
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-0279.3/11 3rd draft

ATTY/TYPIST: AL:lel

BRIEF DESCRIPTION: Concerning the medical use of cannabis.

1 AN ACT Relating to medical use of cannabis; amending RCW
2 69.51A.005, 69.51A.020, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.050,
3 69.51A.060, and 69.51A.900; adding new sections to chapter 69.51A RCW;
4 adding a new section to chapter 82.08 RCW; adding a new section to
5 chapter 42.56 RCW; adding a new section to chapter 28B.20 RCW; creating
6 a new section; repealing RCW 69.51A.080; prescribing penalties; and
7 providing an effective date.

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

9 **PART I**

10 **LEGISLATIVE DECLARATION AND INTENT**

11 NEW SECTION. **Sec. 101.** (1) The legislature intends to amend and
12 clarify the law on the medical use of cannabis so that:

13 (a) Qualifying patients and designated providers complying with the
14 terms of this act will no longer be subject to arrest or prosecution,
15 other criminal sanctions, or civil consequences based solely on their
16 medical use of cannabis;

17 (b) Qualifying patients will have access to an adequate, safe,
18 consistent, and secure source of medical quality cannabis; and

1 (c) Health care professionals may authorize the medical use of
2 cannabis in the manner provided by this act without fear of state
3 criminal or civil sanctions.

4 (2) This act is not intended to amend or supersede Washington state
5 law prohibiting the acquisition, possession, manufacture, sale, or use
6 of cannabis for nonmedical purposes.

7 **Sec. 102.** RCW 69.51A.005 and 2010 c 284 s 1 are each amended to
8 read as follows:

9 (1) The ((people of Washington state)) legislature finds that:

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

16 (i) Nausea ((and)), vomiting ((in cancer patients; AIDS wasting
17 syndrome)), and cachexia associated with cancer, HIV-positive status,
18 AIDS, hepatitis C, anorexia, and their treatments;

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

21 (iii) Acute or chronic glaucoma;

22 (iv) Crohn's disease; and

23 (v) Some forms of intractable pain.

24 ((The people find that)) (b) Humanitarian compassion necessitates
25 that the decision to ((authorize the medical)) use ((of marijuana))
26 cannabis by patients with terminal or debilitating ((illnesses))
27 medical conditions is a personal, individual decision, based upon their
28 health care professional's professional medical judgment and
29 discretion.

30 (2) Therefore, the ((people of the state of Washington))
31 legislature intends that:

32 (a) Qualifying patients with terminal or debilitating ((illnesses))
33 medical conditions who, in the judgment of their health care
34 professionals, may benefit from the medical use of ((marijuana))
35 cannabis, shall not be ((found guilty of a crime under state law for
36 their possession and limited use of marijuana)) arrested, prosecuted,

1 or subject to other criminal sanctions or civil consequences under
2 state law based solely on their medical use of cannabis,
3 notwithstanding any other provision of law;

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

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

17 **Sec. 103.** RCW 69.51A.020 and 1999 c 2 s 3 are each amended to read
18 as follows:

19 Nothing in this chapter shall be construed to supersede Washington
20 state law prohibiting the acquisition, possession, manufacture, sale,
21 or use of ((marijuana)) cannabis for nonmedical purposes.

22 **PART II**
23 **DEFINITIONS**

24 **Sec. 201.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
25 read as follows:

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

28 (1) "Cannabis" means all parts of the plant Cannabis, whether
29 growing or not; the seeds thereof; the resin extracted from any part of
30 the plant; and every compound, manufacture, salt, derivative, mixture,
31 or preparation of the plant, its seeds, or resin. For the purposes of
32 this chapter, "cannabis" does not include the mature stalks of the
33 plant, fiber produced from the stalks, oil or cake made from the seeds
34 of the plant, any other compound, manufacture, salt, derivative,
35 mixture, or preparation of the mature stalks, except the resin

1 extracted therefrom, fiber, oil, or cake, or the sterilized seed of the
2 plant which is incapable of germination. The term "cannabis" includes
3 cannabis products and useable cannabis.

4 (2) "Cannabis products" means products that contain cannabis or
5 cannabis extracts, have a measurable THC concentration greater than
6 three-tenths of one percent, and are intended for human consumption or
7 application, including, but not limited to, edible products, tinctures,
8 and lotions. The term "cannabis products" does not include useable
9 cannabis.

10 (3) "Designated provider" means a person who:

11 (a) Is eighteen years of age or older;

12 (b) Has been designated in (~~writing~~) a written document signed
13 and dated by a qualifying patient to serve as a designated provider
14 under this chapter; and

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

18 ~~(d) Is the designated provider to only one patient at any one time.~~

19 ~~(2))~~ in compliance with the terms and conditions set forth in RCW
20 69.51A.040.

21 A qualifying patient may be the designated provider for another
22 qualifying patient and be in possession of both patients' cannabis at
23 the same time.

24 (4) "Director" means the director of the department of agriculture.

25 (5) "Dispense" means the selection, measuring, packaging, labeling,
26 delivery, or retail sale of cannabis by a licensed dispenser to a
27 qualifying patient or designated provider.

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

35 ~~((3))~~ (7) "Labeling" means all labels and other written, printed,
36 or graphic matter (a) upon any cannabis intended for medical use, or
37 (b) accompanying such cannabis.

1 (8) "Licensed dispenser" means a nonprofit corporation organized
2 under chapter 24.03 RCW and licensed to dispense cannabis for medical
3 use to qualifying patients and designated providers by the department
4 of health in accordance with rules adopted by the department pursuant
5 to the terms of this chapter.

6 (9) "Licensed processor of cannabis products" means a person
7 licensed by the department of agriculture to manufacture, process,
8 handle, and label cannabis products for wholesale to licensed
9 dispensers.

10 (10) "Licensed producer" means a person licensed by the department
11 of agriculture to produce cannabis for medical use for wholesale to
12 licensed dispensers and licensed processors of cannabis products in
13 accordance with rules adopted by the department pursuant to the terms
14 of this chapter.

15 (11) "Medical use of (~~marijuana~~) cannabis" means the manufacture,
16 production, processing, possession, transportation, delivery,
17 dispensing, ingestion, application, or administration of (~~marijuana,~~
18 as defined in RCW 69.50.101(q),) cannabis for the exclusive benefit of
19 a qualifying patient in the treatment of his or her terminal or
20 debilitating (~~illness~~) medical condition.

21 ~~((4))~~ (12) "Nonresident" means a person who is temporarily in the
22 state but is not a Washington state resident.

23 (13) "Peace officer" means any law enforcement personnel as defined
24 in RCW 43.101.010.

25 (14) "Person" means an individual or an entity.

26 (15) "Plant" means an organism having at least three
27 distinguishable and distinct leaves, each leaf being at least three
28 centimeters in diameter, and a readily observable root formation
29 consisting of at least two separate and distinct roots, each being at
30 least two centimeters in length. Multiple stalks emanating from the
31 same root ball or root system shall be considered part of the same
32 single plant.

33 (16) "Process" means to handle or process cannabis in preparation
34 for medical use.

35 (17) "Processing facility" means the premises and equipment where
36 cannabis products are manufactured, processed, handled, and labeled for
37 wholesale to licensed dispensers.

1 (18) "Produce" means to plant, grow, or harvest cannabis for
2 medical use.

3 (19) "Production facility" means the premises and equipment where
4 cannabis is planted, grown, harvested, processed, stored, handled,
5 packaged, or labeled by a licensed producer for wholesale, delivery, or
6 transportation to a licensed dispenser or licensed processor of
7 cannabis products, and all vehicles and equipment used to transport
8 cannabis from a licensed producer to a licensed dispenser or licensed
9 processor of cannabis products.

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

25 (21) "Qualifying patient" means a person who:

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

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

29 (c) Is a resident of the state of Washington at the time of such
30 diagnosis;

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

33 (e) Has been advised by that health care professional that (~~they~~)
34 he or she may benefit from the medical use of (~~marijuana~~) cannabis.

35 (~~(+)~~) (22) "Secretary" means the secretary of health.

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

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

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

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

5 ~~((+6))~~ (24) "Terminal or debilitating medical condition" means:

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

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

10 or

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

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

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

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

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

25 ~~((+7))~~ (25) "THC concentration" means percent of
26 tetrahydrocannabinol content per weight or volume of useable cannabis
27 or cannabis product.

28 (26) "Useable cannabis" means dried flowers of the Cannabis plant
29 having a THC concentration greater than three-tenths of one percent.
30 Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For
31 purposes of this subsection, "dried" means containing less than fifteen
32 percent moisture content by weight. The term "useable cannabis" does
33 not include cannabis products.

34 (27) "Valid documentation" means:

35 (a) A statement signed and dated by a qualifying patient's health
36 care professional written on tamper-resistant paper and valid for a
37 year from the date of the health care professional's signature, which

1 states that, in the health care professional's professional opinion,
2 the patient may benefit from the medical use of ((marijuana)) cannabis;
3 ((and))

4 (b) Proof of identity such as a Washington state driver's license
5 or identicard, as defined in RCW 46.20.035; and

6 (c) In the case of a designated provider, the signed and dated
7 document valid for a year from the date of signature executed by the
8 qualifying patient who has designated the provider.

9 **PART III**

10 **PROTECTIONS FOR HEALTH CARE PROFESSIONALS**

11 **Sec. 301.** RCW 69.51A.030 and 2010 c 284 s 3 are each amended to
12 read as follows:

13 ~~((A health care professional shall be excepted from the state's~~
14 ~~criminal laws and shall not be penalized in any manner, or denied any~~
15 ~~right or privilege, for)) The following acts shall not constitute
16 crimes under state law or unprofessional conduct under chapter 18.130
17 RCW, and a health care professional shall not be arrested, searched,
18 prosecuted, disciplined, or subject to other criminal sanctions or
19 civil consequences or liability under state law, or have real or
20 personal property searched, seized, or forfeited pursuant to state law,
21 notwithstanding any other provision of law:~~

22 (1) Advising a ((qualifying)) patient about the risks and benefits
23 of medical use of ((marijuana)) cannabis or that the ((qualifying))
24 patient may benefit from the medical use of ((marijuana where such use
25 is within a professional standard of care or in the individual health
26 care professional's medical judgment)) cannabis; or

27 (2) Providing a ((qualifying)) patient meeting the criteria
28 established under RCW 69.51A.010(21) with valid documentation, based
29 upon the health care professional's assessment of the ((qualifying))
30 patient's medical history and current medical condition, ~~((that the~~
31 ~~medical use of marijuana may benefit a particular qualifying patient))~~
32 where such use is within a professional standard of care or in the
33 individual health care professional's medical judgment.

34 **PART IV**

1 **PROTECTIONS FOR QUALIFYING PATIENTS AND DESIGNATED PROVIDERS**

2 **Sec. 401.** RCW 69.51A.040 and 2007 c 371 s 5 are each amended to
3 read as follows:

4 ~~((1) If a law enforcement officer determines that marijuana is~~
5 ~~being possessed lawfully under the medical marijuana law, the officer~~
6 ~~may document the amount of marijuana, take a representative sample that~~
7 ~~is large enough to test, but not seize the marijuana. A law~~
8 ~~enforcement officer or agency shall not be held civilly liable for~~
9 ~~failure to seize marijuana in this circumstance.~~

10 ~~(2) If charged with a violation of state law relating to marijuana,~~
11 ~~any qualifying patient who is engaged in the medical use of marijuana,~~
12 ~~or any designated provider who assists a qualifying patient in the~~
13 ~~medical use of marijuana, will be deemed to have established an~~
14 ~~affirmative defense to such charges by proof of his or her compliance~~
15 ~~with the requirements provided in this chapter. Any person meeting the~~
16 ~~requirements appropriate to his or her status under this chapter shall~~
17 ~~be considered to have engaged in activities permitted by this chapter~~
18 ~~and shall not be penalized in any manner, or denied any right or~~
19 ~~privilege, for such actions.~~

20 ~~(3) A qualifying patient, if eighteen years of age or older, or a~~
21 ~~designated provider shall:~~

22 ~~(a) Meet all criteria for status as a qualifying patient or~~
23 ~~designated provider;~~

24 ~~(b) Possess no more marijuana than is necessary for the patient's~~
25 ~~personal, medical use, not exceeding the amount necessary for a sixty-~~
26 ~~day supply; and~~

27 ~~(c) Present his or her valid documentation to any law enforcement~~
28 ~~official who questions the patient or provider regarding his or her~~
29 ~~medical use of marijuana.~~

30 ~~(4) A qualifying patient, if under eighteen years of age at the~~
31 ~~time he or she is alleged to have committed the offense, shall~~
32 ~~demonstrate compliance with subsection (3) (a) and (c) of this section.~~
33 ~~However, any possession under subsection (3) (b) of this section, as~~
34 ~~well as any production, acquisition, and decision as to dosage and~~
35 ~~frequency of use, shall be the responsibility of the parent or legal~~
36 ~~guardian of the qualifying patient.)) The medical use of cannabis in~~
37 ~~accordance with the terms and conditions of this chapter shall not~~
38 ~~constitute a crime and a qualifying patient or designated provider in~~

1 compliance with the terms and conditions of this chapter shall not be
2 arrested, searched, prosecuted, or subject to other criminal sanctions
3 or civil consequences under state law, or have real or personal
4 property searched, seized, or forfeited pursuant to state law, and
5 investigating peace officers and law enforcement agencies shall not be
6 held civilly liable for failure to seize cannabis in this circumstance:
7 PROVIDED, That:

8 (1) The qualifying patient or designated provider possesses no more
9 than fifteen cannabis plants and no more than twenty-four ounces of
10 useable cannabis, no more cannabis product than reasonably could be
11 produced with no more than twenty-four ounces of useable cannabis, or
12 a combination of useable cannabis and cannabis product that does not
13 exceed a combined total representing possession and processing of no
14 more than twenty-four ounces of useable cannabis, or if a person is
15 both a qualifying patient and a designated provider for another
16 qualifying patient, no more than twice these amounts, whether the
17 plants, useable cannabis, and cannabis product are possessed
18 individually or in combination between the qualifying patient and his
19 or her designated provider;

20 (2) The qualifying patient or designated provider presents his or
21 her valid documentation, or proof of registration with the department
22 of health, to any peace officer who questions the patient or provider
23 regarding his or her medical use of cannabis;

24 (3) The qualifying patient or designated provider keeps a copy of
25 his or her health care professional's authorizing statement and the
26 patient or provider's contact information posted prominently next to
27 any cannabis plants, cannabis products, or useable cannabis located at
28 his or her residence;

29 (4) The investigating peace officer does not possess evidence that
30 the designated provider has converted cannabis produced or obtained for
31 the qualifying patient for his or her own personal use or benefit; and

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

35 NEW SECTION. Sec. 402. (1) Qualifying patients may create and
36 participate in collective gardens for the purpose of producing,

1 processing, transporting, and delivering cannabis for medical use
2 subject to the following conditions:

3 (a) No more than twenty-five qualifying patients may participate in
4 a single collective garden at any time;

5 (b) A collective garden may contain no more than fifteen plants per
6 patient up to a total of ninety plants for six patients, and no more
7 than a total of ninety-nine plants if seven or more patients are
8 participating in the collective garden;

9 (c) No more than ninety-six ounces of useable cannabis may be on
10 the premises of a collective garden at any time;

11 (d) A copy of each qualifying patient's valid documentation,
12 including a copy of the patient's proof of identity, must be available
13 at all times on the premises of the collective garden; and

14 (e) No useable cannabis from the collective garden is delivered to
15 anyone other than one of the qualifying patients participating in the
16 collective garden.

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

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

27 NEW SECTION. **Sec. 403.** (1) A qualifying patient may revoke his or
28 her designation of a specific provider and designate a different
29 provider at any time. A revocation of designation must be in writing,
30 signed and dated. The protections of this chapter cease to apply to a
31 person who has served as a designated provider to a qualifying patient
32 seventy-two hours after receipt of that patient's revocation of his or
33 her designation.

34 (2) A person may stop serving as a designated provider to a given
35 qualifying patient at any time. However, that person may not begin
36 serving as a designated provider to a different qualifying patient

1 until fifteen days have elapsed from the date the last qualifying
2 patient designated him or her to serve as a provider.

3 NEW SECTION. **Sec. 404.** A qualifying patient or designated
4 provider in possession of cannabis plants, useable cannabis, or
5 cannabis product exceeding the limits set forth in RCW 69.51A.040(1)
6 but otherwise in compliance with all other terms and conditions of this
7 chapter may establish an affirmative defense to charges of violations
8 of state law relating to cannabis through proof at trial, by a
9 preponderance of the evidence, that the qualifying patient's necessary
10 medical use exceeds the amounts set forth in RCW 69.51A.040(1). An
11 investigating peace officer may seize cannabis plants, useable
12 cannabis, or cannabis product exceeding the amounts set forth in RCW
13 69.51A.040(1): PROVIDED, That in the case of cannabis plants, the
14 qualifying patient or designated provider shall be allowed to select
15 the plants that will remain at the location. The officer and his or
16 her law enforcement agency shall not be held civilly liable for failure
17 to seize cannabis in this circumstance.

18 NEW SECTION. **Sec. 405.** A qualifying patient or designated
19 provider who does not present his or her valid documentation, or proof
20 of registration with the department of health, to a peace officer who
21 questions the patient or provider regarding his or her medical use of
22 cannabis but is in compliance with all other terms and conditions of
23 this chapter may establish an affirmative defense to charges of
24 violations of state law relating to cannabis through proof at trial, by
25 a preponderance of the evidence, that he or she was a validly
26 authorized qualifying patient or designated provider at the time of the
27 officer's questioning. A qualifying patient or designated provider who
28 establishes an affirmative defense under the terms of this section may
29 also establish an affirmative defense under section 404 of this act.

30 NEW SECTION. **Sec. 406.** A nonresident who is duly authorized to
31 engage in the medical use of cannabis under the laws of another state
32 or territory of the United States may raise an affirmative defense to
33 charges of violations of Washington state law relating to cannabis,
34 provided that the nonresident:

1 (1) Possesses no more than fifteen cannabis plants and no more than
2 twenty-four ounces of useable cannabis, no more cannabis product than
3 reasonably could be produced with no more than twenty-four ounces of
4 useable cannabis, or a combination of useable cannabis and cannabis
5 product that does not exceed a combined total representing possession
6 and processing of no more than twenty-four ounces of useable cannabis;

7 (2) Is in compliance with all provisions of this chapter other than
8 requirements relating to being a Washington resident or possessing
9 valid documentation issued by a licensed health care professional in
10 Washington; and

11 (3) Presents the documentation of authorization required under the
12 nonresident's authorizing state's law and proof of identity issued by
13 the authorizing state to any peace officer who questions the
14 nonresident regarding his or her medical use of cannabis.

15 NEW SECTION. **Sec. 407.** A qualifying patient's medical use of
16 cannabis as authorized by a health care professional may not be a sole
17 disqualifying factor in determining the patient's suitability for an
18 organ transplant, unless it is shown that this use poses a significant
19 risk of rejection or organ failure. This section does not preclude a
20 health care professional from requiring that a patient abstain from the
21 medical use of cannabis, for a period of time determined by the health
22 care professional, while waiting for a transplant organ or before the
23 patient undergoes an organ transplant.

24 NEW SECTION. **Sec. 408.** A qualifying patient or designated
25 provider shall not have his or her parental rights or residential time
26 with a child restricted solely due to his or her medical use of
27 cannabis in compliance with the terms of this chapter absent written
28 findings supported by evidence that such use has resulted in a long-
29 term impairment that interferes with the performance of parenting
30 functions as defined under RCW 26.09.004.

31 NEW SECTION. **Sec. 409.** (1) A qualifying patient shall not be
32 refused employment, discharged from employment, or discriminated
33 against in compensation or in other terms or conditions of employment
34 solely as a result of his or her off-site medical use of cannabis:
35 PROVIDED, That:

1 (a) The employer is not a federal contractor or grant recipient
2 under the drug-free workplace act (41 U.S.C. 701 et seq.);

3 (b) The particular employment does not involve:

4 (i) Public safety responsibilities;

5 (ii) Handling dangerous substances;

6 (iii) Hazardous physical activities;

7 (iv) Routine operation of motor vehicles, heavy equipment, or
8 portable power tools falling within the scope of chapter 296-807 WAC;
9 or

10 (v) Routine performance of other safety-sensitive activities; or

11 (c) The off-site medical use of cannabis by a particular employee
12 does not prevent the proper performance of his or her work.

13 (2) A qualifying patient deeming himself or herself injured by any
14 act in violation of this section is entitled to pursue the remedies and
15 enforcement procedures provided under chapter 49.60 RCW.

16 NEW SECTION. **Sec. 410.** A qualifying patient shall not be refused
17 or evicted from housing solely as a result of his or her possession or
18 use of useable cannabis or cannabis products.

19 NEW SECTION. **Sec. 411.** In imposing any criminal sentence,
20 deferred prosecution, stipulated order of continuance, deferred
21 disposition, or dispositional order, any court organized under the laws
22 of Washington state may permit the medical use of cannabis in
23 compliance with the terms of this chapter and exclude it as a possible
24 ground for finding that the offender has violated the conditions or
25 requirements of the sentence, deferred prosecution, stipulated order of
26 continuance, deferred disposition, or dispositional order. This
27 section does not require the accommodation of any on-site medical use
28 of cannabis in any correctional facility.

29 **Sec. 412.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to read
30 as follows:

31 (1) The lawful possession, delivery, dispensing, production, or
32 manufacture of (~~medical marijuana~~) cannabis for medical use as
33 authorized by this chapter shall not result in the forfeiture or
34 seizure of any real or personal property including, but not limited to,
35 cannabis intended for medical use, items used to facilitate the medical

1 use of cannabis or its production or dispensing for medical use, or
2 proceeds of sales of cannabis for medical use made by licensed
3 producers, licensed processors of cannabis products, or licensed
4 dispensers.

5 (2) No person shall be prosecuted for constructive possession,
6 conspiracy, or any other criminal offense solely for being in the
7 presence or vicinity of ((~~medical marijuana~~)) cannabis intended for
8 medical use or its use as authorized by this chapter.

9 (3) The state shall not be held liable for any deleterious outcomes
10 from the medical use of ((~~marijuana~~)) cannabis by any qualifying
11 patient.

12 NEW SECTION. Sec. 413. Nothing in this chapter or in the rules
13 adopted to implement it precludes a qualifying patient or designated
14 provider from engaging in the private, unlicensed, noncommercial
15 production, possession, transportation, delivery, or administration of
16 cannabis for medical use as authorized under RCW 69.51A.040.

17 **PART V**
18 **LIMITATIONS ON PROTECTIONS FOR QUALIFYING**
19 **PATIENTS AND DESIGNATED PROVIDERS**

20 **Sec. 501.** RCW 69.51A.060 and 2010 c 284 s 4 are each amended to
21 read as follows:

22 (1) ((~~It shall be a misdemeanor to use or display medical marijuana~~
23 ~~in a manner or place which is open to the view of the general public.~~))
24 It is unlawful to open a package containing cannabis or consume
25 cannabis in a public place in a manner that presents a reasonably
26 foreseeable risk that another person would see and be able to identify
27 the substance contained in the package or being consumed as cannabis.
28 A person who violates a provision of this section is guilty of a class
29 3 civil infraction under chapter 7.80 RCW.

30 (2) Nothing in this chapter requires any health insurance provider
31 to be liable for any claim for reimbursement for the medical use of
32 ((~~marijuana~~)) cannabis.

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

1 (4) Nothing in this chapter requires any accommodation of any on-
2 site medical use of (~~marijuana~~) cannabis in any place of employment,
3 in any school bus or on any school grounds, in any youth center, in any
4 correctional facility, or smoking (~~medical marijuana~~) cannabis in any
5 public place as that term is defined in RCW 70.160.020.

6 (5) It is a class C felony to fraudulently produce any record
7 purporting to be, or tamper with the content of any record for the
8 purpose of having it accepted as, valid documentation under RCW
9 69.51A.010(~~(7)~~) (27)(a), or to backdate such documentation to a time
10 earlier than its actual date of execution.

11 (~~No person shall be entitled to claim the affirmative defense~~
12 ~~provided in RCW 69.51A.040 for engaging)~~ The fact that a qualifying
13 patient has been authorized to engage in the medical use of (~~marijuana~~
14 ~~in a way that endangers the health or well being of any person through~~
15 ~~the use of a motorized vehicle on a street, road, or highway))~~ cannabis
16 shall not constitute a defense against a charge of violating RCW
17 46.61.502.

18 PART VI

19 LICENSED PRODUCERS AND LICENSED PROCESSORS OF CANNABIS PRODUCTS

20 NEW SECTION. **Sec. 601.** Provided they are acting in compliance
21 with the terms of this chapter and rules adopted to enforce and carry
22 out its purposes, licensed producers and their employees, members,
23 officers, and directors may manufacture, plant, cultivate, grow,
24 harvest, produce, prepare, propagate, process, package, repackage,
25 transport, transfer, deliver, label, relabel, wholesale, or possess
26 cannabis intended for medical use by qualifying patients, including
27 seeds, seedlings, cuttings, plants, and useable cannabis, and shall not
28 be arrested, searched, prosecuted, or subject to other criminal
29 sanctions or civil consequences under state law, or have real or
30 personal property searched, seized, or forfeited pursuant to state law,
31 for such activities, notwithstanding any other provision of law.

32 NEW SECTION. **Sec. 602.** Provided they are acting in compliance
33 with the terms of this chapter and rules adopted to enforce and carry
34 out its purposes, licensed processors of cannabis products and their
35 employees, members, officers, and directors may possess useable

1 cannabis and manufacture, produce, prepare, process, package,
2 repackage, transport, transfer, deliver, label, relabel, wholesale, or
3 possess cannabis products intended for medical use by qualifying
4 patients, and shall not be arrested, searched, prosecuted, or subject
5 to other criminal sanctions or civil consequences under state law, or
6 have real or personal property searched, seized, or forfeited pursuant
7 to state law, for such activities, notwithstanding any other provision
8 of law.

9 NEW SECTION. **Sec. 603.** The director shall administer and carry
10 out the provisions of this chapter relating to licensed producers and
11 licensed processors of cannabis products, and rules adopted hereunder,
12 and he or she may:

13 (1) Monitor and inspect the production, processing, weighing,
14 packaging, labeling, storage, and shipping of all cannabis intended for
15 medical use;

16 (2) Monitor and review the inspection and grading of all cannabis
17 intended for medical use;

18 (3) Approve or disapprove the facilities, including scales, of all
19 licensed producers and licensed processors of cannabis products;

20 (4) Investigate all complaints of fraud in the operation of any
21 licensed producer, licensed processor of cannabis products, production
22 facility, or processing facility;

23 (5) Examine, inspect, and audit, during ordinary business hours,
24 any producer or processor licensed under this chapter, including all
25 production facilities, processing facilities, and all cannabis therein
26 and examine, inspect, audit, or record all books, documents, and
27 records;

28 (6) Administer oaths and issue subpoenas to compel the attendance
29 of witnesses, or the production of books, documents, and records
30 anywhere in the state pursuant to a hearing relative to the purposes
31 and provisions of this chapter. Witnesses shall be entitled to fees
32 for attendance and travel, as provided in chapter 2.40 RCW;

33 (7) Adopt rules establishing inspection standards and procedures
34 for cannabis intended for medical use;

35 (8) Adopt rules regarding the identification of cannabis intended
36 for medical use so that such cannabis may be readily identified if

1 stolen or removed in violation of the provisions of this chapter from
2 a production or processing facility, or if otherwise unlawfully
3 transported;

4 (9) Adopt all the necessary rules for carrying out the purposes and
5 provisions of this chapter.

6 NEW SECTION. **Sec. 604.** The director is authorized to deny,
7 suspend, or revoke a producer's or processor's license after a hearing
8 in any case in which it is determined that there has been a violation
9 or refusal to comply with the requirements of this chapter or rules
10 adopted hereunder. All hearings for the denial, suspension, or
11 revocation of a producer's or processor's license are subject to
12 chapter 34.05 RCW, the administrative procedure act, as enacted or
13 hereafter amended.

14 NEW SECTION. **Sec. 605.** (1) By July 1, 2012, taking into
15 consideration the security requirements described in 21 C.F.R. Sec.
16 1301.71-1301.76, the director shall adopt rules:

17 (a) Prescribing grades and standards which he or she deems suitable
18 for inspection of cannabis intended for medical use in the state of
19 Washington;

20 (b) Providing for inspection or grading and certification of grade,
21 grading factors, condition, strain, cannabinoid profile, THC
22 concentration, or other qualitative measurement of cannabis intended
23 for medical use;

24 (c) Fixing the sizes, dimensions, and safety and security features
25 required of containers to be used for packing, handling, or storing
26 cannabis intended for medical use;

27 (d) Establishing labeling requirements for cannabis intended for
28 medical use;

29 (e) Establishing requirements for the licensure of producers, and
30 processors of cannabis products, setting forth procedures to obtain
31 licenses, and determining expiration dates and renewal requirements;

32 (f) Providing for mandatory inspection of production and processing
33 facilities;

34 (g) Establishing requirements for transportation of cannabis
35 intended for medical use from production facilities to processing
36 facilities and licensed dispensers;

1 (h) Enforcing and carrying out the provisions of this section and
2 the rules adopted to carry out its purposes; and

3 (i) Establishing license application and renewal fees adequate to
4 recapture the cost to the state of implementing, maintaining, and
5 enforcing the provisions of this section and section 902 of this act
6 and the rules adopted to carry out their purposes. Such fees shall
7 reflect a range of classes of licenses, varying in proportion to
8 revenues received by the licensees.

9 (2) Fees collected under this section must be deposited into the
10 agricultural local fund created in RCW 43.23.230.

11 (3) During the rule-making process, the department shall consult
12 with stakeholders and persons with relevant expertise, to include but
13 not be limited to qualifying patients, designated providers, health
14 care professionals, state and local law enforcement agencies, and the
15 department of health.

16 NEW SECTION. **Sec. 606.** (1) Each licensed producer and licensed
17 processor of cannabis products shall maintain complete records at all
18 times with respect to all cannabis produced, processed, weighed,
19 tested, stored, shipped, or sold. The director shall adopt rules
20 specifying the minimum recordkeeping requirements necessary to comply
21 with this section.

22 (2) The property, books, records, accounts, papers, and proceedings
23 of every licensed producer and licensed processor of cannabis products
24 shall be subject to inspection by the department of agriculture at any
25 time during ordinary business hours. Licensed producers and licensed
26 processors of cannabis products shall maintain adequate records and
27 systems for the filing and accounting of crop production, product
28 manufacturing and processing, records of weights and measurements,
29 product testing, receipts, canceled receipts, other documents, and
30 transactions necessary or common to the medical cannabis industry.

31 NEW SECTION. **Sec. 607.** Each licensed producer and licensed
32 processor of cannabis products shall report information to the
33 department of agriculture at such times and as may be reasonably
34 required by the director for the necessary enforcement and supervision
35 of a sound, reasonable, and efficient cannabis inspection program for
36 the protection of the health and welfare of qualifying patients.

1 NEW SECTION. **Sec. 608.** The production facilities of a licensed
2 producer, and processing facilities of a licensed processor of cannabis
3 products, shall be maintained in a manner that will provide a
4 reasonable means of ingress and egress to all areas and equipment, and
5 an adequate facility to complete the inspections shall be provided.

6 NEW SECTION. **Sec. 609.** (1) The department of agriculture may give
7 written notice to a licensed producer or processor of cannabis products
8 to submit to inspection, or furnish required reports, documents, or
9 other requested information, under such conditions and at such time as
10 the department may deem necessary whenever a licensed producer or
11 processor of cannabis products fails to:

12 (a) Submit his or her books, papers, or property to lawful
13 inspection or audit;

14 (b) Submit required reports or documents to the department by their
15 due date; or

16 (c) Furnish the department with requested information.

17 (2) If the licensed producer or processor of cannabis products
18 fails to comply with the terms of the notice within seventy-two hours
19 from the date of its issuance, or within such further time as the
20 department of agriculture may allow, the department shall levy a fine
21 of five hundred dollars per day from the final date for compliance
22 allowed by this section or the department. In those cases where the
23 failure to comply continues for more than seven days or where the
24 director determines the failure to comply creates a threat to public
25 health, public safety, or a substantial risk of diversion of cannabis
26 to unauthorized persons or purposes, the department may, in lieu of
27 levying further fines, petition the superior court of the county where
28 the licensee's principal place of business in Washington is located, as
29 shown by the license application, for an order:

30 (a) Authorizing the department to seize and take possession of all
31 books, papers, cannabis, and property of all kinds used in connection
32 with the conduct or the operation of the licensed producer or
33 processor's business, and the books, papers, records, and property that
34 pertain specifically, exclusively, and directly to that business; and

35 (b) Enjoining the licensed producer or processor from interfering
36 with the department in the discharge of its duties as required by this
37 chapter.

1 (3) All necessary costs and expenses, including attorneys' fees,
2 incurred by the department of agriculture in carrying out the
3 provisions of this section may be recovered at the same time and as
4 part of the action filed under this section.

5 NEW SECTION. **Sec. 610.** Samples of cannabis drawn by department
6 inspectors, unless returned by agreement to the producer or applicant
7 for a license to produce, or to the processor or applicant for a
8 license to process cannabis products, shall become the property of the
9 state and subject to disposition by the department. The department
10 must adopt rules relating to sample retention and disposal.

11 NEW SECTION. **Sec. 611.** (1) Any department employee who shall,
12 directly or indirectly, accept any money or other consideration for any
13 neglect of duty or any improper performance of duty as such department
14 employee shall be deemed guilty of a misdemeanor.

15 (2) Any department employee who diverts or retains cannabis for
16 personal use or sale shall be subject to the applicable criminal
17 penalties.

18 NEW SECTION. **Sec. 612.** (1) A licensed producer shall not sell or
19 deliver cannabis to any person other than a department inspector,
20 licensed processor of cannabis products, licensed dispenser, or law
21 enforcement officer except as provided by court order. Violation of
22 this section is a class C felony punishable according to chapter 9A.20
23 RCW.

24 (2) A licensed processor of cannabis products shall not sell or
25 deliver cannabis to any person other than a department inspector,
26 licensed dispenser, or law enforcement officer except as provided by
27 court order. Violation of this section is a class C felony punishable
28 according to chapter 9A.20 RCW.

29 NEW SECTION. **Sec. 613.** A licensed processor of cannabis products
30 must, in addition to complying with all requirements set forth in this
31 act and rules adopted to enforce and carry out its purposes, comply
32 with the requirements of the Washington food processing act, chapter
33 69.07 RCW, and all rules adopted to enforce and carry out that act's

1 purposes. The department may use all the civil remedies provided for
2 in chapter 69.04 RCW, the uniform Washington food, drug, and cosmetic
3 act, in carrying out and enforcing this section.

4 **PART VII**
5 **LICENSED DISPENSERS**

6 NEW SECTION. **Sec. 701.** Provided they are acting in compliance
7 with the terms of this chapter and rules adopted to enforce and carry
8 out its purposes, licensed dispensers and their employees, members,
9 officers, and directors may deliver, distribute, dispense, transfer,
10 prepare, package, repackage, label, relabel, sell at retail, or possess
11 cannabis intended for medical use by qualifying patients, including
12 seeds, seedlings, cuttings, plants, useable cannabis, and cannabis
13 products, and shall not be arrested, searched, prosecuted, or subject
14 to other criminal sanctions or civil consequences under state law, or
15 have real or personal property searched, seized, or forfeited pursuant
16 to state law, for such activities, notwithstanding any other provision
17 of law.

18 NEW SECTION. **Sec. 702.** (1) By July 1, 2012, taking into
19 consideration the security requirements described in 21 C.F.R. 1301.71-
20 1301.76, the secretary shall adopt rules:

21 (a) Establishing requirements for the licensure of dispensers of
22 cannabis for medical use, setting forth procedures to obtain licenses,
23 and determining expiration dates and renewal requirements;

24 (b) Providing for mandatory inspection of licensed dispensers'
25 locations;

26 (c) Establishing procedures governing the suspension and revocation
27 of licenses of dispensers;

28 (d) Establishing recordkeeping requirements for licensed
29 dispensers;

30 (e) Fixing the sizes and dimensions of containers to be used for
31 dispensing cannabis for medical use;

32 (f) Establishing safety standards for containers to be used for
33 dispensing cannabis for medical use;

34 (g) Establishing cannabis storage requirements, including security
35 requirements;

1 (h) Establishing cannabis labeling requirements;

2 (i) Establishing physical standards for cannabis dispensing
3 facilities;

4 (j) Establishing physical standards for sanitary conditions for
5 cannabis dispensing facilities;

6 (k) Establishing physical and sanitation standards for cannabis
7 dispensing equipment;

8 (l) Enforcing and carrying out the provisions of this section and
9 the rules adopted to carry out its purposes; and

10 (m) Establishing license application and renewal fees adequate to
11 recapture the cost to the state of implementing, maintaining, and
12 enforcing the provisions of this section and section 903 of this act
13 and the rules adopted to carry out their purposes, pursuant to the
14 secretary's authority under RCW 43.70.250. Such fees shall reflect a
15 range of classes of licenses, varying in proportion to revenues
16 received by the licensees.

17 (2) Fees collected under this section must be deposited into the
18 health professions account created in RCW 43.70.320.

19 (3) During the rule-making process, the department shall consult
20 with stakeholders and persons with relevant expertise, to include but
21 not be limited to qualifying patients, designated providers, health
22 care professionals, state and local law enforcement agencies, and the
23 department of agriculture.

24 NEW SECTION. **Sec. 703.** A new section is added to chapter 82.08
25 RCW to read as follows:

26 The tax levied by RCW 82.08.020 shall not apply to sales of useable
27 cannabis or cannabis products intended for medical use that are
28 dispensed to qualifying patients or designated providers by dispensers
29 licensed under chapter 69.51A RCW and the rules adopted to carry out
30 its purposes.

31 NEW SECTION. **Sec. 704.** A licensed dispenser shall not sell
32 cannabis received from any person other than a licensed producer or
33 licensed processor of cannabis products, or sell or deliver cannabis to
34 any person other than a qualifying patient, designated provider, or
35 licensed provider except as provided by court order. Violation of this
36 section is a class C felony punishable according to chapter 9A.20 RCW.

1 **PART VIII**
2 **MISCELLANEOUS PROVISIONS APPLYING TO ALL**
3 **LICENSED PRODUCERS, PROCESSORS, AND DISPENSERS**

4 NEW SECTION. **Sec. 801.** All weighing and measuring instruments and
5 devices used by licensed producers, processors of cannabis products,
6 and dispensers shall comply with the requirements set forth in chapter
7 19.94 RCW.

8 NEW SECTION. **Sec. 802.** (1) No licensed producer, processor of
9 cannabis products, or dispenser shall advertise cannabis for sale to
10 the general public on broadcast television or radio or on a billboard
11 in any manner that promotes or tends to promote the use or abuse of
12 cannabis. For the purposes of this subsection, displaying cannabis,
13 including artistic depictions of cannabis, is considered to promote or
14 to tend to promote the use or abuse of cannabis.

15 (2) The department of agriculture may fine a licensed producer or
16 processor of cannabis products up to one thousand dollars for each
17 violation of subsection (1) of this section. Fines collected under
18 this subsection must be deposited into the agriculture local fund
19 created in RCW 43.23.230.

20 (3) The department of health may fine a licensed dispenser up to
21 one thousand dollars for each violation of subsection (1) of this
22 section. Fines collected under this subsection must be deposited into
23 the health professions account created in RCW 43.70.320.

24 NEW SECTION. **Sec. 803.** A prior conviction for a cannabis or
25 marijuana offense shall not disqualify an applicant from receiving a
26 license to produce, process, or dispense cannabis for medical use,
27 provided the conviction did not include any sentencing enhancements
28 under RCW 9.94A.533 or analogous laws in other jurisdictions. Any
29 criminal conviction of a current licensee may be considered in
30 proceedings to suspend or revoke a license.

31 NEW SECTION. **Sec. 804.** A violation of any provision or section of
32 this chapter that relates to the licensing and regulation of producers,
33 processors, or dispensers, where no other penalty is provided for, and
34 the violation of any rule adopted under this chapter constitutes a
35 misdemeanor.

1 (3) Registration in the system shall be optional for qualifying
2 patients and designated providers, not mandatory. Registrations are
3 valid for one year. The department must adopt rules providing for
4 registration renewals and for removing expired registrations from the
5 registry.

6 (4) Fees, including renewal fees, for qualifying patients and
7 designated providers participating in the registration system shall be
8 adequate to recapture the cost to the state of implementing,
9 maintaining, and enforcing the provisions of this section and the rules
10 adopted to carry out its purposes, and shall be established on an
11 income-based sliding scale.

12 (5) During the rule-making process, the department shall consult
13 with stakeholders and persons with relevant expertise, to include but
14 not be limited to qualifying patients, designated providers, health
15 care professionals, state and local law enforcement agencies, and the
16 University of Washington computer science and engineering security and
17 privacy research lab.

18 (6) The registration system shall meet the following requirements:

19 (a) Any personally identifiable information included in the
20 registration system must be "nonreversible," pursuant to definitions
21 and standards set forth by the national institute of standards and
22 technology;

23 (b) Any personally identifiable information included in the
24 registration system must not be susceptible to linkage by use of data
25 external to the registration system;

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

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

33 (7) The registration system shall maintain a log of each
34 verification query submitted by a peace officer for a period of no less
35 than three years from the date of the query. Personally identifiable
36 information of qualifying patients and designated providers included in
37 the log shall be confidential and exempt from public disclosure,
38 inspection, or copying under chapter 42.56 RCW: PROVIDED, That:

1 (a) The subject of a registration query may appear during ordinary
2 department of health business hours and inspect or copy log records
3 relating to him or her upon adequate proof of identity; or

4 (b) The subject of a registration query may submit a written
5 request to the department of health, along with adequate proof of
6 identity, for copies of log records relating to him or her.

7 (8) Fees collected under this section must be deposited into the
8 health professions account under RCW 43.70.320.

9 NEW SECTION. **Sec. 902.** The department of agriculture shall, in
10 consultation with the department of health:

11 (1) Create and maintain a secure and confidential list of the
12 persons to whom it has issued a license to produce cannabis for medical
13 use or a license to process cannabis products that meets the
14 requirements set forth in section 901(6) of this act.

15 (a) Except as provided in (b) of this subsection, the list shall be
16 confidential and exempt from public disclosure, inspection, or copying
17 under chapter 42.56 RCW.

18 (b) Names and other personally identifiable information from the
19 list may be released only to:

20 (i) Authorized employees of the department of agriculture as
21 necessary to perform official duties of the department; or

22 (ii) Authorized employees of state or local law enforcement
23 agencies, only as necessary to verify that a person is a licensed
24 producer or processor of cannabis products, or that a location is the
25 recorded address of a production or processing facility owned or
26 operated by a licensed producer or processor, and only after the
27 inquiring state or local law enforcement employee has provided adequate
28 identification;

29 (2) Develop a secure and confidential system by which authorized
30 employees of state and local law enforcement agencies may verify at all
31 times, after providing adequate identification, that a person is a
32 licensed producer or processor of cannabis products, or that a location
33 is the recorded address of a production or processing facility owned or
34 operated by a licensed producer or processor;

35 (3) Maintain a log of all requests by employees of state and local
36 law enforcement agencies for information relating to whether a person
37 is a licensed producer or processor of cannabis products, or that a

1 location is the recorded address of a production or processing facility
2 owned or operated by a licensed producer or processor, and the
3 information supplied, for a period of no less than three years from the
4 date of the request. Personally identifiable information of licensed
5 producers and processors of cannabis products included in the log shall
6 be confidential and exempt from public disclosure, inspection, or
7 copying under chapter 42.56 RCW, provided that:

8 (a) The subject of a request for information may appear during
9 ordinary department of agriculture business hours and inspect or copy
10 log records relating to him or her upon adequate proof of identity; or

11 (b) The subject of a request for information may submit a written
12 request to the department of agriculture, along with adequate proof of
13 identity, for copies of log records relating to him or her;

14 (4) (a) Establish and collect reasonable fees for the dissemination
15 of information to employees of state and local law enforcement agencies
16 relating to whether a person is a licensed producer or processor of
17 cannabis products, or that a location is the recorded address of a
18 production or processing facility owned or operated by a licensed
19 producer or processor, and for the dissemination of log records
20 relating to such requests for information to the subjects of those
21 requests. Fees collected under this section must be deposited into the
22 agricultural local fund created in RCW 43.23.230.

23 (b) Authorized employees of state or local law enforcement agencies
24 who obtain personally identifiable information from the list as
25 authorized under this section may not release or use the information
26 for any purpose other than verification that a person is a licensed
27 producer or processor of cannabis products, or that a location is the
28 recorded address of a production or processing facility owned or
29 operated by a licensed producer or processor.

30 NEW SECTION. **Sec. 903.** The department of health shall:

31 (1) Create and maintain a secure and confidential list of the
32 persons to whom it has issued a license to dispense cannabis for
33 medical use that meets the requirements set forth in section 901(6) of
34 this act.

35 (a) Except as provided in (b) of this subsection, the list shall be
36 confidential and exempt from public disclosure, inspection, or copying
37 under chapter 42.56 RCW.

1 (b) Names and other personally identifiable information from the
2 list may be released only to:

3 (i) Authorized employees of the department as necessary to perform
4 official duties of the department; or

5 (ii) Authorized employees of state or local law enforcement
6 agencies, only as necessary to verify that a person is a licensed
7 dispenser, or that a location is the recorded address of a licensed
8 dispenser, and only after the inquiring state or local law enforcement
9 employee has provided adequate identification;

10 (2) Develop a secure and confidential system by which authorized
11 employees of state and local law enforcement agencies may verify at all
12 times, after providing adequate identification, that a person is a
13 licensed dispenser, or that a location is the recorded address of a
14 licensed dispenser;

15 (3) Maintain a log of all requests by employees of state and local
16 law enforcement agencies for information relating to whether a person
17 is a licensed dispenser, or that a location is the recorded address of
18 a licensed dispenser, and the information supplied, for a period of no
19 less than three years from the date of the request. Personally
20 identifiable information of licensed dispensers included in the log
21 shall be confidential and exempt from public disclosure, inspection, or
22 copying under chapter 42.56 RCW: PROVIDED, That:

23 (a) The subject of a request for information may appear during
24 ordinary department of health business hours and inspect or copy log
25 records relating to him or her upon adequate proof of identity; or

26 (b) The subject of a request for information may submit a written
27 request to the department of health, along with adequate proof of
28 identity, for copies of log records relating to him or her;

29 (4) (a) Establish and collect reasonable fees for the dissemination
30 of information to employees of state and local law enforcement agencies
31 relating to whether a person is a licensed dispenser, or that a
32 location is the recorded address of a licensed dispenser, and for the
33 dissemination of log records relating to such requests for information
34 to the subjects of those requests. Fees collected under this section
35 must be deposited into the health professions account created in RCW
36 43.70.320.

37 (b) Authorized employees of state or local law enforcement agencies
38 who obtain personally identifiable information from the list as

1 authorized under this section may not release or use the information
2 for any purpose other than verification that a person is a licensed
3 dispenser, or that a location is the recorded address of a licensed
4 dispenser.

5 NEW SECTION. **Sec. 904.** (1) Before making a warrantless arrest or
6 warrantless search or seizure based on probable cause, a peace officer
7 investigating a cannabis-related incident shall ascertain whether the
8 person or location under investigation is registered with: The
9 department of health as a qualifying patient, designated provider,
10 licensed provider, or primary residence of a qualifying patient or
11 designated provider; or the department of agriculture as a licensed
12 producer, processor of cannabis products, production facility, or
13 processing facility. Registered persons shall not be arrested or
14 searched, or have personal property searched or seized, and registered
15 locations shall not be searched or seized, unless evidence exists of
16 conduct that would disqualify the person from the protections of this
17 chapter, or probable cause exists that another criminal offense has
18 been or is being committed.

19 (2) Before seeking a search warrant or arrest warrant, a peace
20 officer investigating a cannabis-related incident shall ascertain
21 whether the location or person under investigation is registered with:
22 The department of health as a qualifying patient, designated provider
23 or licensed dispenser, or primary residence of a qualifying patient or
24 designated provider; or the department of agriculture as a licensed
25 producer, processor of cannabis products, production facility, or
26 processing facility. If either department reports that the location or
27 person is registered, the peace officer shall not seek a warrant,
28 unless evidence exists of conduct that would disqualify the location or
29 person from the protections of this chapter, or probable cause exists
30 that another criminal offense has been or is being committed. If the
31 officer seeks a warrant, the affidavit submitted in support of the
32 application for the warrant shall include that registration checks were
33 conducted with the appropriate department, and the results of such
34 checks.

35 (3) If a peace officer discovers cannabis at a location outside
36 ordinary business hours of the department of health, and no person is
37 present to provide information allowing the officer to ascertain

1 whether the location is the primary residence of a registered
2 qualifying patient or designated provider, the officer shall make
3 reasonable efforts to contact the occupant of the location before
4 seizing cannabis that falls within the limits described in RCW
5 69.51A.040.

6 NEW SECTION. **Sec. 905.** (1) Any person who discloses,
7 disseminates, or allows to be inspected or copied personally
8 identifiable information of a qualifying patient, designated provider,
9 licensed producer, licensed processor of cannabis products, or licensed
10 dispenser, except as authorized by this chapter, shall pay a civil
11 penalty of five hundred dollars to the subject of the record containing
12 the personally identifiable information. This penalty shall apply
13 separately to each such disclosure, dissemination, inspection, or
14 copying of the record.

15 (2) Any peace officer who fails to comply with the requirements of
16 section 904 of this act shall pay a civil penalty of five hundred
17 dollars to any qualifying patient, designated provider, licensed
18 producer, licensed processor of cannabis products, or licensed
19 dispenser who is arrested or searched, or who has real or personal
20 property searched or seized, if such person was currently registered at
21 the time of the arrest, search, or seizure, no evidence existed at the
22 time of conduct that would disqualify the person from the protections
23 of this chapter, and no probable cause existed at the time that another
24 criminal offense had been or was being committed.

25 (3) A qualifying patient, designated provider, licensed producer,
26 licensed processor of cannabis products, or licensed dispenser deeming
27 himself or herself injured by any act subject to the penalties of this
28 section shall be entitled to bring a civil action to pursue the
29 remedies provided by this section. A plaintiff who prevails on a claim
30 brought under this section shall be entitled to recover reasonable
31 attorneys' fees and costs. A defendant who prevails shall not be
32 allowed to recover fees or costs unless the defendant proves, by a
33 preponderance of the evidence, that the plaintiff initiated the action
34 in bad faith or without any evidence whatsoever that would support a
35 reasonable belief that he or she was entitled to the remedies provided
36 in this section.

1 department may consider relevant, from which all personally
2 identifiable information has been redacted.

3 NEW SECTION. **Sec. 1002.** A new section is added to chapter 28B.20
4 RCW to read as follows:

5 The University of Washington may conduct scientific research on the
6 efficacy and safety of administering cannabis as part of medical
7 treatment. As part of this research, the University of Washington may
8 develop and conduct studies to ascertain the general medical safety and
9 efficacy of cannabis and may develop medical guidelines for the
10 appropriate administration and use of cannabis.

11 **PART XI**
12 **CONSTRUCTION**

13 NEW SECTION. **Sec. 1101.** The state of Washington fully occupies
14 and preempts the entire field of authorizing and regulating the
15 production, processing, dispensation, possession, and use of cannabis
16 for medical purposes. Cities, towns, and counties or other
17 municipalities may enact only those laws, ordinances, regulations, and
18 rules relating to the medical use of cannabis that are consistent with
19 this chapter and state administrative rules adopted pursuant to it.
20 Local laws, ordinances, regulations, and rules that are inconsistent
21 with the requirements of state law and regulations adopted pursuant to
22 this chapter shall not be enacted and are preempted and repealed,
23 regardless of the nature of the code, charter, or home rule status of
24 the city, town, county, or municipality. This section does not preempt
25 reasonable zoning requirements for licensed producers, licensed
26 processors of cannabis products, and licensed dispensers that are
27 adopted by cities, towns, and counties or other municipalities pursuant
28 to their authority and duties under chapter 36.70A RCW.

29 NEW SECTION. **Sec. 1102.** If any provision of this act or the
30 application thereof to any person or circumstance is held invalid, the
31 invalidity does not affect other provisions or applications of the act
32 that can be given effect without the invalid provision or application,
33 and to this end the provisions of this act are severable.

