

## Information for Health Care Providers on the Medical Cannabis Law (ESSB5073) December 2011

In 2011, the legislature changed the requirements for providing medical cannabis recommendations to qualifying patients by passing [ESSB5073](#). The Department of Health (department) recently received several reports and complaints about health care providers inappropriately recommending medical cannabis or not following the requirements established in law. In an effort to ensure that all health care providers are familiar with the law and follow requirements and practice standards when recommending medical cannabis, we have developed a list of frequently asked questions focused on providers.

Conditions and criteria for providing a recommendation are clearly established in [chapter 69.51A RCW](#). It also includes a list of health care providers authorized to recommend medical cannabis. Before a provider recommends medical cannabis to a qualifying patient, a patient-provider relationship must be established, requirements and restrictions established in RCW 69.51A.030 must be met, and practice standards must be followed as with any type of treatment. Recommendations must include the information required by the law, must be written on tamper-proof paper, and must be signed by the provider.

State law establishes immunity against prosecution for authorized health care providers appropriately recommending the use of medical cannabis to qualifying patients. A provider may be charged with unprofessional conduct for not complying with the requirements and restrictions established in the law or for not following practice standards. It is important that providers understand that immunity is **not** extended to federal prosecution. Marijuana is not legal under federal law for any reason.

The department does not promote or discourage the use of medical cannabis recommendations yet wants to ensure that providers are informed about the law and exercise sound professional judgment when making these recommendations. You can find more information at <http://www.doh.wa.gov/hsqa/medical-marijuana/>.

Send practice questions about recommending the use of medical cannabis to your board or commission. Send general questions about the law to [medicalmarijuana@doh.wa.gov](mailto:medicalmarijuana@doh.wa.gov).

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