

HB 1670 -- Marijuana for Medicinal Purposes

Sponsor: Meiners

This bill changes the laws regarding the classification of marijuana as a controlled substance and allows its use for medicinal purposes. 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, prosecution, or penalty in any manner of a qualifying patient who possesses a written certification for the medical use of marijuana if the quantity doesn't exceed an adequate supply. A qualifying patient younger than 18 years of age is also exempt from arrest, prosecution, or penalty if a parent or guardian consents in writing to and controls the medical use of marijuana;
- (3) Prohibits a physician from being subject to arrest, prosecution, penalty, or denial of any right or privilege for providing written certification for the medical use of marijuana to a qualifying patient;
- (4) Requires marijuana, drug paraphernalia, or other property seized from a qualifying patient or primary caregiver in connection with the claimed medical use of marijuana to be returned to the patient or caregiver immediately upon a determination by a court or prosecutor that the individual is entitled to the protections contained in the bill;
- (5) Gives qualifying patients the same legal 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. 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 to any law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution. A person who violates this provision will be guilty of a class C misdemeanor and subject to a \$500 fine;

(8) Allows a qualifying patient or a primary caregiver to assert the medical use of marijuana as a defense to any prosecution involving marijuana based on certain evidence;

(9) Requires the Department of Health and Senior Services to establish rules for governing the issuance of registry identification cards to qualifying patients and primary caregivers. A qualifying patient or the primary caregiver is required to submit an application containing certain information, along with a registration fee not to exceed \$100 per qualifying patient, before receiving the card. The department has 30 days to approve or deny an application;

(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 in order to sell, administer, deliver, dispense, distribute, cultivate, or possess marijuana or related equipment, supplies, educational materials, or marijuana seeds for medical use.

The bill contains a referendum clause and will be submitted to qualified voters in November 2011.