

~~ASSESSMENT OF THE PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN PATIENT RELATIONSHIP, THE PATIENT HAS A DEBILITATING MEDICAL CONDITION AND THE POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT.~~

~~(B) (1) THE GENERAL ASSEMBLY FINDS THAT STATE LAW SHOULD MAKE A DISTINCTION BETWEEN THE MEDICAL AND NONMEDICAL USE OF MARIJUANA.~~

~~(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENSURE THAT:~~

~~(I) THERE IS FURTHER RESEARCH AND EXPERIMENTATION REGARDING THE USE OF MARIJUANA UNDER CERTAIN CIRCUMSTANCES;~~

~~(II) PHYSICIANS ARE NOT PENALIZED FOR DISCUSSING MARIJUANA AS A TREATMENT OPTION WITH THEIR PATIENTS; AND~~

~~(III) SERIOUSLY ILL INDIVIDUALS WHO ENGAGE IN THE MEDICAL USE OF MARIJUANA ON THEIR PHYSICIANS' ADVICE ARE NOT ARRESTED AND INCARCERATED FOR USING MARIJUANA FOR MEDICAL PURPOSES.~~

~~(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY:~~

~~(1) A PATIENT WHO HAS IN THE PATIENT'S POSSESSION WRITTEN CERTIFICATION OR A PROGRAM PARTICIPATION CARD ISSUED BY THE BOARD OF PHYSICIAN QUALITY ASSURANCE MAY NOT BE SUBJECT TO ARREST OR PROSECUTION, OR BE PENALIZED IN ANY MANNER, FOR THE MEDICAL USE OF MARIJUANA, PROVIDED THE QUANTITY OF MARIJUANA DOES NOT EXCEED AN ADEQUATE SUPPLY;~~

~~(2) WHEN THE ACQUISITION, POSSESSION, CULTIVATION, TRANSPORTATION, OR ADMINISTRATION OF MARIJUANA BY A PARTICIPATING PATIENT IS NOT PRACTICABLE, THE LEGAL PROTECTIONS ESTABLISHED BY THIS SECTION FOR A PARTICIPATING PATIENT SHALL EXTEND TO THE PARTICIPATING PATIENT'S PRIMARY CAREGIVER, PROVIDED THAT THE PRIMARY CAREGIVER'S ACTIONS ARE NECESSARY FOR THE PARTICIPATING PATIENT'S MEDICAL USE OF MARIJUANA; AND~~

~~(3) A PHYSICIAN MAY NOT BE SUBJECTED TO ARREST OR CRIMINAL PROSECUTION, OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR PROVIDING WRITTEN CERTIFICATION FOR THE MEDICAL USE OF MARIJUANA TO PATIENTS.~~

~~(D) (1) ANY PROPERTY THAT IS POSSESSED, OWNED, OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA OR ACTS INCIDENTAL TO THE MEDICAL USE OF MARIJUANA MAY NOT BE HARMED, NEGLECTED, INJURED, OR DESTROYED WHILE IN THE POSSESSION OF STATE OR LOCAL LAW ENFORCEMENT OFFICIALS, PROVIDED THAT LAW ENFORCEMENT AGENCIES SEIZING LIVE MARIJUANA PLANTS AS EVIDENCE SHALL NOT BE RESPONSIBLE FOR THE CARE AND MAINTENANCE OF THE PLANTS.~~

~~(2) ANY PROPERTY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE FORFEITED UNDER ANY PROVISION OF STATE OR LOCAL LAW~~