
SENATE BILL XXXX

State of Washington 62nd Legislature 2011 Regular Session

By Senators Kohl-Welles, XXXXXXXXX, and XXXXXXXXXXXXXXXX

Read first time XX/XX/2011. Referred to XXXXXXXX.

1 AN ACT Relating to medical use of cannabis; amending RCW
2 69.51A.005, 69.51A.010, 69.51A.020, 69.51A.030, 69.51A.040,
3 69.51A.050, 69.51A.060, 69.51A.070, and 69.51A.900; adding new
4 sections to chapter 69.51A RCW; adding a new section to chapter 42.56
5 RCW; creating a new section; repealing RCW 69.51A.080; and
6 prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** The legislature intends to amend and
9 clarify the law on the medical use of cannabis so that:

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

14 (2) Qualifying patients will have access to an adequate, safe,
15 consistent, and secure source of medical quality cannabis; and

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

19 This act is not intended to amend or supersede Washington state
20 law prohibiting the acquisition, possession, manufacture, sale, or

1 use of cannabis for nonmedical purposes.

2 **Sec. 2.** RCW 69.51A.005 and 2010 c 284 s 1 are each amended to
3 read as follows:

4 (1) The ~~((people of Washington state))~~ Legislature finds that:

5 (a) There is medical evidence that some patients with terminal
6 or debilitating ~~((illnesses))~~ medical conditions may, under their
7 health care professional's care, ~~((may))~~ benefit from the medical use
8 of ~~((marijuana))~~ cannabis. Some of the ~~((illnesses))~~ conditions for
9 which ~~((marijuana))~~ cannabis appears to be beneficial include, but
10 are not limited to:

11 (i) ~~((chemotherapy related))~~ Nausea ~~((nausea and)),~~ vomiting
12 ~~((in cancer patients; AIDS wasting syndrome)), and cachexia~~
13 associated with cancer, HIV-positive status, AIDS, hepatitis C,
14 anorexia, and their treatments;

15 (ii) Severe ~~((severe))~~ muscle spasms associated with multiple
16 sclerosis, epilepsy, and other seizure and spasticity disorders;
17 ~~((epilepsy;))~~

18 (iii) Acute ~~((acute))~~ or chronic glaucoma;

19 (iv) Crohn's disease; and

20 (v) Some ~~((some))~~ forms of intractable pain.

21 (b) The Legislature ~~((people))~~ finds that humanitarian
22 compassion necessitates that the decision to ~~((authorize the~~
23 medical)) use ~~((of))~~ ~~((marijuana))~~ cannabis by patients with terminal
24 or debilitating illnesses is a personal, individual decision, based
25 upon their health care professional's professional medical judgment
26 and discretion.

27 Therefore, the Legislature ~~((people of the state of Washington))~~
28 intends that:

29 Qualifying patients with terminal or debilitating ~~((illnesses))~~
30 medical conditions who, in the judgment of their health care
31 professionals, may benefit from the medical use of ~~((marijuana))~~

1 cannabis, shall not be (~~found guilty of a crime under state law for~~
2 ~~their possession and limited use of marijuana~~) arrested, prosecuted,
3 or subject to other criminal sanctions or civil consequences under
4 state law based solely on their medical use of cannabis,
5 notwithstanding any other provision of law;

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

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

19 **Sec. 3.** RCW 69.51A.010 and 2010 c 284 s 2 are each amended to
20 read as follows:

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

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

1 seed of the plant which is incapable of germination. The term
2 "cannabis" includes cannabis products and useable cannabis.

3 (2) "Cannabis products" means products containing cannabis or
4 cannabis extracts that have a measurable THC concentration and are
5 intended for human consumption or application, including, but not
6 limited to, edible products, tinctures, and lotions. The term
7 "cannabis products" does not include useable cannabis.

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

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

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

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

16 —— (d) Is the designated provider to only one patient at any one
17 time)) in compliance with the terms and conditions set forth in RCW
18 69.51A.040.

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

22 (4) "Director" means the director of the state department of
23 agriculture.

24 (5) "Dispense" means the selection, measuring, packaging,
25 labeling, or delivery of cannabis to a qualifying patient or
26 designated provider.

27 (6) "General or limited authority Washington peace officer"
28 means a law enforcement officer as defined in RCW 10.93.020(3) or
29 (4).

30 ((+2)) (7) "Health care professional," for purposes of this
31 chapter only, means a physician licensed under chapter 18.71 RCW, a
32 physician assistant licensed under chapter 18.71A RCW, an osteopathic

1 physician licensed under chapter 18.57 RCW, an osteopathic
2 physicians' assistant licensed under chapter 18.57A RCW, a naturopath
3 licensed under chapter 18.36A RCW, or an advanced registered nurse
4 practitioner licensed under chapter 18.79 RCW.

5 (8) "Labeling" means all labels and other written, printed, or
6 graphic matter (a) upon any cannabis intended for medical use or (b)
7 accompanying such cannabis.

8 (9) "Licensed dispenser" means a nonprofit corporation organized
9 under chapter 24.03 RCW and licensed to dispense cannabis for medical
10 use by the Washington state department of health in accordance with
11 rules adopted by the department pursuant to the terms of this
12 chapter.

13 (10) "Licensed producer" means a farmer, grower, or planter
14 licensed by the department of agriculture to produce cannabis for
15 medical use in accordance with rules adopted by the department
16 pursuant to the terms of this chapter.

17 ~~((3))~~ (11) "Medical use of ~~((marijuana))~~ cannabis" means the
18 production, possession, transportation, delivery, or administration
19 of ~~((marijuana, as defined in RCW 69.50.101(q),))~~ cannabis for the
20 exclusive benefit of a qualifying patient in the treatment of his or
21 her terminal or debilitating ~~((illness))~~ medical condition.

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

24 (13) "Person" means an individual or an entity.

25 (14) "Plant" means an organism having leaves and a readily
26 observable root formation. Multiple stalks emanating from the same
27 root ball or root system shall be considered part of the same single
28 plant.

29 (15) "Process" means to handle or process cannabis in
30 preparation for medical use.

31 (16) "Produce" means to plant, grow, or harvest cannabis for
32 medical use.

1 (17) "Production facility" means the premises and equipment
2 where cannabis is planted, grown, harvested, processed, stored,
3 handled, packaged, or labeled by a licensed producer for sale,
4 delivery, or transportation to a licensed dispenser, and all vehicles
5 and equipment used to transport cannabis from a licensed producer to
6 a licensed dispenser.

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

23 ~~((4))~~ (19) "Qualifying patient" means a person who:

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

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

27 (c) Is a resident of the state of Washington at the time of such
28 diagnosis;

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

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

1 cannabis.

2 (20) "Secretary" means the secretary of the department of
3 health.

4 ~~((5))~~ (21) "Tamper-resistant paper" means paper that meets one
5 or more of the following industry-recognized features:

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

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

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

12 (22) "THC concentration" means percent of tetrahydrocannabinol
13 content per weight or volume of useable cannabis or cannabis product.

14 ~~((6))~~ (23) "Terminal or debilitating medical condition" means:

15 (a) Cancer, human immunodeficiency virus (HIV), multiple
16 sclerosis, epilepsy or other seizure disorder, or spasticity
17 disorders; or

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

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

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

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

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

32 (g) Any other medical condition duly approved by the Washington

1 state medical quality assurance commission in consultation with the
2 board of osteopathic medicine and surgery as directed in this
3 chapter.

4 (24) "Useable cannabis" means the dried flowers of the Cannabis
5 plant family Moraceae. Useable cannabis excludes stems, stalks,
6 leaves, seeds, and roots. For purposes of this definition, "dried"
7 means containing less than fifteen percent moisture content by
8 weight. The term "useable cannabis" does not include cannabis
9 products.

10 ~~((+7))~~ (25) "Valid documentation" means:

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

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

18 (c) In the case of a designated provider, the signed and dated
19 document executed by the qualifying patient who has designated the
20 provider.

21 **Sec. 4.** RCW 69.51A.020 and 1999 c 2 s 3 are each amended to
22 read as follows:

23 Nothing in this chapter shall be construed to supersede
24 Washington state law prohibiting the acquisition, possession,
25 manufacture, sale, or use of ~~((marijuana))~~ cannabis for nonmedical
26 purposes.

27 **Sec. 5.** RCW 69.51A.030 and 2010 c 284 s 3 are each amended to
28 read as follows:

29 ~~((A health care professional shall be excepted from the state's~~
30 ~~criminal laws and shall not be penalized in any manner, or denied any~~

1 ~~right or privilege, for)~~ The following acts shall not constitute
2 crimes under state law or unprofessional conduct under chapter 18.130
3 RCW, and a health care professional shall not be arrested,
4 prosecuted, disciplined, or subject to other criminal sanctions or
5 civil consequences or liability under state law, notwithstanding any
6 other provision of law:

7 (1) Advising a ~~((qualifying))~~ patient about the risks and
8 benefits of medical use of ~~((marijuana))~~ cannabis or that the
9 ~~((qualifying))~~ patient may benefit from the medical use of
10 ~~((marijuana where such use is within a professional standard of care~~
11 ~~or in the individual health care professional's medical judgment))~~
12 cannabis; or

13 (2) Providing a ~~((qualifying))~~ patient meeting the criteria
14 established under RCW 69.51A.010(11) with valid documentation, based
15 upon the health care professional's assessment of the ~~((qualifying))~~
16 patient's medical history and current medical condition, ~~((that the~~
17 ~~medical use of marijuana may benefit a particular qualifying~~
18 ~~patient))~~ where such use is within a professional standard of care or
19 in the individual health care professional's medical judgment.

20 **Sec. 6.** RCW 69.51A.040 and 2007 c 371 s 5 are each amended to
21 read as follows:

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

28 ~~(2) If charged with a violation of state law relating to~~
29 ~~marijuana, any qualifying patient who is engaged in the medical use~~
30 ~~of marijuana, or any designated provider who assists a qualifying~~
31 ~~patient in the medical use of marijuana, will be deemed to have~~

1 ~~established an affirmative defense to such charges by proof of his or~~
2 ~~her compliance with the requirements provided in this chapter. Any~~
3 ~~person meeting the requirements appropriate to his or her status~~
4 ~~under this chapter shall be considered to have engaged in activities~~
5 ~~permitted by this chapter and shall not be penalized in any manner,~~
6 ~~or denied any right or privilege, for such actions.~~

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

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

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

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

17 ~~(4) A qualifying patient, if under eighteen years of age at the~~
18 ~~time he or she is alleged to have committed the offense, shall~~
19 ~~demonstrate compliance with subsection (3)(a) and (c) of this~~
20 ~~section. However, any possession under subsection (3)(b) of this~~
21 ~~section, as well as any production, acquisition, and decision as to~~
22 ~~dosage and frequency of use, shall be the responsibility of the~~
23 ~~parent or legal guardian of the qualifying patient.))~~ The medical use

24 of cannabis in accordance with the terms and conditions of this
25 chapter shall not constitute a crime and a qualifying patient or
26 designated provider in compliance with the terms and conditions of
27 this chapter shall not be arrested, prosecuted, or subject to other
28 criminal sanctions or civil consequences under state law, and
29 investigating general or limited authority Washington peace officers
30 and law enforcement agencies shall not be held civilly liable for
31 failure to seize cannabis in this circumstance, provided that:

32 (1) The qualifying patient or designated provider possesses no

1 more than fifteen cannabis plants and no more than twenty-four ounces
2 of useable cannabis, no more cannabis product than reasonably could
3 be produced with no more than twenty-four ounces of useable cannabis,
4 or a combination of useable cannabis and cannabis product that does
5 not exceed a combined total representing possession and processing of
6 no more than twenty-four ounces of useable cannabis, or if a person
7 is both a qualifying patient and a designated provider for another
8 qualifying patient, no more than twice these amounts, whether the
9 plants, useable cannabis and cannabis product are possessed
10 individually or in combination between the qualifying patient and his
11 or her designated provider;

12 (2) The qualifying patient or designated provider presents his
13 or her valid documentation to any general or limited authority
14 Washington peace officer who questions the patient or provider
15 regarding his or her medical use of cannabis;

16 (3) The qualifying patient or designated provider allows the
17 investigating general or limited authority Washington peace officer
18 to inspect all areas in which cannabis plants are being grown, or
19 useable cannabis or cannabis product is being stored, for the limited
20 purpose of confirming that the number of plants and quantity of
21 useable cannabis or cannabis product do not exceed the amounts set
22 forth in subsection (1) of this section;

23 (4) The investigating general or limited authority Washington
24 peace officer does not possess evidence that the designated provider
25 has converted cannabis produced or obtained for the qualifying
26 patient for his or her own personal use or benefit; and

27 (5) The investigating general or limited authority Washington
28 peace officer does not possess evidence that the designated provider
29 has served as a designated provider to more than one qualifying
30 patient within a ninety-day period.

1 NEW SECTION. **Sec. 7.** (1) Qualifying patients may create and
2 participate in collective gardens for the purpose of producing,
3 processing, transporting, and delivering cannabis for medical use
4 subject to the following conditions:

5 (a) No more than seven qualifying patients may participate in a
6 single collective garden any time;

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

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

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

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

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

27 (3) A person who knowingly violates a provision of subsection
28 (1) of this section shall not be entitled to the protections of this
29 chapter.

30 NEW SECTION. **Sec. 8.** (1) A qualifying patient may revoke his
31 or her designation of a specific provider and designate a different

1 provider at any time.

2 (2) A person may stop serving as a designated provider to a
3 given qualifying patient at any time. However, that person may not
4 begin serving as a designated provider to a different qualifying
5 patient until ninety days have elapsed from the date the last
6 qualifying patient designated him or her to serve as a provider.

7 NEW SECTION. **Sec. 9.** A qualifying patient or designated
8 provider in possession of cannabis plants, useable cannabis, or
9 cannabis product exceeding the limits set forth in RCW 69.51A.040(1)
10 but otherwise in compliance with all other terms and conditions of
11 this chapter may establish an affirmative defense to charges of
12 violations of state law relating to cannabis through proof at trial,
13 by a preponderance of the evidence, that the qualifying patient's
14 necessary medical use exceeds the amounts set forth in RCW
15 69.51A.040(1). An investigating general or limited authority
16 Washington peace officer may seize cannabis plants, useable cannabis,
17 or cannabis product exceeding the amounts set forth in RCW
18 69.51A.040(1) provided that in the case of cannabis plants, the
19 qualifying patient or designated provider shall be allowed to select
20 the plants that will remain at the location. The officer and his or
21 her law enforcement agency shall not be held civilly liable for
22 failure to seize cannabis in this circumstance.

23 NEW SECTION. **Sec. 10.** A qualifying patient or designated
24 provider who does not present his or her valid documentation to a
25 general or limited authority Washington peace officer who questions
26 the patient or provider regarding his or her medical use of cannabis,
27 or who does not consent to the limited inspection described in RCW
28 69.51A.040(3), but is in compliance with all other terms and
29 conditions of this chapter may establish an affirmative defense to
30 charges of violations of state law relating to cannabis through proof

1 at trial, by a preponderance of the evidence, that he or she was a
2 validly authorized qualifying patient or designated provider at the
3 time of the officer's questioning or request for consent to search.
4 A qualifying patient or designated provider who establishes an
5 affirmative defense under the terms of this section may also
6 establish an affirmative defense under section 9.

7 NEW SECTION. **Sec. 11.** A nonresident who is duly authorized to
8 engage in the medical use of cannabis under the laws of another state
9 or territory of the United States may raise an affirmative defense to
10 charges of violations of Washington state law relating to cannabis,
11 provided that the nonresident:

12 (1) Possesses no more than fifteen cannabis plants and no more
13 than twenty-four ounces of useable cannabis, no more cannabis product
14 than reasonably could be produced with no more than twenty-four
15 ounces of useable cannabis, or a combination of useable cannabis and
16 cannabis product that does not exceed a combined total representing
17 possession and processing of no more than twenty-four ounces of
18 useable cannabis;

19 (2) Is in compliance with all provisions of this chapter other
20 than requirements relating to being a Washington resident or
21 possessing valid documentation issued by a licensed health care
22 professional in Washington;

23 (3) Presents the documentation of authorization required under
24 the visitor's authorizing state's law and proof of identity issued by
25 the authorizing state to any general or limited authority Washington
26 peace officer who questions the visitor regarding his or her medical
27 use of cannabis; and

28 (4) Allows the investigating officer to inspect all areas in
29 which cannabis plants are being grown, or useable cannabis is being
30 stored, for the limited purpose of confirming that the number of
31 plants and quantity of useable cannabis do not exceed the amounts set

1 forth in subsection (1) of this section.

2 NEW SECTION. **Sec. 12.** A qualifying patient or designated
3 provider shall not have his or her parental rights or residential
4 time with a child restricted solely due to his or her medical use of
5 cannabis in compliance with the terms of this chapter absent written
6 findings supported by evidence that such use has resulted in a long-
7 term impairment that interferes with the performance of parenting
8 functions as defined under RCW 26.09.004.

9 NEW SECTION. **Sec. 13.** (1) A qualifying patient shall not be
10 refused employment, discharged from employment, or discriminated
11 against in compensation or in other terms or conditions of employment
12 solely as a result of his or her off-site medical use of cannabis,
13 provided that:

14 (a) The employer is not a federal contractor or grant recipient
15 under the drug-free workplace act, Title 41, Chapter 10 of the United
16 States Code;

17 (b) The particular employment does not involve:

18 (i) Public safety responsibilities;

19 (ii) Handling dangerous substances;

20 (iii) Hazardous physical activities;

21 (iv) Routine operation of motor vehicles, heavy equipment, or
22 portable power tools falling within the scope of Chapter 296-807 WAC;
23 or

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

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

27 (2) A qualifying patient deeming himself or herself injured by
28 any act in violation of this section shall be entitled to pursue the
29 remedies and enforcement procedures provided under chapter 49.60 RCW.

1 NEW SECTION. **Sec. 14.** In imposing any criminal sentence,
2 deferred disposition, or dispositional order, any court organized
3 under the laws of Washington state may permit the medical use of
4 cannabis in compliance with the terms of this chapter and exclude it
5 as a possible ground for finding that the offender has violated the
6 conditions or requirements of the sentence, deferred disposition, or
7 dispositional order. This section does not require the accommodation
8 of any on-site medical use of cannabis in any correctional facility.

9 **Sec. 15.** RCW 69.51A.050 and 1999 c 2 s 7 are each amended to
10 read as follows:

11 (1) The lawful possession, delivery, dispensing, production, or
12 manufacture of ((medical marijuana)) cannabis for medical use as
13 authorized by this chapter shall not result in the forfeiture or
14 seizure of any property including, but not limited to, cannabis
15 intended for medical use, items used to facilitate the medical use of
16 cannabis or its production or dispensing for medical use, or proceeds
17 of sales of cannabis for medical use made by licensed producers or
18 licensed dispensers.

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

23 (3) The state shall not be held liable for any deleterious
24 outcomes from the medical use of ((marijuana)) cannabis by any
25 qualifying patient.

26 **Sec. 16.** RCW 69.51A.060 and 2010 c 284 s 4 are each amended to
27 read as follows:

28 (1) ~~((It shall be a misdemeanor to use or display medical~~
29 ~~marijuana in a manner or place which is open to the view of the~~
30 ~~general public.))~~ It is unlawful to open a package containing

1 cannabis or consume cannabis in a public place in a manner that
2 presents a reasonably foreseeable risk that another person would see
3 and be able to identify the substance contained in the package or
4 being consumed as cannabis. A person who violates a provision of
5 this section is guilty of a class 3 civil infraction under chapter
6 7.80 RCW.

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

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

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

19 (5) It is a class C felony to fraudulently produce any record
20 purporting to be, or tamper with the content of any record for the
21 purpose of having it accepted as, valid documentation under RCW
22 69.51A.010(~~((+7))~~) (24)(a), or to backdate such documentation to a
23 time earlier than its actual date of execution.

24 (6) ~~((No person shall be entitled to claim the affirmative~~
25 ~~defense provided in RCW 69.51A.040 for engaging))~~ The fact that a
26 qualifying patient has been authorized to engage in the medical use
27 of ~~((marijuana in a way that endangers the health or well being of~~
28 any person through the use of a motorized vehicle on a street, road,
29 or highway)) cannabis shall not constitute a defense against a charge
30 of violating RCW 46.61.502.

31 NEW SECTION. Sec. 17. Provided they are acting in compliance

1 with the terms of this chapter and rules adopted to enforce and carry
2 out its purposes, licensed producers and their employees, officers,
3 and directors may manufacture, plant, cultivate, grow, harvest,
4 produce, prepare, propagate, process, package, repack, transport,
5 transfer, deliver, label, relabel, sell, or possess cannabis intended
6 for medical use by qualifying patients and shall not be arrested,
7 prosecuted, or subject to other criminal sanctions or civil
8 consequences under state law for such activities, notwithstanding any
9 other provision of law.

10 NEW SECTION. **Sec. 18.** The director shall administer and carry
11 out the provisions of this chapter relating to licensed producers and
12 rules adopted hereunder, and he or she may:

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

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

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

20 (4) Investigate all complaints of fraud in the operation of any
21 licensed producer or production facility;

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

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

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

3 (8) Adopt rules regarding the identification of cannabis
4 intended for medical use by the use of confetti or other similar
5 means so that such cannabis may be readily identified if stolen or
6 removed in violation of the provisions of this chapter from a
7 production facility or if otherwise unlawfully transported;

8 (9) Adopt all the necessary rules for carrying out the purpose
9 and provisions of this chapter.

10 NEW SECTION. **Sec. 19.** The director is authorized to deny,
11 suspend, or revoke a producer's license after a hearing in any case
12 in which it is determined that there has been a violation or refusal
13 to comply with the requirements of this chapter or rules adopted
14 hereunder. All hearings for the denial, suspension, or revocation of
15 a producer's license shall be subject to chapter 34.05 RCW
16 (Administrative Procedure Act) as enacted or hereafter amended.

17 NEW SECTION. **Sec. 20.** By July 1, 2012, taking into
18 consideration the security requirements described in Title 21,
19 sections 1301.71 through 1301.76, of the Code of Federal Regulations,
20 and in consultation with qualifying patients, designated providers,
21 health care professionals, law enforcement agencies, the department
22 of health, and other affected persons, the director shall adopt
23 rules:

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

27 (b) Providing for inspection or grading and certification of
28 grade, grading factors, condition, THC concentration, or other
29 qualitative measurement of cannabis intended for medical use;

30 (c) Fixing the sizes, dimensions, and safety and security

1 features required of containers to be used for packing, handling, or
2 storing cannabis intended for medical use;

3 (d) Establishing labeling requirements for cannabis intended for
4 medical use;

5 (e) Establishing requirements for the licensure of producers,
6 setting forth procedures to obtain licenses, and determining
7 expiration dates and renewal requirements;

8 (f) Providing for mandatory inspection of production facilities;

9 (g) Establishing requirements for transportation of cannabis
10 intended for medical use from production facilities to licensed
11 dispensers;

12 (h) Enforcing and carrying out the provisions of this section
13 and the rules adopted to carry out its purpose; and

14 (i) Establishing license application and renewal fees adequate
15 to recapture the cost to the state of implementing, maintaining, and
16 enforcing the provisions of this section and the rules adopted to
17 carry out its purpose.

18 NEW SECTION. **Sec. 21.** (1) Each licensed producer shall
19 maintain complete records at all times with respect to all cannabis
20 produced, processed, weighed, tested, stored, shipped, or sold. The
21 director shall adopt rules specifying the minimum record-keeping
22 requirements necessary to comply with this section.

23 (2) The property, books, records, accounts, papers, and
24 proceedings of every licensed producer shall at all reasonable times
25 be subject to inspection by the department of agriculture. The
26 licensed producer shall maintain adequate records and systems for the
27 filing and accounting of crop production, records of weights and
28 measurements, product testing, receipts, canceled receipts, other
29 documents, and transactions necessary or common to the medical
30 cannabis industry.

1 NEW SECTION. **Sec. 22.** Each licensed producer shall report
2 information to the department of agriculture at such times and as may
3 be reasonably required by the director for the necessary enforcement
4 and supervision of a sound, reasonable, and efficient cannabis
5 inspection program for the protection of the health and welfare of
6 qualifying patients.

7 NEW SECTION. **Sec. 23.** The production facilities of a licensed
8 producer shall be maintained in a manner that will provide a
9 reasonable means of ingress and egress to all areas and equipment,
10 and an adequate facility to complete the inspections shall be
11 provided.

12 NEW SECTION. **Sec. 24.** A licensed producer who wishes to
13 produce, process, or package cannabis products intended for human
14 consumption must, in addition to complying with all requirements set
15 forth in this act and rules adopted to enforce and carry out its
16 purposes, comply with the requirements of the Washington food
17 processing act, chapter 69.07 RCW, and all rules adopted to enforce
18 and carry out that act's purposes. The department may use all the
19 civil remedies provided for in chapter 69.04 RCW (the Uniform
20 Washington Food, Drug, and Cosmetic Act) in carrying out and
21 enforcing this section.

22 NEW SECTION. **Sec. 25.** (1) The department of agriculture may
23 give written notice to a licensed producer to submit to inspection,
24 and/or furnish required reports, documents, or other requested
25 information, under such conditions and at such time as the department
26 may deem necessary whenever a licensed producer fails to:

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

29 (b) Submit required reports or documents to the department by

1 their due date; or

2 (c) Furnish the department with requested information, including
3 but not limited to correction notices.

4 (2) If the licensed producer fails to comply with the terms of
5 the notice within twenty-four hours from the date of its issuance, or
6 within such further time as the department of agriculture may allow,
7 the department shall levy a fine of five hundred dollars per day from
8 the final date for compliance allowed by this section or the
9 department. In those cases where the failure to comply continues for
10 more than seven days or where the director determines the failure to
11 comply creates a threat to public health, public safety, or a
12 substantial risk of diversion of cannabis to unauthorized persons or
13 purposes, the department may, in lieu of levying further fines
14 petition the superior court of the county where the licensee's
15 principal place of business in Washington is located, as shown by the
16 license application, for an order:

17 (a) Authorizing the department to seize and take possession of
18 all books, papers, cannabis, and property of all kinds used in
19 connection with the conduct or the operation of the licensed
20 producer's business, and the books, papers, records, and property
21 that pertain specifically, exclusively, and directly to that
22 business; and

23 (b) Enjoining the licensed producer from interfering with the
24 department in the discharge of its duties as required by this
25 chapter.

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

30 NEW SECTION. **Sec. 26.** Samples of cannabis drawn by department
31 inspectors, unless returned by agreement to the producer or applicant

1 for a license to produce, shall become the property of the state and
2 subject to disposition by the department. The department must adopt
3 rules relating to sample retention and disposal.

4 NEW SECTION. **Sec. 27.** The department's inspectors shall have
5 exclusive control of the weighing, inspecting, and grading of
6 cannabis intended for medical use in the state of Washington. The
7 action and the certificates of the inspectors in the discharge of
8 their duties, as to all cannabis inspected or weighed by them, shall
9 be accepted as prima facie evidence of the correctness of the above
10 activity. Suitable books and records shall be maintained in which
11 shall be entered a record of each inspection activity and the fees
12 assessed and collected. These books and records shall be available
13 for inspection by employees of the department and state and local law
14 enforcement agencies as necessary to perform official duties, and to
15 the producer or applicant who is the subject of the inspection,
16 during customary business hours. The department must adopt rules on
17 record maintenance.

18 NEW SECTION. **Sec. 28.** No inspection shall be made of any
19 cannabis which is to be loaded into a vessel, vehicle, or other
20 container, if it appears that the hold, compartment, or other
21 enclosure into which the commodity is to be loaded is in such
22 condition as to contaminate the commodity or lower the grade.

23 NEW SECTION. **Sec. 29.** (1) Any department employee who shall,
24 directly or indirectly, accept any money or other consideration for
25 any neglect of duty or any improper performance of duty as such
26 department employee; or any person who shall knowingly cause or
27 attempt to cause the issuance of a false or incorrect grade or weight
28 certificate under this chapter by deceptive loading, handling, or
29 sampling of cannabis or by submitting cannabis for inspection knowing

1 that it has been so loaded, handled, or sampled, or by any other
2 means; shall be deemed guilty of a misdemeanor.

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

6 NEW SECTION. **Sec. 30.** (1) In case any licensed producer shall
7 be aggrieved at the grading of cannabis produced by him or her, the
8 person may request a reinspection or appeal inspection within three
9 business days from the date of certificate. The reinspection or
10 appeal may be based in the official file sample or upon a new sample
11 drawn from the lot of the cannabis if the lot remains intact and
12 available for sampling. The reinspection or appeal inspection shall
13 be of the same factors and scope as the original inspection.

14 (2) The department of agriculture shall provide a minimum of a
15 reinspection and appeal inspection service. The reinspection shall
16 consist of a full review of all relevant information and a
17 reexamination of the cannabis to determine the correctness of the
18 grade assigned or other determination. The reinspection shall be
19 performed by an authorized inspector of the department other than the
20 inspector who performed the original inspection unless no other
21 inspector is available. An appeal inspection shall be performed by a
22 supervisory inspector.

23 NEW SECTION. **Sec. 31.** (1) The department of agriculture shall
24 fix the fees for inspection, grading, and weighing of cannabis
25 intended for medical use, which fees shall be sufficient to cover the
26 cost of such service. The fees for inspection, weighing, and grading
27 of cannabis shall be paid by the licensed producer.

28 (2) The department may make any tests relating to grade or
29 quality of cannabis covered by this chapter. The department may
30 inspect and approve facilities and vessels to be used in transporting

1 such cannabis and provide any other necessary services. It may fix
2 and charge a reasonable fee to be collected from the person or his
3 agent requesting such service.

4 (3) The department shall so adjust the fees to be collected
5 under this chapter as to meet the expenses necessary to carry out the
6 provisions hereof, and may prescribe a different scale of fees for
7 different localities. The department may also prescribe a reasonable
8 charge for service performed at places other than the recorded
9 address of the licensed producer's production facility in addition to
10 the regular fees when necessary to avoid rendering the services at a
11 loss to the state.

12 NEW SECTION. **Sec. 32.** A licensed producer shall not sell or
13 deliver cannabis to any person other than a department inspector,
14 licensed dispenser, or law enforcement officer except as provided by
15 court order. Violation of this section is a class C felony
16 punishable according to chapter 9A.20 RCW.

17 NEW SECTION. **Sec. 33.** The department of agriculture shall:

18 (1) Create and maintain a secure and confidential list of the
19 persons to whom it has issued a license to produce cannabis for
20 medical use.

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

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

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

28 (ii) Authorized employees of state or local law enforcement
29 agencies, only as necessary to verify that a person is a licensed
30 producer or employee of a licensed producer, or that a location is

1 the recorded address of a production facility owned or operated by a
2 licensed producer, and only after the inquiring state or local law
3 enforcement employee has provided adequate identification.

4 (2) Develop a secure and confidential system by which authorized
5 employees of state and local law enforcement agencies may verify at
6 all times, after providing adequate identification, that a person is
7 a licensed producer or employee of a licensed producer, or that a
8 location is the recorded address of a production facility owned or
9 operated by a licensed producer.

10 (3) Maintain a log of all requests by employees of state and
11 local law enforcement agencies for information relating to whether a
12 person is a licensed producer or employee of a licensed producer, or
13 that a location is the recorded address of a production facility
14 owned or operated by a licensed producer, and the information
15 supplied, for a period of no less than three years from the date of
16 the request. The log shall be confidential and exempt from public
17 disclosure, inspection, or copying under chapter 42.56 RCW, provided
18 that:

19 (a) A person who is a subject of a request for information may
20 appear during normal department of agriculture business hours and
21 inspect or copy log records relating to him or her upon adequate
22 proof of identity; or

23 (b) A person who is a subject of a request for information may
24 submit a written request to the department of agriculture, along with
25 adequate proof of identity, for copies of log records relating to him
26 or her.

27 (4) Establish and collect reasonable fees for the dissemination
28 of information to employees of state and local law enforcement
29 agencies relating to whether a person is a licensed producer or
30 employee of a licensed producer, or that a location is the recorded
31 address of a production facility owned or operated by a licensed
32 producer, and for the dissemination of log records relating to such

1 requests for information to the subjects of those requests.

2 Authorized employees of state or local law enforcement agencies
3 who obtain personally identifiable information from the list as
4 authorized under this section may not release or use the information
5 for any purpose other than verification that a person is a licensed
6 producer or employee of a licensed producer, or that a location is
7 the recorded address of a production facility owned or operated by a
8 licensed producer.

9 NEW SECTION. **Sec. 34.** Provided they are acting in compliance
10 with the terms of this chapter and rules adopted to enforce and carry
11 out its purposes, licensed dispensers and their employees, officers,
12 and directors may deliver, distribute, dispense, transfer, prepare,
13 package, repackage, label, relabel, sell, or possess cannabis
14 intended for medical use by qualifying patients and shall not be
15 arrested, prosecuted, or subject to other criminal sanctions or civil
16 consequences under state law for such activities, notwithstanding any
17 other provision of law.

18 NEW SECTION. **Sec. 35.** By July 1, 2012, taking into
19 consideration the security requirements described in Title 21,
20 sections 1301.71 through 1301.76, of the Code of Federal Regulations,
21 and in consultation with qualifying patients, designated providers,
22 health care professionals, law enforcement agencies, the department
23 of agriculture, and other affected persons, the secretary shall adopt
24 rules:

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

28 (b) Providing for mandatory inspection of licensed dispensers'
29 locations;

30 (c) Establishing procedures governing the suspension and

- 1 revocation of licenses of dispensers;
- 2 (d) Establishing recordkeeping requirements for licensed
3 dispensers;
- 4 (e) Fixing the sizes and dimensions of containers to be used for
5 dispensing cannabis for medical use;
- 6 (f) Establishing safety standards for containers to be used for
7 dispensing cannabis for medical use;
- 8 (g) Establishing cannabis storage requirements, including
9 security requirements;
- 10 (h) Establishing cannabis labeling requirements;
- 11 (i) Establishing physical standards for cannabis dispensing
12 facilities;
- 13 (j) Establishing physical standards for sanitary conditions for
14 cannabis dispensing facilities;
- 15 (k) Establishing physical and sanitation standards for cannabis
16 dispensing equipment;
- 17 (l) Enforcing and carrying out the provisions of this section
18 and the rules adopted to carry out its purpose; and
- 19 (m) Establishing license application and renewal fees adequate
20 to recapture the cost to the state of implementing, maintaining, and
21 enforcing the provisions of this section and the rules adopted to
22 carry out its purpose, pursuant to the secretary's authority under
23 RCW 43.70.250.

24 NEW SECTION. **Sec. 36.** A licensed dispenser shall not sell
25 cannabis received from any person other than a licensed producer, or
26 sell or deliver cannabis to any person other than a qualifying
27 patient or designated provider except as provided by court order.
28 Violation of this section is a class C felony punishable according to
29 chapter 9A.20 RCW.

30

31 NEW SECTION. **Sec. 37.** The department of health shall:

1 (1) Create and maintain a secure and confidential list of the
2 persons to whom it has issued a license to dispense cannabis for
3 medical use.

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

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

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

11 (ii) Authorized employees of state or local law enforcement
12 agencies, only as necessary to verify that a person is a licensed
13 dispenser or employee of a licensed dispenser, or that a location is
14 the recorded address of a licensed dispenser, and only after the
15 inquiring state or local law enforcement employee has provided
16 adequate identification.

17 (c) The department of health shall develop a secure and
18 confidential system by which authorized employees of state and local
19 law enforcement agencies may verify at all times, after providing
20 adequate identification, that a person is a licensed dispenser or
21 employee of a licensed dispenser, or that a location is the recorded
22 address of a licensed dispenser.

23 (d) The department of health shall maintain a log of all
24 requests by employees of state and local law enforcement agencies for
25 information relating to whether a person is a licensed dispenser or
26 employee of a licensed dispenser, or that a location is the recorded
27 address of a licensed dispenser, and the information supplied, for a
28 period of no less than three years from the date of the request. The
29 log shall be confidential and exempt from public disclosure,
30 inspection, or copying under chapter 42.56 RCW, provided that:

31 (i) A person who is a subject of a request for information may
32 appear during normal department of health business hours and inspect

1 or copy log records relating to him or her upon adequate proof of
2 identity; or

3 (ii) A person who is a subject of a request for information may
4 submit a written request to the department of health, along with
5 adequate proof of identity, for copies of log records relating to him
6 or her.

7 (e) The department of health may establish and collect
8 reasonable fees for the dissemination of information to employees of
9 state and local law enforcement agencies relating to whether a person
10 is a licensed dispenser or employee of a licensed dispenser, or that
11 a location is the recorded address of a licensed dispenser, and for
12 the dissemination of log records relating to such requests for
13 information to the subjects of those requests.

14 (f) Authorized employees of state or local law enforcement
15 agencies who obtain personally identifiable information from the list
16 as authorized under this section may not release or use the
17 information for any purpose other than verification that a person is
18 a licensed dispenser or employee of a licensed dispenser, or that a
19 location is the recorded address of a licensed dispenser.

20 NEW SECTION. **Sec. 38.** Records containing names and other
21 personally identifiable information relating to individuals licensed
22 as producers or dispensers of cannabis for medical use under chapter
23 69.51A RCW and rules adopted to carry out its purposes are exempt
24 from disclosure under this chapter.

25 NEW SECTION. **Sec. 39.** All weighing and measuring instruments
26 and devices used by licensed producers and licensed dispensers shall
27 comply with the requirements set forth in chapter 19.94 RCW.

28 NEW SECTION. **Sec. 40.** A violation of any provision or section
29 of this chapter that relates to the licensing and regulation of

1 producers and dispensers, where no other penalty is provided for, and
2 the violation of any rule adopted under this chapter constitutes a
3 misdemeanor.

4 NEW SECTION. **Sec. 41.** (1) Every licensed producer who fails to
5 comply with this chapter, or any rule adopted under it, may be
6 subjected to a civil penalty, as determined by the director, in an
7 amount of not more than one thousand dollars for every such
8 violation. Each violation shall be a separate and distinct offense.

9 (2) Every licensed dispenser who fails to comply with this
10 chapter, or any rule adopted under it, may be subjected to a civil
11 penalty, as determined by the secretary, in an amount of not more
12 than one thousand dollars for every such violation. Each violation
13 shall be a separate and distinct offense.

14 (3) Every person who, through an act of commission or omission,
15 procures, aids, or abets in the violation shall be considered to have
16 violated this chapter and may be subject to the penalty provided for
17 in this section.

18 NEW SECTION. **Sec. 42.** Nothing in this chapter or in the rules
19 adopted to implement it shall preclude a qualifying patient or
20 designated provider from engaging in the private, unlicensed,
21 noncommercial production, possession, transportation, delivery, or
22 administration of cannabis for medical use as authorized under RCW
23 69.51A.040.

24 NEW SECTION. **Sec. 43.** By July 1, 2014, the Washington state
25 department of health shall evaluate the implementation of the rules
26 adopted by the department of agriculture and department of health
27 pursuant to this chapter. In conducting its evaluation, the
28 department of health shall assess and report to the legislature on
29 the impact of implementation of the rules on qualifying patients'

1 access to an adequate, safe, consistent, and secure source of
2 cannabis for medical use. For the purposes of facilitating this
3 evaluation, the department of agriculture will make available to the
4 department of health requested data, and any other data the
5 department of agriculture or department of health may consider
6 relevant, from which all personally identifiable information has been
7 redacted.

8 NEW SECTION. **Sec. 44.** The state of Washington fully occupies
9 and preempts the entire field of authorizing and regulating the
10 production, dispensation, possession, and use of cannabis for medical
11 purposes. Cities, towns, and counties or other municipalities may
12 enact only those laws, ordinances, regulations, and rules relating to
13 the medical use of cannabis that are consistent with this chapter and
14 state administrative rules adopted pursuant to it. Local laws,
15 ordinances, regulations, and rules that are inconsistent with the
16 requirements of state law and regulations adopted pursuant to this
17 chapter shall not be enacted and are preempted and repealed,
18 regardless of the nature of the code, charter, or home rule status of
19 the city, town, county, or municipality. This section does not
20 preempt reasonable zoning requirements for licensed producers and
21 licensed dispensers that are adopted by cities, towns, and counties
22 or other municipalities pursuant to their authority and duties under
23 chapter 36.70A RCW.

24 **Sec. 45.** RCW 69.51A.900 and 1999 c 2 s 1 are each amended to
25 read as follows:

26 This chapter may be known and cited as the Washington state
27 medical use of ((~~marijuana~~)) cannabis act.

28 NEW SECTION. **Sec. 46.** RCW 69.51A.080 (Adoption of rules by the
29 department of health--Sixty-day supply for qualifying patients) and

1 2007 c 371 s 8 are each repealed.

2 NEW SECTION. **Sec. 47.** Sections 7 through 14, 17 through 37,
3 and 39 through 44 of this act are each added to chapter 69.51A RCW.

4 NEW SECTION. **Sec. 48.** Section 38 is added to chapter 42.56
5 RCW.

--- END ---

DRAFT