



Medical Marijuana Authorization Database

Rules Public Hearings
March 22 & 25, 2016

Rulemaking Process

WA Medical Marijuana Program

Rulemaking Process

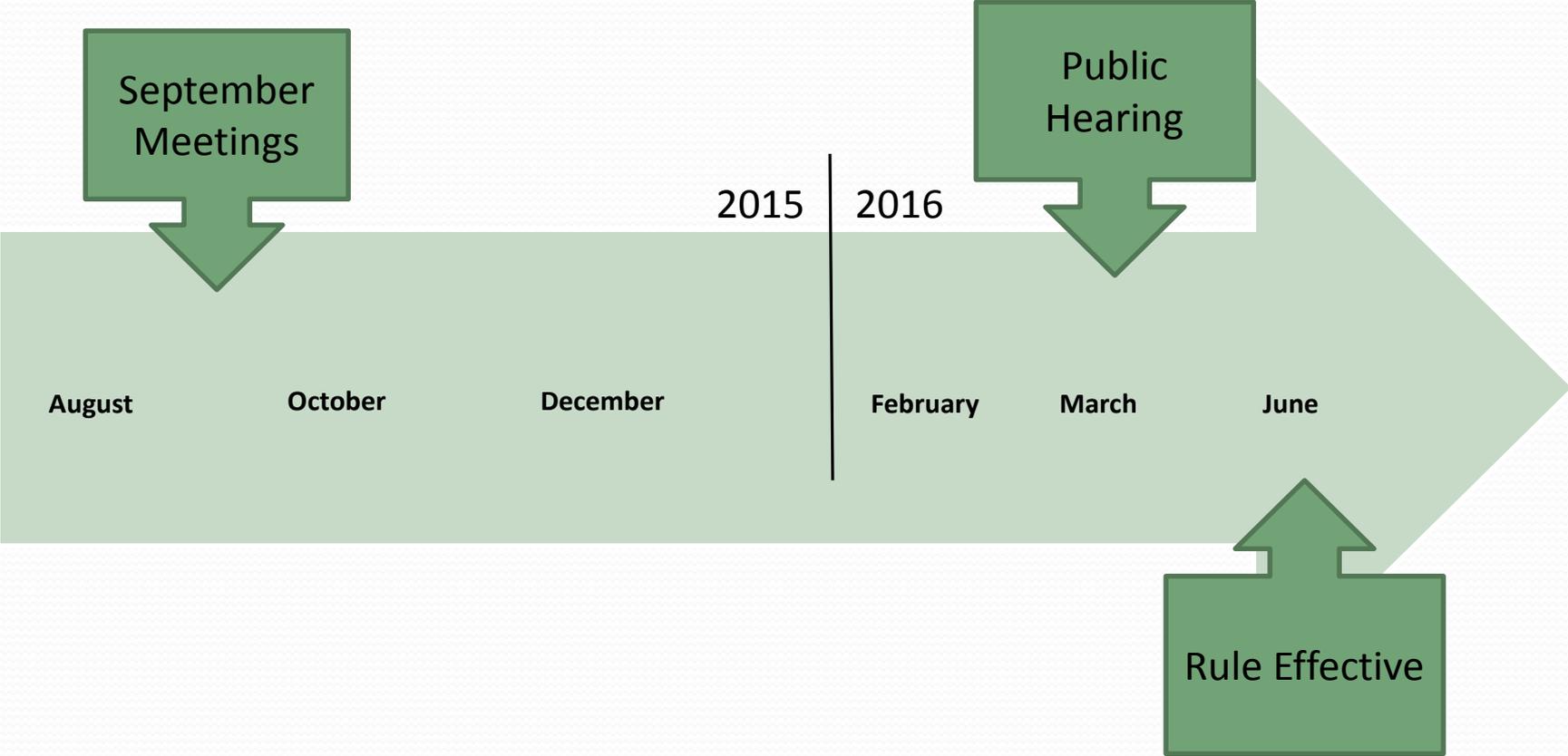
- When the legislature passes a law, they may direct an agency to create rules to implement the law.
- When conducting rulemaking, the department must follow the requirements in:
Administrative Procedure Act, chapter 34.05 RCW
and
Regulatory Fairness Act, chapter 19.85 RCW
- Stakeholders interested in the department's rulemaking activities should join our ListServ.

SB 5052

DOH Required Rules

- Establish a Patient Authorization Database
- Establish a Consultant Certification
- Establish Product Requirements

Database Proposed Rule Timeline



History of Legislation

Cannabis Patient Protection Act

History of Legislation

- 1998: I-692 Permitted patients with certain conditions to use medical marijuana.
- 2008: 60-day supply for patients was defined as 24 ounces and 15 plants.
- 2012: I-502 Licenses and regulates marijuana production, distribution, and possession for persons 21 and over.
- On April 24, 2015, Gov. Inslee signed 2SSB 5052, the **Cannabis Patient Protection Act**. It directs the Department of Health to complete the following:

SSB 5052

DOH Requirements

- Contract with a third party to create and administer a medical marijuana authorization database;
- Develop rules relating to the operation of the database;
- Develop rules regarding products sold to patients and their designated providers;
- Consult with the LCB about requirements for a retail store to get a medical marijuana endorsement;
- Create a medical marijuana consultant certification;
- Develop and approving continuing education for healthcare practitioners who authorize the medical use of marijuana; and
- Make recommendations to the legislature about establishing medical marijuana specialty clinics.

DOH Goals for SSB 5052

- Protect access for patients with qualifying conditions.
- Ensure safe, quality tested and accurately labeled products for patients.

Authorization Database

SSB 5052, Sections 21-23, 34 | RCW 69.51A.230

Requirements for DOH Regarding Authorization Database

1. *Establish a voluntary (18 and over), confidential medical marijuana authorization database*
2. Create a process for producing recognition cards for qualifying patients and designated providers

Authorization Database Parameters

per SSB 5052

- A retailer with a medical endorsement may add qualifying patients who volunteer to participate, to the database
- Authorized healthcare practitioners may access patient healthcare information from the database
- Approved persons may confirm recognition card validity (Law Enforcement, DOR, DOH)
- Qualifying patients may learn who has accessed their healthcare information

Requirements for DOH Regarding Authorization Database

1. Establish a **voluntary, confidential** medical marijuana authorization database
2. *Create a process for producing recognition cards for qualifying patients and designated providers*

Recognition Card Parameters per SSB 5052

- Randomly Generated Unique ID Number
- Photograph of Patient or Designated Provider
- Issuance Date and Expiration Date
- Name of Authorizing Healthcare Practitioner

Cardholder vs. Non Cardholder

Cardholder

- May purchase 3 times the recreational limits
- May possess 6 plants and up to 15 if authorized
- Purchases at endorsed retail stores are not subject to sales tax
- Arrest protection
- May participate in a cooperative

Non Cardholder

- Restricted to purchasing the recreational limits
- May only possess 4 plants
- Purchases at retail stores are subject to sales tax
- Affirmative defense only
- May not participate in a cooperative



Amounts of Marijuana

Recreational Limits

- Usable Marijuana (1 oz maximum)
- Solid Infusion (16 oz maximum)
- Liquid Infusion (72 oz maximum)
- Concentrates (7 g maximum)

Medical Cardholder Limits

- Usable Marijuana (3 oz maximum)
- Solid Infusion (48 oz maximum)
- Liquid Infusion (216 oz maximum)
- Concentrates (21 g maximum)

Marijuana Product Purchases

	High THC Compliant	High CBD Compliant	General Use Compliant	Any Product Available for Sale in a Retail Store with a Medical Endorsement
Patients and Designated Providers with Recognition Card*	✓	✓	✓	✓
Any Adult Consumer		+ ✓	✓	✓

*All purchases made by a card holder are sales tax free at 3 times the recreational limits.

+ High CBD compliant products are sales tax free to any adult consumer.

WAC 246-71

A review of the rules being proposed.

WAC 246-71

- **010 – Definitions**
 - Database
 - Recognition Card
 - Retail outlet with a medical marijuana endorsement
- **020 – Adding qualifying patients and designated providers to the database**
 - Consultant employed by an endorsed outlet
 - Verification of authorization form
 - Patient or designated provider information

WAC 246-71

- **030 – Renewing Qualifying patients and designated providers in the database**
 - Recognition card expiration date
 - New authorization from healthcare practitioner
 - Retail outlet with a medical marijuana endorsement
- **040 – Requirements for recognition cards**
 - Equipment- computer, camera, printer, laminator
 - Consultant is allowed to create and print card
 - Recognition card information

WAC 246-71

- **050 – Database access by marijuana retailers with medical endorsements**
 - Employees register with DOH
 - Access limited by employee role
- **060 – Database access by qualifying patients or designated providers**
 - May request and receive their own information
 - May request and receive information about other queries of their information

WAC 246-71

- **070 – Database access by prescribers and dispensers**
 - May access for purpose of providing medical or pharmaceutical care for their patients
 - Must register with DOH for access
 - Identity and license verification required
 - Must notify DOH if they no longer have authority to prescribe or dispense

WAC 246-71

- **080 – Database access by local, state, tribal, and federal law enforcement and prosecutorial officials**
 - May access the database to confirm the validity of recognition cards
 - Must register with DOH to receive access
 - Verification of the official's identity and position required
 - Must notify DOH if they are no longer in the position

WAC 246-71

- **090 – Database access by the department of revenue**
 - May access the database to verify tax exemptions
- **100 – Confidentiality**
 - Personally identifiable information is exempt from public disclosure
 - Vendor retains database records for at least five years, for verification of tax exemptions.

WAC 246-71

- **110 – Penalties and Sanctions**
 - Unlawful access is a class C felony
 - Termination of access to database
 - Complaint filing with disciplinary authority
 - Report violation to appropriate agency (WSLCB, law enforcement)
- **120 – Process to obtain a replacement recognition card**
 - Lost or stolen recognition card
 - Expiration date same as valid authorization
 - Consultants issue replacement card

WAC 246-71

- **130 – Removal of a qualifying patient or designated provider from the database**
 - Automatically deactivates upon card expiration
 - Patients and designated providers may request to be removed prior to card expiration date
 - Healthcare practitioner may request removal
- **140 – Revocation of a designated provider**
 - Patients may revoke designated provider
 - Patient may designate a new designated provider
 - Designated provider may revoke self

WAC 246-71

- **150 – Release of aggregate information from the database**
 - DOH may provide aggregate information, with personally identifiable information redacted, for analysis
 - Persons of public or private entities must submit a request
- **160 – Recognition card fees**
 - Endorsed outlets collect one dollar fee
 - Initial, replacement, and renewal recognition cards

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

Email

medicalmarijuana@doh.wa.gov

ListServ

MEDICALCANNABIS@LISTSERV.WA.GOV

Phone

(360) 236-4819