AN ACT Relating to merging the medical marijuana system with the recreational marijuana system; amending RCW 66.08.012, 69.50.325, 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 28B.20.502, 69.51A.005, 69.51A.010, 69.51A.030, 42.56.270, 69.51A.040, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.070, 69.51A.100, 69.51A.110, and 69.51A.120; reenacting and amending RCW 69.50.101; adding new sections to chapter 69.50 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 69.51A RCW; adding a new section to chapter 42.56 RCW; creating new sections; repealing RCW 69.51A.020, 69.51A.025, 69.51A.047, 69.51A.090, 69.51A.140, 69.51A.200, 69.51A.085, and 69.51A.043; prescribing penalties; and providing effective dates.

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

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

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

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

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

(a) "Administer" means to apply a controlled substance, whether by
injection, inhalation, ingestion, or any other means, directly to the
body of a patient or research subject by:
(1) a practitioner authorized to prescribe (or, by the
practitioner's authorized agent); or
(2) the patient or research subject at the direction and in the
presence of the practitioner.

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

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

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

(e)(1) "Controlled substance analog" means a substance the chemical
structure of which is substantially similar to the chemical structure
of a controlled substance in Schedule I or II and:
(i) that has a stimulant, depressant, or hallucinogenic effect on
the central nervous system substantially similar to the stimulant,
depressant, or hallucinogenic effect on the central nervous system of
a controlled substance included in Schedule I or II; or
(ii) with respect to a particular individual, that the individual
represents or intends to have a stimulant, depressant, or
hallucinogenic effect on the central nervous system substantially
similar to the stimulant, depressant, or hallucinogenic effect on the
central nervous system of a controlled substance included in Schedule
I or II.

(2) The term does not include:
(i) a controlled substance;
(ii) a substance for which there is an approved new drug application;
(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent conduct with respect to the substance is pursuant to the exemption; or
(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.
(f) "Deliver" or "delivery," means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.
(g) "Department" means the department of health.
(h) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.
(i) "Dispenser" means a practitioner who dispenses.
(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.
(k) "Distributor" means a person who distributes.
(l) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.
(m) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.
(n) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug
of a practitioner using computer systems. The term does not include a
prescription or refill authorization verbally transmitted by telephone
nor a facsimile manually signed by the practitioner.

(o) "Immediate precursor" means a substance:
   (1) that the ((state board of)) pharmacy quality assurance
   commission has found to be and by rule designates as being the
   principal compound commonly used, or produced primarily for use, in the
   manufacture of a controlled substance;
   (2) that is an immediate chemical intermediary used or likely to be
   used in the manufacture of a controlled substance; and
   (3) the control of which is necessary to prevent, curtail, or limit
   the manufacture of the controlled substance.

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

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

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

(s) "Manufacture" means the production, preparation, propagation,
compounding, conversion, or processing of a controlled substance,
either directly or indirectly or by extraction from substances of
natural origin, or independently by means of chemical synthesis, or by
a combination of extraction and chemical synthesis, and includes any
packaging or repackaging of the substance or labeling or relabeling of
its container. The term does not include the preparation, compounding,
packaging, repackaging, labeling, or relabeling of a controlled
substance:
   (1) by a practitioner as an incident to the practitioner's
administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

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

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

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

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

(w) "Marijuana-infused products" means products that meet all of the following criteria: (i) contain marijuana; (ii) are less than fifty percent marijuana; (iii) have a THC concentration greater than 0.3 percent and no greater than twenty percent; and (iv) are intended for human use. The term "marijuana-infused products" does not include useable marijuana or marijuana concentrates.

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

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

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

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

(3) Poppy straw and concentrate of poppy straw.

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

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

(6) Cocaine base.

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

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

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

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

(bb) "Person" means individual, corporation, business trust,
estate, trust, partnership, association, joint venture, government,
governmental subdivision or agency, or any other legal or commercial
entity.
(cc) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(dd) "Practitioner" means:

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

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

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

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

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

(gg) "Retail outlet" means a location licensed by the state liquor board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

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

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

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

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

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

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

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

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

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

(gg) "Marijuana concentrates" means products consisting of fifty percent or more of the separated resin, whether crude or purified, obtained from marijuana. The term "marijuana concentrates" does not include useable marijuana or marijuana-infused products.
"CBD concentration" means the percent of cannabidiol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product.

Sec. 3. RCW 69.50.325 and 2013 c 3 s 4 (Initiative Measure No. 502) are each amended to read as follows:

(1) There shall be a marijuana producer's license to produce marijuana for sale at wholesale to marijuana processors and other marijuana producers, regulated by the state liquor ((control)) and cannabis board and subject to annual renewal. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of chapter 3, Laws of 2013 and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

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

(3) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the state liquor and cannabis board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of chapter 3, Laws of 2013, chapter 69.51A RCW, and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

Sec. 4. RCW 69.50.342 and 2013 c 3 s 9 (Initiative Measure No. 502) are each amended to read as follows:

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

(1) The equipment and management of retail outlets and premises where marijuana is produced or processed, and inspection of the retail outlets and premises;
(2) The books and records to be created and maintained by licensees, the reports to be made thereon to the state liquor and cannabis board, and inspection of the books and records;

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

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

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

(6) Retail outlet locations and hours of operation;

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

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

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

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

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

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

Sec. 5. RCW 69.50.345 and 2013 c 3 s 10 (Initiative Measure No. 502) are each amended to read as follows:

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

(1) Licensing of marijuana producers, marijuana processors, and marijuana retailers, including prescribing forms and establishing application, reinstatement, and renewal fees. Application forms for marijuana producers must request the applicant to state whether the applicant intends to produce marijuana for sale by marijuana retailers who hold medical marijuana endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants established to be of a THC concentration, CBD concentration, and THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients;

(2) The state liquor and cannabis board must reconsider limits on the amount of square feet permitted to be in production on the effective date of this section and increase the percentage of production space for those marijuana producers who intend to grow plants for marijuana retailers who hold medical marijuana endorsements if the marijuana producer designates the increased production space to

E3SSB 5887 p. 12
plants with a THC to CBD ratio appropriate for marijuana concentrates, 

useable marijuana, or marijuana-infused products to be sold to 

qualifying patients. If current marijuana producers do not use all the increased production space, the liquor and cannabis board may reopen 

the license period for new marijuana producer license applicants but 

only to those marijuana producers who agree to grow products for 

medical marijuana endorsed retail outlets. Priority in licensing must 

be given to marijuana producer license applicants who have an 

application pending on the effective date of this section but who are 

not yet licensed and then to new marijuana producer license applicants;

(3) Determining, in consultation with the office of financial 

management, the maximum number of retail outlets that may be licensed 

in each county, taking into consideration:

(a) Population distribution;

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

(c) The provision of adequate access to licensed sources of 

marijuana concentrates, useable marijuana, and marijuana-infused 

products to discourage purchases from the illegal market;

((3)) and

(d) The number of retail outlets holding medical marijuana 

endorsements necessary to meet the medical needs of qualifying patients 

and allowing for a number of such locations to be solely medical. The 

state liquor and cannabis board must reconsider the maximum number of 

retail outlets it established before the effective date of this section 

and allow for a new license application period and a greater number of 

retail outlets to be permitted in order to accommodate the medical 

needs of qualifying patients and designated providers;

(4) Establishing a preference for those marijuana retailers who are 

applying for a medical marijuana endorsement and who will be selling 

marijuana concentrates, useable marijuana, and marijuana-infused 

products to only qualifying patients and designated providers if the 

state liquor and cannabis board determines that the needs of qualifying 

patients are not being met by currently licensed marijuana retailers;

(5) Determining the maximum quantity of marijuana a marijuana 

producer may have on the premises of a licensed location at any time 

without violating Washington state law;

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

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

((6)) (8) In making the determinations required by subsections ((3)) (2) through ((5)) (7) of this section, the state liquor ((control)) and cannabis board shall take into consideration:

(a) Security and safety issues;
(b) The provision of adequate access to licensed sources of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and
(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

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

(a) The business or trade name and Washington state unified business identifier number of the licensees that grew, processed, and sold the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;
(b) Lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;
(c) THC concentration of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;
(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and
(e) Language required by RCW 69.04.480;

((8)) (10) In consultation with the department of agriculture, establishing classes of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, or other qualitative measurements deemed appropriate by the state liquor ((control)) and cannabis board;
Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products that are not inconsistent with the provisions of this chapter (3, Laws of 2013), taking into consideration:

(a) Federal laws relating to marijuana that are applicable within Washington state;
(b) Minimizing exposure of people under twenty-one years of age to the advertising; and
(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by marijuana use in the advertising;

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

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

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

Sec. 6. RCW 69.50.354 and 2013 c 3 s 13 (Initiative Measure No. 502) are each amended to read as follows:
There may be licensed, in no greater number in each of the counties of the state than as the state liquor (control) and cannabis board
shall deem advisable, retail outlets established for the purpose of making marijuana concentrates, useable marijuana, and marijuana-infused products available for sale to adults aged twenty-one and over and to qualifying patients who hold valid authorization cards and are aged eighteen and older. Retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter ((3, Laws of 2013)) and chapter 69.51A RCW and the rules adopted to implement and enforce ((it)) this chapter, by a validly licensed marijuana retailer or retail outlet employee, shall not be a criminal or civil offense under Washington state law.

NEW SECTION. Sec. 7. A new section is added to chapter 69.50 RCW to read as follows:
A marijuana retailer and employees of the marijuana retailer may identify the strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, useable marijuana, and marijuana-infused products, available for sale when assisting qualifying patients and designated providers at the retail outlet.

NEW SECTION. Sec. 8. A new section is added to chapter 69.50 RCW to read as follows:
(1) A medical marijuana endorsement to a marijuana retail license is hereby established to permit a marijuana retailer to sell marijuana concentrates, useable marijuana, and marijuana-infused products to:
(a) Both the recreational market in compliance with this chapter and the medical market in compliance with chapter 69.51A RCW; or
(b) Only the medical market in compliance with chapter 69.51A RCW.
(2) An applicant may apply for a medical marijuana endorsement concurrently with an application for a marijuana retail license.
(3) To be issued an endorsement, a marijuana retailer must:
(a) Indicate on its application whether the retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products to: (i) Both the recreational markets in compliance with this chapter and the medical market in compliance with chapter 69.51A RCW; or (ii) only the medical market in compliance with chapter 69.51A RCW;
(b) Not authorize the medical use of marijuana for qualifying patients at the retail outlet or permit health care professionals to
authorize the medical use of marijuana for qualifying patients at the retail outlet;

   (c) Carry marijuana concentrates, useable marijuana, and marijuana-infused products with a CBD concentration and THC to CBD ratio identified by the state liquor and cannabis board under subsection (5) of this section;

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

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

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

   (4) A marijuana retailer holding a medical marijuana endorsement and employees of the retailer may identify the strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, useable marijuana, and marijuana-infused products, available for sale when assisting qualifying patients and designated providers at the retail outlet. A marijuana retailer holding a medical marijuana endorsement may sell or provide at no charge products with a THC concentration of 0.3 percent or less to qualifying patients or designated providers who possess valid authorization cards.

   (5)(a) The state liquor and cannabis board must adopt rules on requirements for marijuana concentrates, useable marijuana, and marijuana-infused products that may be sold to qualifying patients under a medical marijuana endorsement. These rules must include:

       (i) THC concentration, CBD concentration, and THC to CBD ratios appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients;

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

       (iii) The number and type of such products that must be offered at medical marijuana endorsed stores; and
(iv) Other product requirements the state liquor and cannabis board determines necessary to address the medical needs of qualifying patients.

(b) The state liquor and cannabis board must adopt rules on additional requirements for those retail outlets that intend to sell only to qualifying patients and designated providers under a medical marijuana endorsement.

(6) A marijuana retailer holding an endorsement to sell marijuana concentrates, useable marijuana, and marijuana-infused products to qualifying patients may consult the medical marijuana registry established in section 21 of this act for the sole purpose of confirming the validity of qualifying patient or designated provider authorization cards.

Sec. 9. RCW 69.50.357 and 2013 c 3 s 14 (Initiative Measure No. 502) are each amended to read as follows:

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

(2) Except as provided in (a) and (b) of this subsection, licensed marijuana retailers shall not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet.

(a) Beginning July 1, 2015, marijuana retailers that hold a medical marijuana endorsement and are licensed to only sell medical marijuana may allow qualifying patients who hold valid authorization cards and are eighteen to twenty-one years of age to enter or remain on the premises and may allow qualifying patients with valid authorization cards under the age of eighteen to enter or remain on the premises if those minor patients are with their parent or guardian who also holds a valid authorization card; and

(b) Beginning July 1, 2015, marijuana retailers that hold a medical marijuana endorsement and are licensed to sell marijuana for both medical and recreational use, may allow qualifying patients aged eighteen years of age or older to enter or remain on the premises of a retail outlet if they possess a valid authorization card.
(3) Licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than one thousand six hundred square inches identifying the retail outlet by the licensee's business or trade name. The state liquor and cannabis board shall adopt rules establishing a symbol that marijuana retailers who hold a medical marijuana endorsement may use on their sign to indicate they possess a medical marijuana endorsement.

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

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

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

**Sec. 10.** RCW 69.50.360 and 2013 c 3 s 15 (Initiative Measure No. 502) are each amended to read as follows:

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

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

(2) Possession of quantities of marijuana concentrates, useable marijuana or marijuana-infused products that do not exceed the maximum amounts established by the state liquor (control) and cannabis board under RCW 69.50.345(5) (7); (and)
(3) Except as provided in subsection (4) of this section, delivery, distribution, and sale, on the premises of the retail outlet, of any combination of the following amounts of marijuana concentrates, useable marijuana, or marijuana-infused product to any person twenty-one years of age or older:
   (a) One ounce of useable marijuana;
   (b) Sixteen ounces of marijuana-infused product in solid form;
   (c) Seventy-two ounces of marijuana-infused product in liquid form; or
   (d) Seven grams of marijuana concentrates; and
(4) Beginning July 1, 2015, delivery, distribution, and sale, on the premises of the retail outlet holding a medical marijuana endorsement, of any combination of the following amounts of marijuana concentrates, useable marijuana, or marijuana-infused product to a qualifying patient holding a valid authorization card who is eighteen years of age or older or a designated provider holding a valid authorization card:
   (a) Three ounces of useable marijuana or as much useable marijuana as is indicated on the authorization card of the patient or provider;
   (b) Forty-eight ounces of marijuana-infused product in solid form;
   (c) Two hundred sixteen ounces of marijuana-infused product in liquid form; or
   (d) Twenty-one grams of marijuana concentrates.

Sec. 11. RCW 69.50.4013 and 2013 c 3 s 20 (Initiative Measure No. 502) are each amended to read as follows:
(1) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.
(2) Except as provided in RCW 69.50.4014, any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.
(3)(a) The possession, by a person twenty-one years of age or older, of marijuana concentrates, useable marijuana, or marijuana-
infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession by a qualifying patient or designated provider of marijuana concentrates, useable marijuana, marijuana-infused products, or plants, as that term is defined in RCW 69.51A.010, in accordance with section 18 or 25 of this act is not a violation of this section, this chapter, or any other provision of Washington state law.

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

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

(a) Beginning July 1, 2015, sales of marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less by marijuana retailers who hold medical marijuana endorsements under section 8 of this act to qualifying patients or designated providers who hold valid authorization cards; or

(b) Until September 1, 2015, sales of marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less by collective gardens under RCW 69.51A.085.

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

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

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

(1) The provisions of this chapter shall not apply to the use of marijuana concentrates, useable marijuana, marijuana-infused products,
or products containing THC with a THC concentration of 0.3 percent or less in compliance with chapters 69.50 and 69.51A RCW by:

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

(b) Beginning July 1, 2015, qualifying patients or designated providers who hold valid authorization cards; or

(c) Beginning July 1, 2015, marijuana retailers who hold a medical marijuana endorsement under chapter 69.50 RCW with respect to marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less if such marijuana or product is provided at no charge to a qualifying patient or designated provider who holds a valid authorization card. Each such retailer providing such marijuana or product at no charge must maintain information establishing eligibility for this exemption in the form and manner required by the department.

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

Sec. 14. RCW 28B.20.502 and 2011 c 181 s 1002 are each amended to read as follows:

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

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

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

(i) Nausea, vomiting, and cachexia associated with cancer, HIV-positive status, AIDS, hepatitis C, anorexia, and their treatments;
(ii) Severe muscle spasms associated with multiple sclerosis, epilepsy, and other seizure and spasticity disorders;
(iii) Acute or chronic glaucoma;
(iv) Crohn's disease; and
(v) Some forms of intractable pain.

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

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

(a) Qualifying patients with terminal or debilitating medical conditions who, in the judgment of their health care professionals, may benefit from the medical use of marijuana, shall not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law based solely on their medical use of marijuana, notwithstanding any other provision of law;
(b) Persons who act as designated providers to such patients shall also not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law, notwithstanding any other provision of law, based solely on their assisting with the medical use of marijuana; and
(c) Health care professionals shall also not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law for the proper authorization of medical use of marijuana by qualifying patients for whom, in the health care professional's professional judgment, the medical use of marijuana may prove beneficial.

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

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

Sec. 16.  RCW 69.51A.010 and 2010 c 284 s 2 are each amended to read as follows:

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

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

(a) is eighteen years of age or older;

(b) has been designated in writing by a qualifying patient to serve as a designated provider for that patient;

(c) has been entered into the medical marijuana registry as being the designated provider to a qualifying patient and may only provide medical marijuana to that qualifying patient;

(d) is in compliance with this chapter; and

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

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

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

(4) "Qualifying patient" means a person who:
   (a) (i) Is a patient of a health care professional;
   (ii) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;
   (iii) Is a resident of the state of Washington at the time of such diagnosis;
   (iv) Has been advised by that health care professional about the risks and benefits of the medical use of marijuana; (and)
   (v) Has been advised by that health care professional that they may benefit from the medical use of marijuana;
   (vi) Has been entered into the medical marijuana registry; and
   (vii) Is otherwise in compliance with the terms and conditions established in this chapter.

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

(5) Until April 1, 2016, "tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:
   (a) One or more features designed to prevent copying of the paper;
   (b) One or more features designed to prevent the erasure or modification of information on the paper; or
   (c) One or more features designed to prevent the use of counterfeit valid documentation.

(6) "Terminal or debilitating medical condition" means a condition severe enough to significantly interfere with the patient's activities of daily living and ability to function, which can be objectively assessed and evaluated and limited to the following:
   (a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; (or)
   (b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; (or)
(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; ((e))

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

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

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

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

(7) Until April 1, 2016, "valid documentation" means:

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

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

(8) "Authorization card" means a card issued by the department to qualifying patients whose health care professionals have entered them into the department's medical marijuana registry.

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

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

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

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

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

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

(15) "Medical marijuana registry" means the secure and confidential registry of qualifying patients and designated providers established in section 25 of this act.
(16) "Plant" means a marijuana plant having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system is considered part of the same single plant.

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

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

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

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

(21) "Principal care provider" means the health care professional who is designated by a qualifying patient as being the principal care provider for that patient.

Sec. 17. RCW 69.51A.030 and 2011 c 181 s 301 are each amended to read as follows:

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

(a) Advising a patient about the risks and benefits of medical use of ((cannabis)) marijuana or that the patient may benefit from the medical use of ((cannabis)) marijuana or until April 1, 2016, providing a patient with valid documentation; or

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

(2)(a) A health care professional may only register the patient with the medical marijuana registry established in section 21 of this act if he or she has a documented relationship with the patient, as a principal care provider or a specialist, relating to the diagnosis and ongoing treatment or monitoring of the patient's terminal or debilitating medical condition, and only after:

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

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

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

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

(b) A health care professional shall not:
(i) Accept, solicit, or offer any form of pecuniary remuneration from or to a ((licensed dispenser, licensed producer, or licensed processor of cannabis products)) marijuana retailer, marijuana processor, or marijuana producer;

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

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

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

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

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

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

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

(1) As part of registering a qualifying patient or designated provider in the medical marijuana registry, the health care professional may include recommendations on the amount of marijuana that is likely needed by the qualifying patient for his or her medical needs and in accordance with subsection (2) of this section. If no recommendations are included at point of registration, the qualifying patient or designated provider may purchase at a marijuana retailer that holds a medical marijuana endorsement a combination of the following: Three ounces of useable marijuana; forty-eight ounces of marijuana-infused product in solid form; two hundred sixteen ounces of marijuana-infused product in liquid form; or twenty-one grams of
marijuana concentrates. The qualifying patient or designated provider may also grow, in his or her domicile, up to six plants for the personal medical use of the qualifying patient. If plants are grown for the qualifying patient, the patient or designated provider may possess as much useable marijuana as can be produced by three plants or by the number of plants for which the patient or provider is authorized under subsection (2) of this section.

(2) If a health care professional determines that the medical needs of a patient exceed the amounts provided for in subsection (1) of this section, the health care professional may recommend a greater amount of useable marijuana or plants for the personal medical use of the patient but not to exceed eight ounces of useable marijuana or fifteen plants. This amount must be entered into the registry at point of registration of the qualifying patient or designated provider.

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

(1) The department shall convene a work group of representatives of the medical quality assurance commission, board of osteopathic medicine and surgery, the nursing care quality assurance commission, the board of naturopathy, and representatives of the medical marijuana community including patients, attorneys, and health care professionals, to develop practice guidelines for health care professionals to consider when authorizing the medical use of marijuana for patients and consider appropriate training and practice standards for employees of a licensed marijuana retailer that holds a medical marijuana endorsement. The representatives of the medical marijuana community must be appointed by the governor. The practice guidelines shall address:

(a) Conditions that may benefit from the medical use of marijuana;
(b) Assessing a patient to determine if he or she has a debilitating condition or intractable pain;
(c) Conducting an adequate examination of a patient for the need for marijuana for medical use;
(d) Dosing criteria related to the medical use of marijuana;
(e) Developing a treatment plan for patients who may benefit from the medical use of marijuana;
(f) Communicating with a patient about the medical use of marijuana.
and other options for treating his or her terminal or debilitating medical condition;

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

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

(2) In developing standards for employees of a licensed marijuana retailer that holds a medical marijuana endorsement, the work group shall identify appropriate practices for advising qualifying patients or designated providers in selecting types of marijuana for their condition, instructing qualifying patients and designated providers on product use, fulfilling orders, and safe handling of products. The work group shall adopt a definition of "medical grade marijuana" to guide licensed marijuana retailers that hold a medical marijuana endorsement in making decisions in selecting types of marijuana for patients. The recommendations of the work group under this subsection are advisory and do not establish regulatory standards, unless adopted by the state liquor and cannabis board or the department pursuant to existing authority.

(3) The department shall make the practice guidelines and training and practice standards broadly available to health care professionals and employees of licensed marijuana retailers that hold a medical marijuana endorsement.

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

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

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

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

(c) The minor may not grow plants or purchase marijuana from a marijuana retailer.
(2) A health care professional who authorizes the medical use of marijuana by a minor must do so as part of the course of treatment of the minor's terminal or debilitating medical condition. If authorizing a minor for the medical use of marijuana, the health care professional must:

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

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

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

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

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

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

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

(a) A health care professional to register a qualifying patient or designated provider and include the amount of marijuana concentrates, useable marijuana, marijuana-infused products, or plants for which the qualifying patient is authorized under section 18 of this act;

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

(c) A qualifying patient or designated provider to request and receive his or her own information;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation of suspected marijuana-related activity that is illegal under Washington state law to confirm the validity of the authorization card of a qualifying patient or designated provider;
(e) A marijuana retailer holding a medical marijuana endorsement to confirm the validity of the authorization card of a qualifying patient or designated provider;

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

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

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

(2) A qualifying patient and his or her designated provider, if any, must be placed in the medical marijuana registry by the qualifying patient's health care professional. After a qualifying patient or designated provider is placed in the medical marijuana registry, he or she must be provided with:

(a) A receipt of registration, generated by the registry and available immediately at point of registration; and

(b) An authorization card provided by the department, to be mailed to the qualifying patient or designated provider.

(3) The receipt of registration is valid for sixty days or until the qualifying patient or designated provider receives an authorization card from the department, whichever comes first. The receipt of registration is to be considered an authorization card for purposes of this chapter.

(4) The receipt of registration and authorization card must be developed by the department and include:

(a) A randomly generated and unique identifying number;

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

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

(d) The amount of marijuana concentrates, useable marijuana, marijuana-infused products, or plants for which the qualifying patient is authorized under section 18 or 25 of this act;

(e) The effective date and expiration date of the receipt of registration and the authorization card;

(f) The name of the health care professional who registered the qualifying patient or designated provider; and
(g) For the authorization card, additional security features as necessary to ensure its validity.

(5) The department may adopt rules developing an alternative method to having the photograph required by subsection (4)(c) of this section submitted by the health care professional.

(6) The department must adopt rules regarding the department's destruction of the photographs of qualifying patients and designated providers immediately upon issuance of the authorization cards.

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

(8) The department must adopt rules for removing qualifying patients and designated providers from the medical marijuana registry upon expiration of the authorization card as well as a method for permitting qualifying patients and designated providers to remove themselves from the medical marijuana registry before expiration and for health care professionals to remove qualifying patients and designated providers from the medical marijuana registry before expiration if the patient or provider no longer qualifies for the medical use of marijuana. The department must retain registry records for at least five calendar years to permit the state liquor and cannabis board and the department of revenue to verify eligibility for tax exemptions.

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

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

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

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

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

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

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

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

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

Sec. 23. RCW 42.56.270 and 2013 c 305 s 14 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years
of the request for disclosure when disclosure would produce private
gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse
racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, marijuana license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;
(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in
loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information; and

(22) Market share data submitted by a manufacturer under RCW 70.95N.190(4).

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

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

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

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

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

(iii) A combination of useable cannabis and cannabis product that does not exceed a combined total representing possession and processing of no more than twenty-four ounces of useable cannabis)) the amount of marijuana concentrates, useable marijuana, plants, or marijuana-infused products authorized under section 18 or 25 of this act.
(b) If a person is both a qualifying patient and a designated provider for another qualifying patient, the person may possess no more than twice the amounts described in section 18 of this act, whether the plants, marijuana concentrates, useable marijuana, or marijuana-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider;

(2) The qualifying patient or designated provider presents his or her authorization card to any law enforcement officer who questions the patient or provider regarding his or her medical use of marijuana;

(3) The qualifying patient or designated provider keeps a copy of his or her authorization card and the qualifying patient or designated provider's contact information posted prominently next to any plants, marijuana concentrates, marijuana-infused products, or useable marijuana located at his or her residence;

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

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

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

(5) The designated provider has served as a designated provider to more than one qualifying patient within a fifteen-day period; and

(6) The investigating peace officer has not observed evidence of any of the circumstances identified in section 901(4) of this act) qualifying patient or designated provider participates in a cooperative as provided in section 25 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 69.51A RCW to read as follows:
(1) Qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for: (a) The medical use of members of the cooperative; or (b) medical research. No more than four people may become members of the cooperative under this section and all members must hold valid authorization cards.

(2) The location of the cooperative must be registered with the state liquor and cannabis board and this is the only location where cooperative members may grow or process marijuana. This registration must include the names of all participating members and copies of each participant's authorization card. Only qualifying patients or designated providers registered with the state liquor and cannabis board in association with the location may participate in growing or receive useable marijuana or marijuana-infused products grown at that location.

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

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

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

(b) Must provide assistance in growing plants. A monetary contribution or donation is not to be considered assistance under this section. Participants must provide labor in order to participate; and

(c) May not sell, donate, or otherwise provide marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to a person who is not participating under this section.
(5) The location of the cooperative must be the domicile of one of the participants. Only one cooperative may be located per property tax parcel. A copy of each participant's authorization card must be kept at the location at all times.

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

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

Sec. 26. RCW 69.51A.045 and 2011 c 181 s 405 are each amended to read as follows:

(1) A qualifying patient or designated provider in possession of ((cannabis)) plants, marijuana concentrates, useable ((cannabis)) marijuana, or ((cannabis)) marijuana-infused products exceeding the limits set forth in ((RCW 69.51A.040(1))) section 18 or 25 of this act but otherwise in compliance with all other terms and conditions of this chapter may establish an affirmative defense to charges of violations of state law relating to ((cannabis)) marijuana through proof at trial, by a preponderance of the evidence, that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.51A.040(((1))).

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

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

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

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

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

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

Sec. 28. RCW 69.51A.060 and 2011 c 181 s 501 are each amended to read as follows:

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

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

(3) Nothing in this chapter requires any health care professional to authorize the medical use of ((cannabis)) marijuana for a patient.
(4) Nothing in this chapter requires any accommodation of any on-site medical use of (cannabis) marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking (cannabis) marijuana in any public place or hotel or motel. However, a school may permit a minor who meets the requirements of section 20 of this act to consume medical marijuana on school grounds. Such use must be in accordance with school policy relating to medication use on school grounds.

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

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

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

(8) Until September 1, 2015, it is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(32)(a) (7), or to backdate such documentation to a time earlier than its actual date of execution.

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

NEW SECTION. Sec. 29. A new section is added to chapter 69.51A RCW to read as follows:

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

(a) To access the medical marijuana registry for any reason not authorized under section 21 of this act;

(b) To disclose any information received from the medical marijuana registry in violation of section 21 of this act including, but not
limited to, qualifying patient or designated provider names, addresses, or amount of marijuana for which they are authorized;

(c) To produce an authorization card or to tamper with an authorization card for the purpose of having it accepted by a marijuana retailer in order to purchase marijuana as a qualifying patient or designated provider or to grow marijuana plants in accordance with section 18 or 25 of this act;

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

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

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

Sec. 30. RCW 69.51A.070 and 2007 c 371 s 7 are each amended to read as follows:

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

Sec. 31. RCW 69.51A.100 and 2011 c 181 s 404 are each amended to read as follows:
(1) A qualifying patient may revoke his or her designation of a specific designated provider and designate a different designated provider at any time. A revocation of designation must be in writing, signed and dated, and provided to the department and designated provider. The protections of this chapter cease to apply to a person who has served as a designated provider to a qualifying patient seventy-two hours after receipt of that patient's revocation of his or her designation.

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

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

Sec. 32. RCW 69.51A.110 and 2011 c 181 s 408 are each amended to read as follows:

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

Sec. 33. RCW 69.51A.120 and 2011 c 181 s 409 are each amended to read as follows:

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

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

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

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

Valid documentation may not be issued by a health care professional after April 1, 2016. All valid documentation expires April 1, 2016. Until April 1, 2016, qualifying patients and designated providers in possession of valid documentation may establish an affirmative defense to charges of violations of state law relating to marijuana through proof at trial, by a preponderance of evidence, that the qualifying patient has been authorized by a health care professional for the medical use of marijuana, that the qualifying patient meets the requirements of RCW 69.51A.010(4), and that the qualifying patient's necessary medical use exceeds the amounts set forth in RCW 69.50.360.

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

A medical marijuana advisory group must be appointed by the governor to advise and assist the state liquor and cannabis board in adopting rules relating to the medical use of marijuana. The advisory group will meet at the call of the state liquor and cannabis board. Membership of the advisory group includes, but is not limited to the following:

(1) Three health care professionals who authorize the medical use of marijuana;
(2) Two pharmacists, one with compounding experience;
(3) One licensed marijuana producer with medical marijuana experience;
(4) One licensed marijuana processor with medical marijuana
(5) One licensed marijuana retailer with medical marijuana experience; and
(6) One qualifying patient.

NEW SECTION. Sec. 37. (1) The legislature finds marijuana use for qualifying patients is a valid and necessary option health care professionals may recommend for their patients. The legislature further finds that although there is a distinction between recreational and medical use of marijuana, the changing environment for recreational marijuana use in Washington will also affect qualifying patients. The legislature further finds that while recognizing the difference between recreational and medical use of marijuana, it is imperative to develop a single, comprehensive regulatory scheme for marijuana use in the state. Acknowledging that the implementation of this act may result in changes to how qualifying patients access medical marijuana, the legislature intends to ease the transition towards a regulated market and provide a statutory means for a safe, consistent, and secure source of marijuana for qualifying patients. Therefore, the legislature intends to provide qualifying patients a retail sales and use tax exemption on purchases of marijuana for medical use when authorized by a health care professional. Because marijuana is neither a prescription medicine nor an over-the-counter medication, this policy should in no way be construed as precedence for changes in the treatment of prescription medications or over-the-counter medications.

(2)(a) This section is the tax preference performance statement for the retail sales and use tax exemptions for marijuana concentrates, useable marijuana, and marijuana-infused products purchased by qualifying patients provided in sections 12 and 13 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

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

(c) It is the legislature's specific public policy objective to provide qualifying patients a retail sales and use tax exemption on
purchases of marijuana concentrates, useable marijuana, and marijuana-infused products for medical use when authorized by a health care professional and registered with the medical marijuana registry.

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

NEW SECTION. Sec. 38. All references to the Washington state liquor control board must be construed as referring to the Washington state liquor and cannabis board. The code reviser must prepare legislation for the 2015 legislative session changing all references in the Revised Code of Washington from the Washington state liquor control board to the Washington state liquor and cannabis board.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

   (1) RCW 69.51A.020 (Construction of chapter) and 2011 c 181 s 103 & 1999 c 2 s 3;
   (2) RCW 69.51A.025 (Construction of chapter--Compliance with RCW 69.51A.040) and 2011 c 181 s 413;
   (3) RCW 69.51A.047 (Failure to register or present valid documentation--Affirmative defense) and 2011 c 181 s 406;
   (4) RCW 69.51A.090 (Applicability of valid documentation definition) and 2010 c 284 s 5;
   (5) RCW 69.51A.140 (Counties, cities, towns--Authority to adopt and enforce requirements) and 2011 c 181 s 1102; and
   (6) RCW 69.51A.200 (Evaluation) and 2011 c 181 s 1001.

NEW SECTION. Sec. 40. RCW 69.51A.085 (Collective gardens) and 2011 c 181 s 403, as now existing or hereafter amended, are each repealed, effective September 1, 2015.

NEW SECTION. Sec. 41. RCW 69.51A.043 (Failure to register--Affirmative defense) and 2011 c 181 s 402, as now existing or hereafter amended, are each repealed, effective September 1, 2015.
NEW SECTION. Sec. 42. Sections 6, 8, 11, 17, 18, 20, 24 through 26, 28, 29, 31, and 39 of this act take effect July 1, 2015.

--- END ---