

Medical Marijuana Laws and Regulations for Patients, Caregivers and Physicians: Alaska, Montana, Oregon and Washington



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	Alaska	Montana	Oregon⁸	Washington
	Alaska Stat. § 11.71.090; §§ 17.37.010 to 17.37..080; Alaska Admin. Code tit. 7 §§ 34.010 to 34.990	Mont. Code Ann. § 37-3-203; § 39-2-313, § 39-71-407; §§ 50-40-103 to 50- 40-104; §§ 50-46-301 to 344; Mont. Admin. R. 24.29.1526; 37.107.110 to 37.107.135	OR Rev. Stat. §§ 475.300 to 475.346; § 90.396; OR Admin R. 333- 008-0000 to 333- 008-0120; 411-360-0140	Wash. Rev. Code § 28B.20.502; §§ 69.51A.005 to 69.51A.903; Wash. Admin. Code R. 246-75-010
State Registration				
Identification Cards Issued to Registered Users and Primary Caregivers	X	X	X	
Registry of Authorized Users, Physicians and Primary Caregivers Maintained by the State	X	X	X	
Requires Development of 24-Hour Verification System for Law Enforcement		Requires creation and maintenance of a hotline to receive reports of suspected abuse of the act	X	
Individuals Allowed Access to Registry <i>*Only categories listed below appear in state laws which are the subject of this chart. Other categories that appear in other state statutes do not appear below if they are not applicable to the subject states in this chart.*</i>				
Authorized Employees of Administrative Department to Perform Official Duties	X	X	X	
Authorized Employees of State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card	X	X	X	

	Alaska	Montana	Oregon	Washington
Application Information Required From Patient, Caregiver or Physician Before Placement in Registry		The term provider includes providers of marijuana infused products		
Written Certification From a Physician Stating That The Patient Has Been Diagnosed With A Debilitating Condition or That The Patient May Benefit From The Medical Use of Marijuana	X ¹	X	X (Must also state that the medical use of marijuana may mitigate the symptoms or effects of the debilitating condition)	X
Name	Patient, Physician, Caregiver	Patient, Physician, Caregiver	Patient, Physician, Caregiver	
Address	Patient, Physician, Caregiver	Patient, Physician, Caregiver	Patient, Physician, Caregiver	
Date of Birth	Patient, Caregiver	Patient, Caregiver	Patient	
Copy of Photo Identification			Patient	
Driver's License or Identification Card Number	Patient, Caregiver			
Telephone Number	Physician	Physician	Physician	
Proof of Residence		Patient, Provider		
Patient Signature			X	
Social Security Number/Patient ID #	Patient	Patient, Provider		
Duties of Primary Caregiver				
Medical License # of Physician		X		
Name, Address and Date of Birth of Marijuana Infused Product Provider if One is Selected		X		
Length of Time the Patient Has Been Under the Care of the Practitioner				
A Written Statement That Indicates Whether Marijuana Used By The Cardholder Will Be Produced At A Location Where The Cardholder Or Designated Primary Caregiver is Present or At Another Location		X (Must include street address where marijuana is cultivated if cultivated for personal use)	X	

	Alaska	Montana	Oregon	Washington
Application Information Required From Patient, Caregiver or Physician Before Placement in Registry (continued)				
Written Statement Signed By Physician Verifying That The Physician Was Presented With Photo ID of Patient and Caregiver				
A Complete Set of Fingerprints of Patient and Caregiver		X		
A Statement That the Person Will Not Divert Marijuana		Patient, Provider		
Signature of Physician and Date of Application				
Signature of Patient and Date of Application	X (signature only)			
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors				
Two Physicians Must Diagnose the Minor With A Debilitating Condition and Submit Written Certification		X ⁴		
A Statement That The Minor's Physician Has Explained the Potential Risks and Benefits to the Patient and Parent/Guardian	X	X	X	
Proof of Legal Guardianship		X		
Guardian Must Submit Fingerprints		X		
Parent/Guardian Must Consent in Writing to Allow the Medical Use of Marijuana	X	X (Must agree to serve as the marijuana infused products provider)	X	
Parent/Guardian Must Consent in Writing to Agree to Serve As the Minor's Caregiver	X	X	X	
Parent/Guardian Must Consent in Writing to Agree to Control the Acquisition of Marijuana, The Dosage and Frequency of Use	X	X	X	

	Alaska	Montana	Oregon	Washington
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors (continued)				
Parent/Guardian Must Consent in Writing to Agree That the Minor Will Only Use Marijuana Infused Products and Will Not Smoke Marijuana		X		
Parent/Guardian Must Consent in Writing to Pledge Not to Divert Marijuana		X		
Information on ID Cards				
Name	X	X	X	
Address	X	X	X	
Date of Birth	X	X	X	
Social Security Number				
Photo of ID Cardholder				
Driver's License or ID Card Number	X			
Unique User ID or Serial Number				
A Statement That The Person Is Registered With The State as a Person With a Debilitating Medical Condition That May Be Addressed With The Use of Medical Marijuana	X			
A Statement That The Person Has Been Diagnosed With A Debilitating Medical Condition				
Date of Issuance/Expiration Date	X	X	X	
Caregiver Information Included on Patient's Card	Name, address, and DOB of the primary and alternate caregiver		X (Grower's information must also be included, if applicable)	
Patient's Information Included on Primary Caregiver's Card				
Phone Number of Administrative Agency				
The Location Where Marijuana Will Be Produced		Name of Cardholder's Provider or Marijuana-Infused Products, if any	X	

	Alaska	Montana	Oregon	Washington
Information on ID Cards (continued)				
Phone Number of Real Time Verification System				
Identify if Cardholder is a Person With a Debilitating Medical Condition, a Provider or a Marijuana-Infused Products Provider		X		
A Designation Showing Whether The Primary Caregiver or Qualifying Patient Will Be Allowed To Possess Marijuana Plants				
Period of Time an ID Card is Valid	Specified information must be submitted annually to prevent expiration of ID card	Up to 1 Year	Specified information must be submitted annually to prevent expiration of ID card	
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time	Within 35 Days			
Requirement to Notify State of Change in Name, Address, Physician or Caregiver	Within 10 Days, Change of caregiver Name/Address must also be reported	Within 10 Days	X	
Cardholder Must Return Card If They No Longer Have A Debilitating Condition	Within 24 Hours	Within 10 Days	Within 30 Days	
Caregiver Conditions and Requirements				
Minimum Age	21		18	18
Disqualification For A Felony Conviction/ Probation or Parole	X			
Maximum Number of Patients a Primary Caregiver May Assist	1 ²	3		1
Must sign Statement Agreeing to Provide Marijuana Only To Qualifying Patients Who Has Named Caregiver By the Patient	X ³			
Caregiver is Allowed to Receive Compensation		Only reimbursement for card or renewal fee		
Number of Designated Caregivers a Qualified User Is Allowed	1 primary caregiver and 1 alternate caregiver	1		

	Alaska	Montana	Oregon	Washington
Qualifying Diseases and Debilitating Conditions				
Cancer	X	X	X	X
Glaucoma	X	X	X	X
HIV/AIDS	X	X	X	X
Hepatitis C				X
Alzheimer's Disease			X	
Nail Patella				
Amyotrophic Lateral Sclerosis				
Cachexia/Wasting Syndrome	X	X	X	X (If not relieved by standard medical treatment)
Post-traumatic Stress Disorder			X	
Severe/Chronic Pain	X	X ⁵	X	X
Severe Nausea	X	X	X	X
Seizures	X	X	X	X
Anorexia				X
Severe and Persistent Muscle Spasms MS/Crohns's	X	X	X	X
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity				
Appetite Loss				X
Cramping				X
Arthritis				
Migraine				
Admission to Hospice Care		X		
Painful Peripheral Neuropathy		X		
Any Other Chronic or Persistent Medical Condition				
Other Medical Conditions Approved by the State Pursuant to A Petition	X	Any condition approved by the legislature	X	X
Reasons an Application May Be Denied		X⁶		
Information Provided is False	X		X	
Information Cannot Be Verified	X			
Not All Required Information Was Submitted	X		X	

	Alaska	Montana	Oregon	Washington
Reasons an Application May Be Denied (continued)				
Failure to Establish Chronic or Debilitating Medical Condition	X			
Failure to Document a Consultation With an Attending Physician				
Failure to Comply With Established Regulations				
The Attending Physician Was Not Licensed in the State				
Willful Violation of The Medical Marijuana Act		Applies to provider	X	
An Applicant Previously Had An Application Denied and Did Not Wait Required Period of Time Before Reapplying	X			
Primary Caregiver Denied If Caregiver Is Already Listed As Caregiver for Maximum Number of Patients	X			
Patient or Primary Caregiver Has Been Convicted of Selling A Controlled Substance		Felony conviction for drug offense		
Patient Has Been Prohibited By A Court			X	
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana	X			
Patient is Under the Supervision of Department of Corrections or a Youth Court		X		
An Applicant Does Not Meet Established Criteria	X			
Places Where/Occasions When Use Is Prohibited				
Any Place Where Smoking Is Prohibited By Law		X		
Any Public Place	X (possession of less than 1 ounce allowed)	X (or place visible to the public)	X	X (in open view of the general public)
Any Way That Endangers The Health or Well Being of Any Person	X	X (endangers children)		

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Places Where/Occasions When Use Is Prohibited (continued)				
Grounds of a School, Recreation Center or Youth Center	X (within 500 ft)	X		X (accommodation not required)
On a School Bus	X (accommodation not required)	X		X (accommodation not required)
Public Transportation		X		
Public Park or Beach		X		
In the Workplace	X			
In a Correctional Facility	X (accommodation not required)	X	X	X (accommodation not required)
In A Medical Facility	X (accommodation not required)	X (exception created for hospices and long-term care facilities)		
Any Licensed Drug Treatment Facility				
Undertaking Tasks Under The Influence of Marijuana That Would Constitute Negligence or Professional Malpractice				
Operating Motor Vehicle While Under the Influence		X ⁷	X	X
Operating a Boat While Under the Influence		X		
Operating an Aircraft While Under the Influence		X		
While Operating Vehicle Propelled or Drawn By Power				
While Possessing A Firearm				
Transporting Medical Marijuana Outside The State				
Place of Worship		X		
Provides That an Employer Does Not Have to Provide Accommodation	X	X	X	X
Hotel or Motel				X (accommodation not required)

	Alaska	Montana	Oregon	Washington
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State				
Protection from Arrest, Prosecution or Penalty In Any Manner	For applying to have name placed in registry	X		X
Civil Penalty		X	X	X
Discipline from a Professional Licensing Board		Unless use impairs job related performance	X	
Prohibits A School, Employer or Landlord From Refusing to Enroll, Employ or Lease or Penalize an Individual Solely Upon The Individuals Status As A Qualifying Patient or Registered Caregiver		X (Employer)		
Property Used in Connection With Medical Marijuana Is Not Subject to Forfeiture		X	X (Unless forfeited under a sentence imposed after conviction)	X
Allows A Registered Qualifying Patient or Caregiver to Give Marijuana to Another Registered Qualifying Patient or Caregiver To Whom They Are Not Connected By The Registration Process Provided That Payment is Not Received				
Provides that application for, or possession of an ID card does not alone constitute probable cause or reasonable suspicion for search, seizure or inspection		X	X	
Provides Affirmative Defense to Prosecution for the Medical Use of Marijuana if Specified Statutory Conditions Are Met	X		X	X ¹¹
Provides That Custody or Visitation of a Minor Will Not Be Denied				X ¹²
Prohibits medical use from being a sole disqualifying factor in determining the patient's suitability for an organ transplant, unless the use poses a significant risk of rejection or organ failure				X

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Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes				
Protection from Arrest, Prosecution or Penalty	X	X		X
Civil Penalty		X	X	X
Discipline from a Professional Licensing Board	X	X (If physician violates standard of care)	X	X
Prohibits Arrest or Prosecution of An Individual for Being In the Presence or Vicinity of Medical Use of Marijuana		X		X
Reasons a Card May Be Revoked				
It is Discovered Information on Application Was False			X	
If a Cardholder Sells Marijuana to a Person Who Is Not Authorized to Use Marijuana		X (Transfers to another or allows another to possess)		
Allows Another Person to Be In Possession of Registry ID Card		X		
Conviction of Marijuana Related Offense			X	
If A Person Willfully Violates A Section of the Act or Another Controlled Substances Law	X	X (Conviction of a drug offense)	An egregious violation	
Pursuant To A Court Order			X	
The Discovery of Repeated Violations of Statute			X	
The Patient Was Not Examined By A Physician Within At Least 16 Months of Required Annual Resubmission of Application Information	X			
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations		X		
Conviction for Driving Under the Influence of Alcohol or Drugs		X		

	Alaska	Montana	Oregon	Washington
Possession Limitations for Patients and Primary Caregivers			Includes Grow Sites	Total Between Both
Ounce Limit	1 ounce	1 ounce	24 ounces ^{9, 10}	24 ounces
Plant Limit	6 plants with no more than 3 producing usable marijuana	4 plants, 12 seedlings	6 mature plants and 18 seedlings or starts	15 plants
Exemptions		Providers may hold the total amount for each patient for whom they are a provider	Individuals at foster homes for adults with developmental disabilities may only possess 1 ounce	X ¹³
Permits Law Enforcement to Seize Marijuana Plants in Excess of Authorized Amount			X	
Offenses Created				
Fraudulent Representation of a Medical Condition to Obtain an ID Card		Applies to physicians who purposefully misrepresent information		
Fraudulent Representation of ID Card to Law Enforcement Relating to Medical Marijuana		X		
Fraudulent Use or Theft of an ID Card				Valid documentation
Counterfeit Production of ID Card				
Failure of Cardholder to Notify State of Change in Name, Address, Caregiver or Physician				
Failure of Cardholder to Notify State That The Cardholder No Longer Has A Debilitating Condition				
Disclosing Confidential Information Maintained By Registry		X		
Department/Agency in Charge/Contact				
Agency In Charge	Bureau of Vital Statistics	Montana Department of Health and Human Services	Oregon Department of Human Services	Department of Health

	Alaska	Montana	Oregon	Washington
Department/Agency in Charge/Contact (continued)				
Division In Charge	Health and Social Services Division	Licensure Bureau	Public Health Division: Medical Marijuana Program	Health Systems Quality Assurance Division
Contact	(907) 465-5423	(406) 444-2676	(971) 673-1234	(360) 236-4700
Clarifies That Municipalities May Enact Regulations as Specified by State Law		X		X
Allows State and Local Law Enforcement to Conduct Inspections of Registered Premises		X		
Creates Exemption From Civil and Criminal Liability for Municipalities, the State and Officers and Employees				X
Creates Research Program				X
Clarifies that Insurance Will Not Be Required to Provide Coverage	X	X	X	
Creates Severability				X
Clarifies That An Employer Will Not Be Required To Provide Reimbursement For The Purposes of Workers' Compensation	X	Employees are eligible unless use of marijuana was a major contributing factor to injury	X	
Clarifies That A Landlord May Not Be Compelled to Allow a Cardholder to Cultivate Marijuana on Premises Owned by Landlord		X		
Clarifies That Schools May Not Be Compelled to Allow Student Cardholders to Participate in Extracurricular Activities		X		
State Honors Identification Card Issued By Another State				
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use	X			

¹Must also state that the physician personally examined the patient and that the examination took place in the context of a bona fide physician-patient relationship and the date the examination occurred; disclose that the patient was personally examined by the physician within the 16-month period immediately preceding the patient's application; state that the physician has considered other approved medications and treatments that might provide relief, that are reasonably available to the patient, and that can be tolerated by the patient, and that the physician has concluded the patient might benefit from the medical use of marijuana.

²A caregiver may be allowed to care for multiple patients if the he or she is caring for individuals who are related to the caregiver by at least the fourth degree of kinship.

³Statement must acknowledge that possession of an ID card does not allow the caregiver to engage in the use of marijuana or to use paraphernalia for any purpose other than cultivating, manufacturing, delivering, transferring or transporting marijuana for medical use by a qualifying patient

⁴The second physician recommending marijuana for use by a minor must submit: a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician; a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and an attestation that the information provided in the written certification and accompanying statements is true and correct.

⁵Requires: objective proof of the etiology of the pain, including relevant and necessary diagnostic tests or confirmation of that diagnosis from a second physician who is independent of the treating physician and who conducts a physical examination.

⁶Several reasons an application may be denied are unique to Montana. Those reasons are failing to: pay any taxes, interest, penalties or judgments due to a government agency; stay out of default on a government-issued student loan; or pay child support; or remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency.

⁷Allows a person with a tetrahydrocannabinol (THC) level of 5 ng/ml to be charged with driving under the influence.

⁸In addition to allowing primary caregivers and patients to grow marijuana, Oregon registers marijuana grow sites. Grow sites must be designated by qualified patients, and must obtain a separate registration card for each registered user for whom the site grows marijuana. Grow sites are only permitted to grow for four patients at one time, and must observe other regulations determined by the state

⁹This number represents the combined total of ounces of marijuana grow sites, caregivers and patients may possess at one time, and grow sites are permitted to hold this amount in combination, for each patient for whom the grow site is registered to grow marijuana.

¹⁰If a cardholder has been convicted of a felony for the manufacture or delivery of a controlled substance, the cardholder or the designated primary caregiver of the cardholder may possess only one ounce of usable marijuana at any given time for a period of five years from the date of conviction.

¹¹Specifically creates an affirmative defense for patients and caregivers who are not listed in the state's registry, or who fail to present valid documentation to a peace officer provided: the patient or designated provider presents valid documentation to any peace officer who questions the patient or provider regarding their medical use of cannabis; the qualifying patient or designated provider possesses no more cannabis than the limits established for registered individuals; the qualifying patient or designated provider is in compliance with all other terms and conditions of the medical marijuana statutes; the investigating peace officer does not have probable cause to believe that the qualifying patient or designated provider has committed a felony, or is committing a misdemeanor in the officer's presence, that does not relate to the medical use of cannabis; and no outstanding warrant for arrest exists for the qualifying patient or designated provider.

Provides that affirmative defense laws may not be asserted in: a supervision revocation or violation hearing by a person who is supervised by a corrections agency or department, including local governments or jails that have determined that the terms of this section are inconsistent with and contrary to his or her supervision; or a person who is supervised for a criminal conviction by a corrections agency or department, including local governments or jails, that have determined that the terms of this chapter are inconsistent with and contrary to his or her supervision.

¹²Prohibits restrictions if there are no written findings, supported by evidence, that use of medical marijuana has resulted in a long-term impairment that interferes with the performance of parenting functions as defined under RCW 26.09.004.

¹³Allows patients to participate in collective gardens. Gardens may possess 15 plants per patient, but no more than 40 total, and 24 ounces per patient, but no more than total 72 ounces.