



# Marijuana Scheduling

## In Response to the Governor's Directive

**Stakeholder Input Session:**  
November 20, 2015 - Tumwater

# Objectives for this Session

1. Provide information about the veto section of SB 5052 and the Governor's instructions to the department.
2. Collect stakeholder feedback on 3 options and their implications.
3. Collect additional ideas for options the department might consider.

# Agenda

- Handouts
- Guidelines
- History of Marijuana Laws
- Governor's Directive
- Overview of Three Options
- Stakeholder Input
- Wrap Up, Next Steps

# Guidelines for Participants

- This is a public meeting and everyone is welcome.
- Since this is a public meeting anything shared has the potential to be part of public record.
- The intent is for everyone to be respectful of all parties present.

# History of Marijuana Laws

1970 - 2015

# Federal Law

- Members of Congress initially categorized cannabis as a Schedule I substance, the most restrictive classification available, in 1970.
- Under this categorization, the plant is defined as possessing:

“a high potential for abuse, have no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug or other substance under medical supervision.”

# Washington Law: I-692

- Granted an affirmative defense to criminal prosecution to qualifying patients and their primary caregivers.
- The patient was required to have a recommendation from a healthcare practitioner and could possess no more than a sixty-day supply of marijuana.
- The initiative, codified as chapter **69.51A RCW**, was amended many times over the years.

# Washington Law: I-502

- Legalizes the purchase and possession of small amounts of marijuana for all adults.
- It also created a taxed and highly regulated system for the production, processing and retail sale of marijuana.

# Washington Law: SB 5052

- Beginning July 1, 2016, SB 5052 – the Cannabis Patient Protection Act – will further protect the **medical use of marijuana** for patients and designated providers who are entered into the patient authorization database.
- Patients and designated providers who choose not to be entered in the database will continue to have an affirmative defense to criminal prosecution.
- The ***medical use of marijuana*** remains illegal at the federal level, however federal guidance has been given to states who have chosen to move forward with legalization.

# Governor's Veto

SB 5052: Sections 42 & 43

Remove from Schedule I of our Washington's Controlled Substances Act (WCSA) any medical marijuana product that identifies in rule as:

“appropriate for sale to qualifying patients and designated providers in a retail outlet that holds a medical marijuana endorsement.”

# Instructions to the Department of Health

“Thoroughly consider this idea in consultation with medical professionals and stakeholders, and bring an appropriate resolution to me and the Legislature by next year.”

# Three Options

Marijuana Scheduling

## Option 1: Do Nothing at this Time

- Does not require any changes to WA state laws or rules.
- Keeps the WCSA aligned with federal law.
- Marijuana use would still be illegal under federal law. Marijuana authorization by healthcare practitioners continues without putting controlled substance prescriptive authority at risk.
- The Schedule I penalties apply to any misuse of marijuana outside the legal market established under WA laws.
- The WCSA continues to list marijuana as a substance that has no currently accepted medical use; conflicts with chapter 69.51A RCW.
- Though not in compliance with federal law, Washington State's tightly regulated system focuses on meeting the federal government's enforcement priorities.

## Option 2: Reschedule Marijuana to II-V or Legend

- Conflicts with I-502's recognition and legalization of recreational use of marijuana.
- Makes medical marijuana subject to all the requirements of any other prescription drug.
- If treated like other prescription drugs, growing for personal use would not be allowed.
- Creates a direct conflict with federal law and WA's law:
  - ❑ Healthcare practitioners couldn't prescribe it.
  - ❑ Prescribing of marijuana may place prescribers' federal Drug Enforcement Agency registration at risk.
  - ❑ Marijuana would have to be dispensed through a pharmacy, which conflicts with WA law.

## **Option 3: De-Schedule When Used Within Parameters of Current Law**

- Does require changes to Washington state laws or rules.
- Marijuana would be legal and not a Schedule I drug for people following all rules under current WA law.
- Schedule I penalties would still apply to any misuse of marijuana outside the legal market established under current WA law.
- Marijuana use would still be illegal under federal law. Marijuana authorization by healthcare practitioners could continue without putting controlled substance prescriptive authority at risk.
- The WCSA will align with current Washington law.
- Though not in compliance with federal law, WA State's tightly regulated system would continue to focus on meeting the federal government's enforcement priorities.

# Stakeholder Input

Limited time for comments

# Methods of Collecting Input

1. Verbal comments – limited time
2. Individually written comments via worksheets
3. Comments collected from webinar participants
4. Comments emailed to department  
[medicalmarijuana@doh.wa.gov](mailto:medicalmarijuana@doh.wa.gov)

# Verbal Comments

- Each individual will have the opportunity for limited input on each option.
- Input must stay on topic and be related to the three options presented or a proposed option for scheduling of marijuana.
- A note-taker will be summarizing the themes of what we're hearing and share on the web site.

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## Option 3: De-Schedule When Used Within Parameters of Current Law

- Does require changes to Washington state laws or rules.
- Marijuana would be legal and not a Schedule I drug for people following all rules under current WA law.
- Schedule I penalties would still apply to any misuse of marijuana or THC products outside the legal market established under current WA law.
- Marijuana use would still be illegal under federal law. Marijuana authorization by healthcare practitioners could continue without putting controlled substance prescriptive authority at risk.
- The WCSA will align with current Washington law.
- Though not in compliance with federal law, WA State's tightly regulated system would continue to focus on meeting the federal government's enforcement priorities.



**Other Options?**

# Wrap Up, Next Steps

- What happens next?
- Where can we find a summary of comments received?

*Thank you*

# Contact Information

## Website

[www.doh.wa.gov/MedicalMarijuana](http://www.doh.wa.gov/MedicalMarijuana)

## Email

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