

Marijuana Industry/Market

Department of Health's Regulatory Role



SEPTEMBER 2019

1 Infrastructure

- Licensing and regulation of authorizing healthcare professional licensees.
 - ↳ Boards and Commissions have created professional practice standards
 - ↳ The Department formed a workgroup to develop a continuing education course for authorizing practitioners. Course is not required.
 - ↳ Workgroup consisting of Board and Commission members
- Licensing and regulation of the Medical Marijuana Consultant Certificate and Training Programs
 - ↳ 707 active certified consultants
 - ↳ 3 active training programs
- Administration of the voluntary Medical Marijuana Authorization Database and provision of end-user support helpdesk to marijuana retail stores that have a medical endorsement.
 - ↳ As of April 1, 2019:
 - 14,293 total active adult patient cards (age 18 and older)
 - 159 total active minor patient cards (under age 18)
 - 1,667 total active designated provider cards (must be age 21 and older)
- What's working, what needs improvement?
 - ↳ **Limited availability of compliant product.** Requirements for stores to possess medically compliant products do not ensure adequate supply and products are available for patients.
 - ↳ **Current statute limits a designated provider to serve one patient at a time.** This limitation can be challenging for families who have shared custody of their minor qualifying patient.
 - ↳ **Authorization form requirements.** Practitioners are required to print an authorization on tamper-resistant paper which potentially increases cost to the patient. It may double the cost if the patient has a designated provider.
- **Statewide Collaboration with the Prevention System**
 - ↳ The Marijuana Prevention and Education Program (MPEP) works closely with the Medical Marijuana Program and other statewide and local health partners to prevent youth use and educate parents and other adults about the risks and consequences of marijuana use by youth.
 - ↳ MPEP collaborates with key partners to leverage resources, share information, disseminate resources, and advice on best practices for youth prevention.



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2 Workforce

- The Department of Health licenses and regulates the Medical Marijuana Consultant Certificate credential:
 - ↳ Certification requirements include completing a department-approved 20-hour training course, has an active cardio-pulmonary resuscitation card, shows proof of being age 21 or older and pays the appropriate fees.
 - ↳ A medical endorsement requires the retail licensee to staff at least one certified medical marijuana consultant. The Washington State Liquor and Cannabis Board has regulatory authority over the licensee's medical endorsement.
 - ↳ A medical endorsement provides the marijuana retail store access to the Medical Marijuana Authorization Database so they can enter patients into the registry and create/issue/verify recognition cards.
- The Department of Health licenses and regulates authorizing healthcare professionals.
 - ↳ Under RCW 69.51A.010 the following license types may issue an authorization to their patient to use marijuana for medical purposes:
 - Medical doctor (MD) – licensed under [chapter 18.71 RCW](#)
 - Physician assistant (PA) – licensed under [chapter 18.71A RCW](#)
 - Osteopathic physician (DO) – licensed under [chapter 18.57 RCW](#)
 - Osteopathic physician assistant (DOA) – licensed under [chapter 18.57A RCW](#)
 - Naturopathic physician – licensed under [chapter 18.36A RCW](#)
 - Advanced registered nurse practitioner (ARNP)– licensed under [chapter 18.79 RCW](#)
 - ↳ The regulating Boards and Commissions have adopted shared professional practice standards for authorizing healthcare practitioners: [Medical Marijuana Authorization Practice Guidelines \(PDF\)](#)
 - ↳ According to 2017 data, there are 1,100 practitioners issuing authorizations for patients' use of medical marijuana. The top two license types issuing authorizations are Medical Doctors (60%) and Naturopathic Physicians (20%). This data is limited to those patients registered in the database.

3 Investment

There is a cost to licensees associated with maintaining compliance with their medical endorsement for licensees, administered through the LCB, which grants the licensee access to the DOH MMJ authorization database.

- Required equipment to be able to use the Medical Marijuana Authorization Database (computer, backdrop, camera, laminator, Z supplies, etc.)
- Many retailers opt to pay for training and certification for their consultants. Sometimes this can be problematic as the endorsement requires a certified consultant on staff, but if the consultant separates employment, the credential follows the individual licensee and does not belong to the retail store.

4 Product Types

- The Department of Health has rule-making authority over products intended to meet patient needs. These products are categorized into three categories:
 - ↳ General Use
 - ↳ High-THC (limited to tinctures, tablets, capsules, transdermal, and suppositories)
 - High THC compliant products may be packaged in servings or applications containing up to 50 mg of active THC.
 - A unit must not contain more than 10 servings or applications and must not exceed 500 mg total of active THC.
 - Can only be purchased by a cardholding patient and sold by a marijuana retail store that has a medical endorsement.
 - ↳ High-CBD
 - Concentrates containing not more than 2 percent THC concentration and at least 25 times more CBD concentration by weight.
 - Marijuana-infused edible products that contain no more than 2 mg of active THC and at least five times more CBD per serving by weight for solids or volume for liquids.
 - Marijuana-infused topical products containing at least five times more CBD concentration than THC concentration.
- Can be sold by any licensed marijuana store, but is only sales tax free to any consumer if purchased at a marijuana retail store with medical endorsement.
- Types of unregulated CBD products sold outside I-502/ stakeholder opinions on whether regulation needed.
 - ↳ The DOH Food Safety Program provides the safety standards for food served or sold to the public in Washington State (WAC 246-215). Local health jurisdiction food safety staff implement the food code. The FDA has concluded that federal law prohibits the addition of CBD to food products because CBD is an active ingredient in FDA-approved drugs.
 - ↳ The Marijuana Prevention and Education Program engages key stakeholders and the general public with current messaging about trending or emerging issues. The program's role is to lead the development and dissemination of consistent messaging across all key stakeholders.
 - ↳ Currently, Washington state pharmacies do not possess or provide medical marijuana products. However, the Pharmacy Quality Assurance Commission is currently discussing whether Washington pharmacies may be allowed to carry hemp derived CBD products.

5 Enforcement

As of June 30, 2019, the Department of Health has not had any complaints filed against a Medical Marijuana Consultant Credential.

6 Research and Development

- The Cannabis Science Taskforce
- Medical Marijuana Authorization Practice Guidelines and Continuing Education Workgroup for Healthcare professionals (Professional Practice Standards for authorizing practitioners)
- Tax by Potency Workgroup
- House Bill 1094- Compassionate care renewals implementation