
Regulate Medical Cannabis:

SB 5073, HB 1100

The ACLU of Washington supports legislation to provide qualifying patients protection from arrest for their medical use of cannabis, and to give law enforcement a bright line with comprehensive regulation of the production and dispensation of medical cannabis.

Our Current System: Confusion and Fear

Washington's Medical Use of Marijuana Act, passed by a 59% majority of voters in 1998, allows patients with qualifying medical conditions to possess a 60-day supply of cannabis for their personal, medicinal use. However, the law does not say how a patient can acquire such a supply. Currently, patients are forced to try to grow cannabis themselves, buy it from the black market, or designate a friend or family member to grow it for them.

The law does not protect patients from being arrested, searched, or prosecuted. Instead, patients are provided an affirmative defense they can present to a jury after enduring the stress and stigma of being charged with a crime. People struggling with debilitating medical conditions should not have to live in fear of being arrested, having their homes searched, or being dragged into court.

Washington's law needs to be clarified to protect qualifying patients from arrest and prosecution, and to create a well-regulated system for providing patients access to an adequate, safe, and secure source of cannabis for medical use.

A Comprehensive Proposal for Improvement

- **Establish regulated access to medical cannabis:**
As a 2008 state Department of Health report noted, patients currently must break the law to access cannabis. Also, there is no way to determine the quality and consistency of the cannabis purchased on the black market. Establishing a well-regulated system of licensed producers, processors, and dispensers will improve the health and safety of patients, their families, and their communities.
- **Protect qualifying patients from arrest while providing clarity for law enforcement:**
Qualifying patients sometimes are arrested and even prosecuted for possessing medicinal marijuana. Currently, the law just provides an affirmative defense that can only be raised in criminal court— even if the patient is in complete compliance with the law. People suffering debilitating medical conditions should not have to face arrest or prosecution. Creating a voluntary, secure, and confidential patient registry will provide law enforcement a tool to identify qualifying patients quickly and with minimal intrusion into their privacy.
- **Treat qualifying patients fairly:**
Qualified patients also are losing their parental rights and their jobs solely because they are medical cannabis patients. It's only fair that the medical use of cannabis be treated like the use of prescription drugs.



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