

HB 1831 -- 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 persons are entitled to the protections contained in the bill;
- (5) Prohibits the medical use of marijuana when it endangers 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;
- (6) Exempts insurance companies from providing coverage for the medical use of marijuana;
- (7) Prohibits the fraudulent representation of the medical use of marijuana to any law enforcement official. Violations of 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 2006.