

HB 1105 - S COMM AMD

By Committee on Law & Justice

1 On page 1, after line 4, insert the following:

2 **"Sec. 1.** RCW 69.51A.010 and 2015 c 70 s 17 are each reenacted
3 and amended to read as follows:

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

6 (1)(a) Until July 1, 2016, "authorization" means:

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

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

13 (b) Beginning July 1, 2016, "authorization" means a form
14 developed by the department that is completed and signed by a
15 qualifying patient's health care professional and printed on tamper-
16 resistant paper.

17 (c) An authorization is not a prescription as defined in RCW
18 69.50.101.

19 (2) "CBD concentration" means the percent of cannabidiol content
20 per dry weight of any part of the plant *Cannabis*, or per volume or
21 weight of marijuana product.

22 (3) "Department" means the department of health.

23 (4) "Designated provider" means a person who is twenty-one years
24 of age or older and:

25 (a)(i) Is the parent or guardian of a qualifying patient who is
26 under the age of eighteen and beginning July 1, 2016, holds a
27 recognition card; or

28 (ii) Has been designated in writing by a qualifying patient to
29 serve as the designated provider for that patient;

30 (b)(i) Has an authorization from the qualifying patient's health
31 care professional; or

- 1 (ii) Beginning July 1, 2016:
- 2 (A) Has been entered into the medical marijuana authorization
3 database as being the designated provider to a qualifying patient;
4 and
- 5 (B) Has been provided a recognition card;
- 6 (c) Is prohibited from consuming marijuana obtained for the
7 personal, medical use of the qualifying patient for whom the
8 individual is acting as designated provider;
- 9 (d) Provides marijuana to only the qualifying patient that has
10 designated him or her;
- 11 (e) Is in compliance with the terms and conditions of this
12 chapter; and
- 13 (f) Is the designated provider to only one patient at any one
14 time.
- 15 (5) "Domicile" means a person's true, fixed, primary permanent
16 home and place of habitation and the tax parcel on which it is
17 located. It is the place where the person intends to remain and to
18 which the person expects to return when the person leaves without
19 intending to establish a new domicile elsewhere.
- 20 (6) "Health care professional," for purposes of this chapter
21 only, means a physician licensed under chapter 18.71 RCW, a physician
22 assistant licensed under chapter 18.71A RCW, an osteopathic physician
23 licensed under chapter 18.57 RCW, an osteopathic physicians'
24 assistant licensed under chapter 18.57A RCW, a naturopath licensed
25 under chapter 18.36A RCW, or an advanced registered nurse
26 practitioner licensed under chapter 18.79 RCW.
- 27 ~~((6))~~ (7) "Housing unit" means a house, an apartment, a mobile
28 home, a group of rooms, or a single room that is occupied as separate
29 living quarters, in which the occupants live and eat separately from
30 any other persons in the building, and which have direct access from
31 the outside of the building or through a common hall.
- 32 ~~((7))~~ (8) "Low THC, high CBD" means products determined by the
33 department to have a low THC, high CBD ratio under RCW 69.50.375. Low
34 THC, high CBD products must be inhalable, ingestible, or absorbable.
- 35 ~~((8))~~ (9) "Marijuana" has the meaning provided in RCW
36 69.50.101.
- 37 ~~((9))~~ (10) "Marijuana concentrates" has the meaning provided in
38 RCW 69.50.101.
- 39 ~~((10))~~ (11) "Marijuana processor" has the meaning provided in
40 RCW 69.50.101.

1 (~~(11)~~) (12) "Marijuana producer" has the meaning provided in
2 RCW 69.50.101.

3 (~~(12)~~) (13) "Marijuana retailer" has the meaning provided in
4 RCW 69.50.101.

5 (~~(13)~~) (14) "Marijuana retailer with a medical marijuana
6 endorsement" means a marijuana retailer that has been issued a
7 medical marijuana endorsement by the state liquor and cannabis board
8 pursuant to RCW 69.50.375.

9 (~~(14)~~) (15) "Marijuana-infused products" has the meaning
10 provided in RCW 69.50.101.

11 (~~(15)~~) (16) "Medical marijuana authorization database" means
12 the secure and confidential database established in RCW 69.51A.230.

13 (~~(16)~~) (17) "Medical use of marijuana" means the manufacture,
14 production, possession, transportation, delivery, ingestion,
15 application, or administration of marijuana for the exclusive benefit
16 of a qualifying patient in the treatment of his or her terminal or
17 debilitating medical condition.

18 (~~(17)~~) (18) "Plant" means a marijuana plant having at least
19 three distinguishable and distinct leaves, each leaf being at least
20 three centimeters in diameter, and a readily observable root
21 formation consisting of at least two separate and distinct roots,
22 each being at least two centimeters in length. Multiple stalks
23 emanating from the same root ball or root system is considered part
24 of the same single plant.

25 (~~(18)~~) (19) "Public place" has the meaning provided in RCW
26 70.160.020.

27 (~~(19)~~) (20) "Qualifying patient" means a person who:

28 (a) (i) Is a patient of a health care professional;

29 (ii) Has been diagnosed by that health care professional as
30 having a terminal or debilitating medical condition;

31 (iii) Is a resident of the state of Washington at the time of
32 such diagnosis;

33 (iv) Has been advised by that health care professional about the
34 risks and benefits of the medical use of marijuana;

35 (v) Has been advised by that health care professional that they
36 may benefit from the medical use of marijuana;

37 (vi) (A) Has an authorization from his or her health care
38 professional; or

1 (B) Beginning July 1, 2016, has been entered into the medical
2 marijuana authorization database and has been provided a recognition
3 card; and

4 (vii) Is otherwise in compliance with the terms and conditions
5 established in this chapter.

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

11 ~~((20))~~ (21) "Recognition card" means a card issued to
12 qualifying patients and designated providers by a marijuana retailer
13 with a medical marijuana endorsement that has entered them into the
14 medical marijuana authorization database.

15 ~~((21))~~ (22) "Retail outlet" has the meaning provided in RCW
16 69.50.101.

17 ~~((22))~~ (23) "Secretary" means the secretary of the department
18 of health.

19 ~~((23))~~ (24) "Tamper-resistant paper" means paper that meets one
20 or more of the following industry-recognized features:

21 (a) One or more features designed to prevent copying of the
22 paper;

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

25 (c) One or more features designed to prevent the use of
26 counterfeit authorization.

27 ~~((24))~~ (25) "Terminal or debilitating medical condition" means
28 a condition severe enough to significantly interfere with the
29 patient's activities of daily living and ability to function, which
30 can be objectively assessed and evaluated and limited to the
31 following:

32 (a) Cancer, human immunodeficiency virus (HIV), multiple
33 sclerosis, epilepsy or other seizure disorder, or spasticity
34 disorders;

35 (b) Intractable pain, limited for the purpose of this chapter to
36 mean pain unrelieved by standard medical treatments and medications;

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

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

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

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

9 (g) Posttraumatic stress disorder; or

10 (h) Traumatic brain injury.

11 (~~(25)~~) (26) "THC concentration" has the meaning provided in RCW
12 69.50.101.

13 (~~(26)~~) (27) "Useable marijuana" has the meaning provided in RCW
14 69.50.101.

15 **Sec. 2.** RCW 69.51A.010 and 2020 c 80 s 44 are each amended to
16 read as follows:

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

19 (1)(a) Until July 1, 2016, "authorization" means:

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

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

26 (b) Beginning July 1, 2016, "authorization" means a form
27 developed by the department that is completed and signed by a
28 qualifying patient's health care professional and printed on tamper-
29 resistant paper.

30 (c) An authorization is not a prescription as defined in RCW
31 69.50.101.

32 (2) "CBD concentration" means the percent of cannabidiol content
33 per dry weight of any part of the plant *Cannabis*, or per volume or
34 weight of marijuana product.

35 (3) "Department" means the department of health.

36 (4) "Designated provider" means a person who is twenty-one years
37 of age or older and:

1 (a) (i) Is the parent or guardian of a qualifying patient who is
2 under the age of eighteen and beginning July 1, 2016, holds a
3 recognition card; or

4 (ii) Has been designated in writing by a qualifying patient to
5 serve as the designated provider for that patient;

6 (b) (i) Has an authorization from the qualifying patient's health
7 care professional; or

8 (ii) Beginning July 1, 2016:

9 (A) Has been entered into the medical marijuana authorization
10 database as being the designated provider to a qualifying patient;
11 and

12 (B) Has been provided a recognition card;

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

16 (d) Provides marijuana to only the qualifying patient that has
17 designated him or her;

18 (e) Is in compliance with the terms and conditions of this
19 chapter; and

20 (f) Is the designated provider to only one patient at any one
21 time.

22 (5) "Domicile" means a person's true, fixed, primary permanent
23 home and place of habitation and the tax parcel on which it is
24 located. It is the place where the person intends to remain and to
25 which the person expects to return when the person leaves without
26 intending to establish a new domicile elsewhere.

27 (6) "Health care professional," for purposes of this chapter
28 only, means a physician licensed under chapter 18.71 RCW, a physician
29 assistant licensed under chapter 18.71A RCW, an osteopathic physician
30 licensed under chapter 18.57 RCW, a naturopath licensed under chapter
31 18.36A RCW, or an advanced registered nurse practitioner licensed
32 under chapter 18.79 RCW.

33 ((+6)) (7) "Housing unit" means a house, an apartment, a mobile
34 home, a group of rooms, or a single room that is occupied as separate
35 living quarters, in which the occupants live and eat separately from
36 any other persons in the building, and which have direct access from
37 the outside of the building or through a common hall.

38 ((+7)) (8) "Low THC, high CBD" means products determined by the
39 department to have a low THC, high CBD ratio under RCW 69.50.375. Low
40 THC, high CBD products must be inhalable, ingestible, or absorbable.

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4 RCW 69.50.101.

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6 RCW 69.50.101.

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10 RCW 69.50.101.

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12 endorsement" means a marijuana retailer that has been issued a
13 medical marijuana endorsement by the state liquor and cannabis board
14 pursuant to RCW 69.50.375.

15 (~~(14)~~) (15) "Marijuana-infused products" has the meaning
16 provided in RCW 69.50.101.

17 (~~(15)~~) (16) "Medical marijuana authorization database" means
18 the secure and confidential database established in RCW 69.51A.230.

19 (~~(16)~~) (17) "Medical use of marijuana" means the manufacture,
20 production, possession, transportation, delivery, ingestion,
21 application, or administration of marijuana for the exclusive benefit
22 of a qualifying patient in the treatment of his or her terminal or
23 debilitating medical condition.

24 (~~(17)~~) (18) "Plant" means a marijuana plant having at least
25 three distinguishable and distinct leaves, each leaf being at least
26 three centimeters in diameter, and a readily observable root
27 formation consisting of at least two separate and distinct roots,
28 each being at least two centimeters in length. Multiple stalks
29 emanating from the same root ball or root system is considered part
30 of the same single plant.

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32 70.160.020.

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36 having a terminal or debilitating medical condition;

37 (iii) Is a resident of the state of Washington at the time of
38 such diagnosis;

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40 risks and benefits of the medical use of marijuana;

1 (v) Has been advised by that health care professional that they
2 may benefit from the medical use of marijuana;

3 (vi) (A) Has an authorization from his or her health care
4 professional; or

5 (B) Beginning July 1, 2016, has been entered into the medical
6 marijuana authorization database and has been provided a recognition
7 card; and

8 (vii) Is otherwise in compliance with the terms and conditions
9 established in this chapter.

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

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16 qualifying patients and designated providers by a marijuana retailer
17 with a medical marijuana endorsement that has entered them into the
18 medical marijuana authorization database.

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20 69.50.101.

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22 of health.

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24 or more of the following industry-recognized features:

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26 paper;

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28 modification of information on the paper; or

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30 counterfeit authorization.

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32 a condition severe enough to significantly interfere with the
33 patient's activities of daily living and ability to function, which
34 can be objectively assessed and evaluated and limited to the
35 following:

36 (a) Cancer, human immunodeficiency virus (HIV), multiple
37 sclerosis, epilepsy or other seizure disorder, or spasticity
38 disorders;

39 (b) Intractable pain, limited for the purpose of this chapter to
40 mean pain unrelieved by standard medical treatments and medications;

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

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

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

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

12 (g) Posttraumatic stress disorder; or

13 (h) Traumatic brain injury.

14 (~~(25)~~) (26) "THC concentration" has the meaning provided in RCW
15 69.50.101.

16 (~~(26)~~) (27) "Useable marijuana" has the meaning provided in RCW
17 69.50.101."

18 Renumber the remaining sections consecutively and correct any
19 internal references accordingly.

20 On page 4, after line 23, insert the following:

21 "NEW SECTION. **Sec. 5.** Section 1 of this act expires July 1,
22 2022.

23 NEW SECTION. **Sec. 6.** Section 2 of this act takes effect July 1,
24 2022."

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By Committee on Law & Justice

25 On page 1, beginning on line 2, after "cannabis;" strike all
26 material through "69.51A.043." on line 3 and insert "amending RCW
27 69.51A.010, 69.51A.040, 69.51A.055, and 69.51A.060; reenacting and
28 amending RCW 69.51A.010; repealing RCW 69.51A.043; providing an
29 effective date; and providing an expiration date."

EFFECT: Provides a definition for domicile.

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