
HOUSE BILL 2454

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Dickerson, Moeller, and Upthegrove

Read first time 01/13/12. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting qualifying patients of medical
2 marijuana from prosecution for impaired driving when there is no actual
3 impairment; and amending RCW 69.51A.060.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 69.51A.060 and 2011 c 181 s 501 are each amended to
6 read as follows:

7 (1) It shall be a class 3 civil infraction to use or display
8 medical cannabis in a manner or place which is open to the view of the
9 general public.

10 (2) Nothing in this chapter establishes a right of care as a
11 covered benefit or requires any state purchased health care as defined
12 in RCW 41.05.011 or other health carrier or health plan as defined in
13 Title 48 RCW to be liable for any claim for reimbursement for the
14 medical use of cannabis. Such entities may enact coverage or
15 noncoverage criteria or related policies for payment or nonpayment of
16 medical cannabis in their sole discretion.

17 (3) Nothing in this chapter requires any health care professional
18 to authorize the medical use of cannabis for a patient.

1 (4) Nothing in this chapter requires any accommodation of any on-
2 site medical use of cannabis in any place of employment, in any school
3 bus or on any school grounds, in any youth center, in any correctional
4 facility, or smoking cannabis in any public place or hotel or motel.

5 (5) Nothing in this chapter authorizes the use of medical cannabis
6 by any person who is subject to the Washington code of military justice
7 in chapter 38.38 RCW.

8 (6) Employers may establish drug-free work policies. Nothing in
9 this chapter requires an accommodation for the medical use of cannabis
10 if an employer has a drug-free work place.

11 (7) It is a class C felony to fraudulently produce any record
12 purporting to be, or tamper with the content of any record for the
13 purpose of having it accepted as, valid documentation under RCW
14 69.51A.010(32)(a), or to backdate such documentation to a time earlier
15 than its actual date of execution.

16 (8) No person shall be entitled to claim the protection from arrest
17 and prosecution under RCW 69.51A.040 or the affirmative defense under
18 RCW 69.51A.043 for engaging in the medical use of cannabis in a way
19 that endangers the health or well-being of any person through the use
20 of a motorized vehicle on a street, road, or highway, including
21 violations of RCW 46.61.502 or 46.61.504, or equivalent local
22 ordinances. However, a qualifying patient may not be found in
23 violation of RCW 46.61.502 or 46.61.504, or an equivalent local
24 ordinance, based solely on the presence, or presence in a certain
25 concentration, of components or metabolites of cannabis, without other
26 evidence that the qualifying patient was actually impaired.

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