

Chapter 246-72 WAC
MEDICAL ((MARIJUANA)) CANNABIS CONSULTANT CERTIFICATE

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

WAC 246-72-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved training program" means a school, college, or program approved by the secretary that meets the requirements of this chapter.

(2) "Certificate holder" means a person holding a valid medical ((marijuana)) cannabis consultant certificate issued by the secretary under chapter 69.51A RCW and this chapter.

(3) "Customer" means any patron of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.

(4) "Department" means the Washington state department of health.

(5) "Designated provider" means the same as defined in RCW 69.51A.010.

(6) "((Marijuana)) Cannabis product" means ((marijuana, marijuana)) cannabis, cannabis concentrates, usable ((marijuana)) cannabis, and ((marijuana-infused)) cannabis-infused products as defined in RCW 69.50.101.

(7) "Qualifying patient" or "patient" means the same as defined in RCW 69.51A.010.

(8) "Secretary" means the secretary of the department of health or the secretary's designee.

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

WAC 246-72-020 Certificate requirements. An applicant for a medical ((marijuana)) cannabis consultant certificate must submit to the department:

(1) A completed initial application on forms provided by the department;

(2) Fees required under WAC ((246-72-110)) 246-72-990;

(3) Certificate of successful completion from an approved training program;

(4) Proof of being age ((twenty-one)) 21 or older. Acceptable forms of proof are a copy of the applicant's valid driver's license or other government-issued identification card, United States passport, or certified birth certificate;

(5) Proof of current CPR certification from a course requiring completion of both a written and skills demonstration test; and

(6) Any other documentation required by the secretary.

WAC 246-72-030 Practice parameters. (1) A certificate holder may only provide services when acting in the capacity of an owner, employee, or volunteer of a retail outlet licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375.

(2) A certificate holder may:

(a) Perform regular job duties and business functions including, but not limited to, assisting a customer with the selection of ((~~marijuana~~)) cannabis product and other items sold at the retail outlet;

(b) Assist a qualifying patient or designated provider with the following:

(i) Selection of ((~~marijuana~~)) cannabis products and other items sold at the retail outlet that may benefit the qualifying patient's terminal or debilitating medical condition;

(ii) Understanding the risks and benefits of ((~~marijuana~~)) cannabis products and other items sold at the retail outlet;

(iii) Understanding the risks and benefits of methods of administration of ((~~marijuana~~)) cannabis products sold at the retail outlet. Whenever practicable, a certificate holder shall encourage methods of administration other than smoking;

(iv) Advice about the safe handling and storage of ((~~marijuana~~)) cannabis products, including strategies to reduce access by minors;

(v) Instruction and demonstration about proper use and application of ((~~marijuana~~)) cannabis products; and

(vi) Processing the medical ((~~marijuana~~)) cannabis authorization form for the purpose of adding the qualifying patient or designated provider to the database according to WAC 246-71-020.

(3) When discussing a ((~~marijuana~~)) cannabis product with a qualifying patient or their designated provider, a certificate holder shall refer to the product using the cannabinoid profile labeling required by the Washington state liquor and cannabis board in addition to the represented strain name.

(4) A certificate holder shall not:

(a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of ((~~marijuana~~)) cannabis products or any other means or instrumentality;

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of ((~~marijuana~~)) cannabis products;

(c) Solicit or accept any form of remuneration directly or indirectly, overtly or covertly, in cash or any other form in return for recommending a certain product, producer, processor, clinic, or health care practitioner;

(d) Provide medical ((~~marijuana~~)) cannabis consultant services at any location other than at retail outlets licensed under RCW 69.50.354 and holding a medical endorsement under RCW 69.50.375 for which the certificate holder serves as an owner, employee, or volunteer;

(e) Create their own recognition card pursuant to chapter 246-71 WAC;

(f) Provide free samples of a ((~~marijuana~~)) cannabis product to a customer except pursuant to RCW 69.50.375;

(g) Open or allow a customer, including qualifying patients and designated providers to open a ((~~marijuana~~)) cannabis product on the premises; or

(h) Consume or allow a customer, including qualifying patients and designated providers, to consume any ((~~marijuana~~)) cannabis product on the premises.

AMENDATORY SECTION (Amending WSR 18-07-030, filed 3/12/18, effective 4/12/18)

WAC 246-72-040 Display of certificate. (1) A certificate holder shall display ((~~his or her~~)) their certificate in ((~~his or her~~)) their principal place of business in a place and manner visible to customers.

(2) A certificate holder who owns, is employed by, or volunteers at more than one business location shall display a duplicate certificate or an unaltered photocopy of ((~~his or her~~)) their certificate in each business location in a place and manner visible to customers.

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

WAC 246-72-100 Continuing education. (1) A certificate holder must complete a minimum of 10 hours of continuing education each year in order to renew the certificate.

(2) Two of the 10 hours must be successful completion of a two-hour continuing education course offered by the department.

(3) Eight of the 10 continuing education hours may be earned through seminars, lectures, workshops, and professional conferences. Continuing education credits may be earned through in-person, distance learning, or self-study.

(a) Distance learning includes correspondence courses, webinars, audio/video broadcasting, audio/video teleconferencing e-learning, or webcasts.

(b) Self-study includes the use of multimedia devices or the study of books, research materials, ((~~marijuana~~)) cannabis industry tours or other publications. To receive credit for self-study, the credential holder shall draft and provide a one page, single spaced, 12-point font synopsis of what was learned. The time spent writing the synopsis is not reportable. Two hours of credit is allowed per report, and no more than one report may be submitted per reporting period.

(4) (a) Acceptable continuing education topics for the hours required in subsection (3) of this section include:

(i) Washington state laws and rules relating to ((~~marijuana~~)) cannabis;

(ii) Scientific research, studies, or similar information about ((~~marijuana~~)) cannabis;

(iii) Addiction and substance abuse;

(iv) Patient communication skills;

(v) Professional ethics and values;

- (vi) Pesticides and chemicals in the context of ((marijuana)) cannabis agriculture; or
- (vii) Qualifying medical conditions.
- (b) Continuing education topics may not include:
 - (i) Business and management courses;
 - (ii) Health care training unrelated to ((marijuana)) cannabis; or
 - (iii) Any topic unrelated to the practice parameters of a medical ((marijuana)) cannabis consultant.
- (5) Continuing education hours may not be carried over from one reporting period to another.
- (6) A certificate holder shall provide acceptable documentation of completion of continuing education hours upon request of the secretary or an audit. Acceptable forms of documentation include:
 - (a) Transcripts;
 - (b) Certificate of completion;
 - (c) If applicable for self-study, a type-written essay in accordance with subsection (3)(b) of this section; or
 - (d) Other formal documentation, which include the following:
 - (i) Participant's name;
 - (ii) Course title;
 - (iii) Course content;
 - (iv) Date(s) of course;
 - (v) Course provider's or instructor's name(s); and
 - (vi) Signature of the program sponsor or course instructor. Distance learning courses and self-study activities outlined in subsection (3)(b) of this section are exempt from the signature requirement.
- (7) A certificate holder shall verify compliance by submitting a signed declaration of compliance.
- (8) At the secretary's discretion, up to 25 percent of certificate holders may be randomly audited for continuing education compliance after a credential is renewed. If identified for an audit, it is the certificate holder's responsibility to submit documentation of completed continuing education activities at the time of the audit. Failure to comply with the audit documentation request or failure to supply acceptable documentation within 60 days may result in licensing action, up to and including suspension or revocation of the certificate.
- (9) A certificate holder must maintain records of continuing education completion for at least four years.

AMENDATORY SECTION (Amending WSR 22-11-015, filed 5/9/22, effective 6/9/22)

- WAC 246-72-110 Training program requirements.** (1) A training program must include:
- (a) A minimum of 20 total instruction hours in the following subjects:
 - (i) A minimum of five hours of instruction on Washington state laws and rules relating to ((marijuana)) cannabis to include, but not be limited to, the following topics:
 - (A) Qualifying patient and designated provider cannabis home grow laws;
 - (B) Patient and designated provider ((marijuana)) cannabis purchase and possession limits;

(C) ((Marijuana)) Cannabis product compliance, quality assurance testing, and labeling requirements for recreational and compliant ((marijuana)) cannabis products, including pesticide labeling as defined under chapter 246-70 WAC;

(D) Pesticide use on cannabis products; and

(E) The medical ((marijuana)) cannabis authorization process;

(ii) A minimum of two hours on qualifying conditions and the common symptoms of each;

(iii) A minimum of two hours on the short- and long-term positive and negative effects of cannabinoids;

(iv) A minimum of five hours on products that may benefit qualifying patients based on the patient's condition, any potential contraindications and the risks and benefits of various routes of administration;

(v) A minimum of two hours on safe handling of ((marijuana)) cannabis products, including strategies to reduce access by minors;

(vi) A minimum of two hours on ethics and patient privacy and rights; and

(vii) A minimum of two hours on the risks and warning signs of overuse, abuse and addiction.

(b) An examination comprised of at least five questions for each hour of instruction must be given for each subject. The applicant must pass the examination for each subject with a minimum score of 70 percent. Questions must be randomly selected from a sufficient supply of questions to ensure the validity of the examination. The secretary reserves the right to approve or deny individual questions and answers.

(2) Training may be provided in-person or electronically. If the training is provided electronically, students must have real-time access to the instructor during at least half of the instruction hours for each subject.

(3) Instructors must have demonstrated knowledge and experience related to ((marijuana)) cannabis and to the subject matter, and hold:

(a) An active license to practice as a health care professional as defined in RCW 69.51A.010(5). A licensee whose credential is placed under a disciplinary order must request review and secretary approval to begin or continue as an instructor for the approved training program;

(b) An active license to practice law in the state of Washington;

(c) A bachelor's degree or higher from an accredited college or university in:

(i) Agriculture, botany, or horticulture;

(ii) Nursing, provided the instructor also holds an active license to practice as a registered nurse under chapter 18.79 RCW; or

(iii) Any other discipline, provided the intended instructor also submits a curriculum vitae with a written statement which demonstrates at least seven years of experience in the regulated cannabis industry.

(4) An owner, agent, principal, or instructor of a training program shall not have a direct or indirect financial interest in a ((marijuana)) cannabis business licensed by the Washington state liquor and cannabis board under chapter 69.50 RCW.