

HB 1348 -- Medical Marijuana

Sponsor: Walker

This bill revises provisions regarding the classification of marijuana as a controlled substance. In its main provisions, the bill:

- (1) Removes marijuana from the Schedule I classification for controlled substances and re-classifies marijuana under the Schedule II classification for controlled substances;
- (2) Prohibits the arrest or prosecution of a qualifying patient who possesses a written certification for the use of marijuana for medical purposes. A qualifying patient less than 18 years of age is also exempt from arrest or prosecution if a parent or guardian consents to and controls the use of marijuana for medical purposes;
- (3) Prohibits a physician from being subject to arrest, prosecution, penalty, or denial of any right for providing written certification for the medical use of marijuana to a qualifying patient;
- (4) Requires that marijuana, paraphernalia, or other property seized from a qualifying patient or primary caregiver in connection with the claimed medical use of marijuana be returned to the patient or caregiver following a determination by a court or prosecutor that these persons are entitled to protections contained in the bill;
- (5) Prohibits the medical use of marijuana from being certified under certain conditions;
- (6) Exempts insurance companies from providing coverage for the medical uses of marijuana;
- (7) Prohibits the fraudulent representation of the medical use of marijuana to any law enforcement official. Violation of this provision will be subject to criminal and monetary penalties;
- (8) Allows a qualifying patient and a primary caregiver to assert a defense for the medical use of marijuana based on certain conditions. A court must allow a defendant to present evidence that would support a defense for the medical use of marijuana;
- (9) Requires the Department of Health and Senior Services to develop rules for governing the issuance of a registry identification card. A qualifying patient and primary caregiver

is required to submit certain information before receiving the card. Possession of the card by a qualifying patient and a primary caregiver is required;

(10) Requires the department to maintain a confidential list of persons who have been issued the registry identification card; and

(11) Allows an organization which has registered with the department to lawfully sell, administer, deliver, or possess marijuana or related supplies for medical use.

The bill has a referendum provision and will be submitted to qualified voters by November 4, 2004.