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SENATE BILL 5052

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Rivers and Hatfield

Prefiled 01/08/15.

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

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

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

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

1 to ensure qualifying patients have a safe, consistent, and adequate  
2 source of marijuana for their medical needs.

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

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

28 The legislature further finds that in 2012 voters passed  
29 Initiative Measure No. 502 which permitted the recreational use of  
30 marijuana. For the first time in our nation's history, marijuana  
31 would be regulated, taxed, and sold for recreational  
32 consumption. Initiative Measure No. 502 provides for strict  
33 regulation on the production, processing, and distribution of  
34 marijuana. Under Initiative Measure No. 502, marijuana is trackable  
35 from seed to sale and may only be sold or grown under license.  
36 Marijuana must be tested for impurities and purchasers of marijuana  
37 must be informed of the THC level in the marijuana. Since its  
38 passage, two hundred fifty producer/processor licenses and sixty-  
39 three retail licenses have been issued, covering the majority of the  
40 state. With the current product canopy exceeding 2.9 million square

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

15 The legislature, therefore, intends to adopt a comprehensive act  
16 that uses the regulations in place for the recreational market to  
17 provide regulation for the medical use of marijuana. It intends to  
18 ensure that patients retain their ability to grow their own marijuana  
19 for their own medical use and it intends to ensure that patients have  
20 the ability to possess more marijuana-infused products and marijuana  
21 concentrates than what is available to a recreational user.  
22 Recognizing the health concerns relating to smoking marijuana, the  
23 legislature intends to prohibit the sale of products that must be  
24 smoked at medical marijuana retail outlets, while ensuring that other  
25 methods of access to marijuana, such as vaping and use of  
26 concentrates, remain options for medical patients. It further intends  
27 that medical specific regulations be adopted as needed and under  
28 consultation of the departments of health and agriculture so that  
29 safe handling practices will be adopted and so that testing standards  
30 for medical products meet or exceed those standards in use in the  
31 recreational market.

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

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

1 board, and a majority of the members shall constitute a quorum of the  
2 board.

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

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

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

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

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

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

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

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

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

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

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

35 (2) The term does not include:

36 (i) a controlled substance;

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

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

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

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

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

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

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

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

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

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

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

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

1 (o) "Immediate precursor" means a substance:  
2 (1) that the commission has found to be and by rule designates as  
3 being the principal compound commonly used, or produced primarily for  
4 use, in the manufacture of a controlled substance;  
5 (2) that is an immediate chemical intermediary used or likely to  
6 be used in the manufacture of a controlled substance; and  
7 (3) the control of which is necessary to prevent, curtail, or  
8 limit the manufacture of the controlled substance.  
9 (p) "Isomer" means an optical isomer, but in subsection (z)(5) of  
10 this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4),  
11 the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and  
12 (42), and 69.50.210(c) the term includes any positional isomer; and  
13 in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term  
14 includes any positional or geometric isomer.  
15 (q) "Lot" means a definite quantity of marijuana, marijuana  
16 concentrates, useable marijuana, or marijuana-infused product  
17 identified by a lot number, every portion or package of which is  
18 uniform within recognized tolerances for the factors that appear in  
19 the labeling.  
20 (r) "Lot number" shall identify the licensee by business or trade  
21 name and Washington state unified business identifier number, and the  
22 date of harvest or processing for each lot of marijuana, marijuana  
23 concentrates, useable marijuana, or marijuana-infused product.  
24 (s) "Manufacture" means the production, preparation, propagation,  
25 compounding, conversion, or processing of a controlled substance,  
26 either directly or indirectly or by extraction from substances of  
27 natural origin, or independently by means of chemical synthesis, or  
28 by a combination of extraction and chemical synthesis, and includes  
29 any packaging or repackaging of the substance or labeling or  
30 relabeling of its container. The term does not include the  
31 preparation, compounding, packaging, repackaging, labeling, or  
32 relabeling of a controlled substance:  
33 (1) by a practitioner as an incident to the practitioner's  
34 administering or dispensing of a controlled substance in the course  
35 of the practitioner's professional practice; or  
36 (2) by a practitioner, or by the practitioner's authorized agent  
37 under the practitioner's supervision, for the purpose of, or as an  
38 incident to, research, teaching, or chemical analysis and not for  
39 sale.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (6) Cocaine base.

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

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

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

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

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

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

35 (ee) "Practitioner" means:

36 (1) A physician under chapter 18.71 RCW; a physician assistant  
37 under chapter 18.71A RCW; an osteopathic physician and surgeon under  
38 chapter 18.57 RCW; an osteopathic physician assistant under chapter  
39 18.57A RCW who is licensed under RCW 18.57A.020 subject to any  
40 limitations in RCW 18.57A.040; an optometrist licensed under chapter

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

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

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

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

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

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

39 (ii) "Secretary" means the secretary of health or the secretary's  
40 designee.

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

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

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

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

19 (nn) "Designated provider" has the meaning provided in RCW  
20 69.51A.010.

21 (oo) "Medical marijuana retail outlet" has the meaning provided  
22 in RCW 69.51A.010.

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

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

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

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

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

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

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

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

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

9 **Sec. 6.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to read  
10 as follows:

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

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

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

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

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

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

1       ~~((6))~~ (f) Retail outlet and medical marijuana retail outlet  
2 locations and hours of operation;

3       ~~((7))~~ (g) Labeling requirements and restrictions on  
4 advertisement of marijuana, useable marijuana, marijuana  
5 concentrates, and marijuana-infused products for sale in retail  
6 outlets and medical marijuana retail outlets;

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

23       ~~((9))~~ (i) Application, reinstatement, and renewal fees for  
24 licenses issued under this chapter ~~((3, Laws of 2013))~~ and chapter  
25 69.51A RCW, and fees for anything done or permitted to be done under  
26 the rules adopted to implement and enforce this chapter ~~((3, Laws of~~  
27 ~~2013))~~ and chapter 69.51A RCW;

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

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

35       ~~((12))~~ (l) Identification, seizure, confiscation, destruction,  
36 or donation to law enforcement for training purposes of all  
37 marijuana, marijuana concentrates, useable marijuana, and marijuana-  
38 infused products produced, processed, sold, or offered for sale  
39 within this state which do not conform in all respects to the  
40 standards prescribed by this chapter ~~((3, Laws of 2013))~~ or chapter

1 69.51A RCW or the rules adopted to implement and enforce (~~it~~  
2 ~~PROVIDED, That nothing in chapter 3, Laws of 2013 shall be construed~~  
3 ~~as authorizing the state liquor control board to seize, confiscate,~~  
4 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~  
5 ~~or marijuana-infused products produced, processed, sold, offered for~~  
6 ~~sale, or possessed in compliance with the Washington state medical~~  
7 ~~use of cannabis act, chapter 69.51A RCW)) these chapters.~~

8 (2) Rules adopted on medical marijuana retail outlets must be  
9 adopted in coordination and consultation with the department.

10 **Sec. 7.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to read  
11 as follows:

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

16 (1) Licensing of marijuana producers, marijuana processors, and  
17 marijuana retailers, including prescribing forms and establishing  
18 application, reinstatement, and renewal fees.

19 (a) Application forms for marijuana producers must request the  
20 applicant to state whether the applicant intends to produce marijuana  
21 for sale by medical marijuana retailers under section 20 of this act  
22 and the amount of or percentage of canopy the applicant intends to  
23 commit to growing plants established to be of a THC concentration,  
24 CBD concentration, or THC to CBD ratio appropriate for marijuana  
25 concentrates, useable marijuana, or marijuana-infused products sold  
26 to qualifying patients.

27 (b) The state liquor and cannabis board must reconsider limits on  
28 the amount of square feet permitted to be in production on the  
29 effective date of this section and increase the percentage of  
30 production space for those marijuana producers who intend to grow  
31 plants for medical marijuana retailers licensed under section 20 of  
32 this act if the marijuana producer designates the increased  
33 production space to plants with a THC concentration, CBD  
34 concentration, or THC to CBD ratio appropriate for marijuana  
35 concentrates, useable marijuana, or marijuana-infused products to be  
36 sold to qualifying patients. If current marijuana producers do not  
37 use all the increased production space, the state liquor and cannabis  
38 board may reopen the license period for new marijuana producer  
39 license applicants but only to those marijuana producers who agree to

1 grow plants for medical marijuana retailers licensed under section 20  
2 of this act. Priority in licensing must be given to marijuana  
3 producer license applicants who have an application pending on the  
4 effective date of this section but who are not yet licensed and then  
5 to new marijuana producer license applicants;

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

9 ~~(a) Population distribution;~~

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

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

14 ~~(3))~~ Determining the maximum quantity of marijuana a marijuana  
15 producer may have on the premises of a licensed location at any time  
16 without violating Washington state law;

17 ~~((4))~~ (3) Determining the maximum quantities of marijuana,  
18 marijuana concentrates, useable marijuana, and marijuana-infused  
19 products a marijuana processor may have on the premises of a licensed  
20 location at any time without violating Washington state law;

21 ~~((5))~~ (4) Determining the maximum quantities of marijuana  
22 concentrates, useable marijuana, and marijuana-infused products a  
23 marijuana retailer may have on the premises of a retail outlet or  
24 medical marijuana retail outlet at any time without violating  
25 Washington state law;

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

29 ~~(a) Security and safety issues;~~

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

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

36 ~~(7))~~ (5) Determining the nature, form, and capacity of all  
37 containers to be used by licensees to contain marijuana, marijuana  
38 concentrates, useable marijuana, and marijuana-infused products, and  
39 their labeling requirements, to include but not be limited to:

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

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

7 (c) THC concentration and CBD concentration of the marijuana,  
8 marijuana concentrates, useable marijuana, or marijuana-infused  
9 product;

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

12 (e) Language required by RCW 69.04.480;

13 ~~((+8))~~ (6) In consultation with the department of agriculture  
14 and the department, establishing classes of marijuana, marijuana  
15 concentrates, useable marijuana, and marijuana-infused products  
16 according to grade, condition, cannabinoid profile, THC  
17 concentration, CBD concentration, or other qualitative measurements  
18 deemed appropriate by the state liquor ~~((control))~~ and cannabis  
19 board;

20 ~~((+9))~~ (7) Establishing reasonable time, place, and manner  
21 restrictions and requirements regarding advertising of marijuana,  
22 marijuana concentrates, useable marijuana, and marijuana-infused  
23 products that are not inconsistent with the provisions of this  
24 chapter ~~((3, Laws of 2013))~~, taking into consideration:

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

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

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

32 ~~((+10))~~ (8) Specifying and regulating the time and periods when,  
33 and the manner, methods, and means by which, licensees shall  
34 transport and deliver marijuana, marijuana concentrates, useable  
35 marijuana, and marijuana-infused products within the state;

36 ~~((+11))~~ (9) In consultation with the department and the  
37 department of agriculture, establishing accreditation requirements  
38 for testing laboratories used by licensees to demonstrate compliance  
39 with standards adopted by the state liquor ~~((control))~~ and cannabis  
40 board, and prescribing methods of producing, processing, and

1 packaging marijuana, marijuana concentrates, useable marijuana, and  
2 marijuana-infused products; conditions of sanitation; and standards  
3 of ingredients, quality, and identity of marijuana, marijuana  
4 concentrates, useable marijuana, and marijuana-infused products  
5 produced, processed, packaged, or sold by licensees;

6 ~~((12))~~ (10) Specifying procedures for identifying, seizing,  
7 confiscating, destroying, and donating to law enforcement for  
8 training purposes all marijuana, marijuana concentrates, useable  
9 marijuana, and marijuana-infused products produced, processed,  
10 packaged, labeled, or offered for sale in this state that do not  
11 conform in all respects to the standards prescribed by this chapter  
12 ~~((3, Laws of 2013))~~ or the rules of the state liquor ~~((control))~~ and  
13 cannabis board.

14 **Sec. 8.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to  
15 read as follows:

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

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

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

34 (2) Licensed marijuana retailers shall not employ persons under  
35 twenty-one years of age or allow persons under twenty-one years of  
36 age to enter or remain on the premises of a retail outlet.

37 (3) Licensed marijuana retailers shall not display any signage in  
38 a window, on a door, or on the outside of the premises of a retail

1 outlet that is visible to the general public from a public right-of-  
2 way, other than a single sign no larger than one thousand six hundred  
3 square inches identifying the retail outlet by the licensee's  
4 business or trade name.

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

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

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

17 **Sec. 10.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to  
18 read as follows:

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

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

29 (2) Possession of quantities of marijuana concentrates, useable  
30 marijuana, or marijuana-infused products that do not exceed the  
31 maximum amounts established by the state liquor (~~((control))~~) and  
32 cannabis board under RCW 69.50.345(~~((+5))~~) (4); and

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

37 (a) One ounce of useable marijuana;

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

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

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

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

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

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

19 (4) The possession by a qualifying patient or designated provider  
20 of marijuana concentrates, useable marijuana, marijuana-infused  
21 products, or plants in accordance with section 15 or 24 of this act  
22 is not a violation of this section, this chapter, or any other  
23 provision of Washington state law.

24 **Sec. 12.** RCW 69.51A.005 and 2011 c 181 s 102 are each amended to  
25 read as follows:

26 (1) The legislature finds that:

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

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

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

36 (iii) Acute or chronic glaucoma;

37 (iv) Crohn's disease; and

38 (v) Some forms of intractable pain.

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

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

8 (a) Qualifying patients with terminal or debilitating medical  
9 conditions who, in the judgment of their health care professionals,  
10 may benefit from the medical use of ((~~cannabis~~)) marijuana, shall not  
11 be arrested, prosecuted, or subject to other criminal sanctions or  
12 civil consequences under state law based solely on their medical use  
13 of ((~~cannabis~~)) marijuana, notwithstanding any other provision of  
14 law;

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

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

26 (3) Nothing in this chapter establishes the medical necessity or  
27 medical appropriateness of ((~~cannabis~~)) marijuana for treating  
28 terminal or debilitating medical conditions as defined in RCW  
29 69.51A.010.

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

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

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

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

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

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

11 (b) Has been entered into the medical marijuana authorization  
12 database as being the designated provider to a qualifying patient and  
13 may only provide medical marijuana to that qualifying patient;

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

17 (d) Is in compliance with the terms and conditions of this  
18 chapter; and

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

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

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

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

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

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

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

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

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

3       (vi) Has been entered into the medical marijuana authorization  
4 database; and

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

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

12       (5) Until December 31, 2015, "tamper-resistant paper" means paper  
13 that meets one or more of the following industry-recognized features:

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

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

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

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

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

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

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

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

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

37       (f) Diseases, including anorexia, which result in nausea,  
38 vomiting, wasting, appetite loss, cramping, seizures, muscle spasms,  
39 or spasticity, when these symptoms are unrelieved by standard  
40 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.

5 (7) Until December 31, 2015, "valid documentation" means:

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

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

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

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

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

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

20 (12) "Marijuana concentrates" has the meaning provided in RCW  
21 69.50.101.

22 (13) "Marijuana processor" has the meaning provided in RCW  
23 69.50.101.

24 (14) "Marijuana producer" has the meaning provided in RCW  
25 69.50.101.

26 (15) "Medical marijuana retailer" means a person licensed by the  
27 state liquor and cannabis board to sell marijuana concentrates and  
28 marijuana-infused products in a medical marijuana retail outlet.

29 (16) "Marijuana-infused products" has the meaning provided in RCW  
30 69.50.101.

31 (17) "Medical marijuana authorization database" means the secure  
32 and confidential database established in section 17 of this act.

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

1 (19) "Medical marijuana retail outlet" means a location licensed  
2 by the state liquor and cannabis board for the retail sale of  
3 marijuana concentrates and marijuana-infused products to qualifying  
4 patients and designated providers who hold authorization cards.

5 (20) "THC concentration" has the meaning provided in RCW  
6 69.50.101.

7 (21) "Useable marijuana" has the meaning provided in RCW  
8 69.50.101.

9 **Sec. 14.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended to  
10 read as follows:

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

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

22 (b) ~~((Providing))~~ Adding a patient or designated provider meeting  
23 the criteria established under RCW 69.51A.010 ~~((26) with valid~~  
24 ~~documentation))~~ (4) to the medical marijuana authorization database,  
25 based upon the health care professional's assessment of the patient's  
26 medical history and current medical condition, ~~((where such use is))~~  
27 if the health care professional has complied with this chapter and he  
28 or she determines within a professional standard of care or in the  
29 individual health care professional's medical judgment the qualifying  
30 patient may benefit from the medical use of marijuana.

31 (2)(a) Until December 31, 2015, a health care professional may  
32 ~~((only))~~ provide a qualifying patient or that patient's designated  
33 provider with valid documentation authorizing the medical use of  
34 ~~((cannabis or register the patient with the registry established in~~  
35 ~~section 901 of this act if he or she has a newly initiated or~~  
36 ~~existing documented relationship with the patient, as a primary care~~  
37 ~~provider or a specialist, relating to the diagnosis and ongoing~~  
38 ~~treatment or monitoring of the patient's terminal or debilitating~~  
39 ~~medical condition, and only after:~~

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

2 (b) Beginning December 31, 2015, a health care professional may  
3 only authorize a patient for the medical use of marijuana by adding  
4 the qualifying patient and that patient's designated provider to the  
5 medical marijuana authorization database and in accordance with this  
6 section.

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

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

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

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

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

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

27 ~~((b))~~ (d) A health care professional shall not:

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

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

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

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

5 (v) Include any statement or reference, visual or otherwise, on  
6 the medical use of (~~cannabis~~) marijuana in any advertisement for  
7 his or her business or practice unless the health care professional  
8 has met department educational standards relating to the  
9 authorization of marijuana for medical use; or

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

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

17 NEW SECTION. Sec. 15. A new section is added to chapter 69.51A  
18 RCW to read as follows:

19 (1) As part of adding a qualifying patient or designated provider  
20 to the medical marijuana authorization database, the health care  
21 professional may include recommendations on the amount of marijuana  
22 that is likely needed by the qualifying patient for his or her  
23 medical needs and in accordance with subsection (2) of this section.  
24 If no recommendations are included when the qualifying patient or  
25 designated provider is added to the database, the qualifying patient  
26 or designated provider may purchase at a medical marijuana retailer a  
27 combination of the following: Forty-eight ounces of marijuana-infused  
28 product in solid form; two hundred sixteen ounces of marijuana-  
29 infused product in liquid form; or twenty-one grams of marijuana  
30 concentrates. The qualifying patient or designated provider may also  
31 grow, in his or her domicile, up to six plants for the personal  
32 medical use of the qualifying patient.

33 (2) If a health care professional determines that the medical  
34 needs of a qualifying patient exceed the amounts provided for in  
35 subsection (1) of this section, the health care professional may  
36 recommend a greater amount of plants for the personal medical use of  
37 the patient but not to exceed fifteen plants. This amount must be  
38 entered into the medical marijuana authorization database by the  
39 authorizing health care professional.

1 (3) If the qualifying patient or designated provider grows plants  
2 for the medical use of the qualifying patient, the patient or  
3 provider may possess up to the amount of useable marijuana that may  
4 be produced by the number of plants for which the patient or provider  
5 is authorized.

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

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

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

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

17 (c) The minor may not grow plants or purchase marijuana-infused  
18 products or marijuana concentrates from a medical marijuana retailer.

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 17.**    A new section is added to chapter 69.51A  
2    RCW to read as follows:

3        (1)    The department must contract with an entity to create,  
4    administer, and maintain a secure and confidential medical marijuana  
5    authorization database that, beginning December 31, 2015, allows:

6        (a)    A health care professional to add a qualifying patient or  
7    designated provider and include the amount of marijuana concentrates,  
8    marijuana-infused products, or plants for which the qualifying  
9    patient is authorized under section 15 of this act;

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

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

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

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

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

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

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

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

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

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

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

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

9 (d) The amount of marijuana concentrates, marijuana-infused  
10 products, or plants for which the qualifying patient is authorized  
11 under section 15 or 24 of this act;

12 (e) The effective date and expiration date of the authorization  
13 card;

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

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

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

34 (5) If an authorization card is lost or stolen, the health care  
35 professional, in conjunction with the database administrator, may  
36 issue a new card that will be valid for one or two years if the  
37 patient is reexamined and determined to meet the definition of  
38 qualifying patient and depending on whether the patient is under the  
39 age of eighteen or eighteen years of age or older as provided in  
40 subsection (4) of this section. If a reexamination is not performed,

1 the expiration date of the replacement authorization card must be the  
2 same as the lost or stolen authorization card.

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

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

23 (8) The medical marijuana authorization database must meet the  
24 following requirements:

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

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

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

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

38 (9)(a) Personally identifiable information of qualifying patients  
39 and designated providers included in the medical marijuana

1 authorization database is confidential and exempt from public  
2 disclosure, inspection, or copying under chapter 42.56 RCW.

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

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

12 (10) The department must, in coordination with the database  
13 administrator, establish a fee that is adequate to cover the costs of  
14 administering the medical marijuana authorization database.

15 (11) If the database administrator fails to comply with this  
16 section, the department may cancel any contracts with the database  
17 administrator and contract with another database administrator to  
18 continue administration of the database. A database administrator who  
19 fails to comply with this section is subject to a fine of up to five  
20 thousand dollars in addition to any penalties established in the  
21 contract. Fines collected under this section must be deposited into  
22 the dedicated marijuana fund created under RCW 69.50.530.

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

24 NEW SECTION. **Sec. 18.** A new section is added to chapter 42.56  
25 RCW to read as follows:

26 Records in the medical marijuana authorization database  
27 established in section 17 of this act containing names and other  
28 personally identifiable information of qualifying patients and  
29 designated providers are exempt from disclosure under this chapter.

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

- 32 (1) It is unlawful for a person to knowingly or intentionally:
- 33 (a) Access the medical marijuana authorization database for any  
34 reason not authorized under section 17 of this act;
  - 35 (b) Disclose any information received from the medical marijuana  
36 authorization database in violation of section 17 of this act  
37 including, but not limited to, qualifying patient or designated

1 provider names, addresses, or amount of marijuana for which they are  
2 authorized;

3 (c) Produce an authorization card or to tamper with an  
4 authorization card for the purpose of having it accepted by a medical  
5 marijuana retailer in order to purchase marijuana as a qualifying  
6 patient or designated provider or to grow marijuana plants in  
7 accordance with section 15 or 24 of this act;

8 (d) If a person is a designated provider to a qualifying patient,  
9 sell, donate, or supply marijuana produced or obtained for the  
10 qualifying patient to another person, or use the marijuana produced  
11 or obtained for the qualifying patient for the designated provider's  
12 own personal use or benefit; or

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

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

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

21 (1) There shall be a medical marijuana retailer's license to sell  
22 marijuana concentrates and marijuana-infused products in medical  
23 marijuana retail outlets, regulated by the state liquor and cannabis  
24 board and subject to annual renewal. The possession, delivery,  
25 distribution, and sale of marijuana concentrates and marijuana-  
26 infused products in accordance with the provisions of this chapter  
27 and chapter 69.50 RCW and the rules adopted to implement and enforce  
28 these chapters, by a validly licensed medical marijuana retailer or  
29 medical marijuana retail employee, shall not be a criminal or civil  
30 offense under Washington state law. Every medical marijuana  
31 retailer's license shall be issued in the name of the applicant,  
32 shall specify the location of the retail outlet the licensee intends  
33 to operate, which must be within the state of Washington, and the  
34 holder thereof shall not allow any other person to use the  
35 license. The application fee for a medical marijuana retailer's  
36 license is two hundred fifty dollars. The annual fee for issuance and  
37 renewal of a medical marijuana retailer's license is one thousand  
38 dollars. A separate license shall be required for each location at

1 which a medical marijuana retailer intends to sell marijuana  
2 concentrates and marijuana-infused products.

3 (2)(a) Medical marijuana retailers may not employ a health care  
4 professional to authorize the medical use of marijuana for qualifying  
5 patients at any medical marijuana retail outlet or permit health care  
6 professionals to authorize the medical use of marijuana for  
7 qualifying patients at any medical marijuana retail outlet.

8 (b) Medical marijuana retailers must carry marijuana concentrates  
9 and marijuana-infused products with a CBD concentration or THC to CBD  
10 ratio identified by the department under subsection (3) of this  
11 section.

12 (c) Medical marijuana retailers may not sell or donate useable  
13 marijuana.

14 (d) Medical marijuana retailers may not use labels or market  
15 marijuana concentrates or marijuana-infused products in a way that  
16 make them intentionally attractive to minors or recreational users.

17 (e) Medical marijuana retailers must keep copies of the  
18 qualifying patient's or designated provider's authorization card, or  
19 keep equivalent records as required by rule of the state liquor and  
20 cannabis board or department of revenue to document the validity of  
21 tax exempt sales under RCW 69.50.535.

22 (f) Medical marijuana retailers must ensure that during all  
23 retail hours an employee is available on site of the medical  
24 marijuana retail outlet to consult with qualifying patients or  
25 designated providers. The employee may identify the strains,  
26 varieties, THC concentration, CBD concentration, and THC to CBD  
27 ratios of marijuana concentrates and marijuana-infused products  
28 available for sale when assisting qualifying patients and designated  
29 providers at a medical marijuana retail outlet.

30 (g) A medical marijuana retailer may sell or provide at no charge  
31 marijuana-infused products or marijuana concentrates with a THC  
32 concentration of 0.3 percent or less to qualifying patients or  
33 designated providers who possess authorization cards.

34 (3) The department, in conjunction with the state liquor and  
35 cannabis board, must adopt rules on requirements for marijuana  
36 concentrates and marijuana-infused products that may be sold to  
37 qualifying patients at a medical marijuana retail outlet. These rules  
38 must include:

1 (a) THC concentration, CBD concentration, or THC to CBD ratios  
2 appropriate for marijuana concentrates or marijuana-infused products  
3 sold to qualifying patients;

4 (b) Labeling requirements including that the labels attached to  
5 marijuana concentrates or marijuana-infused products contain THC  
6 concentration, CBD concentration, and THC to CBD ratios;

7 (c) A prohibition on any product that may be smoked, including  
8 prohibiting the sale of paraphernalia used for smoking marijuana;

9 (d) Other product requirements, including any additional mold,  
10 fungus, or pesticide testing requirements, or limitations to the  
11 types of solvents that are used in marijuana processing that the  
12 department deems necessary to address the medical needs of qualifying  
13 patients;

14 (e) Safe handling requirements for marijuana concentrates or  
15 marijuana-infused products; and

16 (f) Training requirements for employees providing services under  
17 subsection (2)(e) of this section.

18 (4) A medical marijuana retailer may consult the medical  
19 marijuana authorization database for the sole purpose of confirming  
20 the validity of qualifying patient or designated provider  
21 authorization cards.

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

24 (1) Medical marijuana retail outlets shall sell no products or  
25 services other than marijuana concentrates, marijuana-infused  
26 products, products with a THC concentration of 0.3 percent or less,  
27 or paraphernalia intended for the storage or use of marijuana  
28 concentrates or marijuana-infused products as provided by department  
29 rule. Marijuana products that are intended to be smoked and  
30 paraphernalia used for smoking marijuana may not be sold in medical  
31 marijuana retail outlets. Medical marijuana retail outlets shall only  
32 sell to qualifying patients or designated providers.

33 (2) Medical marijuana retailers shall not employ persons under  
34 twenty-one years of age. Qualifying patients who are eighteen to  
35 twenty-one years of age and hold authorization cards may enter or  
36 remain on the premises of a medical marijuana retail outlet.  
37 Qualifying patients who are under the age of eighteen may enter or  
38 remain on the premises of a medical marijuana retail outlet if they

1 are accompanied by their parent or guardian who also holds an  
2 authorization card as the minor's designated provider.

3 (3) Medical marijuana retailers shall not display any signage in  
4 a window, on a door, or on the outside of the premises of a medical  
5 marijuana retail outlet that is visible to the general public from a  
6 public right-of-way, other than a single sign no larger than one  
7 thousand six hundred square inches identifying the retail outlet by  
8 the licensee's business or trade name. The state liquor and cannabis  
9 board shall adopt rules establishing a symbol that medical marijuana  
10 retailers may use on signage to indicate they possess a medical  
11 marijuana retail license.

12 (4) Medical marijuana retailers shall not display marijuana  
13 concentrates or marijuana-infused products in a manner that is  
14 visible to the general public from a public right-of-way.

15 (5) No medical marijuana retailer or employee of a medical  
16 marijuana retail outlet shall open or consume, or allow to be opened  
17 or consumed, any marijuana concentrates or marijuana-infused products  
18 on the outlet premises.

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

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

25 The following acts, when performed by a validly licensed medical  
26 marijuana retailer or employee of a validly licensed medical  
27 marijuana retail outlet in compliance with rules adopted by the state  
28 liquor and cannabis board to implement and enforce chapter 69.50 RCW  
29 and this chapter, shall not constitute criminal or civil offenses  
30 under Washington state law:

31 (1) Purchase and receipt of marijuana concentrates or marijuana-  
32 infused products that have been properly packaged and labeled from a  
33 marijuana processor validly licensed under chapter 69.50 RCW;

34 (2) Possession of quantities of marijuana concentrates or  
35 marijuana-infused products that do not exceed the maximum amounts  
36 established by the state liquor and cannabis board under RCW  
37 69.50.345(4);

38 (3) Delivery, distribution, and sale, on the premises of a  
39 medical marijuana retail outlet, of any combination of the following

1 amounts of marijuana concentrates or marijuana-infused products to a  
2 qualifying patient holding an authorization card or a designated  
3 provider holding an authorization card:

4 (a) Forty-eight ounces of marijuana-infused product in solid  
5 form;

6 (b) Two hundred sixteen ounces of marijuana-infused product in  
7 liquid form; or

8 (c) Twenty-one grams of marijuana concentrates; and

9 (4) Donations of marijuana-infused products or marijuana  
10 concentrates with a THC concentration of 0.3 percent or less to  
11 qualifying patients holding an authorization card or designated  
12 providers holding an authorization card.

13 **Sec. 23.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended to  
14 read as follows:

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

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

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

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

34 ~~(iii) A combination of useable cannabis and cannabis product that~~  
35 ~~does not exceed a combined total representing possession and~~  
36 ~~processing of no more than twenty four ounces of useable cannabis))~~  
37 the amount of marijuana concentrates, useable marijuana, plants, or  
38 marijuana-infused products authorized under section 15 or 24 of this  
39 act.

1       ~~((b))~~ If a person is both a qualifying patient and a designated  
2 provider for another qualifying patient, the person may possess no  
3 more than twice the amounts described in ~~((a) of this subsection))~~  
4 section 15 of this act for the qualifying patient and designated  
5 provider, whether the plants, ~~((useable cannabis, and cannabis~~  
6 ~~product))~~ marijuana concentrates, useable marijuana, or marijuana-  
7 infused products are possessed individually or in combination between  
8 the qualifying patient and his or her designated provider;

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

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

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

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

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

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

34       ~~((6))~~ or

35       (2) The ~~((investigating peace officer has not observed evidence~~  
36 ~~of any of the circumstances identified in section 901(4))~~ qualifying  
37 patient or designated provider participates in a cooperative as  
38 provided in section 24 of this act.

1        NEW SECTION.    **Sec. 24.**    A new section is added to chapter 69.51A  
2    RCW to read as follows:

3        (1)    Qualifying patients or designated providers may form a  
4    cooperative and share responsibility for acquiring and supplying the  
5    resources needed to produce and process marijuana only for the  
6    medical use of members of the cooperative. No more than four people  
7    may become members of the cooperative under this section and all  
8    members must hold valid authorization cards.

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

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

32        (4)    Qualifying patients or designated providers who grow plants  
33    under this section:

34        (a)    May grow up to the total amount of plants for which each  
35    participating member is authorized on their authorization cards. At  
36    the location, the qualifying patients or designated providers may  
37    possess no more useable marijuana than what can be produced with the  
38    number of plants permitted under this subsection;

39        (b)    Must provide assistance in growing plants. A monetary  
40    contribution or donation is not to be considered assistance under

1 this section. Participants must provide nonmonetary resources and  
2 labor in order to participate; and

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

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

10 (6) The state liquor and cannabis board may adopt rules to  
11 implement this section, including any security requirements necessary  
12 to ensure the safety of the cooperative and to reduce the risk of  
13 diversion from the cooperative.

14 (7) The state liquor and cannabis board may inspect a cooperative  
15 registered under this section to ensure members are in compliance  
16 with this section. The state liquor and cannabis board must adopt  
17 rules on reasonable inspection hours and reasons for inspections.

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

20 (1) A qualifying patient or designated provider in possession of  
21 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~  
22 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the  
23 limits set forth in ~~((RCW 69.51A.040(1)))~~ section 15 or 24 of this  
24 act but otherwise in compliance with all other terms and conditions  
25 of this chapter may establish an affirmative defense to charges of  
26 violations of state law relating to ~~((cannabis))~~ marijuana through  
27 proof at trial, by a preponderance of the evidence, that the  
28 qualifying patient's necessary medical use exceeds the amounts set  
29 forth in RCW 69.51A.040~~((+1))~~.

30 (2) An investigating ~~((peace))~~ law enforcement officer may seize  
31 ~~((cannabis))~~ plants, marijuana concentrates, useable ~~((cannabis))~~  
32 marijuana, or ~~((cannabis))~~ marijuana-infused products exceeding the  
33 amounts set forth in ~~((RCW 69.51A.040(1): PROVIDED, That))~~ section 15  
34 or 24 of this act. In the case of ~~((cannabis))~~ plants, the qualifying  
35 patient or designated provider shall be allowed to select the plants  
36 that will remain at the location. The officer and his or her law  
37 enforcement agency may not be held civilly liable for failure to  
38 seize ~~((cannabis))~~ marijuana in this circumstance.

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

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

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

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

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

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

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

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

1 payment or nonpayment of medical ((~~eannabis~~)) marijuana in their sole  
2 discretion.

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

5 (4) Nothing in this chapter requires any accommodation of any on-  
6 site medical use of ((~~eannabis~~)) marijuana in any place of  
7 employment, in any school bus or on any school grounds, in any youth  
8 center, in any correctional facility, or smoking ((~~eannabis~~))  
9 marijuana in any public place or hotel or motel. However, a school  
10 may permit a minor who meets the requirements of section 16 of this  
11 act to consume marijuana on school grounds. Such use must be in  
12 accordance with school policy relating to medication use on school  
13 grounds.

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

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

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

23 ((~~+7~~)) ~~It is a class C felony to fraudulently produce any record~~  
24 ~~purporting to be, or tamper with the content of any record for the~~  
25 ~~purpose of having it accepted as, valid documentation under RCW~~  
26 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~  
27 ~~earlier than its actual date of execution.)~~

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

35 **Sec. 28.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to  
36 read as follows:

37 The Washington state medical quality assurance commission in  
38 consultation with the board of osteopathic medicine and surgery, or  
39 other appropriate agency as designated by the governor, shall accept

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

14 **Sec. 29.** RCW 69.51A.085 and 2011 c 181 s 403 are each amended to  
15 read as follows:

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

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

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

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

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

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

1       ((e)) (f) No useable cannabis from the collective garden is  
2 delivered to anyone other than one of the qualifying patients  
3 participating in the collective garden.

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

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

14       NEW SECTION.   **Sec. 30.** A new section is added to chapter 69.50  
15 RCW to read as follows:

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

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

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

23       (c) Until December 31, 2015, collective gardens under RCW  
24 69.51A.085 are providing marijuana to persons under the age of  
25 twenty-one; or

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

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

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

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

1 (3) A marijuana retailer or medical marijuana retailer who  
2 conducts an in-house controlled purchase program authorized under  
3 this section shall provide his or her employees a written description  
4 of the employer's in-house controlled purchase program. The written  
5 description must include notice of actions an employer may take as a  
6 consequence of an employee's failure to comply with company policies  
7 regarding the sale of marijuana during an in-house controlled  
8 purchase program.

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

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

22 **Sec. 31.** RCW 69.51A.100 and 2011 c 181 s 404 are each amended to  
23 read as follows:

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

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

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

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

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

11       NEW SECTION. Sec. 33. A new section is added to chapter 82.08  
12 RCW to read as follows:

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

14       (a) Beginning December 31, 2015, sales of marijuana concentrates,  
15 marijuana-infused products, or products containing THC with a THC  
16 concentration of 0.3 percent or less by medical marijuana retailers  
17 to qualifying patients or designated providers who hold authorization  
18 cards;

19       (b) Beginning December 31, 2015, sales of products containing THC  
20 with a THC concentration of 0.3 percent or less by health care  
21 professionals under section 32 of this act; or

22       (c) Until December 31, 2015, sales of marijuana concentrates,  
23 marijuana-infused products, or products containing THC with a THC  
24 concentration of 0.3 percent or less by collective gardens under RCW  
25 69.51A.085.

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

30       (3) For the purposes of this section, the terms "THC  
31 concentration," "marijuana concentrates," and "marijuana-infused  
32 products" have the meaning provided in RCW 69.50.101 and the terms  
33 "qualifying patients," "designated providers," "medical marijuana  
34 retailers," and "authorization card" have the meaning provided in RCW  
35 69.51A.010.

36       NEW SECTION. Sec. 34. A new section is added to chapter 82.12  
37 RCW to read as follows:

1 (1) The provisions of this chapter shall not apply to the use of  
2 marijuana concentrates, marijuana-infused products, or products  
3 containing THC with a THC concentration of 0.3 percent or less in  
4 compliance with chapter 69.51A RCW by:

5 (a) Until December 31, 2015, collective gardens under RCW  
6 69.51A.085 and the qualifying patients or designated providers  
7 participating in the collective gardens;

8 (b) Beginning December 31, 2015, qualifying patients or  
9 designated providers who hold authorization cards and have purchased  
10 marijuana concentrates, marijuana-infused products, or products  
11 containing THC with a THC concentration of 0.3 percent from a medical  
12 marijuana retailer or who have purchased or been provided at no  
13 charge products containing THC with a THC concentration of 0.3  
14 percent from a health care professional; or

15 (c) Beginning December 31, 2015, medical marijuana retailers with  
16 respect to marijuana concentrates, marijuana-infused products, or  
17 products containing THC with a THC concentration of 0.3 percent or  
18 less if such marijuana or product is provided at no charge to a  
19 qualifying patient or designated provider who holds an authorization  
20 card. Each such retailer providing such marijuana or product at no  
21 charge must maintain information establishing eligibility for this  
22 exemption in the form and manner required by the department.

23 (2) For the purposes of this section, the terms "THC  
24 concentration," "marijuana concentrates," and "marijuana-infused  
25 products" have the meaning provided in RCW 69.50.101 and the terms  
26 "qualifying patients," "designated providers," "medical marijuana  
27 retailers," and "authorization card" have the meaning provided in RCW  
28 69.51A.010.

29 NEW SECTION. **Sec. 35.** (1) The legislature finds marijuana use  
30 for qualifying patients is a valid and necessary option health care  
31 professionals may recommend for their patients. The legislature  
32 further finds that although there is a distinction between  
33 recreational and medical use of marijuana, the changing environment  
34 for recreational marijuana use in Washington will also affect  
35 qualifying patients. The legislature further finds that while  
36 recognizing the difference between recreational and medical use of  
37 marijuana, it is imperative to develop a single, comprehensive  
38 regulatory scheme for marijuana use in the state. Acknowledging that  
39 the implementation of this act may result in changes to how

1 qualifying patients access marijuana for their medical use, the  
2 legislature intends to ease the transition towards a regulated market  
3 and provide a statutory means for a safe, consistent, and secure  
4 source of marijuana for qualifying patients. Therefore, the  
5 legislature intends to provide qualifying patients a retail sales and  
6 use tax exemption on purchases of marijuana for medical use when  
7 authorized by a health care professional and when purchased at a  
8 medical marijuana retailer. Because marijuana is neither a  
9 prescription medicine nor an over-the-counter medication, this policy  
10 should in no way be construed as precedence for changes in the  
11 treatment of prescription medications or over-the-counter  
12 medications.

13 (2)(a) This section is the tax preference performance statement  
14 for the retail sales and use tax exemptions for marijuana  
15 concentrates and marijuana-infused products purchased by qualifying  
16 patients provided in sections 33 and 34 of this act. The performance  
17 statement is only intended to be used for subsequent evaluation of  
18 the tax preference. It is not intended to create a private right of  
19 action by any party or be used to determine eligibility for  
20 preferential tax treatment.

21 (b) The legislature categorizes the tax preference as one  
22 intended to accomplish the general purposes indicated in RCW  
23 82.32.808(2)(e).

24 (c) It is the legislature's specific public policy objective to  
25 provide qualifying patients a retail sales and use tax exemption on  
26 purchases of marijuana concentrates and marijuana-infused products  
27 for medical use when qualifying patients hold a valid authorization  
28 card.

29 (d) To measure the effectiveness of the exemption provided in  
30 sections 33 and 34 of this act in achieving the specific public  
31 policy objectives described in (c) of this subsection, the joint  
32 legislative audit and review committee must evaluate the actual  
33 fiscal impact of the sales and use tax exemption compared to the  
34 estimated impact in the fiscal note for this act.

35 (3) For the purposes of this section, the terms "authorization  
36 card," "qualifying patient," and "health care professional" have the  
37 meaning provided in RCW 69.51A.010 and the terms "marijuana  
38 concentrates" and "marijuana-infused products" have the meaning  
39 provided in RCW 69.50.101.

1        NEW SECTION.    **Sec. 36.**    All references to the Washington state  
2 liquor control board must be construed as referring to the Washington  
3 state liquor and cannabis board. The code reviser must prepare  
4 legislation for the 2016 legislative session changing all references  
5 in the Revised Code of Washington from the Washington state liquor  
6 control board to the Washington state liquor and cannabis board.

7        NEW SECTION.    **Sec. 37.**    The following acts or parts of acts are  
8 each repealed:

9            (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103  
10 & 1999 c 2 s 3;

11            (2) RCW 69.51A.025 (Construction of chapter—Compliance with RCW  
12 69.51A.040) and 2011 c 181 s 413;

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

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

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

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

20        NEW SECTION.    **Sec. 38.**    The following acts or parts of acts are  
21 each repealed:

22            (1) RCW 69.51A.043 (Failure to register—Affirmative defense) and  
23 2011 c 181 s 402; and

24            (2) RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403.

25        NEW SECTION.    **Sec. 39.**    Sections 11, 15, 16, 19, 21 through 25,  
26 27, and 38 of this act take effect December 31, 2015.

27        NEW SECTION.    **Sec. 40.**    Sections 29 and 30 of this act are  
28 necessary for the immediate preservation of the public health, or  
29 safety, or support of the state government and its existing public  
30 institutions, and take effect immediately.

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