



Background

I-502 and Medical Marijuana

Initiative 502 doesn't change Washington's medical marijuana law, but patients receive new arrest protection and regulated access to quality-controlled, locally-grown marijuana.

I-502 does not change the Washington State Medical Use of Cannabis Act.

- Washington's Medical Use of Cannabis Act, codified at Chapter 69.51A of the Revised Code of Washington,¹ provides qualifying patients with terminal or debilitating medical conditions an "affirmative defense" to marijuana charges brought in state and local courts.²
- I-502 amends Washington's Uniform Controlled Substances Act, codified at Chapter 69.50 of the Revised Code of Washington,³ and makes no changes to the Medical Use of Cannabis Act. Patients will continue to be allowed to grow their own marijuana plants and possess a 60-day supply of medical marijuana.⁴

I-502 offers medical marijuana patients protection from arrest.

- Because Washington's medical marijuana law only provides an affirmative defense that can be raised at trial, patients can still be arrested, searched, and prosecuted – and have their medical marijuana seized – even if they are in complete compliance with the law.⁵
- I-502 decriminalizes adult possession of 1 oz. of useable marijuana, 16 oz. of marijuana-infused products in solid form (cookies, e.g.), and 72 oz. of marijuana-infused products in liquid form (teas, lotions).⁶ Adults 21 and over would no longer be subject to arrest or prosecution for possession of these amounts of marijuana, regardless of whether they were using them for non-medical or medical purposes.

I-502 provides safe access to quality-controlled, locally-grown marijuana.

- Washington's medical marijuana law does not provide patients safe access points for quality-controlled marijuana. The law provides only that patients can grow for themselves, designate others to grow for them, or join a collective garden consisting of no more than 10 patients. In each of these scenarios, patients remain vulnerable to arrest, search, and burglary.
- Many patients are too sick to grow for themselves, or live in rentals or small spaces where growing at home is not an option, and they do not have friends or family members willing and able to grow for them. In these cases, patients, friends, and family members sometimes turn to the black market where they are left to buy marijuana of unknown quality, which may have come from out of state or another country.
- I-502 establishes a system for licensing and regulating Washington businesses to grow, process, and distribute marijuana that has met state quality and safety standards. Under I-502, only marijuana grown in Washington can be sold in Washington, and only through designated, marijuana-only stores.

¹ Available at <http://apps.leg.wa.gov/RCW/supdefault.aspx?cite=69.51A>.

² RCW 69.51A.043, -.045, -.047.

³ Available at <http://apps.leg.wa.gov/rcw/default.aspx?cite=69.50>.

⁴ See, e.g., Initiative Measure No. 502, Sec. 9(12)

⁵ See, e.g., *State v. Fry*, 168 Wn.2d 1, 228 P.3d 1 (2010).

⁶ Initiative Measure No. 502, Sec. 20(3) and Sec. 15(3).