



- Bill Title:** Establishing the Cannabis Patient Protection Act
- Bill Number:** 2SSB 5052
- Effective Date:** 7/25/2015 – Except:
- Sections 12, 19, 20, 23 through 26, 31, 35, 40, and 49, which become effective 7/1/2016; and
 - Sections 21, 22, 32, and 33, which become effective 4/24/2015
- Amends:** RCW 66.08.012, 69.50.101, 69.50.325, 69.50.331, 3 69.50.342, 69.50.345, 69.50.354, 69.50.357, 69.50.360, 69.50.4013, 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.043, 69.51A.045, 69.51A.055, 69.51A.060, 69.51A.085, 69.51A.100, 43.70.320, 69.50.203, 69.50.204, and 9.94A.518
- New Sections:** RCW 69.51A; 42.56; 82.04; repealing RCW 69.51A.020, 69.51A.025, 69.51A.047, 69.51A.070, 69.51A.090, 69.51A.140, 69.51A.200, and 69.51A.085

Summary:

This bill revises the state law and provisions governing medical marijuana, and makes many changes to the underlying law as established by I-502. The major provisions of the bill include:

Agency Name Change:

The Washington State Liquor Control Board is renamed to the Washington State Liquor and Cannabis Board (WSLCB).

Medical Marijuana Authorization:

The Department of Health is charged with developing an authorization form for qualifying patients, to be issued by their health care professional.

- The form will include:
 - The qualifying patient's or designated provider's name, address, and date of birth;
 - The health care professional's name, address, and license number;
 - The amount of marijuana recommended for the qualifying patient;
 - A telephone number where the authorization can be verified;
 - The dates of issuance and expiration (to be renewed annually; renewed every six months for minors); and
 - A statement that the authorization does not provide protection from arrest unless the patient or provider is also entered into the database.

- A minor's parent or guardian must agree to allow authorization to receive medical marijuana and will have sole control over the product.
- Minors between 18 and 21 who carry the qualifying authorization can enter retail stores with a parent or guardian, but may not make purchases themselves, nor can they grow marijuana.

Medical Marijuana Authorization Database:

Creates the medical marijuana authorization database for qualifying patients and designated providers.

- Patients who sign up with the database are authorized to receive broader arrest protection, and can possess:
 - Three ounces of useable marijuana
 - 48 ounces of marijuana-infused product in solid form
 - 216 ounces of marijuana-infused product in liquid form
 - 21 grams of marijuana concentrates, and six plants.
- The authorizing health care professional may authorize more than the six plants and three ounces of useable marijuana if the patient's medical needs require additional amounts, but no more than eight ounces of useable marijuana and 15 plants.
- Those who do not sign up with the database may grow marijuana for their medical use but are limited to four plants and six ounces of useable marijuana and are provided an affirmative defense to charges of violating the law on medical use of marijuana.
- The database is not subject to public disclosure. The database is only accessible to the following groups of people:
 - Medical marijuana retailers with a medical marijuana endorsement
 - Persons authorized to prescribe or dispense controlled substances to access health care information about their patients to provide medical care to their patients.
 - A qualifying patient or designated provider to request or receive his or her own health care information.
 - Law enforcement officers conducting an investigation related to the use of marijuana.
 - The Department of Revenue, (DOR) to verify tax exemptions.
 - The Department of Health, (Health) to monitor compliance of health care professionals.
- Accessing the database for any other unauthorized purpose is a Class C felony.

- After being entered into the database, qualifying patients will be issued a recognition card, containing:
 - A randomly generated number that will identify the patient or provider
 - A photograph of the patient or provider
 - The amount of marijuana the patient has been authorized to possess
 - The effective and expiration dates of the card
 - The name of the health care professional who authorized the patient or provider
 - Security measures to be determined by the WSLCB to ensure its validity.

Retail Medical Marijuana Endorsement:

- The WSLCB is responsible for developing a medical marijuana endorsement for retail licensees.
- The endorsement will allow the retail licensee to carry products identified as beneficial to medical patients by Health.
- In order to get the endorsement, retail licensees must meet safe handling, staffing, and training requirements to be developed by Health.
- Retail licensees carrying the endorsement will be required to enter into the database any patients carrying the qualifying authorization form and who would like to purchase medical products.

Canopy Increase:

- The WSLCB may allow producers to increase the amount of their production canopy to grow marijuana intended for medicinal use.

New Requirements for Next Round of Retail Licensing:

WSLCB must develop a merit-based system for issuing retail licenses.

- First priority must be given to applicants who have:
 - Applied for a marijuana retailer license before July 1, 2014,
 - Operated or been employed by a collective garden before November 6, 2012;
 - Maintained a state business license and a municipal business license, as applicable in their relevant jurisdiction and
 - Have a history of paying all applicable state taxes and fees.

- Second priority will be given to those applicants who meet the same criteria as those in the first tier but who have not previously applied for a marijuana license.
- Third priority is given to all other applicants whose experience or qualifications do not meet the first two tiers.

Collective Gardens Repealed:

Collective gardens will be banned July 1, 2016 and the law authorizing them is repealed.

Cooperatives Created:

- Qualifying patients or their designated providers are allowed to grow together, up to four persons maximum in the domicile of one of the cooperative members.
- Marijuana grown at the cooperative is for the medical use of the members only. Selling or donating marijuana is prohibited.
- Minors are not allowed to participate in cooperatives. They can, however, have a designated provider participate for them.
- Patients who wish to operate a cooperative must register the location with the WSLCB, and include the names of all those who participate. No patient is allowed to participate in more than one cooperative.
- Cooperatives are prohibited from being located within one mile of a licensed marijuana retailer, and are held to the same 1000-foot restrictions as all other marijuana retail licensees.
- Patients who discontinue their participation in a cooperative must notify the WSLCB within fifteen days. No other patients may join for sixty days after notifying the WSLCB.
- The WSLCB is granted the authority to adopt rules to ensure the safety and security of the cooperatives, as well as require a traceability system to be implemented for them.
- Law enforcement and WSLCB officers may inspect a registered cooperative within reasonable inspection hours to ensure compliance.

Combustible Methods of Extraction Prohibited:

Extraction operations utilizing combustible gases are prohibited unless the operation holds a valid license to do so from the WSLCB.

Controlled Purchase Program Authorization:

The WSLCB is authorized to conduct controlled purchase programs in licensed retail stores, cooperatives, and current collective gardens to ensure they do not allow sales or share with minors.

How to Apply for a Retail License with Medical Endorsement:

The WSLCB has begun developing the rules and processes to implement 2SSB 5052, including provisions for the merit-based system, in-home cooperatives, as well as the retail license endorsement for medical marijuana. Once the agency is ready to receive applications for endorsements, the application will be posted on the WSLCB website at: lcb.wa.gov.

Once the WSLCB begins accepting applications for the retail license and endorsement, a Marijuana Licensing Specialist will be assigned to the application and begin the requisite criminal, financial background checks, and site verifications according to the priorities established above. The Marijuana Licensing Specialist will send the applicant an approval letter after the applicant meets all WSLCB requirements for licensure and all background checks and inspections are completed.

How to Register a Cooperative with the LCB:

The WSLCB is currently developing the rules and adopting the procedures to implement the registration of cooperatives. Once the process is defined forms for registering a cooperative will be located on the WSLCB website at: lcb.wa.gov.

Contact Information:

For specific questions, please contact Customer Service at 360-664-1600 or lcb.wa.gov.