



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 07-16-130 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)
WAC 246-75-010 Medical Marijuana - New Chapter

Hearing location(s): Department of Health
Point Plaza East
310 Israel Road SE
Tumwater, WA 98501

Date: 08/25/08 Time: 11:00 am

Submit written comments to:

Name: DOH Medical Marijuana
Address: PO BOX 47850
Olympia, WA. 98504-7850
Website: <http://www3.doh.wa.gov/policyreview/>
fax (360) 236-4626 by (date) 08/25/2008

Assistance for persons with disabilities: Contact

Sherry Thomas by 08/18/2008

TTY (800) 833-6388 or () 711

Date of intended adoption: 09/15/2008

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules define the quantity of marijuana that could reasonably be presumed to be a sixty-day supply allowed under the medical marijuana law (chapter 62.51A RCW) for qualifying patients. The proposed rules clarify the existing law, and will assist patients, designated providers, physicians, law enforcement, and others in understanding what a sixty-day supply of medical marijuana is.

Reasons supporting proposal:

The rules are required by ESSB6032 (chapter 371 laws 2007). The proposed rules provide clarity to those who participate in the medical marijuana law by defining a presumptive sixty-day supply of medical marijuana.

Statutory authority for adoption:

RCW 62.51A.080 (ESSB 6032 - Chapter 371 Laws of 2007)

Statute being implemented:

62.51A.080 (ESSB 6032 - Chapter 371 Laws of 2007)

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 07/01/08

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 01, 2008

TIME: 2:55 PM

WSR 08-14-149

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Blake Maresh	310 Israel Rd. Tumwater	(360) 236-4760
Implementation.... N/A	N/A	N/A
Enforcement..... N/A	N/A	N/A

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: DOH Medical Marijuana

Address: PO BOX 47850

Olympia, WA. 98504-7850

phone (360) 236-4612

fax (360) 236-4626

e-mail medicalmarijuana@doh.wa.gov

No: Please explain:

Chapter 246-75 WAC

MEDICAL MARIJUANA

NEW SECTION

WAC 246-75-010 Medical marijuana. (1) Purpose. The purpose of this section is to define the amount of marijuana a qualifying patient could reasonably expect to need over a sixty-day period for their personal medical use. It is intended to:

(a) Allow medical practitioners to exercise their best professional judgment in the delivery of medical treatment;

(b) Allow designated providers to assist patients in the manner provided in chapter 69.51A RCW; and

(c) Provide clarification to patients, law enforcement and others in the use of medical marijuana.

(2) Definitions.

(a) "Designated provider" means a person as defined in RCW 69.51A.010.

(b) "Immature plant" means any marijuana plant that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(c) "Mature plant" means any marijuana plant that does not fall within the definition of "immature plant."

(d) "Qualifying patient" means a person as defined in RCW 69.51A.010.

(e) "Useable marijuana" means the dried leaves and flowers of the *Cannabis* plant family Moraceae. Useable marijuana excludes stems, stalks, seeds and roots.

(3) Presumptive sixty-day supply.

(a) A qualifying patient and a designated provider may possess a total of no more than twenty-four ounces of useable marijuana, and no more than six mature plants and eighteen immature plants.

(b) Amounts listed in (a) of this subsection are total amounts of marijuana between both a qualifying patient and a designated provider.

(c) The presumption in this section may be overcome by documentation from the patient's physician stating the amount that is medically necessary for the qualifying patient.