

Effective Date: October 8, 2014

Pages: 2

**POLICY**

Approved by:

Judge Matt Elich  
Judge David Grant

**Medical Marijuana Policy for Cases on Probation  
Policy # 02-2014-001**

This policy applies unless otherwise directed by a Judicial Officer.

**It is the policy of the Court:**

**I. Whatcom County District Court Medical Marijuana Policy for Cases on Probation**

Any drug use is discouraged. The court recognizes that, in some cases, medical marijuana is prescribed for certain conditions when other forms of treatment have not been successful. Other drugs, including marijuana, have been known to cause negative effects on mental health, especially when mixed with other prescribed medications. In order for the court to accept a person on medical marijuana for court services, the documentation listed below will need to be collected.

**II. Procedure for Processing the Request for Medical Marijuana Use**

**A. Data Collection Prior to Medical Marijuana being Approved:**

1. The recommendation for marijuana use must be from a fully credentialed doctor, preferably the primary medical physician who is treating the medical condition rather than a provider from a medical marijuana clinic. The court needs to know the marijuana recommender's name and contact information and a release of information needs to be signed allowing the communication between the court and the recommender.
2. The recommendation must state the precise medical condition the medical marijuana is recommended to treat, as well as information specifying all other methods of treatment that have been attempted. The recommendation must also state why other methods of treatment would not be as successful as medical marijuana. The District Court will only accept patients with a diagnosis that falls into those listed in RCW 69.51A.010 (6).
3. The defendant will need to specifically provide information from the primary doctor as to whether marinol, a synthetic marijuana, was previously prescribed, and whether medical marijuana is the only option.
4. The specific dose or use information outlined by the doctor recommending marijuana use must be specified. A therapeutic range for UA testing purposes must be provided.
5. A statement from the recommender, indicating that he or she is aware of any mental health and chemical dependency issues must be included. This is important because the court and probation want to make sure that all medical, mental health and chemical dependency providers are communicating with

each other so that if there are negative effects on mental health or with medications, everyone will know.

6. Letters from mental health and chemical dependency treatment providers indicating that they are aware of the medical marijuana use and that they approve of the use and have considered the use of medical marijuana when making their own treatment plans must also be included if the person is undergoing or seeking such treatment.

**B. Approval for Medical Marijuana Use**

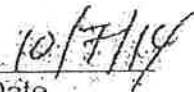
Once the appropriate documentation is obtained, Probation will review it and make a recommendation to the Judicial Officer who will make the ultimate determination.

**III. Monitoring After Approval of Use:**

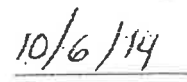
Defendants are subject to urinalysis as required by the Judge to determine if there are illegal drugs in their systems. This includes testing for marijuana. Tests can determine the presence of marijuana as well as the amount of marijuana in the system. These amounts can be compared from test to test to determine if marijuana use is increasing or decreasing. The court will determine, upon information received from the medical prescriber the appropriate level for treating the defendant's medical condition. If the levels are above the recommended levels and/or intermittently are beyond the designated limits, it will be up to the court to determine what action is taken.

Approved:

  
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Judge Matt Elich

  
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Date

  
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Judge Dave Grant

  
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Date