (~~(3,~~
34 ~~Laws of~~
35 ~~2013))~~ and chapter 69.51A RCW;

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

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

~~((12))~~ (l) Identification, seizure, confiscation, destruction,
or donation to law enforcement for training purposes of all

1 marijuana, marijuana concentrates, useable marijuana, and marijuana-
2 infused products produced, processed, sold, or offered for sale
3 within this state which do not conform in all respects to the
4 standards prescribed by this chapter (~~(3, Laws of 2013)~~) or chapter
5 69.51A RCW or the rules adopted to implement and enforce (~~(it:~~
6 ~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed~~
7 ~~as authorizing the state liquor control board to seize, confiscate,~~
8 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~
9 ~~or marijuana-infused products produced, processed, sold, offered for~~
10 ~~sale, or possessed in compliance with the Washington state medical~~
11 ~~use of cannabis act, chapter 69.51A RCW)~~ these chapters.

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

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

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

21 (1) Licensing of marijuana producers, marijuana processors, and
22 marijuana retailers, including prescribing forms and establishing
23 application, reinstatement, and renewal fees.

24 (a) Application forms for marijuana producers must request the
25 applicant to state whether the applicant intends to produce marijuana
26 for sale by marijuana retailers holding medical marijuana
27 endorsements and the amount of or percentage of canopy the applicant
28 intends to commit to growing plants determined by the department
29 under section 10 of this act to be of a THC concentration, CBD
30 concentration, or THC to CBD ratio appropriate for marijuana
31 concentrates, useable marijuana, or marijuana-infused products sold
32 to qualifying patients.

33 (b) The state liquor and cannabis board must reconsider and
34 increase limits on the amount of square feet permitted to be in
35 production on the effective date of this section and increase the
36 percentage of production space for those marijuana producers who
37 intend to grow plants for marijuana retailers holding medical
38 marijuana endorsements if the marijuana producer designates the
39 increased production space to plants determined by the department

1 under section 10 of this act to be of a THC concentration, CBD
2 concentration, or THC to CBD ratio appropriate for marijuana
3 concentrates, useable marijuana, or marijuana-infused products to be
4 sold to qualifying patients. If current marijuana producers do not
5 use all the increased production space, the state liquor and cannabis
6 board may reopen the license period for new marijuana producer
7 license applicants but only to those marijuana producers who agree to
8 grow plants for marijuana retailers holding medical marijuana
9 endorsements. Priority in licensing must be given to marijuana
10 producer license applicants who have an application pending on the
11 effective date of this section but who are not yet licensed and then
12 to new marijuana producer license applicants. After January 1, 2017,
13 any reconsideration of the limits on the amount of square feet
14 permitted to be in production to meet the medical needs of qualifying
15 patients must consider information contained in the medical marijuana
16 authorization database established in section 21 of this act;

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

20 (a) Population distribution;

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

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

25 (d) The number of retail outlets holding medical marijuana
26 endorsements necessary to meet the medical needs of qualifying
27 patients. The state liquor and cannabis board must reconsider and
28 increase the maximum number of retail outlets it established before
29 the effective date of this section and allow for a new license
30 application period and a greater number of retail outlets to be
31 permitted in order to accommodate the medical needs of qualifying
32 patients and designated providers. After January 1, 2017, any
33 reconsideration of the maximum number of retail outlets needed to
34 meet the medical needs of qualifying patients must consider
35 information contained in the medical marijuana authorization database
36 established in section 21 of this act;

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

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

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

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

12 (a) Security and safety issues;

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

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

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

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

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

29 (c) THC concentration and CBD concentration of the marijuana,
30 marijuana concentrates, useable marijuana, or marijuana-infused
31 product;

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

34 (e) Language required by RCW 69.04.480;

35 (8) In consultation with the department of agriculture and the
36 department, establishing classes of marijuana, marijuana
37 concentrates, useable marijuana, and marijuana-infused products
38 according to grade, condition, cannabinoid profile, THC
39 concentration, CBD concentration, or other qualitative measurements

1 deemed appropriate by the state liquor (~~control~~) and cannabis
2 board;

3 (9) Establishing reasonable time, place, and manner restrictions
4 and requirements regarding advertising of marijuana, marijuana
5 concentrates, useable marijuana, and marijuana-infused products that
6 are not inconsistent with the provisions of this chapter (~~(3, Laws of~~
7 ~~2013)~~), taking into consideration:

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

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

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

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

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

21 (11) In consultation with the department and the department of
22 agriculture, establishing accreditation requirements for testing
23 laboratories used by licensees to demonstrate compliance with
24 standards adopted by the state liquor (~~control~~) and cannabis board,
25 and prescribing methods of producing, processing, and packaging
26 marijuana, marijuana concentrates, useable marijuana, and marijuana-
27 infused products; conditions of sanitation; and standards of
28 ingredients, quality, and identity of marijuana, marijuana
29 concentrates, useable marijuana, and marijuana-infused products
30 produced, 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 produced, processed,
35 packaged, labeled, or offered for sale in this state that do not
36 conform in all respects to the standards prescribed by this chapter
37 (~~(3, Laws of 2013)~~) or the rules of the state liquor (~~control~~) and
38 cannabis board.

1 **Sec. 9.** RCW 69.50.354 and 2014 c 192 s 3 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 (~~control~~) and
5 cannabis board shall deem advisable, retail outlets established for
6 the purpose of making marijuana concentrates, useable marijuana, and
7 marijuana-infused products available for sale to adults aged twenty-
8 one and over. Retail sale of marijuana concentrates, useable
9 marijuana, and marijuana-infused products in accordance with the
10 provisions of this chapter (~~(3, Laws of 2013)~~) and the rules adopted
11 to implement and enforce it, by a validly licensed marijuana retailer
12 or retail outlet employee, shall not be a criminal or civil offense
13 under Washington state law.

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

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

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

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

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

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

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

34 (d) Demonstrate the ability to enter qualifying patients and
35 designated providers in the medical marijuana authorization database
36 established in section 21 of this act and issue recognition cards and
37 agree to enter qualifying patients and designated providers into the
38 database and issue recognition cards in compliance with department
39 standards;

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

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

7 (4) The department, in conjunction with the state liquor and
8 cannabis board, must adopt rules on requirements for marijuana
9 concentrates, useable marijuana, and marijuana-infused products that
10 may be sold, or provided at no charge, to qualifying patients or
11 designated providers at a retail outlet holding a medical marijuana
12 endorsement. These rules must include:

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

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

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

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

28 (e) Training requirements for employees.

29 (5) A marijuana retailer holding an endorsement to sell marijuana
30 to qualifying patients or designated providers must train its
31 employees on:

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

35 (b) Recognition of valid recognition cards; and

36 (c) Recognition of strains, varieties, THC concentration, CBD
37 concentration, and THC to CBD ratios of marijuana concentrates,
38 useable marijuana, and marijuana-infused products, available for sale
39 when assisting qualifying patients and designated providers at the
40 retail outlet.

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

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

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

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

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

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

32 (b) Licensed marijuana retailers with a medical marijuana
33 endorsement must ensure that all employees are trained on the
34 subjects required by (a) of this subsection as well as identification
35 of authorizations and recognition cards. Employees must also be
36 trained to permit qualifying patients who hold recognition cards and
37 are between the ages of eighteen and twenty-one to enter the premises
38 and purchase marijuana for their personal medical use and to permit
39 qualifying patients who are under the age of eighteen with a

1 recognition card to enter the premises if accompanied by their
2 designated providers.

3 (4) Licensed marijuana retailers shall not display any signage in
4 a window, on a door, or on the outside of the premises of a retail
5 outlet that is visible to the general public from a public right-of-
6 way, other than a single sign no larger than one thousand six hundred
7 square inches identifying the retail outlet by the licensee's
8 business or trade name. Retail outlets that hold medical marijuana
9 endorsements may include this information on signage.

10 ((+4)) (5) Licensed marijuana retailers shall not display
11 marijuana concentrates, useable marijuana, or marijuana-infused
12 products in a manner that is visible to the general public from a
13 public right-of-way.

14 ((+5)) (6) No licensed marijuana retailer or employee of a
15 retail outlet shall open or consume, or allow to be opened or
16 consumed, any marijuana concentrates, useable marijuana, or
17 marijuana-infused product on the outlet premises.

18 ((+6)) (7) The state liquor ~~((control))~~ and cannabis board shall
19 fine a licensee one thousand dollars for each violation of any
20 subsection of this section. Fines collected under this section must
21 be deposited into the dedicated marijuana fund created under RCW
22 69.50.530.

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

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

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

35 (2) Possession of quantities of marijuana concentrates, useable
36 marijuana, or marijuana-infused products that do not exceed the
37 maximum amounts established by the state liquor ~~((control))~~ and
38 cannabis board under RCW 69.50.345(5); and

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

5 (a) One ounce of useable marijuana;

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

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

9 (d) Seven grams of marijuana concentrate.

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

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

17 (2) Except as provided in RCW 69.50.4014, any person who violates
18 this section is guilty of a class C felony punishable under chapter
19 9A.20 RCW.

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

25 (4) No person under twenty-one years of age may possess,
26 manufacture, sell, or distribute marijuana, marijuana-infused
27 products, or marijuana concentrates, regardless of THC concentration.
28 This does not include qualifying patients with a valid authorization.

29 (5) The possession by a qualifying patient or designated provider
30 of marijuana concentrates, useable marijuana, marijuana-infused
31 products, or plants in accordance with chapter 69.51A RCW is not a
32 violation of this section, this chapter, or any other provision of
33 Washington state law.

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

36 (1) Nothing in this chapter permits anyone other than a validly
37 licensed marijuana processor to use butane or other explosive gases
38 to extract or separate resin from marijuana or to produce or process

1 any form of marijuana concentrates or marijuana-infused products that
2 include marijuana concentrates not purchased from a validly licensed
3 marijuana retailer as an ingredient. The extraction or separation of
4 resin from marijuana, the processing of marijuana concentrates, and
5 the processing of marijuana-infused products that include marijuana
6 concentrates not purchased from a validly licensed marijuana retailer
7 as an ingredient by any person other than a validly licensed
8 marijuana processor each constitute manufacture of marijuana in
9 violation of RCW 69.50.401. Cooking oil, butter, and other
10 nonexplosive home cooking substances may be used to make marijuana
11 extracts for noncommercial personal use.

12 (2) Except for the use of butane, the state liquor and cannabis
13 board may not enforce this section until it has adopted the rules
14 required by section 28 of this act.

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

17 (1) The legislature finds that:

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

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

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

27 (iii) Acute or chronic glaucoma;

28 (iv) Crohn's disease; and

29 (v) Some forms of intractable pain.

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

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

37 (a) Qualifying patients with terminal or debilitating medical
38 conditions who, in the judgment of their health care professionals,
39 may benefit from the medical use of ~~((cannabis))~~ marijuana, shall not

1 be arrested, prosecuted, or subject to other criminal sanctions or
2 civil consequences under state law based solely on their medical use
3 of ~~((cannabis))~~ marijuana, notwithstanding any other provision of
4 law;

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

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

16 (3) Nothing in this chapter establishes the medical necessity or
17 medical appropriateness of ~~((cannabis))~~ marijuana for treating
18 terminal or debilitating medical conditions as defined in RCW
19 69.51A.010.

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

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

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

31 (1) "Designated provider" means a person who ~~((+~~
32 ~~(+))~~ is ~~((eighteen))~~ twenty-one years of age or older ~~((+~~
33 ~~(b))~~ and:

34 (a)(i) Is the parent or guardian of a qualifying patient who is
35 under the age of eighteen and beginning July 1, 2016, holds a
36 recognition card; or

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

1 (b)(i) Has an authorization from the qualifying patient's health
2 care professional; or
3 (ii) Beginning July 1, 2016:
4 (A) Has been entered into the medical marijuana authorization
5 database as being the designated provider to a qualifying patient;
6 and
7 (B) Has been provided a recognition card;
8 (c) Is prohibited from consuming marijuana obtained for the
9 personal, medical use of the qualifying patient for whom the
10 individual is acting as designated provider; ~~((and))~~
11 (d) Provides marijuana to only the qualifying patient that has
12 designated him or her;
13 (e) Is in compliance with the terms and conditions of this
14 chapter; and
15 (f) Is the designated provider to only one patient at any one
16 time.
17 (2) "Health care professional," for purposes of this chapter
18 only, means a physician licensed under chapter 18.71 RCW, a physician
19 assistant licensed under chapter 18.71A RCW, an osteopathic physician
20 licensed under chapter 18.57 RCW, an osteopathic physicians'
21 assistant licensed under chapter 18.57A RCW, a naturopath licensed
22 under chapter 18.36A RCW, or an advanced registered nurse
23 practitioner licensed under chapter 18.79 RCW.
24 (3) "Medical use of marijuana" means the manufacture, production,
25 possession, transportation, delivery, ingestion, application, or
26 administration of marijuana ~~((, as defined in RCW 69.50.101(q),))~~ for
27 the exclusive benefit of a qualifying patient in the treatment of his
28 or her terminal or debilitating ~~((illness))~~ medical condition.
29 (4) "Qualifying patient" means a person who:
30 (a)(i) Is a patient of a health care professional;
31 ~~((b))~~ (ii) Has been diagnosed by that health care professional
32 as having a terminal or debilitating medical condition;
33 ~~((c))~~ (iii) Is a resident of the state of Washington at the
34 time of such diagnosis;
35 ~~((d))~~ (iv) Has been advised by that health care professional
36 about the risks and benefits of the medical use of marijuana; ~~((and~~
37 ~~(e))~~ (v) Has been advised by that health care professional that
38 they may benefit from the medical use of marijuana;
39 (vi)(A) Has an authorization from his or her health care
40 professional; or

1 (B) Beginning July 1, 2016, has been entered into the medical
2 marijuana authorization database and has been provided a recognition
3 card; and

4 (vii) Is otherwise in compliance with the terms and conditions
5 established in this chapter.

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

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

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

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

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

19 (6) "Terminal or debilitating medical condition" means a
20 condition severe enough to significantly interfere with the patient's
21 activities of daily living and ability to function, which can be
22 objectively assessed and evaluated and limited to the following:

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

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

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

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

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

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

1 (g) (~~Any other medical condition duly approved by the Washington~~
2 ~~state medical quality assurance commission in consultation with the~~
3 ~~board of osteopathic medicine and surgery as directed in this~~
4 ~~chapter~~) Posttraumatic stress disorder; or

5 (h) Traumatic brain injury.

6 (7) (~~"Valid documentation"~~) (a) Until July 1, 2016,
7 "authorization" means:

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

13 (~~(b)~~) (ii) Proof of identity such as a Washington state
14 driver's license or identicard, as defined in RCW 46.20.035.

15 (b) Beginning July 1, 2016, "authorization" means a form
16 developed by the department that is completed and signed by a
17 qualifying patient's health care professional and printed on tamper-
18 resistant paper.

19 (c) An authorization is not a prescription as defined in RCW
20 69.50.101.

21 (8) "Recognition card" means a card issued to qualifying patients
22 and designated providers by a marijuana retailer with a medical
23 marijuana endorsement that has entered them into the medical
24 marijuana authorization database.

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

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

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

30 (12) "Marijuana concentrates" has the meaning provided in RCW
31 69.50.101.

32 (13) "Marijuana processor" has the meaning provided in RCW
33 69.50.101.

34 (14) "Marijuana producer" has the meaning provided in RCW
35 69.50.101.

36 (15) "Marijuana retailer" has the meaning provided in RCW
37 69.50.101.

38 (16) "Marijuana retailer with a medical marijuana endorsement"
39 means a marijuana retailer that has been issued a medical marijuana

1 endorsement by the state liquor and cannabis board pursuant to
2 section 10 of this act.

3 (17) "Marijuana-infused products" has the meaning provided in RCW
4 69.50.101.

5 (18) "Medical marijuana authorization database" means the secure
6 and confidential database established in section 21 of this act.

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

14 (20) "Retail outlet" has the meaning provided in RCW 69.50.101.

15 (21) "Secretary" means the secretary of the department of health.

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

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

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

24 (25) "Public place" has the meaning provided in RCW 70.160.020.

25 (26) "Housing unit" means a house, an apartment, a mobile home, a
26 group of rooms, or a single room that is occupied as separate living
27 quarters, in which the occupants live and eat separately from any
28 other persons in the building, and which have direct access from the
29 outside of the building or through a common hall.

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

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

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

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

13 (2)(a) A health care professional may ~~((only))~~ provide a
14 qualifying patient or that patient's designated provider with ~~((valid~~
15 ~~documentation authorizing))~~ an authorization for the medical use of
16 ~~((cannabis or register the patient with the registry established in~~
17 ~~section 901 of this act if he or she has a newly initiated or~~
18 ~~existing documented relationship with the patient, as a primary care~~
19 ~~provider or a specialist, relating to the diagnosis and ongoing~~
20 ~~treatment or monitoring of the patient's terminal or debilitating~~
21 ~~medical condition, and only after:~~

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

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

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

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

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

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

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

1 medical condition that do not involve the medical use of ~~((cannabis))~~
2 marijuana; and

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

5 ~~((b))~~ (c) For a qualifying patient eighteen years of age or
6 older, an authorization expires one year after its issuance. For a
7 qualifying patient less than eighteen years of age, an authorization
8 expires six months after its issuance. An authorization may be
9 renewed upon completion of an in-person physical examination and
10 compliance with the other requirements of (b) of this subsection.

11 (d) A health care professional shall not:

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

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

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

24 (iv) Have a business or practice which consists ~~((solely))~~
25 primarily of authorizing the medical use of ~~((cannabis))~~ marijuana or
26 authorize the medical use of marijuana at any location other than his
27 or her practice's permanent physical location;

28 (v) ~~((Include any statement or reference, visual or otherwise, on~~
29 ~~the medical use of cannabis in any advertisement for his or her~~
30 ~~business or practice))~~ Except as provided in section 35 of this act,
31 sell, or provide at no charge, marijuana concentrates, marijuana-
32 infused products, or useable marijuana to a qualifying patient or
33 designated provider; or

34 (vi) Hold an economic interest in an enterprise that produces,
35 processes, or ~~((dispenses cannabis))~~ sells marijuana if the health
36 care professional authorizes the medical use of ~~((cannabis))~~
37 marijuana.

38 (3) ~~((A violation of any provision of subsection (2) of this~~
39 ~~section constitutes unprofessional conduct under chapter 18.130~~
40 ~~RCW.)~~ The department shall develop the form for the health care

1 professional to use as an authorization for qualifying patients and
2 designated providers. The form shall include the qualifying patient's
3 or designated provider's name, address, and date of birth; the health
4 care professional's name, address, and license number; the amount of
5 marijuana recommended for the qualifying patient; a telephone number
6 where the authorization can be verified during normal business hours;
7 the dates of issuance and expiration; and a statement that an
8 authorization does not provide protection from arrest unless the
9 qualifying patient or designated provider is also entered in the
10 medical marijuana authorization database and holds a recognition
11 card.

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

16 (5) The appropriate health professions disciplining authority may
17 inspect or request patient records to confirm compliance with this
18 section. The health care professional must provide access to or
19 produce documents, records, or other items that are within his or her
20 possession or control within twenty-one calendar days of service of a
21 request by the health professions disciplining authority. If the
22 twenty-one calendar day limit results in a hardship upon the health
23 care professional, he or she may request, for good cause, an
24 extension not to exceed thirty additional calendar days. Failure to
25 produce the documents, records, or other items shall result in
26 citations and fines issued consistent with RCW 18.130.230. Failure to
27 otherwise comply with the requirements of this section shall be
28 considered unprofessional conduct and subject to sanctions under
29 chapter 18.130 RCW.

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

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

36 As part of authorizing a qualifying patient or designated
37 provider, the health care professional may include recommendations on
38 the amount of marijuana that is likely needed by the qualifying

1 patient for his or her medical needs and in accordance with this
2 section.

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

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

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

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

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

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

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

11 (2) The minor may not grow plants or purchase marijuana-infused
12 products, useable marijuana, or marijuana concentrates from a
13 marijuana retailer with a medical marijuana endorsement.

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

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

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

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

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

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

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

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

38 (a) A marijuana retailer with a medical marijuana endorsement to
39 add a qualifying patient or designated provider and include the

1 amount of marijuana concentrates, useable marijuana, marijuana-
2 infused products, or plants for which the qualifying patient is
3 authorized under section 19 of this act;

4 (b) Persons authorized to prescribe or dispense controlled
5 substances to access health care information on their patients for
6 the purpose of providing medical or pharmaceutical care for their
7 patients;

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

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

16 (e) A marijuana retailer holding a medical marijuana endorsement
17 to confirm the validity of the recognition card of a qualifying
18 patient or designated provider;

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

21 (g) The department and the health care professional's
22 disciplining authorities to monitor authorizations and ensure
23 compliance with this chapter and chapter 18.130 RCW by their
24 licensees; and

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

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

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

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

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

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

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

10 (e) The effective date and expiration date of the recognition
11 card;

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

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

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

30 (5) If a recognition card is lost or stolen, a marijuana retailer
31 with a medical marijuana endorsement, in conjunction with the
32 database administrator, may issue a new card that will be valid for
33 six months to one year if the patient is reexamined by a health care
34 professional and determined to meet the definition of qualifying
35 patient and depending on whether the patient is under the age of
36 eighteen or eighteen years of age or older as provided in subsection
37 (4) of this section. If a reexamination is not performed, the
38 expiration date of the replacement recognition card must be the same
39 as the lost or stolen recognition card.

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

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

21 (8) The medical marijuana authorization database must meet the
22 following requirements:

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

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

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

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

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

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

5 (c) Information contained in the medical marijuana authorization
6 database shall not be shared with the federal government or its
7 agents unless the particular patient or designated provider is
8 convicted in state court for violating this chapter or chapter 69.50
9 RCW.

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

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

31 (11) If the database administrator fails to comply with this
32 section, the department may cancel any contracts with the database
33 administrator and contract with another database administrator to
34 continue administration of the database. A database administrator who
35 fails to comply with this section is subject to a fine of up to five
36 thousand dollars in addition to any penalties established in the
37 contract. Fines collected under this section must be deposited into
38 the health professions account created under RCW 43.70.320.

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

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

3 Records in the medical marijuana authorization database
4 established in section 21 of this act containing names and other
5 personally identifiable information of qualifying patients and
6 designated providers are exempt from disclosure under this chapter.

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

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

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

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

17 (c) Produce a recognition card or to tamper with a recognition
18 card for the purpose of having it accepted by a marijuana retailer
19 holding a medical marijuana endorsement in order to purchase
20 marijuana as a qualifying patient or designated provider or to grow
21 marijuana plants in accordance with this chapter;

22 (d) If a person is a designated provider to a qualifying patient,
23 sell, donate, or supply marijuana produced or obtained for the
24 qualifying patient to another person, or use the marijuana produced
25 or obtained for the qualifying patient for the designated provider's
26 own personal use or benefit; or

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

30 (2) A person who violates this section is guilty of a class C
31 felony.

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

34 The medical use of (~~cannabis~~) marijuana in accordance with the
35 terms and conditions of this chapter does not constitute a crime and
36 a qualifying patient or designated provider in compliance with the
37 terms and conditions of this chapter may not be arrested, prosecuted,
38 or subject to other criminal sanctions or civil consequences(~~τ~~) for

1 possession, manufacture, or delivery of, or for possession with
2 intent to manufacture or deliver, (~~cannabis~~) marijuana under state
3 law, or have real or personal property seized or forfeited for
4 possession, manufacture, or delivery of, or for possession with
5 intent to manufacture or deliver, (~~cannabis~~) marijuana under state
6 law, and investigating (~~peace~~) law enforcement officers and (~~law~~
7 ~~enforcement~~) agencies may not be held civilly liable for failure to
8 seize (~~cannabis~~) marijuana in this circumstance, if:

9 (1)(a) The qualifying patient or designated provider has been
10 entered into the medical marijuana authorization database and holds a
11 valid recognition card and possesses no more than (~~fifteen cannabis~~
12 ~~plants and~~:

- 13 (i) ~~No more than twenty four ounces of useable cannabis;~~
- 14 (ii) ~~No more cannabis product than what could reasonably be~~
15 ~~produced with no more than twenty four ounces of useable cannabis; or~~
- 16 (iii) ~~A combination of useable cannabis and cannabis product that~~
17 ~~does not exceed a combined total representing possession and~~
18 ~~processing of no more than twenty four ounces of useable cannabis))~~
19 the amount of marijuana concentrates, useable marijuana, plants, or
20 marijuana-infused products authorized under section 19 of this act.

21 (~~(b)~~) If a person is both a qualifying patient and a designated
22 provider for another qualifying patient, the person may possess no
23 more than twice the amounts described in (~~(a) of this subsection~~)
24 section 19 of this act for the qualifying patient and designated
25 provider, whether the plants, (~~useable cannabis, and cannabis~~
26 ~~product~~) marijuana concentrates, useable marijuana, or marijuana-
27 infused products are possessed individually or in combination between
28 the qualifying patient and his or her designated provider;

29 (~~(2)~~) (b) The qualifying patient or designated provider
30 presents his or her (~~proof of registration with the department of~~
31 ~~health,~~) recognition card to any (~~peace~~) law enforcement officer
32 who questions the patient or provider regarding his or her medical
33 use of (~~cannabis~~) marijuana;

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

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

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

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

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

14 ~~(6))~~ or

15 (2) The ~~((investigating peace officer has not observed evidence~~
16 ~~of any of the circumstances identified in section 901(4))~~ qualifying
17 patient or designated provider participates in a cooperative as
18 provided in section 26 of this act.

19 **Sec. 25.** RCW 69.51A.043 and 2011 c 181 s 402 are each amended to
20 read as follows:

21 (1) A qualifying patient or designated provider who has a valid
22 authorization from his or her health care professional, but is not
23 ~~((registered with the registry established in section 901 of this~~
24 ~~act))~~ entered in the medical marijuana authorization database and
25 does not have a recognition card may raise the affirmative defense
26 set forth in subsection (2) of this section, if:

27 (a) The qualifying patient or designated provider presents his or
28 her ~~((valid documentation to any peace))~~ authorization to any law
29 enforcement officer who questions the patient or provider regarding
30 his or her medical use of ~~((cannabis))~~ marijuana;

31 (b) The qualifying patient or designated provider possesses no
32 more ~~((cannabis))~~ marijuana than the limits set forth in ~~((RCW~~
33 ~~69.51A.040(1))~~ section 19(3) of this act;

34 (c) The qualifying patient or designated provider is in
35 compliance with all other terms and conditions of this chapter;

36 (d) The investigating ~~((peace))~~ law enforcement officer does not
37 have probable cause to believe that the qualifying patient or
38 designated provider has committed a felony, or is committing a

1 misdemeanor in the officer's presence, that does not relate to the
2 medical use of ~~((cannabis))~~ marijuana; and

3 (e) No outstanding warrant for arrest exists for the qualifying
4 patient or designated provider ~~((; and~~

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

7 (2) A qualifying patient or designated provider who is not
8 ~~((registered with the registry established in section 901 of this
9 act))~~ entered in the medical marijuana authorization database and
10 does not have a recognition card, but who presents his or her ~~((valid
11 documentation))~~ authorization to any ~~((peace))~~ law enforcement
12 officer who questions the patient or provider regarding his or her
13 medical use of ~~((cannabis))~~ marijuana, may assert an affirmative
14 defense to charges of violations of state law relating to
15 ~~((cannabis))~~ marijuana through proof at trial, by a preponderance of
16 the evidence, that he or she otherwise meets the requirements of RCW
17 69.51A.040. A qualifying patient or designated provider meeting the
18 conditions of this subsection but possessing more ~~((cannabis))~~
19 marijuana than the limits set forth in ~~((RCW 69.51A.040(1)))~~ section
20 19(3) of this act may, in the investigating ~~((peace))~~ law enforcement
21 officer's discretion, be taken into custody and booked into jail in
22 connection with the investigation of the incident.

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

25 (1) Qualifying patients or designated providers may form a
26 cooperative and share responsibility for acquiring and supplying the
27 resources needed to produce and process marijuana only for the
28 medical use of members of the cooperative. No more than four
29 qualifying patients or designated providers may become members of a
30 cooperative under this section and all members must hold valid
31 recognition cards. All members of the cooperative must be at least
32 twenty-one years old. The designated provider of a qualifying patient
33 who is under twenty-one years old may be a member of a cooperative on
34 the qualifying patient's behalf.

35 (2) Cooperatives may not be located within one mile of a
36 marijuana retailer. People who wish to form a cooperative must
37 register the location with the state liquor and cannabis board and
38 this is the only location where cooperative members may grow or
39 process marijuana. This registration must include the names of all

1 participating members and copies of each participant's recognition
2 card. Only qualifying patients or designated providers registered
3 with the state liquor and cannabis board in association with the
4 location may participate in growing or receive useable marijuana or
5 marijuana-infused products grown at that location. The state liquor
6 and cannabis board must deny the registration of any cooperative if
7 the location is within one mile of a marijuana retailer.

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

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

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

26 (b) May only participate in one cooperative;

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (1) Once the state liquor and cannabis board adopts rules under
34 subsection (2) of this section, qualifying patients or designated
35 providers may only extract or separate the resin from marijuana or
36 produce or process any form of marijuana concentrates or
37 marijuana-infused products in accordance with those standards.

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

6 **Sec. 29.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended to
7 read as follows:

8 (1) A qualifying patient or designated provider in possession of
9 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~
10 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the
11 limits set forth in ~~((RCW 69.51A.040(1)))~~ this chapter but otherwise
12 in compliance with all other terms and conditions of this chapter may
13 establish an affirmative defense to charges of violations of state
14 law relating to ~~((cannabis))~~ marijuana through proof at trial, by a
15 preponderance of the evidence, that the qualifying patient's
16 necessary medical use exceeds the amounts set forth in RCW
17 69.51A.040(~~((1))~~).

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

27 **Sec. 30.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
28 to read as follows:

29 (1)(a) The arrest and prosecution protections established in RCW
30 69.51A.040 may not be asserted in a supervision revocation or
31 violation hearing by a person who is supervised by a corrections
32 agency or department, including local governments or jails, that has
33 determined that the terms of this section are inconsistent with and
34 contrary to his or her supervision.

35 (b) The affirmative defenses established in RCW 69.51A.043(~~((7))~~)
36 and 69.51A.045(~~((7, 69.51A.047, and section 407 of this act))~~) may not
37 be asserted in a supervision revocation or violation hearing by a
38 person who is supervised by a corrections agency or department,

1 including local governments or jails, that has determined that the
2 terms of this section are inconsistent with and contrary to his or
3 her supervision.

4 (2) (~~The provisions of~~) RCW 69.51A.040(~~(, 69.51A.085, and~~
5 ~~69.51A.025 de)~~) does not apply to a person who is supervised for a
6 criminal conviction by a corrections agency or department, including
7 local governments or jails, that has determined that the terms of
8 this chapter are inconsistent with and contrary to his or her
9 supervision.

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

17 **Sec. 31.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
18 read as follows:

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

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

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

32 (4) Nothing in this chapter requires any accommodation of any on-
33 site medical use of (~~(cannabis))~~ marijuana in any place of
34 employment, in any school bus or on any school grounds, in any youth
35 center, in any correctional facility, or smoking (~~(cannabis))~~
36 marijuana in any public place or hotel or motel. However, a school
37 may permit a minor who meets the requirements of section 20 of this
38 act to consume marijuana on school grounds. Such use must be in

1 accordance with school policy relating to medication use on school
2 grounds.

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

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

9 ~~((+6))~~ (7) Employers may establish drug-free work policies.
10 Nothing in this chapter requires an accommodation for the medical use
11 of ~~((cannabis))~~ marijuana if an employer has a drug-free workplace.

12 ~~((+7) It is a class C felony to fraudulently produce any record~~
13 ~~purporting to be, or tamper with the content of any record for the~~
14 ~~purpose of having it accepted as, valid documentation under RCW~~
15 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~
16 ~~earlier than its actual date of execution.))~~

17 (8) No person shall be entitled to claim the protection from
18 arrest and prosecution under RCW 69.51A.040 or the affirmative
19 defense under RCW 69.51A.043 for engaging in the medical use of
20 ~~((cannabis))~~ marijuana in a way that endangers the health or well-
21 being of any person through the use of a motorized vehicle on a
22 street, road, or highway, including violations of RCW 46.61.502 or
23 46.61.504, or equivalent local ordinances.

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

26 (1) Qualifying patients may create and participate in collective
27 gardens for the purpose of producing, processing, transporting, and
28 delivering ~~((cannabis))~~ marijuana for medical use subject to the
29 following conditions:

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

32 (b) No person under the age of twenty-one may participate in a
33 collective garden or receive marijuana that was produced, processed,
34 transported, or delivered through a collective garden. A designated
35 provider for a person who is under the age of twenty-one may
36 participate in a collective garden on behalf of the person under the
37 age of twenty-one;

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

1 ((+e)) (d) A collective garden may contain no more than twenty-
2 four ounces of useable ((cannabis)) marijuana per patient up to a
3 total of seventy-two ounces of useable ((cannabis)) marijuana;

4 ((+d)) (e) A copy of each qualifying patient's ((valid
5 documentation or proof of registration with the registry established
6 in section 901 of this act)) authorization, including a copy of the
7 patient's proof of identity, must be available at all times on the
8 premises of the collective garden; and

9 ((+e)) (f) No useable ((cannabis)) marijuana from the collective
10 garden is delivered to anyone other than one of the qualifying
11 patients participating in the collective garden.

12 (2) For purposes of this section, the creation of a "collective
13 garden" means qualifying patients sharing responsibility for
14 acquiring and supplying the resources required to produce and process
15 cannabis for medical use such as, for example, a location for a
16 collective garden; equipment, supplies, and labor necessary to plant,
17 grow, and harvest ((cannabis; cannabis)) marijuana plants, seeds, and
18 cuttings; and equipment, supplies, and labor necessary for proper
19 construction, plumbing, wiring, and ventilation of a garden of
20 ((cannabis)) marijuana plants.

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

23 NEW SECTION. Sec. 33. A new section is added to chapter 69.50
24 RCW to read as follows:

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

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

29 (b) A marijuana retailer holding a medical marijuana endorsement
30 is selling to persons under the age of eighteen or selling to persons
31 between the ages of eighteen and twenty-one who do not hold valid
32 recognition cards;

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

35 (d) A cooperative organized under section 26 of this act is
36 permitting a person under the age of twenty-one to participate.

37 (2) Every person under the age of twenty-one years who purchases
38 or attempts to purchase marijuana is guilty of a violation of this
39 section. This section does not apply to:

1 (a) Persons between the ages of eighteen and twenty-one who hold
2 valid recognition cards and purchase marijuana at a marijuana retail
3 outlet holding a medical marijuana endorsement;

4 (b) Persons between the ages of eighteen and twenty-one years who
5 are participating in a controlled purchase program authorized by the
6 state liquor and cannabis board under rules adopted by the board.
7 Violations occurring under a private, controlled purchase program
8 authorized by the state liquor and cannabis board may not be used for
9 criminal or administrative prosecution.

10 (3) A marijuana retailer who conducts an in-house controlled
11 purchase program authorized under this section shall provide his or
12 her employees a written description of the employer's in-house
13 controlled purchase program. The written description must include
14 notice of actions an employer may take as a consequence of an
15 employee's failure to comply with company policies regarding the sale
16 of marijuana during an in-house controlled purchase program.

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

23 (5) Every person between the ages of eighteen and twenty-one who
24 is convicted of a violation of this section is guilty of a
25 misdemeanor punishable as provided by RCW 9A.20.021.

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

28 (1) A qualifying patient may revoke his or her designation of a
29 specific designated provider and designate a different designated
30 provider at any time. A revocation of designation must be in writing,
31 signed and dated, and provided to the designated provider and, if
32 applicable, the medical marijuana authorization database
33 administrator. The protections of this chapter cease to apply to a
34 person who has served as a designated provider to a qualifying
35 patient seventy-two hours after receipt of that patient's revocation
36 of his or her designation.

37 (2) A person may stop serving as a designated provider to a given
38 qualifying patient at any time by revoking that designation in
39 writing, signed and dated, and provided to the qualifying patient

1 and, if applicable, the medical marijuana authorization database
2 administrator. However, that person may not begin serving as a
3 designated provider to a different qualifying patient until fifteen
4 days have elapsed from the date the last qualifying patient
5 designated him or her to serve as a provider.

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

10 NEW SECTION. Sec. 35. A new section is added to chapter 69.51A
11 RCW to read as follows:

12 Neither this chapter nor chapter 69.50 RCW prohibits a health
13 care professional from selling or donating topical, noningestible
14 products that have a THC concentration of less than .3 percent to
15 qualifying patients.

16 NEW SECTION. Sec. 36. A new section is added to chapter 69.51A
17 RCW to read as follows:

18 Employers of a health care professional may not prohibit or limit
19 the authority of any health care professional to:

20 (1) Advise a patient about the risks and benefits of the medical
21 use of marijuana or that the patient may benefit from the medical use
22 of marijuana; or

23 (2) Provide a patient or designated provider meeting the criteria
24 established under RCW 69.51A.010 with an authorization, based upon
25 the health care professional's assessment of the patient's medical
26 history and current medical condition, if the health care
27 professional has complied with this chapter and he or she determines
28 within a professional standard of care or in the individual health
29 care professional's medical judgment the qualifying patient may
30 benefit from the medical use of marijuana.

31 NEW SECTION. Sec. 37. A new section is added to chapter 69.51A
32 RCW to read as follows:

33 A medical marijuana consultant certificate is hereby established.

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

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

1 (b) Establish forms and procedures necessary to administer this
2 chapter;

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

5 (d) Receive criminal history record information that includes
6 nonconviction information data for any purpose associated with
7 initial certification or renewal of certification. The secretary
8 shall require each applicant for initial certification to obtain a
9 state or federal criminal history record information background check
10 through the state patrol or the state patrol and the identification
11 division of the federal bureau of investigation prior to the issuance
12 of any certificate. The secretary shall specify those situations
13 where a state background check is inadequate and an applicant must
14 obtain an electronic fingerprint-based national background check
15 through the state patrol and federal bureau of investigation.
16 Situations where a background check is inadequate may include
17 instances where an applicant has recently lived out-of-state or where
18 the applicant has a criminal record in Washington;

19 (e) Establish administrative procedures, administrative
20 requirements, and fees in accordance with RCW 43.70.110 and
21 43.70.250; and

22 (f) Maintain the official department record of all applicants and
23 certificate holders.

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

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

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

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

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

32 (e) Safe handling and storage of useable marijuana, marijuana-
33 infused products, and marijuana concentrates, including strategies to
34 reduce access by minors;

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

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

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

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

7 (a) The certificate was procured through fraud,
8 misrepresentation, or deceit;

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

11 (c) The certificate holder has violated or has permitted any
12 employee or volunteer to violate any of the laws of this state
13 relating to drugs or controlled substances or has been convicted of a
14 felony.

15 In any case of the refusal, suspension, or revocation of a
16 certificate by the secretary under the provisions of this chapter,
17 appeal may be taken in accordance with chapter 34.05 RCW, the
18 administrative procedure act.

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

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

26 (b) Describing the risks and benefits of products sold at the
27 retail outlet;

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

30 (d) Advising a customer about the safe handling and storage of
31 useable marijuana, marijuana-infused products, and marijuana
32 concentrates, including strategies to reduce access by minors; and

33 (e) Providing instruction and demonstrations to customers about
34 proper use and application of useable marijuana, marijuana-infused
35 products, and marijuana concentrates.

36 (6) Nothing in this section authorizes a medical marijuana
37 consultant to:

38 (a) Offer or undertake to diagnose or cure any human disease,
39 ailment, injury, infirmity, deformity, pain, or other condition,

1 physical or mental, real or imaginary, by use of marijuana or any
2 other means or instrumentality; or

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

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

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

14 NEW SECTION. **Sec. 38.** A new section is added to chapter 69.51A
15 RCW to read as follows:

16 The board of naturopathy, the board of osteopathic medicine and
17 surgery, the medical quality assurance commission, and the nursing
18 care quality assurance commission shall develop and approve
19 continuing education programs related to the use of marijuana for
20 medical purposes for the health care providers that they each
21 regulate that are based upon practice guidelines that have been
22 adopted by each entity.

23 **Sec. 39.** RCW 43.70.320 and 2008 c 134 s 16 are each amended to
24 read as follows:

25 (1) There is created in the state treasury an account to be known
26 as the health professions account. All fees received by the
27 department for health professions licenses, registration,
28 certifications, renewals, or examinations and the civil penalties
29 assessed and collected by the department under RCW 18.130.190 shall
30 be forwarded to the state treasurer who shall credit such moneys to
31 the health professions account.

32 (2) All expenses incurred in carrying out the health professions
33 licensing activities of the department and implementing and
34 administering the medical marijuana authorization database
35 established in section 21 of this act shall be paid from the account
36 as authorized by legislative appropriation, except as provided in
37 subsection (4) of this section. Any residue in the account shall be

1 accumulated and shall not revert to the general fund at the end of
2 the biennium.

3 (3) The secretary shall biennially prepare a budget request based
4 on the anticipated costs of administering the health professions
5 licensing activities of the department which shall include the
6 estimated income from health professions fees.

7 (4) The secretary shall, at the request of a board or commission
8 as applicable, spend unappropriated funds in the health professions
9 account that are allocated to the requesting board or commission to
10 meet unanticipated costs of that board or commission when revenues
11 exceed more than fifteen percent over the department's estimated
12 six-year spending projections for the requesting board or commission.
13 Unanticipated costs shall be limited to spending as authorized in
14 subsection (3) of this section for anticipated costs.

15 NEW SECTION. **Sec. 40.** A new section is added to chapter 82.04
16 RCW to read as follows:

17 (1) This chapter does not apply to any cooperative in respect to
18 growing marijuana, or manufacturing marijuana concentrates, useable
19 marijuana, or marijuana-infused products, as those terms are defined
20 in RCW 69.50.101.

21 (2) The tax preference authorized in this section is not subject
22 to the provisions of RCW 82.32.805 and 82.32.808.

23 NEW SECTION. **Sec. 41.** (1) The department of health must develop
24 recommendations on establishing medical marijuana specialty clinics
25 that would allow for the authorization and dispensing of marijuana to
26 patients of health care professionals who work on-site of the clinic
27 and who are certified by the department of health in the medical use
28 of marijuana.

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

32 **Sec. 42.** RCW 69.50.203 and 2013 c 19 s 88 are each amended to
33 read as follows:

34 (a) Except as provided in subsection (c) of this section, the
35 commission shall place a substance in Schedule I upon finding that
36 the substance:

37 (1) has high potential for abuse;

1 (2) has no currently accepted medical use in treatment in the
2 United States; and

3 (3) lacks accepted safety for use in treatment under medical
4 supervision.

5 (b) The commission may place a substance in Schedule I without
6 making the findings required by subsection (a) of this section if the
7 substance is controlled under Schedule I of the federal Controlled
8 Substances Act by a federal agency as the result of an international
9 treaty, convention, or protocol.

10 (c) No marijuana concentrates, useable marijuana, or marijuana-
11 infused product that the department has identified in rules adopted
12 pursuant to section 10(4) of this act as appropriate for sale to
13 qualifying patients and designated providers in a retail outlet that
14 holds a medical marijuana endorsement shall be deemed to have met the
15 criteria established in subsection (a) of this section and may not be
16 placed in Schedule I.

17 **Sec. 43.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
18 read as follows:

19 Unless specifically excepted by state or federal law or
20 regulation or more specifically included in another schedule, the
21 following controlled substances are listed in Schedule I:

22 (a) Any of the following opiates, including their isomers,
23 esters, ethers, salts, and salts of isomers, esters, and ethers
24 whenever the existence of these isomers, esters, ethers, and salts is
25 possible within the specific chemical designation:

26 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
27 piperidinyl]-N-phenylacetamide);

28 (2) Acetylmethadol;

29 (3) Allylprodine;

30 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
31 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

32 (5) Alphameprodine;

33 (6) Alphamethadol;

34 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
35 ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
36 propanilido) piperidine);

37 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
38 piperidinyl]-N-phenylpropanamide);

39 (9) Benzethidine;

- 1 (10) Betacetylmethadol;
- 2 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
- 3 piperidinyl]-N-phenylpropanamide);
- 4 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
- 5 [1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-
- 6 phenylpropanamide;
- 7 (13) Betameprodine;
- 8 (14) Betamethadol;
- 9 (15) Betaprodine;
- 10 (16) Clonitazene;
- 11 (17) Dextromoramide;
- 12 (18) Diampromide;
- 13 (19) Diethylthiambutene;
- 14 (20) Difenoxylin;
- 15 (21) Dimenoxadol;
- 16 (22) Dimepheptanol;
- 17 (23) Dimethylthiambutene;
- 18 (24) Dioxaphetyl butyrate;
- 19 (25) Dipipanone;
- 20 (26) Ethylmethylthiambutene;
- 21 (27) Etonitazene;
- 22 (28) Etoxadine;
- 23 (29) Furethidine;
- 24 (30) Hydroxypethidine;
- 25 (31) Ketobemidone;
- 26 (32) Levomoramide;
- 27 (33) Levophenacetylmorphan;
- 28 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 29 piperidyl]-N-phenylprop anamide);
- 30 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 31 piperidinyl]-N-phenylpropanamide);
- 32 (36) Morpheridine;
- 33 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 34 (38) Noracymethadol;
- 35 (39) Norlevorphanol;
- 36 (40) Normethadone;
- 37 (41) Norpipanone;
- 38 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 39 phenethyl)-4-piperidinyl] propanamide);
- 40 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

- 1 (44) Phenadoxone;
- 2 (45) Phenampromide;
- 3 (46) Phenomorphan;
- 4 (47) Phenoperidine;
- 5 (48) Piritramide;
- 6 (49) Proheptazine;
- 7 (50) Properidine;
- 8 (51) Propiram;
- 9 (52) Racemoramide;
- 10 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 11 propanamidine);
- 12 (54) Tilidine;
- 13 (55) Trimeperidine.
- 14 (b) Opium derivatives. Unless specifically excepted or unless
- 15 listed in another schedule, any of the following opium derivatives,
- 16 including their salts, isomers, and salts of isomers whenever the
- 17 existence of those salts, isomers, and salts of isomers is possible
- 18 within the specific chemical designation:
- 19 (1) Acetorphine;
- 20 (2) Acetyldihydrocodeine;
- 21 (3) Benzylmorphine;
- 22 (4) Codeine methylbromide;
- 23 (5) Codeine-N-Oxide;
- 24 (6) Cyprenorphine;
- 25 (7) Desomorphine;
- 26 (8) Dihydromorphine;
- 27 (9) Drotebanol;
- 28 (10) Etorphine, except hydrochloride salt;
- 29 (11) Heroin;
- 30 (12) Hydromorphanol;
- 31 (13) Methyldesorphine;
- 32 (14) Methyldihydromorphine;
- 33 (15) Morphine methylbromide;
- 34 (16) Morphine methylsulfonate;
- 35 (17) Morphine-N-Oxide;
- 36 (18) Myrophine;
- 37 (19) Nicocodeine;
- 38 (20) Nicomorphine;
- 39 (21) Normorphine;
- 40 (22) Pholcodine;

1 (23) Thebacon.

2 (c) Hallucinogenic substances. Unless specifically excepted or
3 unless listed in another schedule, any material, compound, mixture,
4 or preparation which contains any quantity of the following
5 hallucinogenic substances, including their salts, isomers, and salts
6 of isomers whenever the existence of those salts, isomers, and salts
7 of isomers is possible within the specific chemical designation. For
8 the purposes of this subsection only, the term "isomer" includes the
9 optical, position, and geometric isomers:

10 (1) Alpha-ethyltryptamine: Some trade or other names:
11 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
12 indole; a-ET; and AET;

13 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
14 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

15 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
16 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl
17 DOB; 2C-B, nexus;

18 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
19 dimethoxy-a-methylphenethylamine; 2,5-DMA;

20 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

21 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
22 2C-T-7;

23 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
24 methylphenethylamine; paramethoxyamphetamine, PMA;

25 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

26 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
27 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
28 "STP";

29 (10) 3,4-methylenedioxy amphetamine;

30 (11) 3,4-methylenedioxymethamphetamine (MDMA);

31 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
32 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
33 MDE, MDEA;

34 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
35 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
36 MDA;

37 (14) 3,4,5-trimethoxy amphetamine;

38 (15) Alpha-methyltryptamine: Other name: AMT;

39 (16) Bufotenine: Some trade or other names: 3-(beta-
40 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-

1 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
2 mappine;
3 (17) Diethyltryptamine: Some trade or other names: N,N-
4 Diethyltryptamine; DET;
5 (18) Dimethyltryptamine: Some trade or other names: DMT;
6 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
7 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,
8 7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2' 1,2)
9 azepino (5,4-b) indole; Tabernanthe iboga;
10 (21) Lysergic acid diethylamide;
11 (22) Marihuana or marijuana, except for any marijuana
12 concentrates, useable marijuana, or marijuana-infused products
13 identified by the department in rules adopted pursuant to section
14 10(4) of this act as appropriate for sale to qualifying patients and
15 designated providers in a retail outlet that holds a medical
16 marijuana endorsement;
17 (23) Mescaline;
18 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
19 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
20 dibenzo[b,d]pyran; synhexyl;
21 (25) Peyote, meaning all parts of the plant presently classified
22 botanically as Lophophora Williamsii Lemaire, whether growing or not,
23 the seeds thereof, any extract from any part of such plant, and every
24 compound, manufacture, salts, derivative, mixture, or preparation of
25 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812
26 (c), Schedule I (c)(12));
27 (26) N-ethyl-3-piperidyl benzilate;
28 (27) N-methyl-3-piperidyl benzilate;
29 (28) Psilocybin;
30 (29) Psilocyn;
31 (30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
32 naturally contained in a plant of the genus Cannabis (cannabis
33 plant), as well as synthetic equivalents of the substances contained
34 in the plant, or in the resinous extractives of Cannabis, species,
35 and/or synthetic substances, derivatives, and their isomers with
36 similar chemical structure and pharmacological activity such as the
37 following:
38 ((+)) (A) 1 - cis - or trans tetrahydrocannabinol, and their
39 optical isomers, excluding tetrahydrocannabinol in sesame oil and

1 encapsulated in a soft gelatin capsule in a drug product approved by
2 the United States Food and Drug Administration;

3 ~~((ii))~~ (B) 6 - cis - or trans tetrahydrocannabinol, and their
4 optical isomers;

5 ~~((iii))~~ (C) 3,4 - cis - or trans tetrahydrocannabinol, and its
6 optical isomers;

7 (Since nomenclature of these substances is not internationally
8 standardized, compounds of these structures, regardless of numerical
9 designation of atomic positions covered.)

10 (ii) The term "tetrahydrocannabinols" does not include any
11 marijuana concentrates, useable marijuana, or marijuana-infused
12 products identified by the department in rules adopted pursuant to
13 section 10(4) of this act as appropriate for sale to qualifying
14 patients and designated providers in a retail outlet that holds a
15 medical marijuana endorsement;

16 (31) Ethylamine analog of phencyclidine: Some trade or other
17 names: N-ethyl-1phenylcyclohexalymine, (1-phenylcyclohexyl)
18 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

19 (32) Pyrrolidine analog of phencyclidine: Some trade or other
20 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

21 (33) Thiophene analog of phencyclidine: Some trade or other
22 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
23 phencyclidine; TPCP; TCP;

24 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
25 name is TCPy.

26 (d) Depressants. Unless specifically excepted or unless listed in
27 another schedule, any material, compound, mixture, or preparation
28 which contains any quantity of the following substances having a
29 depressant effect on the central nervous system, including its salts,
30 isomers, and salts of isomers whenever the existence of such salts,
31 isomers, and salts of isomers is possible within the specific
32 chemical designation.

33 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
34 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
35 sodium oxybate; sodium oxybutyrate;

36 (2) Mecloqualone;

37 (3) Methaqualone.

38 (e) Stimulants. Unless specifically excepted or unless listed in
39 another schedule, any material, compound, mixture, or preparation
40 which contains any quantity of the following substances having a

1 stimulant effect on the central nervous system, including its salts,
2 isomers, and salts of isomers:

3 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
4 oxazoline; or 4, 5-dihydro-5-phenly-2-oxazolamine;

5 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

6 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
7 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

8 (4) Fenethylamine;

9 (5) Methcathinone: Some other names: 2-(methylamino)-
10 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
11 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
12 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
13 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
14 salts of optical isomers;

15 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
16 phenyl-2-oxazolamine);

17 (7) N-ethylamphetamine;

18 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
19 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

20 The controlled substances in this section may be added,
21 rescheduled, or deleted as provided for in RCW 69.50.201.

22 NEW SECTION. **Sec. 44.** A new section is added to chapter 69.50
23 RCW to read as follows:

24 (1) It is unlawful for any person to manufacture, deliver, or
25 possess with intent to manufacture or deliver, marijuana
26 concentrates, useable marijuana, and marijuana-infused products
27 identified by the department in rules adopted pursuant to section
28 10(4) of this act as appropriate for sale to qualifying patients and
29 designated providers in a retail outlet that holds a medical
30 marijuana endorsement, except:

31 (a) As those activities are associated with the lawful operation
32 as a licensed marijuana producer, processor, retailer, or retailer
33 with a medical marijuana endorsement in compliance with this chapter
34 and chapter 69.51A RCW;

35 (b) In association with the lawful operation of a cooperative
36 established pursuant to, and operating in compliance with, section 26
37 of this act;

1 (c) Until July 1, 2016, in association with the lawful operation
2 of a collection garden established pursuant to, and operating in
3 compliance with RCW 69.51A.085; or

4 (d) As the activities of a designated provider or qualifying
5 patient support the personal, medical use of a qualifying patient in
6 compliance with section 27 of this act.

7 (2) Any person who violates this section is guilty of a class B
8 felony.

9 NEW SECTION. **Sec. 45.** A new section is added to chapter 69.50
10 RCW to read as follows:

11 (1) It is unlawful for any person to possess marijuana
12 concentrates, useable marijuana, and marijuana-infused products
13 identified by the department in rules adopted pursuant to section
14 10(4) of this act as appropriate for sale to qualifying patients and
15 designated providers in a retail outlet that holds a medical
16 marijuana endorsement, unless:

17 (a) It is obtained and possessed by a designated provider or
18 qualifying patient in an amount that does not exceed those authorized
19 in section 19 of this act and the substance is obtained from:

20 (i) A licensed marijuana retailer or retailer with a medical
21 marijuana endorsement operating in compliance with this chapter and
22 chapter 69.51A RCW;

23 (ii) A cooperative established pursuant to, and operating in
24 compliance with, section 26 of this act;

25 (iii) Until July 1, 2016, a collective garden established
26 pursuant to, and operating in compliance with RCW 69.51A.085; or

27 (iv) The designated provider or qualifying patient in compliance
28 with section 27 of this act; or

29 (b) It is obtained and possessed by a person in an amount that
30 does not exceed those authorized in RCW 69.50.360 and was obtained
31 from a licensed marijuana retailer or retailer with a medical
32 marijuana endorsement operating in compliance with this chapter.

33 (2) Any person who violates this section is guilty of a class C
34 felony.

35 **Sec. 46.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
36 read as follows:

1 DRUG OFFENSES
2 INCLUDED WITHIN EACH
3 SERIOUSNESS LEVEL

- 4 III Any felony offense under chapter
5 69.50 RCW with a deadly weapon
6 special verdict under RCW
7 9.94A.602
- 8 Controlled Substance Homicide (RCW
9 69.50.415)
- 10 Delivery of imitation controlled
11 substance by person eighteen or
12 over to person under eighteen
13 (RCW 69.52.030(2))
- 14 Involving a minor in drug dealing
15 (RCW 69.50.4015)
- 16 Manufacture of methamphetamine
17 (RCW 69.50.401(2)(b))
- 18 Over 18 and deliver heroin,
19 methamphetamine, a narcotic from
20 Schedule I or II, or flunitrazepam
21 from Schedule IV to someone
22 under 18 (RCW 69.50.406)
- 23 Over 18 and deliver narcotic from
24 Schedule III, IV, or V or a
25 nonnarcotic, except flunitrazepam
26 or methamphetamine, from
27 Schedule I-V to someone under 18
28 and 3 years junior (RCW
29 69.50.406)
- 30 Possession of Ephedrine,
31 Pseudoephedrine, or Anhydrous
32 Ammonia with intent to
33 manufacture
34 methamphetamine (RCW
35 69.50.440)

1 Selling for profit (controlled or
2 counterfeit) any controlled
3 substance (RCW 69.50.410)

4 II Create, deliver, or possess a counterfeit
5 controlled substance (RCW
6 69.50.4011)

7 Deliver or possess with intent to
8 deliver methamphetamine (RCW
9 69.50.401(2)(b))

10 Delivery of a material in lieu of a
11 controlled substance (RCW
12 69.50.4012)

13 Maintaining a Dwelling or Place for
14 Controlled Substances (RCW
15 69.50.402(1)(f))

16 Manufacture, deliver, or possess with
17 intent to deliver amphetamine
18 (RCW 69.50.401(2)(b))

19 Manufacture, deliver, or possess with
20 intent to deliver narcotics from
21 Schedule I or II or flunitrazepam
22 from Schedule IV (RCW
23 69.50.401(2)(a))

24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule III, IV, or V or
27 nonnarcotics from Schedule I-V
28 (except marijuana, amphetamine,
29 methamphetamines, or
30 flunitrazepam) (RCW
31 69.50.401(2) (c) through (e))

32 Manufacture, distribute, or possess
33 with intent to distribute an
34 imitation controlled substance
35 (RCW 69.52.030(1))

36 I Forged Prescription (RCW 69.41.020)

1 Forged Prescription for a Controlled
2 Substance (RCW 69.50.403)

3 Manufacture, deliver, or possess with
4 intent to deliver marijuana (RCW
5 69.50.401(2)(c))

6 Manufacture, deliver, or possess with
7 intent to deliver marijuana
8 pursuant to section 44 of this act

9 Possesses marijuana pursuant to
10 section 45 of this act

11 Possess Controlled Substance that is a
12 Narcotic from Schedule III, IV, or
13 V or Nonnarcotic from Schedule I-
14 V (RCW 69.50.4013)

15 Possession of Controlled Substance
16 that is either heroin or narcotics
17 from Schedule I or II (RCW
18 69.50.4013)

19 Unlawful Use of Building for Drug
20 Purposes (RCW 69.53.010)

21 NEW SECTION. **Sec. 47.** All references to the Washington state
22 liquor control board must be construed as referring to the Washington
23 state liquor and cannabis board. The code reviser must prepare
24 legislation for the 2016 legislative session changing all references
25 in the Revised Code of Washington from the Washington state liquor
26 control board to the Washington state liquor and cannabis board.

27 NEW SECTION. **Sec. 48.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
30 & 1999 c 2 s 3;

31 (2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW
32 69.51A.040) and 2011 c 181 s 413;

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

35 (4) RCW 69.51A.070 (Addition of medical conditions) and 2007 c
36 371 s 7 & 1999 c 2 s 9;

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

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

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

6 NEW SECTION. **Sec. 49.** RCW 69.51A.085 (Collective gardens) and
7 2015 c ... s 32 (section 32 of this act) and 2011 c 181 s 403 are
8 each repealed.

9 NEW SECTION. **Sec. 50.** Sections 12, 19, 20, 23 through 26, 31,
10 35, 40, and 49 of this act take effect July 1, 2016.

11 NEW SECTION. **Sec. 51.** Sections 21, 22, 32, and 33 of this act
12 are necessary for the immediate preservation of the public health, or
13 safety, or support of the state government and its existing public
14 institutions, and take effect immediately.

15 NEW SECTION. **Sec. 52.** This act takes effect on the dates
16 provided in sections 50 and 51 of this act if House Bill No. 2136, or
17 any subsequent version of House Bill No. 2136, is enacted into law by
18 October 1, 2015.

--- END ---