

# Full Text of Washington State Medical Marijuana Act

## CHAPTER 69.51A RCW

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### **RCW 69.51A.005 Purpose and intent.**

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that: Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as primary caregivers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial. [1999 c 2 § 2 (Initiative Measure No. 692, approved November 3, 1998).]

### **RCW 69.51A.010 Definitions.**

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

- (1) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.
- (2) "Primary caregiver" means a person who:
  - (a) Is eighteen years of age or older;
  - (b) Is responsible for the housing, health, or care of the patient;
  - (c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter.
- (3) "Qualifying patient" means a person who:
  - (a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

- (b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

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

- (d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

- (e) Has been advised by that physician that they may benefit from the medical use of marijuana.

(4) "Terminal or debilitating medical condition" means:

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

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

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

- (d) Any other medical condition duly approved by the Washington state medical quality assurance board [commission] as directed in this chapter.

(5) "Valid documentation" means:

- (a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying patient; and

- (b) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035. [1999 c 2 § 6 (Initiative Measure No. 692, approved November 3, 1998).]

### **RCW 69.51A.020 Construction of chapter.**

Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale, or use of marijuana for nonmedical purposes. [1999 c 2 § 3 (Initiative Measure No. 692, approved November 3, 1998).]

### **RCW 69.51A.030 Physicians excepted from state's criminal laws.**

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

- (1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or
- (2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the potential benefits of the medical use of marijuana would likely outweigh the health risks for the particular qualifying patient. [1999 c 2 § 4 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.040 Qualifying patients' affirmative defense.**

(1) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated primary caregiver who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

(2) The qualifying patient, if eighteen years of age or older, shall:

- (a) Meet all criteria for status as a qualifying patient;
- (b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and
- (c) Present his or her valid documentation to any law enforcement official who questions the patient regarding his or her medical use of marijuana.

(3) The qualifying patient, if under eighteen years of age, shall comply with subsection (2)(a) and (c) of this section. However, any possession under subsection (2)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

(4) The designated primary caregiver shall:

- (a) Meet all criteria for status as a primary caregiver to a qualifying patient;
- (b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;
- (c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;
- (d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and
- (e) Be the primary caregiver to only one patient at any one time.[1999 c 2 B 5 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.050 Medical marijuana, lawful possession—State not liable.**

(1) The lawful possession or manufacture of medical marijuana as authorized by this chapter shall not result in the forfeiture or seizure of any property.

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

(3) The state shall not be held liable for any deleterious outcomes from the medical use of marijuana by any qualifying patient.[1999 c 2 B 7 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.060 Crimes—Limitations of chapter.**

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

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

(3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any medical use of marijuana in any place of employment, in any school bus or on any school grounds, or in any youth center.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(5)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.[1999 c 2 B 8 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.070 Addition of medical conditions.**

The Washington state medical quality assurance board [commission], or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted by physicians or patients to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance board [commission] shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance board [commission] shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.[1999 c 2 B 9 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.900 Short title—1999 c 2.**

This chapter may be known and cited as the Washington state medical use of marijuana act.[1999 c 2 B 1 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.901 Severability—1999 c 2.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.[1999 c 2 B 10 (Initiative Measure No. 692, approved November 3, 1998).]

**RCW 69.51A.902 Captions not law—1999 c 2.**

Captions used in this chapter are not any part of the law.[1999 c 2 B 11 (Initiative Measure No. 692, approved November 3, 1998).]

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