

Medical Use of Cannabis Act: Goals for 2011 Session

Overview

- 1. Provides protection from arrest and prosecution** to qualifying patients and designated providers who possess no more than the presumptive 60-day supply amounts, present valid documentation to Washington law enforcement officers upon request, and allow limited inspection of areas where cannabis is stored for purposes of confirming amounts – *Sec. 6, pp. 9-11*
- 2. Maintains the affirmative defense** for (1) qualifying patients and designated providers who possess more than the presumptive amounts but are otherwise in compliance with all other conditions, (2) qualifying patients and designated providers who do not present documentation or consent to search (Fourth and Fifth Amendment concerns for federal prosecution), and (3) patients visiting from other medical cannabis states – *Sec. 9, p. 13; Sec. 10, pp. 13-14; Sec. 11, pp. 14-15*
- 3. Improves patient access to an “adequate, safe, consistent, and secure” source of cannabis for medical use** by allowing a limited number of qualifying patients to pool resources and create collective gardens for their exclusive use – *Sec. 7, p. 12*
- 4. Improves patient access to an “adequate, safe, consistent, and secure” source of cannabis for medical use** by creating systems for licensing and regulating producers and dispensers through the departments of agriculture and health, and also maintaining right of qualifying patients and designated providers to grow a private, noncommercial supply of cannabis on a one-to-one basis – *Secs. 17-42, pp. 17-31*
- 5. Protects qualifying patients from restriction of parental rights** without proof of interference with performance of parenting functions – *Sec. 12, p. 15*
- 6. Protects qualifying patients from negative employment consequences** resulting from off-site medical use of cannabis so long as such use does not prevent proper performance of work, the employment is not safety-sensitive, and the employer is not a federal contractor or grant recipient – *Sec. 13, pp. 15*
- 7. Clarifies that judges may except medical use of cannabis** from criminal sentence conditions – *Sec. 14, p. 16*
- 8. Incorporates a state preemption clause** to ensure uniformity throughout state – *Sec. 44, p. 32*

Clean-Up Provisions

9. Replaces slang term “marijuana” with the plant’s botanical name, “cannabis” and incorporates the definition from the Uniform Controlled Substances Act (*see RCW 69.50.101(q)*) – *Sec. 3, pp. 3-4, and throughout*
10. Creates consistent usage of the phrase “medical condition” throughout, replacing references to “illness” or “disease” – *Sec. 2, p. 2, and throughout*
11. Eliminates inconsistencies between intent section (RCW 69.51A.005) and operative sections – *Sec. 2, pp. 2-3, and throughout*
12. Defines edible and topical cannabis products and incorporates into relevant sections – *Sec. 3, p. 4, and throughout*

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13. Clarifies provision prohibiting public use – *Sec. 3, p. 6; Sec. 16, p. 16-17*
14. Defines THC concentration – *Sec. 3, p. 7*
15. Requires documents executed by qualifying patients to designate providers be signed and dated, and clarifies that “valid documentation,” for designated providers, includes the designating document as well as proof of identity and the patient’s authorization – *Sec. 3, p. 8*
16. Defines “plant” and incorporates the Department of Health definition of “useable” cannabis (see WAC 246-75-010(2)(d)) – *Sec. 3, p. 5*
17. Clarifies the distinction between health care professionals *discussing* the medical use of cannabis with patients and *authorizing* such use – *Sec. 5, pp. 8-9*
18. Changes the limitation that designated providers may serve “only one patient at any one time” to a ninety-day restriction on changing patients; ninety-day restriction runs against designated providers only, not against patients – *Secs. 6 and 8, pp.11 and 12-13*
19. Modifies impaired driving restriction to explicitly reference the DUI statute, which already expressly excludes legal authorization to use a drug as an excuse for impaired driving (see RCW 46.61.502(2)) – *Sec. 16, p. 17*