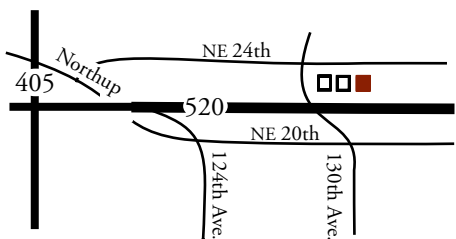




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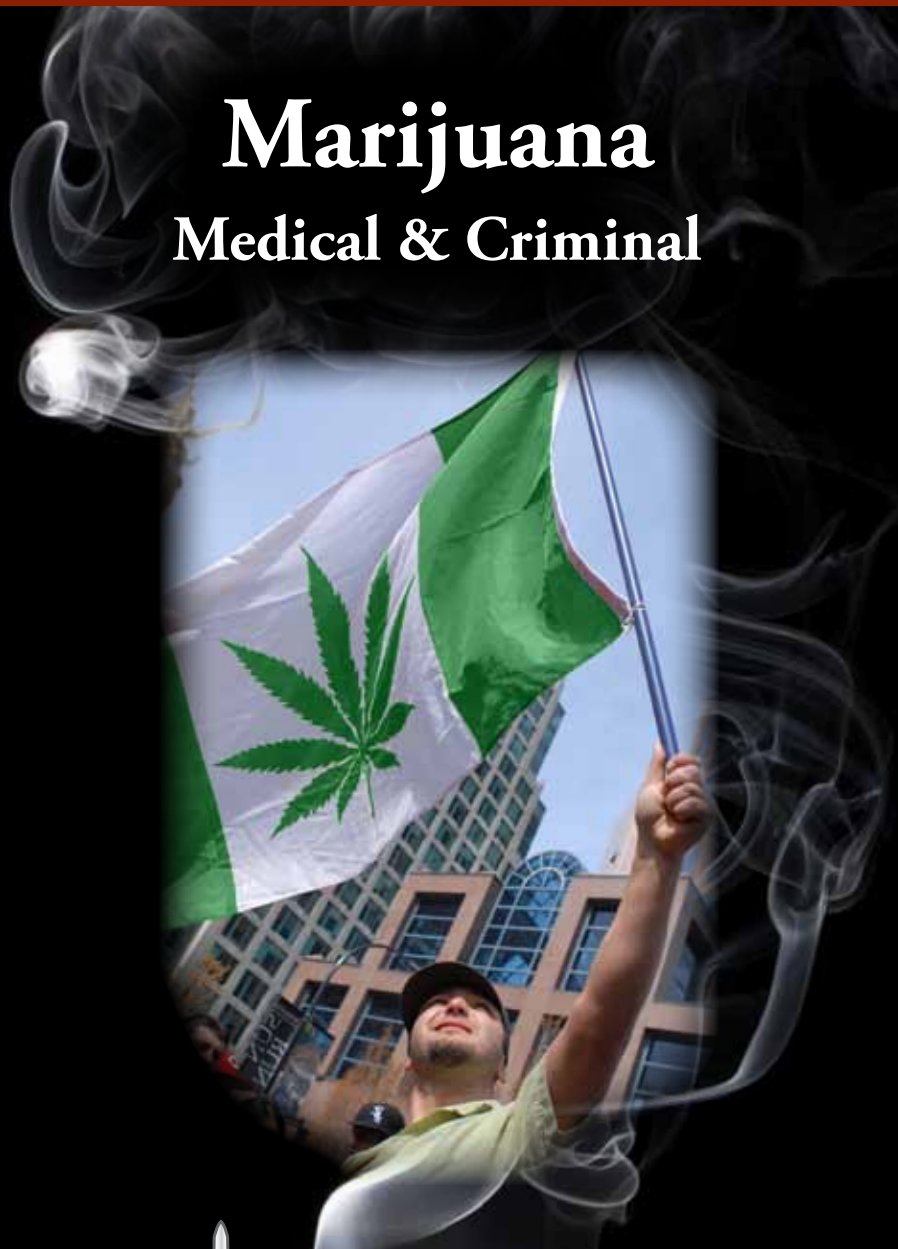


The information contained in this pamphlet is not provided as legal advice for any particular person or case and does not create an attorney - client relationship. Additionally, it is not comprehensive of all the laws/rules and serves only as a summary of Washington laws as of May 2011. There may be other more specific laws that pertain to your particular case and that affect your rights.

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Marijuana

Medical & Criminal



Laws related to marijuana use, possession and cultivation are changing every year.

Our attorneys help to keep you informed and protected.

Criminal Laws

It is unlawful to:

- Possess Marijuana (MJ) - Less than 40 gm is a Misdemeanor (Schedule I)
On federal land, less than 30 gm (Misd.)
1st Offense = 1 day in jail + \$250
2nd Offense = 1 day in jail + \$500
Over 40 gm is a Class C Felony
- Use of Drug Paraphernalia (Misdemeanor)
- Distribute and/or grow MJ (Felony)
- Display Medical MJ in a manner/place open to public (Misdemeanor)
- Fraudulently produce/tamper with a record to have it accepted as valid documentation of medical use (Felony)
- Drive while Impaired by MJ (DUI) (Gross Misdemeanor)
- Involve a minor in manufacture/sale/delivery of MJ (Felony)
- Provide a minor with Drug Paraphernalia (Gross misdemeanor)

If under 21, a conviction may cause a 1 year driver's license suspension.

Medical Marijuana

RCW 69.51(A) provides an "affirmative defense" to the otherwise unlawful possession of MJ. In other words, even w/ medical authorization, you can still be arrested and prosecuted for possession of MJ. An affirmative defense only blocks the government's ability to convict you; not the ability to arrest and prosecute.

Note: If you are arrested for possession of MJ and, during the search of your person, vehicle, home etc, police find something else that is unlawful, you can then be prosecuted for possessing that item and your medical MJ authorization will not protect you.

Note: Washington law only applies to prosecution by Washington authorities. RCW 69.51(A) has no affect on Federal prosecution under Federal laws.

Your vehicle may have a locking glove compartment...USE IT!

Generally, Police need a warrant to search locked compartments.

The medical MJ laws contain a comprehensive list of qualified medical conditions which must be diagnosed by a Health Care Professional (usually a doctor). **A list of these medical conditions can be found on our website at PadulaDefense.com**

- To possess MJ under RCW 69.51(A), you must have "Valid Documentation" which is a statement signed and dated by a Qualified Health Care Professional (A full list of Qualified Health Care Professionals is available on our website at PadulaDefense.com) on tamper-resistant paper accompanied by Identification (ex. A Driver's License).

Note: A Health Care Professional cannot write a "prescription". They can only write a "Recommendation".

- A Qualified Patient is limited to possessing a 60-day supply; defined as 24 oz and 15 plants. The Patient must prove a medical need for more than this amount in order to lawfully possess more.
- A Qualified Patient may grow or possess; but not buy or sell.
- A "Designated Provider" may grow MJ for a Qualified Patient; however, they may only grow for one patient at a time.
- The issue of "Dispensaries" is unsettled in Washington. Check our website at PadulaDefense.com for the latest on Washington law.

Ways to Protect Yourself

- Keep MJ in an air-tight opaque container. Do not transport MJ in a motor vehicle unless in a locked compartment i.e. locked glove box.
- Never consent/agree to a search of your person, home or vehicle by Police. Tell them "no" and make them get a warrant. Be respectful but firm.
- Do not smoke or consume MJ in public or in a motor vehicle.
- To protect other people in your vehicle and/or home, keep MJ in a room or container that is locked and they do not have access.
- Never answer Police questions (other than identification information) without an attorney. Our attorneys can be reached 24/7.

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