

Introduced by Senator Leno

February 22, 2012

An act to amend Section 11362.5 of the Health and Safety Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

SB 1182, as introduced, Leno. Medical marijuana.

Existing law, the Compassionate Use Act of 1996, provides that a patient or a patient's primary caregiver who possesses or cultivates marijuana for personal medical purposes of the patient upon the written or oral recommendation or approval of a physician is not subject to conviction for offenses relating to possession and cultivation of marijuana.

Existing law sets forth findings and declarations describing the purposes of the act, including to ensure that seriously ill Californians have the right to obtain and to use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11362.5 of the Health and Safety Code
2 is amended to read:

1 11362.5. (a) This section shall be known and may be cited as
2 the Compassionate Use Act of 1996.

3 (b) (1) The people of the State of California hereby find and
4 declare that the purposes of the Compassionate Use Act of 1996
5 are as follows:

6 (A) To ensure that seriously ill Californians have the right to
7 obtain and to use marijuana for medical purposes where that
8 medical use is deemed appropriate and has been recommended by
9 a physician who has determined that the person's health would
10 benefit from the use of marijuana in the treatment of cancer,
11 anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis,
12 migraine, or any other illness for which marijuana provides relief.

13 (B) To ensure that patients and their primary caregivers who
14 obtain and use marijuana for medical purposes upon the
15 recommendation of a physician are not subject to criminal
16 prosecution or sanction.

17 (C) To encourage the federal and state governments to
18 implement a plan to provide for the safe and affordable distribution
19 of marijuana to all patients in medical need of marijuana.

20 (2) Nothing in this section shall be construed to supersede
21 legislation prohibiting persons from engaging in conduct that
22 endangers others, nor to condone the diversion of marijuana for
23 nonmedical purposes.

24 (c) Notwithstanding any other provision of law, no physician
25 in this state shall be punished, or denied any right or privilege, for
26 having recommended marijuana to a patient for medical purposes.

27 (d) Section 11357, relating to the possession of marijuana, and
28 Section 11358, relating to the cultivation of marijuana, shall not
29 apply to a patient, or to a patient's primary caregiver, who
30 possesses or cultivates marijuana for the personal medical purposes
31 of the patient upon the written or oral recommendation or approval
32 of a physician.

33 (e) For the purposes of this section, "primary caregiver" means
34 the individual designated by the person exempted under this section
35 who has consistently assumed responsibility for the housing, health,
36 or safety of that person.