
SENATE BILL 5519

State of Washington

64th Legislature

2015 Regular Session

By Senators Kohl-Welles, Habib, Keiser, Hasegawa, Conway, Pedersen, Darneille, Chase, and Mullet

Read first time 01/22/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the comprehensive marijuana reform act;
2 amending RCW 69.50.101, 69.51A.010, 66.08.012, 69.50.325, 69.50.331,
3 69.50.342, 69.50.345, 69.50.348, 69.50.351, 69.50.354, 69.50.357,
4 69.50.360, 28B.20.502, 43.350.030, 69.50.401, 69.50.4013, 69.51A.030,
5 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, and
6 69.50.369; adding new sections to chapter 69.50 RCW; adding new
7 sections to chapter 42.56 RCW; adding a new section to chapter 82.08
8 RCW; adding a new section to chapter 82.12 RCW; adding new sections
9 to chapter 69.51A RCW; creating new sections; repealing RCW
10 69.51A.005, 69.51A.020, 69.51A.025, 69.51A.043, 69.51A.047,
11 69.51A.090, 69.51A.140, 69.51A.200, and 69.51A.085; prescribing
12 penalties; and providing an effective date.

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 comprehensive marijuana reform act.

16 **Part I - Intent**

17 NEW SECTION. **Sec. 101.** The legislature finds that the voters of
18 Washington state have consistently acted in a progressive manner when
19 it comes to marijuana policy, beginning in 1998 with Initiative

1 Measure No. 692, when voters authorized the medical use of marijuana,
2 and continuing in 2012 with Initiative Measure No. 502, when voters
3 authorized the recreational use of marijuana by enacting a system to
4 bring the illicit marijuana market under regulatory control and
5 directed tax revenues to prevention, treatment, research, education,
6 and evaluation.

7 However, the road from 1998 to 2012 has not been entirely smooth.
8 In 2011, a comprehensive regulatory scheme relating to the medical
9 use of marijuana was passed by both houses of the legislature but was
10 partially vetoed by the governor who voiced concerns about federal
11 intervention. Unfortunately, the partial veto did not add clarity to
12 the medical marijuana system and is responsible for some of the
13 confusion relating to it that exists to this day. The 2011 bill,
14 chapter 181, Laws of 2011 (Engrossed Second Substitute Senate Bill
15 No. 5073), provided for licensed producers, processors, and
16 distributors of marijuana. It also provided for small patient
17 collective gardens to allow for their own personal, medical use.
18 These collective gardens were intended by the legislature to
19 supplement the licensed producers; they were never intended to become
20 storefront businesses, operating without regulatory oversight. Yet,
21 today, collective gardens have developed into dispensaries, selling
22 marijuana for the medical use of patients, without testing or safe
23 handling standards and without regulatory oversight.

24 The resulting landscape is untenable. The state has two
25 contradictory methods of addressing marijuana: A medical system
26 without regulation and a recreational system subject to strict
27 regulation, including agency oversight, seed to sale tracking,
28 product testing and labeling, and strict controls relating to
29 underage use. Law enforcement does not have bright lines to follow in
30 determining who are recreational users and who are medical users.
31 Consequently, medical dispensaries are operating, many of which are
32 selling untested products to medical users and without any assurances
33 that people who truly need medical products are accessing those
34 products or that the products they purchase are free from
35 contaminants and have the THC/CBD level that would benefit their
36 medical conditions. The legislature intends to draw bright line rules
37 to aid enforcement of both medical and recreational systems, to merge
38 medical into the recreational regulatory scheme so all products sold
39 in the state meet at least the same testing and product safety
40 requirements, and to ensure that people who require marijuana for

1 their medical care are still provided adequate access to this
2 product.

3 The legislature further finds that, while Initiative Measure No.
4 502 began the discussion for this state in regulating the
5 recreational use of marijuana, there is much work that needs to be
6 done. This includes: Developing safe delivery methods for marijuana,
7 becoming a leader in the country in research related to the use of
8 marijuana, permitting all people regardless of whether they are
9 medical or recreational users to grow up to six plants for their
10 personal use, permitting all people to purchase products low in THC
11 and high in CBD without paying sales and use tax, permitting
12 qualifying patients and designated providers to purchase medical
13 grade marijuana without paying sales and use tax, addressing local
14 government regulation by requiring that all moratoria and bans on
15 marijuana be subject to public vote, and limiting access to marijuana
16 by minors. Further qualifying patients need assurances that they will
17 continue to have access to marijuana for their personal, medical use.
18 The legislature intends to adopt a medical marijuana waiver system
19 that allows patients to directly apply with the department of health
20 to get a waiver from the limits provided by this bill in order to
21 address their unique medical needs. This system eliminates the need
22 for a medical marijuana registry that involves the health care
23 professional as the "gatekeeper" to entry and will eliminate abuse of
24 authorizations.

25 **Part II - Definitions**

26 **Sec. 201.** RCW 69.50.101 and 2014 c 192 s 1 are each amended to
27 read as follows:

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

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

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

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

37 (b) "Agent" means an authorized person who acts on behalf of or
38 at the direction of a manufacturer, distributor, or dispenser. It

1 does not include a common or contract carrier, public
2 warehouseperson, or employee of the carrier or warehouseperson.

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

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

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

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

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

20 (2) The term does not include:

21 (i) a controlled substance;

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

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

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

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

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

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

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

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

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

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

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

19 (n) "Electronic communication of prescription information" means
20 the transmission of a prescription or refill authorization for a drug
21 of a practitioner using computer systems. The term does not include a
22 prescription or refill authorization verbally transmitted by
23 telephone nor a facsimile manually signed by the practitioner.

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

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

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

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

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

38 (q) "Lot" means a definite quantity of marijuana, marijuana
39 concentrates, useable marijuana, or marijuana-infused product
40 identified by a lot number, every portion or package of which is

1 uniform within recognized tolerances for the factors that appear in
2 the labeling.

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

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

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

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

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

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

37 (v) "Marijuana processor" means a person licensed by the state
38 liquor (~~control~~) and cannabis board to process marijuana into
39 marijuana concentrates, useable marijuana, and marijuana-infused
40 products, package and label marijuana concentrates, useable

1 marijuana, and marijuana-infused products for sale in retail outlets,
2 and sell marijuana concentrates, useable marijuana, and marijuana-
3 infused products at wholesale to marijuana retailers.

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

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

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

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

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

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

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

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

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

34 (6) Cocaine base.

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

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

39 (aa) "Opiate" means any substance having an addiction-forming or
40 addiction-sustaining liability similar to morphine or being capable

1 of conversion into a drug having addiction-forming or addiction-
2 sustaining liability. The term includes opium, substances derived
3 from opium (opium derivatives), and synthetic opiates. The term does
4 not include, unless specifically designated as controlled under RCW
5 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
6 and its salts (dextromethorphan). The term includes the racemic and
7 levorotatory forms of dextromethorphan.

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

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

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

16 (ee) "Practitioner" means:

17 (1) A physician under chapter 18.71 RCW; a physician assistant
18 under chapter 18.71A RCW; an osteopathic physician and surgeon under
19 chapter 18.57 RCW; an osteopathic physician assistant under chapter
20 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
21 limitations in RCW 18.57A.040; an optometrist licensed under chapter
22 18.53 RCW who is certified by the optometry board under RCW 18.53.010
23 subject to any limitations in RCW 18.53.010; a dentist under chapter
24 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW;
25 a veterinarian under chapter 18.92 RCW; a registered nurse, advanced
26 registered nurse practitioner, or licensed practical nurse under
27 chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW
28 who is licensed under RCW 18.36A.030 subject to any limitations in
29 RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific
30 investigator under this chapter, licensed, registered or otherwise
31 permitted insofar as is consistent with those licensing laws to
32 distribute, dispense, conduct research with respect to or administer
33 a controlled substance in the course of their professional practice
34 or research in this state.

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

39 (3) A physician licensed to practice medicine and surgery, a
40 physician licensed to practice osteopathic medicine and surgery, a

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

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

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

16 (hh) "Retail outlet" means a location licensed by the state
17 liquor (~~control~~) and cannabis board for the retail sale of
18 marijuana concentrates, useable marijuana, and marijuana-infused
19 products.

20 (ii) "Secretary" means the secretary of health or the secretary's
21 designee.

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

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

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

37 (mm) "Useable marijuana" means dried marijuana flowers. The term
38 "useable marijuana" does not include either marijuana-infused
39 products or marijuana concentrates.

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

3 (oo) "Qualifying patient" has the meaning provided in RCW
4 69.51A.010.

5 (pp) "CBD concentration" has the meaning provided in RCW
6 69.51A.010.

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

14 (rr) "Health care professional" has the meaning provided in RCW
15 69.51A.010.

16 (ss) "Evidence-based" means a program or practice that has been
17 tested in heterogeneous or intended populations with multiple
18 randomized, or statistically controlled evaluations, or both; or one
19 large multiple site randomized, or statistically controlled
20 evaluation, or both, where the weight of the evidence from a systemic
21 review demonstrates sustained improvements in at least one outcome.
22 "Evidence-based" also means a program or practice that can be
23 implemented with a set of procedures to allow successful replication
24 in Washington and, when possible, is determined to be cost-
25 beneficial.

26 (tt) "Research-based" means a program or practice that has been
27 tested with a single randomized, or statistically controlled
28 evaluation, or both, demonstrating sustained desirable outcomes; or
29 where the weight of the evidence from a systemic review supports
30 sustained outcomes as described in (ss) of this subsection but does
31 not meet the full criteria for evidence-based.

32 (uu) "Emerging best practices" or "promising practice" means a
33 program or practice that, based on statistical analyses or a well
34 established theory of change, shows potential for meeting the
35 evidence-based or research-based criteria, which may include the use
36 of a program that is evidence-based for outcomes other than those
37 listed in (ss) of this subsection.

38 (vv) "Immature plant" means a marijuana plant with no observable
39 flowers or buds.

1 (ww) "Mature plant" means a marijuana plant with observable
2 flowers or buds.

3 (xx) "Waiver" or "waiver card" has the meaning provided in RCW
4 69.51A.010.

5 (yy) "Medical grade marijuana" has the meaning provided in RCW
6 69.51A.010.

7 **Sec. 202.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
8 read as follows:

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

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

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

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

19 (b) Has been listed on a waiver application as being the
20 designated provider to a qualifying patient and may only provide
21 marijuana to that qualifying patient under the department-approved
22 waiver;

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

26 (d) Is in compliance with the terms and conditions of this
27 chapter; and

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

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

37 (3) "Medical use of marijuana" means the production, possession,
38 transportation, delivery, ingestion, application, or administration
39 of marijuana(~~(, as defined in RCW 69.50.101(q),)~~) for the exclusive

1 benefit of a qualifying patient in the treatment of his or her
2 terminal or debilitating (~~(illness)~~) medical condition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (g) Posttraumatic stress disorder; or

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

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

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

19 ~~(b) Proof of identity such as a Washington state driver's license~~
20 ~~or identicard, as defined in RCW 46.20.035)) (6) "CBD concentration"~~
21 means the percent of cannabidiol content per dry weight of any part
22 of the plant *Cannabis*, or per volume or weight of marijuana product.

23 (7) "Department" means the department of health.

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

25 (9) "Marijuana concentrates" has the meaning provided in RCW
26 69.50.101.

27 (10) "Marijuana processor" has the meaning provided in RCW
28 69.50.101.

29 (11) "Marijuana producer" has the meaning provided in RCW
30 69.50.101.

31 (12) "Marijuana-infused products" has the meaning provided in RCW
32 69.50.101.

33 (13) "Plant" has the meaning provided in RCW 69.50.101.

34 (14) "THC concentration" has the meaning provided in RCW
35 69.50.101.

36 (15) "Useable marijuana" has the meaning provided in RCW
37 69.50.101.

38 (16) "Waiver" or "waiver card" means the document provided by the
39 department under section 603 of this act that permits a qualifying
40 patient or designated provider to possess more useable marijuana or

1 marijuana plants than what is permitted under chapter 69.50 RCW, that
2 permits persons between the ages of eighteen and twenty-one to
3 purchase marijuana from a marijuana retailer that holds a medical
4 marijuana endorsement, and permits all marijuana purchases made with
5 the card at a marijuana retailer that holds a medical marijuana
6 endorsement to be exempt from sales and use tax.

7 (17) "Immature plant" has the meaning provided in RCW 69.50.101.

8 (18) "Mature plant" has the meaning provided in RCW 69.50.101.

9 (19) "Medical grade marijuana" means marijuana concentrates,
10 useable marijuana, marijuana-infused products, and plants that are
11 identified under section 308 of this act as beneficial to qualifying
12 patients.

13 **Sec. 203.** RCW 66.08.012 and 2012 c 117 s 265 are each amended to
14 read as follows:

15 There shall be a board, known as the "Washington state liquor
16 (~~control~~) and cannabis board," consisting of three members, to be
17 appointed by the governor, with the consent of the senate, who shall
18 each be paid an annual salary to be fixed by the governor in
19 accordance with the provisions of RCW 43.03.040. The governor may, in
20 his or her discretion, appoint one of the members as chair of the
21 board, and a majority of the members shall constitute a quorum of the
22 board.

23 **Part III - Licenses**

24 **Sec. 301.** RCW 69.50.325 and 2014 c 192 s 2 are each amended to
25 read as follows:

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

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

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

28 (3) There shall be a marijuana retailer's license to sell
29 marijuana concentrates, useable marijuana, immature marijuana plants,
30 and marijuana-infused products at retail in retail outlets, regulated
31 by the state liquor (~~control~~) and cannabis board and subject to
32 annual renewal. The possession, delivery, distribution, and sale of
33 marijuana concentrates, useable marijuana, immature marijuana plants,
34 and marijuana-infused products in accordance with the provisions of
35 this chapter (~~(3,~~ Laws of 2013)) and chapter 69.51A RCW and the rules
36 adopted to implement and enforce (~~it~~) these chapters, 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. 302.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to
10 read as follows:

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

16 (a) The state liquor and cannabis board must develop a
17 competitive, merit-based basis application process that includes at a
18 minimum, the opportunity for an applicant to demonstrate experience
19 and qualifications in the marijuana industry. Operating a collective
20 garden before the effective date of this section and having a
21 business license and a history of paying sales tax to the department
22 of revenue may be factors used to establish the experience and
23 qualifications of the applicant.

24 (b) The state liquor and cannabis board may cause an inspection
25 of the premises to be made, and may inquire into all matters in
26 connection with the construction and operation of the premises. For
27 the purpose of reviewing any application for a license and for
28 considering the denial, suspension, revocation, or renewal or denial
29 thereof, of any license, the state liquor ~~((control))~~ and cannabis
30 board may consider any prior criminal conduct of the applicant
31 including an administrative violation history record with the state
32 liquor ~~((control))~~ and cannabis board and a criminal history record
33 information check. The state liquor ~~((control))~~ and cannabis
34 board may submit the criminal history record information check to the
35 Washington state patrol and to the identification division of the
36 federal bureau of investigation in order that these agencies may
37 search their records for prior arrests and convictions of the
38 individual or individuals who filled out the forms. The state liquor
39 ~~((control))~~ and cannabis board shall require fingerprinting of any

1 applicant whose criminal history record information check is
2 submitted to the federal bureau of investigation. The provisions of
3 RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases.
4 Subject to the provisions of this section, the state liquor
5 (~~control~~) and cannabis board may, in its discretion, grant or deny
6 the renewal or license applied for. Denial may be based on, without
7 limitation, the existence of chronic illegal activity documented in
8 objections submitted pursuant to subsections (7)(c) and (9) of this
9 section. Authority to approve an uncontested or unopposed license may
10 be granted by the state liquor (~~control~~) and cannabis board to any
11 staff member the board designates in writing. Conditions for granting
12 this authority shall be adopted by rule.

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

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

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

18 ((c)) (iii) A partnership, employee cooperative, association,
19 nonprofit corporation, or corporation unless formed under the laws of
20 this state, and unless all of the members thereof are qualified to
21 obtain a license as provided in this section; or

22 ((d)) (iv) A person whose place of business is conducted by a
23 manager or agent, unless the manager or agent possesses the same
24 qualifications required of the licensee.

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

32 (b) The state liquor (~~control~~) and cannabis board shall
33 immediately suspend the license of a person who has been certified
34 pursuant to RCW 74.20A.320 by the department of social and health
35 services as a person who is not in compliance with a support order.
36 If the person has continued to meet all other requirements for
37 reinstatement during the suspension, reissuance of the license shall
38 be automatic upon the state liquor (~~control~~) and cannabis board's
39 receipt of a release issued by the department of social and health
40 services stating that the licensee is in compliance with the order.

1 (c) The state liquor (~~control~~) and cannabis board may request
2 the appointment of administrative law judges under chapter 34.12 RCW
3 who shall have power to administer oaths, issue subpoenas for the
4 attendance of witnesses and the production of papers, books,
5 accounts, documents, and testimony, examine witnesses, and to receive
6 testimony in any inquiry, investigation, hearing, or proceeding in
7 any part of the state, under rules and regulations the state liquor
8 (~~control~~) and cannabis board may adopt.

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

14 (e) In case of disobedience of any person to comply with the
15 order of the state liquor (~~control~~) and cannabis board or a
16 subpoena issued by the state liquor (~~control~~) and cannabis board,
17 or any of its members, or administrative law judges, or on the
18 refusal of a witness to testify to any matter regarding which he or
19 she may be lawfully interrogated, the judge of the superior court of
20 the county in which the person resides, on application of any member
21 of the board or administrative law judge, shall compel obedience by
22 contempt proceedings, as in the case of disobedience of the
23 requirements of a subpoena issued from said court or a refusal to
24 testify therein.

25 (3) Upon receipt of notice of the suspension or cancellation of a
26 license, the licensee shall forthwith deliver up the license to the
27 state liquor (~~control~~) and cannabis board. Where the license has
28 been suspended only, the state liquor (~~control~~) and cannabis board
29 shall return the license to the licensee at the expiration or
30 termination of the period of suspension. The state liquor (~~control~~)
31 and cannabis board shall notify all other licensees in the county
32 where the subject licensee has its premises of the suspension or
33 cancellation of the license; and no other licensee or employee of
34 another licensee may allow or cause any marijuana, useable marijuana,
35 or marijuana-infused products to be delivered to or for any person at
36 the premises of the subject licensee.

37 (4) Every license issued under chapter 3, Laws of 2013 shall be
38 subject to all conditions and restrictions imposed by chapter 3, Laws
39 of 2013 or by rules adopted by the state liquor (~~control~~) and
40 cannabis board to implement and enforce chapter 3, Laws of 2013. All

1 conditions and restrictions imposed by the state liquor (~~control~~)
2 and cannabis board in the issuance of an individual license shall be
3 listed on the face of the individual license along with the trade
4 name, address, and expiration date.

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

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

9 (7)(a) Before the state liquor (~~control~~) and cannabis board
10 issues a new or renewed license to an applicant it shall give notice
11 of the application to the chief executive officer of the incorporated
12 city or town, if the application is for a license within an
13 incorporated city or town, or to the county legislative authority, if
14 the application is for a license outside the boundaries of
15 incorporated cities or towns.

16 (b) The incorporated city or town through the official or
17 employee selected by it, or the county legislative authority or the
18 official or employee selected by it, shall have the right to file
19 with the state liquor (~~control~~) and cannabis board within twenty
20 days after the date of transmittal of the notice for applications, or
21 at least thirty days prior to the expiration date for renewals,
22 written objections against the applicant or against the premises for
23 which the new or renewed license is asked. The state liquor
24 (~~control~~) and cannabis board may extend the time period for
25 submitting written objections.

26 (c) The written objections shall include a statement of all facts
27 upon which the objections are based, and in case written objections
28 are filed, the city or town or county legislative authority may
29 request, and the state liquor (~~control~~) and cannabis board may in
30 its discretion hold, a hearing subject to the applicable provisions
31 of Title 34 RCW. If the state liquor (~~control~~) and cannabis board
32 makes an initial decision to deny a license or renewal based on the
33 written objections of an incorporated city or town or county
34 legislative authority, the applicant may request a hearing subject to
35 the applicable provisions of Title 34 RCW. If a hearing is held at
36 the request of the applicant, state liquor (~~control~~) and cannabis
37 board representatives shall present and defend the state liquor
38 (~~control~~) and cannabis board's initial decision to deny a license
39 or renewal.

1 (d) Upon the granting of a license under this title the state
2 liquor (~~control~~) and cannabis board shall send written notification
3 to the chief executive officer of the incorporated city or town in
4 which the license is granted, or to the county legislative authority
5 if the license is granted outside the boundaries of incorporated
6 cities or towns.

7 (8)(a) Except as provided in (b) of this subsection, the state
8 liquor (~~control~~) and cannabis board shall not issue a license for
9 any premises within one thousand feet of the perimeter of the grounds
10 of any elementary or secondary school, playground, recreation center
11 or facility, child care center, public park, public transit center,
12 or library, or any game arcade admission to which is not restricted
13 to persons aged twenty-one years or older.

14 (b) If a city or county adopts an ordinance under section 701 of
15 this act, the state liquor and cannabis board shall not issue a
16 license if the premises violates the terms of the ordinance.

17 (9) In determining whether to grant or deny a license or renewal
18 of any license, the state liquor (~~control~~) and cannabis board shall
19 give substantial weight to objections from an incorporated city or
20 town or county legislative authority based upon chronic illegal
21 activity associated with the applicant's operations of the premises
22 proposed to be licensed or the applicant's operation of any other
23 licensed premises, or the conduct of the applicant's patrons inside
24 or outside the licensed premises. "Chronic illegal activity" means
25 (a) a pervasive pattern of activity that threatens the public health,
26 safety, and welfare of the city, town, or county including, but not
27 limited to, open container violations, assaults, disturbances,
28 disorderly conduct, or other criminal law violations, or as
29 documented in crime statistics, police reports, emergency medical
30 response data, calls for service, field data, or similar records of a
31 law enforcement agency for the city, town, county, or any other
32 municipal corporation or any state agency; or (b) an unreasonably
33 high number of citations for violations of RCW 46.61.502 associated
34 with the applicant's or licensee's operation of any licensed premises
35 as indicated by the reported statements given to law enforcement upon
36 arrest.

37 **Sec. 303.** RCW 69.50.342 and 2013 c 3 s 9 are each amended to
38 read as follows:

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

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

12 (2) The books and records to be created and maintained by
13 licensees, the reports to be made thereon to the state liquor
14 (~~(control)~~) and cannabis board, and inspection of the books and
15 records;

16 (3) Methods of producing, processing, (~~(and)~~) packaging, and
17 transporting marijuana, useable marijuana, marijuana concentrates,
18 immature plants, and marijuana-infused products; conditions of
19 sanitation; safe handling requirements; and standards of ingredients,
20 quality, and identity of marijuana, useable marijuana, marijuana
21 concentrates, immature plants, and marijuana-infused products
22 produced, processed, packaged, or sold by licensees;

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

26 (5) Security requirements for marijuana distributor and marijuana
27 delivery licensees, and safety protocols for these licensees and
28 their employees;

29 (6) Screening, hiring, training, and supervising employees of
30 licensees;

31 (~~(+6)~~) (7) Retail outlet locations and hours of operation;

32 (~~(+7)~~) (8) Labeling requirements and restrictions on
33 advertisement of marijuana, useable marijuana, marijuana
34 concentrates, and marijuana-infused products for sale in retail
35 outlets;

36 (~~(+8)~~) (9) Forms to be used for purposes of this chapter (~~(3,~~
37 ~~Laws of 2013)~~) or the rules adopted to implement and enforce it, the
38 terms and conditions to be contained in licenses issued under this
39 chapter (~~(3, Laws of 2013)~~), and the qualifications for receiving a
40 license issued under this chapter (~~(3, Laws of 2013)~~), including a

1 criminal history record information check. The state liquor
2 (~~control~~) and cannabis board may submit any criminal history record
3 information check to the Washington state patrol and to the
4 identification division of the federal bureau of investigation in
5 order that these agencies may search their records for prior arrests
6 and convictions of the individual or individuals who filled out the
7 forms. The state liquor (~~control~~) and cannabis board shall require
8 fingerprinting of any applicant whose criminal history record
9 information check is submitted to the federal bureau of
10 investigation;

11 (~~(9)~~) (10) Application, reinstatement, and renewal fees for
12 licenses issued under this chapter (~~(3, Laws of 2013)~~), and fees for
13 anything done or permitted to be done under the rules adopted to
14 implement and enforce this chapter (~~(3, Laws of 2013)~~);

15 (~~(10)~~) (11) The manner of giving and serving notices required
16 by this chapter (~~(3, Laws of 2013)~~) or rules adopted to implement or
17 enforce it;

18 (~~(11)~~) (12) Times and periods when, and the manner, methods,
19 and means by which, licensees shall transport and deliver marijuana,
20 marijuana concentrates, immature or mature plants, useable marijuana,
21 and marijuana-infused products within the state;

22 (~~(12)~~) (13) Identification, seizure, confiscation, destruction,
23 or donation to law enforcement for training purposes of all
24 marijuana, marijuana concentrates, immature or mature plants, useable
25 marijuana, and marijuana-infused products produced, processed, sold,
26 or offered for sale within this state which do not conform in all
27 respects to the standards prescribed by this chapter (~~(3, Laws of~~
28 ~~2013)~~) or the rules adopted to implement and enforce (~~(it: PROVIDED,~~
29 ~~That nothing in chapter 3, Laws of 2013 shall be construed as~~
30 ~~authorizing the state liquor control board to seize, confiscate,~~
31 ~~destroy, or donate to law enforcement marijuana, useable marijuana,~~
32 ~~or marijuana-infused products produced, processed, sold, offered for~~
33 ~~sale, or possessed in compliance with the Washington state medical~~
34 ~~use of cannabis act, chapter 69.51A RCW)) this chapter.~~

35 **Sec. 304.** RCW 69.50.345 and 2013 c 3 s 10 are each amended to
36 read as follows:

37 The state liquor (~~control~~) and cannabis board, subject to the
38 provisions of this chapter (~~(3, Laws of 2013)~~), must adopt rules (~~(by~~

1 ~~December 1, 2013,~~) that establish the procedures and criteria
2 necessary to implement the following:

3 (1) Licensing of marijuana producers, marijuana processors, and
4 marijuana retailers, including prescribing forms and establishing
5 application, reinstatement, and renewal fees. Application forms for
6 marijuana producers must request the applicant to state whether the
7 applicant intends to produce medical grade marijuana for sale by
8 marijuana retailers who hold medical marijuana endorsements and the
9 amount of or percentage of canopy the applicant intends to commit to
10 growing medical grade marijuana;

11 (2) Reconsidering limits on the amount of square feet permitted
12 to be in production on the effective date of this section and
13 increasing the percentage of production space for those marijuana
14 producers who intend to grow medical grade marijuana if the marijuana
15 producer designates the increased production space to medical grade
16 marijuana. If current marijuana producers do not use all the
17 increased production space, the state liquor and cannabis board may
18 reopen the license period for new marijuana producer license
19 applicants but only to those marijuana producers who agree to grow
20 medical grade marijuana for medical marijuana endorsed retail
21 outlets;

22 ((+2)) (3) Determining, in consultation with the office of
23 financial management, the maximum number of retail outlets that may
24 be licensed in each county, taking into consideration:

25 (a) Population distribution;

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

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

30 (d) The number of retail outlets holding medical marijuana
31 endorsements necessary to meet the medical needs of qualifying
32 patients. The state liquor and cannabis board must reconsider the
33 maximum number of retail outlets it established before the effective
34 date of this section and allow for a new license application period
35 and a greater number of retail outlets to be permitted in order to
36 accommodate the medical needs of qualifying patients and designated
37 providers;

38 ((+3)) (4) Determining the maximum quantity of marijuana a
39 marijuana producer may have on the premises of a licensed location at
40 any time without violating Washington state law;

1 ~~((4))~~ (5) Determining the maximum quantities of marijuana,
2 marijuana concentrates, useable marijuana, and marijuana-infused
3 products a marijuana processor may have on the premises of a licensed
4 location at any time without violating Washington state law;

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

9 ~~((6))~~ (7) In making the determinations required by
10 ~~((subsections (3) through (5) of))~~ this section, the state liquor
11 ~~((control))~~ and cannabis board shall take into consideration:

12 (a) Security and safety issues;

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

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

19 ~~((7))~~ (8) Determining the nature, form, and capacity of all
20 containers to be used by licensees to contain marijuana, marijuana
21 concentrates, useable marijuana, and marijuana-infused products, and
22 their labeling requirements, to include but not be limited to:

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

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

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

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

33 (e) Language required by RCW 69.04.480;

34 ~~((8))~~ (9) In consultation with the department of agriculture,
35 establishing classes of marijuana, marijuana concentrates, useable
36 marijuana, and marijuana-infused products according to grade,
37 condition, cannabinoid profile, THC concentration, or other
38 qualitative measurements deemed appropriate by the state liquor
39 ~~((control))~~ and cannabis board;

1 ~~((9))~~ (10) Establishing reasonable time, place, and manner
2 restrictions and requirements regarding advertising of marijuana,
3 marijuana concentrates, useable marijuana, and marijuana-infused
4 products that are not inconsistent with the provisions of this
5 chapter ~~((3, Laws of 2013))~~, taking into consideration:

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

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

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

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

15 ~~((10))~~ (11) Specifying and regulating the time and periods
16 when, and the manner, methods, and means by which, licensees shall
17 transport and deliver marijuana, marijuana concentrates, useable
18 marijuana, and marijuana-infused products within the state;

19 ~~((11))~~ (12) In consultation with the department and the
20 department of agriculture, establishing accreditation requirements
21 for testing laboratories used by licensees to demonstrate compliance
22 with standards adopted by the state liquor ~~((control))~~ and cannabis
23 board, and prescribing methods of producing, processing, and
24 packaging marijuana, marijuana concentrates, useable marijuana, and
25 marijuana-infused products; conditions of sanitation; and standards
26 of ingredients, quality, and identity of marijuana, marijuana
27 concentrates, useable marijuana, and marijuana-infused products
28 produced, processed, packaged, or sold by licensees;

29 ~~((12))~~ (13) Specifying procedures for identifying, seizing,
30 confiscating, destroying, and donating to law enforcement for
31 training purposes all marijuana, marijuana concentrates, useable
32 marijuana, and marijuana-infused products produced, processed,
33 packaged, labeled, or offered for sale in this state that do not
34 conform in all respects to the standards prescribed by this chapter
35 ~~((3, Laws of 2013))~~ or the rules of the state liquor ~~((control))~~ and
36 cannabis board.

37 **Sec. 305.** RCW 69.50.348 and 2013 c 3 s 11 are each amended to
38 read as follows:

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

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

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

19 **Sec. 306.** RCW 69.50.351 and 2013 c 3 s 12 are each amended to
20 read as follows:

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

32 **Sec. 307.** RCW 69.50.354 and 2014 c 192 s 3 are each amended to
33 read as follows:

34 There may be licensed, in no greater number in each of the
35 counties of the state than as the state liquor (~~control~~) and
36 cannabis board shall deem advisable, retail outlets established for
37 the purpose of making marijuana concentrates, immature plants,
38 useable marijuana, and marijuana-infused products available for sale

1 to adults aged twenty-one and over. Retail sale of marijuana
2 concentrates, immature plants, useable marijuana, and marijuana-
3 infused products in accordance with (~~the provisions of~~) this
4 chapter (~~3, Laws of 2013~~) and the rules adopted to implement and
5 enforce it, by a validly licensed marijuana retailer or retail outlet
6 employee, shall not be a criminal or civil offense under Washington
7 state law.

8 NEW SECTION. Sec. 308. A new section is added to chapter 69.50
9 RCW to read as follows:

10 (1) A medical marijuana endorsement to a marijuana retail license
11 is hereby established to permit a marijuana retailer to sell medical
12 grade marijuana to persons over the age of twenty-one or to persons
13 holding waiver cards as provided in sections 602 and 603 of this act.

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

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

17 (a) Not authorize the medical use of marijuana for qualifying
18 patients at the retail outlet or permit health care professionals to
19 authorize the medical use of marijuana for qualifying patients at the
20 retail outlet;

21 (b) Carry medical grade marijuana identified by the state liquor
22 and cannabis board under subsection (5) of this section;

23 (c) Not use labels or market marijuana concentrates, useable
24 marijuana, immature plants, or marijuana-infused products in a way
25 that make them intentionally attractive to minors;

26 (d) Keep copies of the qualifying patient's or designated
27 provider's waiver card, or keep equivalent records as required by
28 rule of the state liquor and cannabis board or the department of
29 revenue to document the validity of tax exempt sales under RCW
30 69.50.535; and

31 (e) Meet other requirements as adopted by rule of the department
32 or the state liquor and cannabis board.

33 (4) A marijuana retailer holding a medical marijuana endorsement
34 may sell or provide at no charge products with a THC concentration of
35 0.3 percent or less to qualifying patients or designated providers
36 who possess valid waiver cards.

37 (5) The state liquor and cannabis board must, in consultation
38 with the department and the department of agriculture, establish a
39 medical grade standard and identify medical grade marijuana products

1 that may be sold to qualifying patients or designated providers under
2 a medical marijuana endorsement. These rules must include:

3 (a) THC concentration, CBD concentration, and THC to CBD ratios
4 appropriate for marijuana concentrates, immature plants, useable
5 marijuana, or marijuana-infused products sold to qualifying patients;

6 (b) Labeling requirements for medical grade marijuana;

7 (c) The number and type of medical grade marijuana products that
8 must be offered at medical marijuana endorsed stores;

9 (d) Safe handling requirements for products intended for medical
10 use;

11 (e) Laboratory testing requirements for products intended for
12 medical use to ensure medical grade marijuana products meet the
13 medical grade standard, including requirements for molds, pesticides,
14 and other contaminants; and

15 (f) Other product requirements the state liquor and cannabis
16 board determines necessary to address the medical needs of qualifying
17 patients.

18 (6) A marijuana retailer holding an endorsement to sell medical
19 grade marijuana to qualifying patients must train its employees on
20 recognition of valid waiver cards as well as strains, varieties, THC
21 concentration, CBD concentration, and THC to CBD ratios of marijuana
22 concentrates, useable marijuana, and marijuana-infused products,
23 available for sale when assisting qualifying patients and designated
24 providers at the retail outlet. To meet the requirements of this
25 subsection, the marijuana retailer may employ a medical marijuana
26 consultant, certified by the department under section 611 of this
27 act. The medical marijuana consultant must be available on the retail
28 outlet premises during business hours to provide advice to consumers
29 on the potential medical benefits of marijuana.

30 **Sec. 309.** RCW 69.50.357 and 2014 c 192 s 4 are each amended to
31 read as follows:

32 (1)(a) Retail outlets (~~shall~~) may sell (~~no products or~~
33 ~~services other than~~) marijuana concentrates, useable marijuana,
34 marijuana-infused products, (~~or~~) immature plants, products
35 containing THC with a THC concentration of 0.3 percent or less, and
36 other nonedible consumer goods including, but not limited to,
37 clothing with the retail outlet's name or logo on it. Retail outlets
38 may also sell paraphernalia intended for the storage or use of

1 marijuana concentrates, useable marijuana, or marijuana-infused
2 products.

3 (b) Retail outlets shall not sell liquor, as that term is defined
4 in RCW 66.04.010.

5 (c) The state liquor and cannabis board may adopt rules on
6 nonedible consumer goods that may not be sold in retail outlets,
7 including prohibiting consumer goods that are intended for use by
8 persons under the age of eighteen.

9 (2) Licensed marijuana retailers shall not employ persons under
10 twenty-one years of age or allow persons under twenty-one years of
11 age to enter or remain on the premises of a retail outlet. However,
12 qualifying patients between eighteen and twenty-one years of age who
13 hold waiver cards may enter and remain on the premises of a retail
14 outlet holding a medical marijuana endorsement and may purchase
15 products for their personal medical use.

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

22 (b) Licensed marijuana retailers with a medical marijuana
23 endorsement must ensure that all employees are trained on the
24 subjects required by (a) of this subsection as well as identification
25 of waiver cards issued under section 602 of this act. Employees must
26 also be trained to permit qualifying patients who hold waiver cards
27 and are between the ages of eighteen and twenty-one to enter the
28 premises and purchase marijuana for their personal medical use.

29 ~~((3))~~ (4) Licensed marijuana retailers shall not display any
30 signage in a window, on a door, or on the outside of the premises of
31 a retail outlet that is visible to the general public from a public
32 right-of-way, other than a single sign no larger than one thousand
33 six hundred square inches identifying the retail outlet by the
34 licensee's business or trade name. Retail outlets that hold medical
35 marijuana endorsements may include this information on signage.

36 ~~((4))~~ (5) Licensed marijuana retailers shall not display
37 marijuana concentrates, immature plants, useable marijuana, or
38 marijuana-infused products in a manner that is visible to the general
39 public from a public right-of-way.

1 (~~(5)~~) (6) No licensed marijuana retailer or employee of a
2 retail outlet shall open or consume, or allow to be opened or
3 consumed, any marijuana concentrates, useable marijuana, or
4 marijuana-infused product on the outlet premises.

5 (~~(6)~~) (7) The state liquor (~~(control)~~) and cannabis board shall
6 fine a licensee one thousand dollars for each violation of any
7 subsection of this section. Fines collected under this section must
8 be deposited into the dedicated marijuana fund created under RCW
9 69.50.530.

10 **Sec. 310.** RCW 69.50.360 and 2014 c 192 s 5 are each amended to
11 read as follows:

12 The following acts, when performed by a validly licensed
13 marijuana retailer or employee of a validly licensed retail outlet in
14 compliance with rules adopted by the state liquor (~~(control)~~) and
15 cannabis board to implement and enforce this chapter (~~(3, Laws of~~
16 ~~2013)~~), shall not constitute criminal or civil offenses under
17 Washington state law:

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

22 (2) Possession of quantities of marijuana concentrates, useable
23 marijuana, immature plants, or marijuana-infused products that do not
24 exceed the maximum amounts established by the state liquor
25 (~~(control)~~) and cannabis board under RCW 69.50.345(~~(5)~~) (6);
26 (~~and~~)

27 (3) Delivery, distribution, and sale, on the premises of the
28 retail outlet, of any combination of the following amounts of
29 marijuana concentrates, useable marijuana, immature plants, or
30 marijuana-infused product to any person twenty-one years of age or
31 older:

32 (a) One ounce of useable marijuana;
33 (b) Sixteen ounces of marijuana-infused product in solid form;
34 (c) Seventy-two ounces of marijuana-infused product in liquid
35 form; (~~or~~)

36 (d) Seven grams of marijuana concentrate; or

37 (e) Six immature plants; and

38 (4) Resale or return of mature plants to a marijuana producer or
39 marijuana processor.

1 NEW SECTION. **Sec. 311.** The department of health must develop
2 recommendations on establishing medical marijuana specialty clinics
3 that would allow for the authorization and dispensing of marijuana to
4 patients of health care professionals who work on-site of the clinic
5 and who are certified by the department of health in the medical use
6 of marijuana.

7 Recommendations must be reported to the chairs of the health care
8 committees of both the house of representatives and the senate by
9 December 1, 2015.

10 NEW SECTION. **Sec. 312.** A new section is added to chapter 69.50
11 RCW to read as follows:

12 (1) There shall be a marijuana research license that permits a
13 licensee to produce and possess marijuana for the following limited
14 research purposes:

15 (a) To test chemical potency and composition levels;

16 (b) To conduct clinical investigations of marijuana-derived drug
17 products;

18 (c) To conduct research on the efficacy and safety of
19 administering marijuana as part of medical treatment; and

20 (d) To conduct genomic or agricultural research.

21 (2) As part of the application process for a marijuana research
22 license, an applicant must submit to the life sciences discovery fund
23 authority a description of the research that is intended to be
24 conducted. The life sciences discovery fund authority must review the
25 project and determine that it meets the requirements of subsection
26 (1) of this section. If the life sciences discovery fund authority
27 determines that the research project does not meet the requirements
28 of subsection (1) of this section, the application must be denied.

29 (3) A marijuana research licensee may only sell marijuana grown
30 or within its operation to other marijuana research licensees. The
31 state liquor and cannabis board may revoke a marijuana research
32 license for violations of this subsection.

33 (4) A marijuana research licensee may contract with the
34 University of Washington or Washington State University to perform
35 research in conjunction with the university. All research projects
36 must be approved by the life sciences discovery fund authority and
37 meet the requirements of subsection (1) of this section.

38 (5) In establishing a marijuana research license, the state
39 liquor and cannabis board may adopt rules on the following:

- 1 (a) Application requirements;
- 2 (b) Marijuana research license renewal requirements, including
3 whether additional research projects may be added or considered;
- 4 (c) Conditions for license revocation;
- 5 (d) Security measures to ensure marijuana is not diverted to
6 purposes other than research;
- 7 (e) Amount of plants, useable marijuana, marijuana concentrates,
8 or marijuana-infused products a licensee may have on its premises;
- 9 (f) Licensee reporting requirements;
- 10 (g) Conditions under which marijuana grown by marijuana
11 processors may be donated to marijuana research licensees; and
- 12 (h) Additional requirements deemed necessary by the state liquor
13 and cannabis board.
- 14 (6) The production, possession, delivery, donation, and sale of
15 marijuana in accordance with this section and the rules adopted to
16 implement and enforce it, by a validly licensed marijuana researcher,
17 shall not be a criminal or civil offense under Washington state law.
18 Every marijuana research license shall be issued in the name of the
19 applicant, shall specify the location at which the marijuana
20 researcher intends to operate, which must be within the state of
21 Washington, and the holder thereof shall not allow any other person
22 to use the license.
- 23 (7) The application fee for a marijuana research license is two
24 hundred fifty dollars. The annual fee for issuance and renewal of a
25 marijuana research license is one thousand dollars. Fifty percent of
26 the application fee and the renewal fee must be deposited to the life
27 sciences discovery fund under RCW 43.350.070.

28 **Sec. 313.** RCW 28B.20.502 and 2011 c 181 s 1002 are each amended
29 to read as follows:

30 (1) The University of Washington and Washington State University
31 may conduct scientific research on the efficacy and safety of
32 administering ((cannabis)) marijuana as part of medical treatment. As
33 part of this research, the University of Washington and Washington
34 State University may develop and conduct studies to ascertain the
35 general medical safety and efficacy of ((cannabis)) marijuana, and
36 may develop medical guidelines for the appropriate administration and
37 use of ((cannabis)) marijuana.

38 (2) The University of Washington and Washington State University
39 may, in accordance with section 312 of this act, contract with

1 marijuana research licensees to conduct research permitted under this
2 section and section 312 of this act.

3 **Sec. 314.** RCW 43.350.030 and 2005 c 424 s 4 are each amended to
4 read as follows:

5 In addition to other powers and duties prescribed in this
6 chapter, the authority is empowered to:

7 (1) Use public moneys in the life sciences discovery fund,
8 leveraging those moneys with amounts received from other public and
9 private sources in accordance with contribution agreements, to
10 promote life sciences research;

11 (2) Solicit and receive gifts, grants, and bequests, and enter
12 into contribution agreements with private entities and public
13 entities other than the state to receive moneys in consideration of
14 the authority's promise to leverage those moneys with amounts
15 received through appropriations from the legislature and
16 contributions from other public entities and private entities, in
17 order to use those moneys to promote life sciences research. Nonstate
18 moneys received by the authority for this purpose shall be deposited
19 in the life sciences discovery fund created in RCW 43.350.070;

20 (3) Hold funds received by the authority in trust for their use
21 pursuant to this chapter to promote life sciences research;

22 (4) Manage its funds, obligations, and investments as necessary
23 and as consistent with its purpose including the segregation of
24 revenues into separate funds and accounts;

25 (5) Make grants to entities pursuant to contract for the
26 promotion of life sciences research to be conducted in the state.
27 Grant agreements shall specify deliverables to be provided by the
28 recipient pursuant to the grant. The authority shall solicit requests
29 for funding and evaluate the requests by reference to factors such
30 as: (a) The quality of the proposed research; (b) its potential to
31 improve health outcomes, with particular attention to the likelihood
32 that it will also lower health care costs, substitute for a more
33 costly diagnostic or treatment modality, or offer a breakthrough
34 treatment for a particular disease or condition; (c) its potential
35 for leveraging additional funding; (d) its potential to provide
36 health care benefits or benefit human learning and development; (e)
37 its potential to stimulate the health care delivery, biomedical
38 manufacturing, and life sciences related employment in the state; (f)
39 the geographic diversity of the grantees within Washington; (g)

1 evidence of potential royalty income and contractual means to
2 recapture such income for purposes of this chapter; and (h) evidence
3 of public and private collaboration;

4 (6) Create one or more advisory boards composed of scientists,
5 industrialists, and others familiar with life sciences research;
6 ((and))

7 (7) Review and approve or disapprove marijuana research license
8 applications under section 312 of this act;

9 (8) Review any reports made by marijuana research licensees under
10 state liquor and cannabis board rule and provide the state liquor and
11 cannabis board with its determination on whether the research project
12 continues to meet research qualifications under section 312(1) of
13 this act; and

14 (9) Adopt policies and procedures to facilitate the orderly
15 process of grant application, review, and reward.

16 NEW SECTION. Sec. 315. A new section is added to chapter 42.56
17 RCW to read as follows:

18 Reports submitted by marijuana research licensees in accordance
19 with rules adopted by the state liquor and cannabis board under
20 section 312 of this act that contain proprietary information are
21 exempt from disclosure under this chapter.

22 NEW SECTION. Sec. 316. A new section is added to chapter 69.50
23 RCW to read as follows:

24 (1) There shall be a marijuana distribution license that permits
25 a licensee to transport:

26 (a) Marijuana and immature plants from marijuana producers to
27 marijuana processors and other marijuana producers;

28 (b) Marijuana concentrates, useable marijuana, immature plants,
29 and marijuana-infused products from marijuana processors to marijuana
30 retailers and other marijuana processors;

31 (c) Plants from marijuana retailers that are being returned to
32 marijuana producers or marijuana processors;

33 (d) Marijuana grown by marijuana researchers that are being sold
34 to other marijuana researchers; and

35 (e) Cash and receipts from marijuana producers, marijuana
36 processors, and marijuana retailers to a financial institution.

1 (2) The state liquor and cannabis board must adopt rules to
2 implement this section. The rules must address, at a minimum, the
3 following:

4 (a) Hours during which marijuana distribution licensees may
5 deliver marijuana, plants, marijuana concentrates, marijuana-infused
6 products, useable marijuana, and cash and receipts;

7 (b) Safety standards for marijuana distribution licensees,
8 including requirements relating to the size of the delivery vehicle
9 and what signage is permissible on the vehicle;

10 (c) Background check requirements for marijuana distribution
11 licensees;

12 (d) Insurance or bonding requirements for marijuana distribution
13 licensees;

14 (e) License fees; and

15 (f) License renewals and suspensions.

16 (3) Other than remuneration for services rendered, marijuana
17 distribution licensees may not have a financial interest in a
18 marijuana producer, processor, retailer, or research licensee.

19 (4) The possession and delivery of marijuana in accordance with
20 this section and the rules adopted to implement and enforce it, by a
21 marijuana distribution licensee, shall not be a criminal or civil
22 offense under Washington state law. Every marijuana distribution
23 license shall be issued in the name of the applicant, shall specify a
24 permanent physical location out of which the marijuana distribution
25 licensee intends to operate, which must be within the state of
26 Washington, and the holder thereof shall not allow any other person
27 to use the license.

28 NEW SECTION. **Sec. 317.** A new section is added to chapter 69.50
29 RCW to read as follows:

30 (1) There shall be a marijuana delivery license that permits a
31 licensee to transport marijuana concentrates, immature plants,
32 marijuana-infused products, and useable marijuana from a marijuana
33 retailer to a marijuana consumer.

34 (2) The state liquor and cannabis board must adopt rules to
35 implement this section. The rules must address, at a minimum, the
36 following:

37 (a) Hours during which marijuana delivery licensees may deliver
38 marijuana concentrates, immature plants, marijuana-infused products,
39 and useable marijuana;

1 (b) Safety standards for marijuana delivery licensees, including
2 requirements related to the delivery vehicle and what signage is
3 permissible on the vehicle;

4 (c) Marijuana delivery licensee identification requirements;

5 (d) Background check requirements for marijuana delivery
6 licensees;

7 (e) Insurance or bonding requirements for marijuana delivery
8 licensees;

9 (f) License fees; and

10 (g) License renewals and suspensions.

11 (3) Other than remuneration for services rendered, marijuana
12 delivery licensees may not have a financial interest in a marijuana
13 retailer.

14 (4) The possession and delivery of marijuana in accordance with
15 this section and the rules adopted to implement and enforce it, by a
16 marijuana delivery licensee, shall not be a criminal or civil offense
17 under Washington state law. Every marijuana delivery license shall be
18 issued in the name of the applicant, shall specify a permanent
19 physical location out of which the marijuana delivery licensee
20 intends to operate, which must be within the state of Washington, and
21 the holder thereof shall not allow any other person to use the
22 license.

23 **Part IV - Tax Provisions**

24 NEW SECTION. **Sec. 401.** A new section is added to chapter 82.08
25 RCW to read as follows:

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

27 (a) Sales of marijuana concentrates, useable marijuana, immature
28 plants, or marijuana-infused products with a low THC, high CBD ratio,
29 as established by the department of health under section 308 of this
30 act, by marijuana retailers;

31 (b) Beginning July 1, 2015, sales of medical grade marijuana, or
32 products containing THC with a THC concentration of 0.3 percent or
33 less by marijuana retailers who hold medical marijuana endorsements
34 under section 308 of this act to qualifying patients or designated
35 providers who hold medical marijuana waiver cards; or

36 (c) Until September 1, 2015, sales of marijuana concentrates,
37 useable marijuana, marijuana-infused products, or products containing

1 THC with a THC concentration of 0.3 percent or less by collective
2 gardens under RCW 69.51A.085.

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

7 (3) For the purposes of this section, the terms "THC
8 concentration," "marijuana concentrates," "useable marijuana,"
9 "marijuana-infused products," and "marijuana retailers" have the
10 meanings provided in RCW 69.50.101 and the terms "qualifying
11 patients," "designated providers," "medical grade marijuana," and
12 "waiver card" have the meanings provided in RCW 69.51A.010.

13 NEW SECTION. **Sec. 402.** A new section is added to chapter 82.12
14 RCW to read as follows:

15 (1) The provisions of this chapter do not apply to:

16 (a) The use of marijuana concentrates, useable marijuana,
17 immature plants, or marijuana-infused products with a low THC, high
18 CBD ratio, as established by the department of health in section 308
19 of this act;

20 (b) The use of marijuana concentrates, useable marijuana,
21 marijuana-infused products, or products containing THC with a THC
22 concentration of 0.3 percent or less in compliance with chapters
23 69.50 and 69.51A RCW by:

24 (i) Until September 1, 2015, collective gardens under RCW
25 69.51A.085 and the qualifying patients participating in the
26 collective gardens;

27 (ii) Beginning July 1, 2015, qualifying patients or designated
28 providers who hold medical marijuana waiver cards; or

29 (iii) Beginning July 1, 2015, marijuana retailers who hold a
30 medical marijuana endorsement under chapter 69.50 RCW with respect to
31 medical grade marijuana, or products containing THC with a THC
32 concentration of 0.3 percent or less if such marijuana or product is
33 provided at no charge to a qualifying patient or designated provider
34 who holds a valid waiver card. Each such retailer providing such
35 marijuana or product at no charge must maintain information
36 establishing eligibility for this exemption in the form and manner
37 required by the department.

38 (2) For the purposes of this section, the terms "THC
39 concentration," "marijuana concentrates," "useable marijuana,"

1 "marijuana-infused products," and "marijuana retailers" have the
2 meanings provided in RCW 69.50.101 and the terms "qualifying
3 patients," "designated providers," "medical grade marijuana," and
4 "waiver card" have the meanings provided in RCW 69.51A.010.

5 NEW SECTION. **Sec. 403.** (1) The legislature finds marijuana use
6 for qualifying patients is a valid and necessary option health care
7 professionals may recommend for their patients. The legislature
8 further finds that qualifying patients benefit from a wide range of
9 products, but products with a low THC, high CBD ratio are of
10 particular use to persons seeking marijuana for medical use and these
11 products are least likely to be purchased by recreational users.
12 Acknowledging that the implementation of this act may result in
13 changes to how qualifying patients access medical marijuana, the
14 legislature intends to ease the transition towards a regulated market
15 and provide a statutory means for an adequate, safe, consistent, and
16 secure source of marijuana for qualifying patients. Therefore, the
17 legislature intends to provide all people who seek to purchase
18 marijuana products with a low THC, high CBD ratio with a retail sales
19 and use tax exemption. Also recognizing that the medical needs of all
20 patients may not be met through purchase of low THC, high CBD
21 products, the legislature intends to provide qualifying patients who
22 are approved for a waiver from the department of health with a retail
23 sales and use tax exemption on purchases of marijuana for medical
24 use. Because marijuana is neither a prescription medicine nor an
25 over-the-counter medication, this policy should in no way be
26 construed as precedence for changes in the treatment of prescription
27 medications or over-the-counter medications.

28 (2)(a) This section is the tax preference performance statement
29 for the retail sales and use tax exemptions for marijuana
30 concentrates, useable marijuana, immature plants, and marijuana-
31 infused products purchased by qualifying patients and designated
32 providers provided in sections 401 and 402 of this act. The
33 performance statement is only intended to be used for subsequent
34 evaluation of the tax preference. It is not intended to create a
35 private right of action by any party or be used to determine
36 eligibility for preferential tax treatment.

37 (b) The legislature categorizes the tax preference as one
38 intended to accomplish the general purposes indicated in RCW
39 82.32.808(2)(e).

1 (c) It is the legislature's specific public policy objective to
2 provide qualifying patients and designated providers a retail sales
3 and use tax exemption on purchases of marijuana concentrates, useable
4 marijuana, and marijuana-infused products for medical use when
5 approved for a waiver by the department of health and for all people
6 purchasing products with a low THC, high CBD ratio.

7 (d) To measure the effectiveness of the exemption provided in
8 this act in achieving the specific public policy objectives described
9 in (c) of this subsection, the joint legislative audit and review
10 committee must evaluate the actual fiscal impact of the sales and use
11 tax exemption in this act compared to the estimated impact in the
12 fiscal note for this act.

13 **Part V - Penalties**

14 **Sec. 501.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to
15 read as follows:

16 (1) Except as authorized by this chapter, it is unlawful for any
17 person to manufacture, deliver, or possess with intent to manufacture
18 or deliver, a controlled substance.

19 (2) Any person who violates this section with respect to:

20 (a) A controlled substance classified in Schedule I or II which
21 is a narcotic drug or flunitrazepam, including its salts, isomers,
22 and salts of isomers, classified in Schedule IV, is guilty of a class
23 B felony and upon conviction may be imprisoned for not more than ten
24 years, or (i) fined not more than twenty-five thousand dollars if the
25 crime involved less than two kilograms of the drug, or both such
26 imprisonment and fine; or (ii) if the crime involved two or more
27 kilograms of the drug, then fined not more than one hundred thousand
28 dollars for the first two kilograms and not more than fifty dollars
29 for each gram in excess of two kilograms, or both such imprisonment
30 and fine;

31 (b) Amphetamine, including its salts, isomers, and salts of
32 isomers, or methamphetamine, including its salts, isomers, and salts
33 of isomers, is guilty of a class B felony and upon conviction may be
34 imprisoned for not more than ten years, or (i) fined not more than
35 twenty-five thousand dollars if the crime involved less than two
36 kilograms of the drug, or both such imprisonment and fine; or (ii) if
37 the crime involved two or more kilograms of the drug, then fined not
38 more than one hundred thousand dollars for the first two kilograms

1 and not more than fifty dollars for each gram in excess of two
2 kilograms, or both such imprisonment and fine. Three thousand dollars
3 of the fine may not be suspended. As collected, the first three
4 thousand dollars of the fine must be deposited with the law
5 enforcement agency having responsibility for cleanup of laboratories,
6 sites, or substances used in the manufacture of the methamphetamine,
7 including its salts, isomers, and salts of isomers. The fine moneys
8 deposited with that law enforcement agency must be used for such
9 clean-up cost;

10 (c) Any other controlled substance classified in Schedule I, II,
11 or III, is guilty of a class C felony punishable according to chapter
12 9A.20 RCW;

13 (d) A substance classified in Schedule IV, except flunitrazepam,
14 including its salts, isomers, and salts of isomers, is guilty of a
15 class C felony punishable according to chapter 9A.20 RCW; or

16 (e) A substance classified in Schedule V, is guilty of a class C
17 felony punishable according to chapter 9A.20 RCW.

18 (3) The production, manufacture, processing, packaging, delivery,
19 distribution, sale, or possession of marijuana in compliance with the
20 terms set forth in (~~RCW 69.50.360, 69.50.363, or 69.50.366~~) this
21 chapter or chapter 69.51A RCW shall not constitute a violation of
22 this section, this chapter, or any other provision of Washington
23 state law.

24 **Sec. 502.** RCW 69.50.4013 and 2013 c 3 s 20 are each amended to
25 read as follows:

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

31 (2) Except as provided in RCW 69.50.4014, any person who violates
32 this section is guilty of a class C felony punishable under chapter
33 9A.20 RCW.

34 (~~The possession, by a person twenty-one years of age or~~
35 ~~older, of~~) It is not a violation of this section, this chapter, or
36 any other provision of Washington state law for a person twenty-one
37 years of age or older to possess marijuana concentrates, useable
38 marijuana, plants, or marijuana-infused products in amounts that do
39 not exceed (~~those set forth in RCW 69.50.360(3) is not a violation~~

1 ~~of this section, this chapter, or any other provision of Washington~~
2 ~~state law)):~~

3 (a) One ounce of useable marijuana. If the person grows his or
4 her own plants, the amount not to be exceeded is eight ounces of
5 useable marijuana;

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

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

9 (d) Seven grams of marijuana concentrate; or

10 (e) Six plants.

11 (4) It is not a violation of this section, this chapter, or any
12 other provision of Washington state law for a qualifying patient or
13 designated provider to possess marijuana concentrates, useable
14 marijuana, plants, or marijuana-infused products in amounts that do
15 not exceed the amounts described in subsection (3) of this section or
16 a greater amount authorized in accordance with section 602 of this
17 act.

18 (5) It is not a violation of this section, this chapter, or any
19 other provision of Washington state law for a person to:

20 (a) Transport immature plants from a marijuana retailer to his or
21 her domicile, or to possess mature plants in the person's domicile;
22 or

23 (b) To share up to one ounce of useable marijuana with another
24 person; remuneration for the provision of this marijuana is
25 prohibited.

26 **Part VI - Medical Use of Marijuana**

27 **Sec. 601.** RCW 69.51A.030 and 2011 c 181 s 301 are each amended
28 to read as follows:

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

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

4 (b) Providing ~~((a patient meeting the criteria established under
5 RCW 69.51A.010(26) with valid documentation, based upon the health
6 care professional's assessment of the patient's medical history and
7 current medical condition, where such use is within a professional
8 standard of care or in the individual health care professional's
9 medical judgment))~~ information to the department in order to verify
10 that an applicant for a waiver has been diagnosed by the health care
11 professional with a terminal or debilitating medical condition.

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

20 ~~((i) Completing a physical examination of the patient as
21 appropriate, based on the patient's condition and age;~~

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

26 ~~((iii) Informing the patient of other options for treating the
27 terminal or debilitating medical condition; and~~

28 ~~((iv) Documenting other measures attempted to treat the terminal
29 or debilitating medical condition that do not involve the medical use
30 of cannabis.~~

31 ~~((b))~~ A health care professional who advises a patient on the
32 risks or benefits of the medical use of marijuana shall not:

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

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

1 ~~((iii))~~ (b) Examine or offer to examine a patient for purposes
2 of diagnosing a terminal or debilitating medical condition and
3 agreeing to verify this condition with the department at a location

4 where ~~((cannabis))~~ marijuana is produced, processed, or dispensed; or

5 ~~((iv))~~ (c) Have a business or practice which consists
6 ~~((solely))~~ primarily of authorizing the medical use of ~~((cannabis;~~

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

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

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

16 NEW SECTION. Sec. 602. A new section is added to chapter 69.51A
17 RCW to read as follows:

18 (1)(a) A medical marijuana waiver is established to be issued by
19 the department. The medical marijuana waiver permits a qualifying
20 patient or his or her designated provider to:

21 (i) Possess and purchase more marijuana concentrates, marijuana-
22 infused products, plants, or useable marijuana than what is permitted
23 under RCW 69.50.4013(3) and up to a combination of the following: (A)
24 Three ounces of useable marijuana; (B) forty-eight ounces of
25 marijuana-infused products in solid form; (C) two hundred sixteen
26 ounces of marijuana-infused products in liquid form; or (D) twenty-
27 one grams of marijuana concentrates. The medical marijuana waiver
28 also permits the qualifying patient or his or her designated provider
29 to grow, in his or her domicile, up to fifteen plants for the
30 personal medical use of the qualifying patient;

31 (ii) Purchase marijuana concentrates, marijuana-infused products,
32 plants, or useable marijuana without paying sales and use tax; and

33 (iii) If the waiver is for purchases of high THC products, to be
34 able to purchase those products without paying sales and use tax.

35 (b) Unless approved by the state liquor and cannabis board and
36 the department, the waiver does not permit a qualifying patient or
37 designated provider to produce marijuana concentrates. The state
38 liquor and cannabis board, in conjunction with the department, may
39 adopt rules permitting waiver holders to produce marijuana

1 concentrates using nonbutane extraction methods. At a minimum, the
2 rules must require that waiver holders who produce marijuana
3 concentrates register this information with the state liquor and
4 cannabis board.

5 (2) A qualifying patient who is twenty-one years of age or older
6 and who, after consultation with his or her health care professional,
7 determines that the amounts of marijuana concentrates, marijuana-
8 infused products, plants, or useable marijuana permitted under RCW
9 69.50.4013(3) will not address his or her medical needs may apply to
10 the department for a medical marijuana waiver.

11 (3) A qualifying patient who, after consultation with his or her
12 health care professional, determines that marijuana products with
13 high THC levels are necessary to address his or her medical needs may
14 apply to the department for a waiver.

15 (4) A qualifying patient who is between eighteen and twenty-one
16 years of age and who, after consultation with his or her health care
17 professional, determines that he or she wishes to use marijuana for
18 the treatment of his or her terminal or debilitating medical
19 condition may apply to the department for a waiver permitting the
20 patient to purchase marijuana concentrates, marijuana-infused
21 products, useable marijuana, or immature plants at a marijuana
22 retailer holding a medical marijuana endorsement. Unless otherwise
23 specified in the waiver, the patient may only possess the amounts
24 provided under RCW 69.50.4013(3). The patient may also apply to
25 possess up to the amounts provided under subsection (1) of this
26 section if the additional amounts of marijuana are required to treat
27 his or her terminal or debilitating medical condition.

28 (5) A parent or guardian of a qualifying patient who is under the
29 age of eighteen and who, after consultation with the minor's health
30 care professional, determines that the minor would benefit from the
31 medical use of marijuana for treatment of the minor's terminal or
32 debilitating medical condition may apply to the department for a
33 waiver permitting the parent or guardian to become the designated
34 provider for the minor. The parent or guardian designated provider
35 may only possess the amounts provided under RCW 69.50.4013 and must
36 have sole control over the minor's marijuana. The minor may possess
37 up to the amount of marijuana that is necessary for his or her next
38 dose. The minor may not purchase products from a marijuana retailer,
39 nor may the minor grow plants for his or her medical use. The parent
40 or guardian may also apply to possess up to the amounts provided

1 under subsection (1) of this section if the additional amounts of
2 marijuana are required to treat the minor's terminal or debilitating
3 medical condition.

4 NEW SECTION. **Sec. 603.** A new section is added to chapter 69.51A
5 RCW to read as follows:

6 (1) The department must develop a medical marijuana waiver
7 process in order to process and approve or deny waiver applications
8 submitted under section 602 of this act.

9 (2) The medical marijuana waiver process must include:

10 (a) Development of a waiver application. The application must be
11 completed by the qualifying patient if there is not a designated
12 provider or both the designated provider and the qualifying patient
13 for whom the marijuana will be provided. The application must
14 include:

15 (i) For qualifying patients, a statement that the applicant has a
16 terminal or debilitating medical condition as described in RCW
17 69.50.101 and that he or she has been diagnosed with that condition
18 by a health care professional;

19 (ii) For designated providers, a statement that the qualifying
20 patient for whom the applicant intends to provide marijuana has a
21 terminal or debilitating medical condition as described in RCW
22 69.50.101 and, in the case of designated providers for people under
23 the age of eighteen, have discussed the medical use of marijuana with
24 the diagnosing health care professional;

25 (iii) A statement that the applicant understands that the
26 department may contact the diagnosing health care professional to
27 confirm the existence of a terminal or debilitating medical condition
28 and that no waiver will be issued if the condition is not confirmed
29 by the health care professional;

30 (iv) If the amount of marijuana needed for the medical use of the
31 qualifying patient is higher than the amounts listed in RCW
32 69.50.4013(3), an option for the qualifying patient to request higher
33 amounts up to the amounts provided in section 602 of this act. The
34 need for this higher amount may also be confirmed by the department
35 with the diagnosing health care professional. Higher amounts will not
36 be authorized unless the health care professional confirms the
37 medical need for these higher amounts.

1 (b) Development of a waiver card which qualifying patients and
2 designated providers may use to demonstrate they have been approved
3 for a medical marijuana waiver. The card must include:

4 (i) The name of the qualifying patient or designated provider who
5 applied for and was approved for a waiver;

6 (ii) If the waiver permits possession of a greater amount of
7 marijuana than what is permitted under RCW 69.50.4013(3), the amount
8 of marijuana concentrates, useable marijuana, marijuana-infused
9 products, and plant for which the qualifying patient or designated
10 provider has been authorized;

11 (iii) The expiration date of the waiver card.

12 (3) Approved applicants must be issued a medical marijuana waiver
13 card. The waiver card:

14 (a) May be provided to law enforcement officers who are engaged
15 in a bona fide specific investigation of suspected marijuana-related
16 activity that may be illegal under Washington state law to confirm
17 the validity of the waiver of the qualifying patient or designated
18 provider;

19 (b) May be provided to a marijuana retailer holding a medical
20 marijuana endorsement to confirm the validity of the waiver and to
21 allow waiver holders to purchase medical grade marijuana without
22 paying taxes in accordance with sections 401 and 402 of this act;

23 (c) Is valid for one year after the date of issuance. The waiver
24 card may not be renewed until the qualifying patient has completed a
25 new application.

26 NEW SECTION. **Sec. 604.** A new section is added to chapter 42.56
27 RCW to read as follows:

28 Medical marijuana waiver applications submitted to the department
29 of health under sections 602 and 603 of this act containing names and
30 other personally identifiable information of qualifying patients and
31 designated providers are exempt from disclosure under this chapter.

32 NEW SECTION. **Sec. 605.** A new section is added to chapter 69.51A
33 RCW to read as follows:

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

35 (a) Create or present a medical marijuana waiver card or to
36 tamper with a medical marijuana waiver card for the purposes of
37 having it accepted by a medical marijuana retailer in order to
38 purchase marijuana as a qualifying patient or designated provider or

1 to grow marijuana in greater amounts than those permitted under RCW
2 69.50.4013(3);

3 (b) If a person is a designated provider to a qualifying patient,
4 sell marijuana produced for the qualifying patient to another person,
5 or to donate or supply more than one ounce of useable marijuana
6 produced for the qualifying patient to another person; or

7 (c) If the person is a qualifying patient, sell marijuana
8 produced by the qualifying patient to another person or to donate or
9 supply more than one ounce of useable marijuana produced for the
10 qualifying patient to another person.

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

14 **Sec. 606.** RCW 69.51A.040 and 2011 c 181 s 401 are each amended
15 to read as follows:

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

29 (1)(a) The qualifying patient or designated provider possesses no
30 more than ~~((fifteen 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 permitted under RCW 69.50.4013.

38 (b) If a person is both a qualifying patient and a designated
39 provider for another qualifying patient, the person may possess no

1 more than twice the amounts described in (a) of this subsection,
2 whether the marijuana concentrates, plants, useable ((~~eannabis~~))
3 marijuana, and ((~~eannabis~~)) marijuana-infused products are possessed
4 individually or in combination between the qualifying patient and his
5 or her designated provider;

6 (2) The qualifying patient or designated provider presents his or
7 her ((~~proof of registration with the department of health~~)) waiver
8 card, to any ((~~peace~~)) law enforcement officer who questions the
9 patient or provider regarding his or her medical use of ((~~eannabis~~))
10 marijuana;

11 (3) The qualifying patient or designated provider ((~~keeps a copy~~
12 ~~of his or her proof of registration with the registry established in~~
13 ~~section 901 of this act and the qualifying patient or designated~~
14 ~~provider's contact information~~)) is permitted to possess more
15 marijuana than what is allowed under RCW 69.50.4013(3), he or she
16 keeps a copy of his or her contact information and waiver card posted
17 prominently next to any ((~~eannabis~~)) marijuana plants, ((~~eannabis~~))
18 marijuana-infused products, marijuana concentrates, or useable
19 ((~~eannabis~~)) marijuana located at his or her residence;

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

22 (a) The designated provider has converted ((~~eannabis~~)) more than
23 one ounce of marijuana produced or obtained for the qualifying
24 patient for his or her own personal use or benefit; or

25 (b) The qualifying patient has converted ((~~eannabis~~)) more than
26 one ounce of marijuana produced or obtained for his or her own
27 medical use to the qualifying patient's personal, nonmedical use or
28 benefit; and

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

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

34 **Sec. 607.** RCW 69.51A.045 and 2011 c 181 s 405 are each amended
35 to read as follows:

36 A qualifying patient or designated provider in possession of
37 ((~~eannabis~~)) plants, marijuana concentrates, useable ((~~eannabis~~))
38 marijuana, or ((~~eannabis~~)) marijuana-infused products exceeding the
39 limits set forth in RCW ((~~69.51A.040(1)~~)) 69.50.4013 but otherwise in

1 compliance with all other terms and conditions of this chapter and
2 chapter 69.50 RCW may establish an affirmative defense to charges of
3 violations of state law relating to ~~((cannabis))~~ marijuana through
4 proof at trial, by a preponderance of the evidence, that the
5 qualifying patient's necessary medical use exceeds the amounts set
6 forth in RCW ~~((69.51A.040(1)))~~ 69.50.4013. An investigating ~~((peace))~~
7 law enforcement officer may seize ~~((cannabis))~~ plants, marijuana
8 concentrates, useable ~~((cannabis))~~ marijuana, or ~~((cannabis))~~
9 marijuana-infused products exceeding the amounts set forth in RCW
10 ~~((69.51A.040(1)))~~ 69.50.4013: PROVIDED, That in the case of
11 ~~((cannabis))~~ plants, the qualifying patient or designated provider
12 shall be allowed to select the plants that will remain at the
13 location. The officer and his or her law enforcement agency may not
14 be held civilly liable for failure to seize ~~((cannabis))~~ marijuana in
15 this circumstance.

16 **Sec. 608.** RCW 69.51A.055 and 2011 c 181 s 1105 are each amended
17 to read as follows:

18 (1)(a) The arrest and prosecution protections established in RCW
19 69.51A.040 may not be asserted in a supervision revocation or
20 violation hearing by a person who is supervised by a corrections
21 agency or department, including local governments or jails, that has
22 determined that the terms of this section are inconsistent with and
23 contrary to his or her supervision.

24 (b) The affirmative defenses established in RCW ~~((69.51A.043,))~~
25 69.51A.045~~((, 69.51A.047, and section 407 of this act))~~ may not be
26 asserted in a supervision revocation or violation hearing by a person
27 who is supervised by a corrections agency or department, including
28 local governments or jails, that has determined that the terms of
29 this section are inconsistent with and contrary to his or her
30 supervision.

31 (2) ~~((The provisions of))~~ RCW 69.51A.040~~((, 69.51A.085, and~~
32 ~~69.51A.025 de))~~ does not apply to a person who is supervised for a
33 criminal conviction by a corrections agency or department, including
34 local governments or jails, that has determined that the terms of
35 this chapter are inconsistent with and contrary to his or her
36 supervision.

37 ~~((3) A person may not be licensed as a licensed producer,~~
38 ~~licensed processor of cannabis products, or a licensed dispenser~~
39 ~~under section 601, 602, or 701 of this act if he or she is supervised~~

1 ~~for a criminal conviction by a corrections agency or department,~~
2 ~~including local governments or jails, that has determined that~~
3 ~~licensure is inconsistent with and contrary to his or her~~
4 ~~supervision.)~~)

5 **Sec. 609.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended
6 to read as follows:

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

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

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

20 ~~(4))~~ Nothing in this chapter requires any accommodation of any
21 on-site medical use of ((~~cannabis~~)) marijuana in any place of
22 employment, in any school bus or on any school grounds, in any youth
23 center, in any correctional facility, or smoking ((~~cannabis~~))
24 marijuana in any public place or hotel or motel.

25 ~~((5))~~ (4) Nothing in this chapter authorizes the use of medical
26 ((~~cannabis~~)) marijuana by any person who is subject to the Washington
27 code of military justice in chapter 38.38 RCW.

28 ~~((6))~~ (5) Employers may establish drug-free work policies.
29 Nothing in this chapter requires an accommodation for the medical use
30 of ((~~cannabis~~)) marijuana if an employer has a drug-free work place.

31 ~~((7) It is a class C felony to fraudulently produce any record~~
32 ~~purporting to be, or tamper with the content of any record for the~~
33 ~~purpose of having it accepted as, valid documentation under RCW~~
34 ~~69.51A.010(32)(a), or to backdate such documentation to a time~~
35 ~~earlier than its actual date of execution.~~

36 ~~(8))~~ (6) No person shall be entitled to claim the protection
37 from arrest and prosecution under RCW 69.51A.040 or the affirmative
38 defense under RCW ((~~69.51A.043~~)) 69.51A.045 for engaging in the
39 medical use of ((~~cannabis~~)) marijuana in a way that endangers the

1 health or well-being of any person through the use of a motorized
2 vehicle on a street, road, or highway, including violations of RCW
3 46.61.502 or 46.61.504, or equivalent local ordinances.

4 **Sec. 610.** RCW 69.51A.070 and 2007 c 371 s 7 are each amended to
5 read as follows:

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

22 NEW SECTION. **Sec. 611.** A new section is added to chapter 69.51A
23 RCW to read as follows:

24 (1) A medical marijuana consultant certificate is hereby
25 established. The department shall adopt rules establishing
26 certification requirements, including:

27 (a) Products that meet the definition of medical grade marijuana
28 under section 308 of this act;

29 (b) The medical conditions that constitute terminal or
30 debilitating conditions;

31 (c) Demonstrated knowledge of this chapter and the rules adopted
32 to implement it;

33 (d) Training and education requirements relating to the medical
34 use of marijuana; and

35 (e) Other items deemed necessary and appropriate by the
36 department to ensure medical marijuana consultant certificate holders
37 are able to provide professional advice on the medical use of
38 marijuana.

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

4 **Part VII - Local Governments**

5 NEW SECTION. **Sec. 701.** A new section is added to chapter 69.50
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section, no
8 marijuana producer, marijuana processor, marijuana retailer, or
9 marijuana researcher may locate its premises within one thousand feet
10 of the perimeter of the grounds of any elementary or secondary
11 school, playground, recreation center or facility, child care center,
12 public park, public transit center, or library, or any game arcade
13 admission to which is not restricted to persons aged twenty-one years
14 or older.

15 (2) A city, town, or county may adopt an ordinance to decrease to
16 no less than five hundred feet the distance that marijuana producers,
17 marijuana processors, marijuana retailers, or marijuana researchers
18 must be located from recreation centers or facilities, child care
19 centers, public parks, public transit centers, or libraries, or any
20 game arcades admission to which is not restricted to persons aged
21 twenty-one years or older. A city, town, or county may adopt an
22 ordinance to prohibit a marijuana producer, marijuana processor,
23 marijuana retailer, or marijuana researcher from locating its
24 premises up to one thousand feet from a church.

25 (3) For the purposes of this section, "church" means a building
26 erected for and used exclusively for religious worship and schooling
27 or other activity in connection therewith.

28 NEW SECTION. **Sec. 702.** A new section is added to chapter 69.50
29 RCW to read as follows:

30 No city, town, or county may adopt, renew, or extend a
31 prohibition or moratorium on marijuana licensees except by ordinance
32 and no such ordinance may take effect unless it is submitted to a
33 vote of the people at a general or special election and approved by a
34 majority of those voting thereon.

35 **Sec. 703.** RCW 69.50.369 and 2013 c 3 s 18 are each amended to
36 read as follows:

1 (1) No licensed marijuana producer, processor, or retailer shall
2 place or maintain, or cause to be placed or maintained, an
3 advertisement of marijuana, useable marijuana, or a marijuana-infused
4 product in any form or through any medium whatsoever:

5 (a) Within one thousand feet of the perimeter of a school
6 grounds, playground, recreation center or facility, child care
7 center, public park, or library, or any game arcade admission to
8 which is not restricted to persons aged twenty-one years or older, or
9 if an ordinance has been adopted under section 701 of this act, the
10 minimum distance for these facilities permitted under the ordinance;

11 (b) On or in a public transit vehicle or public transit shelter;
12 or

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

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

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

17 (4) The state liquor (~~control~~) and cannabis board shall fine a
18 licensee one thousand dollars for each violation of subsection (1) of
19 this section. Fines collected under this subsection must be deposited
20 into the dedicated marijuana fund created under RCW 69.50.530.

21 **Part VIII - Repealers and Effective Dates**

22 NEW SECTION. **Sec. 801.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 69.51A.005 (Purpose and intent) and 2011 c 181 s 102,
25 2010 c 284 s 1, 2007 c 371 s 2, & 1999 c 2 s 2;

26 (2) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103
27 & 1999 c 2 s 3;

28 (3) RCW 69.51A.025 (Construction of chapter—Compliance with RCW
29 69.51A.040) and 2011 c 181 s 413;

30 (4) RCW 69.51A.043 (Failure to register—Affirmative defense) and
31 2011 c 181 s 402;

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

34 (6) RCW 69.51A.090 (Applicability of valid documentation
35 definition) and 2010 c 284 s 5;

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

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

2 NEW SECTION. **Sec. 802.** RCW 69.51A.085 (Collective gardens) and
3 2011 c 181 s 403 are each repealed.

4 NEW SECTION. **Sec. 803.** Section 802 of this act takes effect
5 August 1, 2016.

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