

~~PROVIDING FOR THE FORFEITURE OF PROPERTY OTHER THAN AS A SENTENCE IMPOSED AFTER CONVICTION OF A CRIMINAL OFFENSE OR ENTRY OF A PLEA OF GUILTY TO A CRIMINAL OFFENSE.~~

~~(3) MARIJUANA, PARAPHERNALIA, AND OTHER PROPERTY SEIZED IN CONNECTION WITH THE CLAIMED MEDICAL USE OF MARIJUANA SHALL BE RETURNED IMMEDIATELY ON THE DETERMINATION BY A COURT OR PROSECUTOR THAT THE PATIENT OR PRIMARY CAREGIVER IS ENTITLED TO THE PROTECTIONS CONTAINED IN THIS SECTION, AS MAY BE EVIDENCED BY A DECISION NOT TO PROSECUTE, A DISMISSAL OF CHARGES, OR AN ACQUITTAL.~~

~~(E) AN INDIVIDUAL MAY NOT BE ARRESTED OR PROSECUTED FOR A CRIMINAL OFFENSE SOLELY FOR BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA.~~

~~(F) (1) A PATIENT OR PRIMARY CAREGIVER MAY ASSERT THE MEDICAL USE OF MARIJUANA AS A DEFENSE TO ANY PROSECUTION INVOLVING MARIJUANA.~~

~~(2) THE DEFENSE SHALL BE PRESUMED VALID IF THE EVIDENCE SHOWS THAT:~~

~~(I) THE PATIENT'S MEDICAL RECORDS INDICATE THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL MEDICAL EXAMINATION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE POTENTIAL BENEFITS OF THE MEDICAL USE OF MARIJUANA WOULD LIKELY OUTWEIGH THE HEALTH RISKS FOR THE PATIENT; AND~~

~~(II) THE PATIENT AND THE PATIENT'S PRIMARY CAREGIVER WERE COLLECTIVELY IN POSSESSION OF A QUANTITY OF MARIJUANA THAT WAS MEDICALLY JUSTIFIED TO ADDRESS THE PATIENT'S DEBILITATING MEDICAL CONDITION.~~

~~(G) THE AUTHORIZATION FOR THE MEDICAL USE OF MARIJUANA UNDER THIS SECTION DOES NOT APPLY TO:~~

~~(1) THE MEDICAL USE OF MARIJUANA IN A WAY THAT ENDANGERS THE HEALTH OR WELL-BEING OF ANOTHER PERSON, SUCH AS DRIVING OR OPERATING HEAVY MACHINERY WHILE UNDER THE INFLUENCE OF MARIJUANA;~~

~~(2) THE SMOKING OF MARIJUANA IN PUBLIC, INCLUDING ON PUBLIC TRANSPORTATION; AND~~

~~(3) THE USE OF MARIJUANA BY A PARTICIPATING PATIENT, PRIMARY CAREGIVER, OR ANY OTHER INDIVIDUAL FOR PURPOSES OTHER THAN MEDICAL USE AUTHORIZED UNDER THIS SECTION.~~

~~(H) INSURANCE COVERAGE IS NOT REQUIRED FOR THE MEDICAL USE OF MARIJUANA.~~

~~(I) THE ACCOMMODATION OF THE MEDICAL USE OF MARIJUANA MAY NOT BE REQUIRED IN ANY PLACE OF EMPLOYMENT.~~