

HB 1138 -- Medical Marijuana

Sponsor: Villa

This bill changes the laws 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 reclassifies it under Schedule II;
- (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 younger 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, drug 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 individuals are entitled to the protections contained in the bill;
- (5) Gives medical marijuana patients the same rights as other pharmaceutically medicated individuals relating to routine traffic stops, interaction with law enforcement that does not involve an illegal act, employer interaction, and drug testing pertaining to marijuana and its metabolites;
- (6) Prohibits the medical use of marijuana when it compromises the health or well-being of another or while a person is operating heavy machinery or driving an automobile. The smoking of marijuana is prohibited in a school bus, public bus, or other public vehicle; in the workplace; on school grounds; in a correctional facility; or at any public park, public beach, public recreation center, or youth center unless the area is designated for medical marijuana use;
- (7) Prohibits the fraudulent representation of the medical use of marijuana to any law enforcement official. A person who violates this provision will be subject to criminal and monetary penalties;

(8) Allows a qualifying patient or a primary caregiver to assert a defense for the medical use of marijuana based on certain conditions;

(9) Requires the Department of Health and Senior Services to develop rules for governing the issuance of registry identification cards. A qualifying patient and primary caregiver are required to submit certain information before receiving the card. Possession of the card by a qualifying patient or a primary caregiver is required;

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

(11) Requires an organization to register with the department to sell, administer, deliver, dispense, distribute, cultivate, or possess marijuana or related supplies for medicinal use.

The bill has a referendum provision and will be submitted to qualified voters by November 2008.