

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4680

BY DELEGATES FLANIGAN, MCGEEHAN, FOLK, WAGNER,
SPONAUGLE, ELDRIDGE, SKINNER, HORNBUCKLE,
STORCH, IHLE AND PUSHKIN

[Introduced February 23, 2016; Referred
to the Select Committee on Prevention and Treatment
of Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §60A-4-414, relating to creating a medical exemption to criminal laws against
3 marijuana use and possession.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §60A-4-414, to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Protections for medical use of marijuana.

1 (a) A qualifying patient may not be subject to arrest, prosecution or denial of any right or
2 privilege, including, but not limited to, civil penalty or disciplinary action by a court or occupational
3 or professional licensing board or bureau, for the medical use of marijuana pursuant to this article,
4 if the qualifying patient does not possess more than:

5 (1) Six ounces of usable marijuana; and

6 (2) Twelve mature marijuana plants and six seedlings, if the qualifying patient has not
7 specified that a designated caregiver will be allowed under state law to cultivate marijuana for the
8 qualifying patient.

9 (b) For the purposes of West Virginia state law, the medical use of marijuana by a
10 qualifying patient, as designated by their primary caregiver, shall be considered lawful.

11 (c) "Medical use" includes the acquisition, administration, cultivation, delivery, possession,
12 transfer, transportation or use of marijuana or paraphernalia relating to the administration of
13 marijuana to treat or alleviate a qualifying patient's medical condition or symptoms associated
14 with the patient's medical condition.

15 (d) A medical practitioner may not be subject to arrest, prosecution, or penalty in any
16 manner or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
17 action by any occupational or professional licensing board or bureau, solely for providing written
18 certifications or for otherwise stating that, in the practitioner's professional opinion, a patient is

19 likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or
20 alleviate the patient's serious or debilitating medical condition or symptoms associated with the
21 serious or debilitating medical condition.

22 (e) The provisions of this section shall take effect upon passage.

NOTE: The purpose of this bill is to create a medical exemption to criminal laws against marijuana use or possession.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.