

Seventeenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2012

H. B. 17-

311

A BILL FOR AN ACT

TO LEGALIZE MEDICINAL MARIJUANA BY AMENDING 6 CMC SECTION 2114 SUBSECTIONS (C)(13) AND (20) TO ALLOW FOR THE RE-SCHEDULING OF MARIJUANA; AMEND 6 CMC SECTION 2122 BY ADDING A NEW SUBSECTION (F); AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Short Title.** This Act may be cited as the Legalization of
2 Medical Marijuana Act of 2012.

3 **Section 2. Findings and Purpose.** The Legislature finds that the time has
4 come to legalize the use and possession of marijuana for medicinal purposes and
5 to remove any and all associated penalties pertaining to the medicinal use and
6 medical prescription of marijuana. This Act should not serve as a message to our
7 youth that the Legislature condones drug abuse. We do not. We simply seek to
8 allow physicians to prescribe it if it needed, and to allow patients to use marijuana
9 without societal stigma.

10

1 This Act further provides an affirmative defense for defendants who have
2 been diagnosed with a debilitating medical condition that is "severe and resistant
3 to conventional medicine." The affirmative defense does not apply to defendants
4 who used medical marijuana in public or who were in possession of more than
5 one ounce of marijuana per dosage unit.

6 We also look forward to the reallocation of local and federal resources
7 such as noisy helicopters and DEA and DPS personnel. Resources should be
8 directed away from farms and towards borders where crystal methamphetamine
9 continues to creep into the Commonwealth. The damage inflicted by ice on the
10 safety and welfare of our People is far more substantial.

11 Accordingly, the Legislature hereby exercises its sole authority under 6
12 CMC section 2111 (c) to delete substances from 6 CMC section 2114 for
13 purposes of recognizing the now common and legal medicinal use of marijuana in
14 the United States. This Act does not impact in any way, current laws that prohibit
15 the use marijuana without a medical prescription.

16 Marijuana is the fourth most popular drug in the world following 1)
17 alcohol, 2) nicotine and 3) caffeine. As a so-called gateway drug, it trails far
18 behind these four aforementioned presently legal and far more addicting
19 substances. Recent trends in legislation indicate that the medicinal use of
20 marijuana is becoming an acceptable practice subject to legal restrictions.

1 In addition, economic side-effects of this legalization include the non-
2 incarceration of terminally ill patients and revenue generated from the taxes
3 imposed upon the legal sale of medicinal marijuana from licensed law-abiding
4 suppliers.

5 In the United States, laws allowing for medical marijuana exist in several
6 jurisdictions with varying rules and regulations regarding quantity of plants or
7 useable medical marijuana. Medicinal marijuana is legal in Alaska, Arizona,
8 California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey,
9 New Mexico, Oregon, Rhode Island, Vermont, and Washington where possession
10 for medical use is an affirmative defense and the District of Columbia. By the
11 time this legislation is enacted, more states are likely to have legalized marijuana
12 in one form or another.

13 The Legislature finds that medical marijuana has "accepted medical use in
14 treatment in the US," that would meet the FDA criteria over "whether a new
15 product's benefits to users will outweigh its risks." It is a safe and effective
16 treatment for dozens of conditions, such as cancer, AIDS, multiple sclerosis, pain,
17 migraines, glaucoma, and epilepsy. Indeed, thousands of yearly deaths from legal
18 prescription drugs could be prevented if medical marijuana were legal.

19 However, the Legislature also finds that opponents to the legalization of
20 medical marijuana maintain that marijuana is a drug that is subject to abuse and
21 that people who abuse marijuana can and will hurt themselves and others.

1 Opponents also point to the loss of federal funds and the danger presented by
2 people under the influence who may work amongst others and operate equipment
3 with trace amounts of marijuana in their systems.

4 While passionate and reasonable people on both sides of the debate
5 continue to argue, only one fact is generally accepted by both sides of the
6 argument: that seriously ill individuals who suffer from AIDS, cancer, diabetes,
7 glaucoma and other conditions such as arthritis, migraine, menstrual cramps,
8 alcohol and opiate addiction, depression and other debilitating mood disorders
9 cannot obtain relief from marijuana without fear of arrest and imprisonment.
10 These individuals who find marijuana to be helpful are forced to do one of two
11 things: live and suffer without marijuana or illegally obtain it at the risk of arrest
12 and usually at a cost that reflects its illegal status.

13 With regard to medicinal use of marijuana, scientific and economic data
14 support the notion that marijuana abuse is not nearly as harmful to an individual
15 or to society as the addictions to alcohol, tobacco, and caffeine present to our
16 society. Drunk drivers abusing alcohol alone cause more harm than drivers under
17 the influence of marijuana. Each and every day, collectively, countless work
18 hours and millions of dollars have been lost due to addictions to nicotine and
19 caffeine. This lack of productivity, while tolerated, is still significant. We note
20 with all sincerity that there are no institutionalized breaks for medical marijuana,
21 nor should there be tolerance of abuse.

1 Thusly, in legislating this Act, we do not condone marijuana abuse or the
2 use of the substance without a valid prescription. However, we no longer believe
3 that medicinal marijuana should be prohibited when it can be beneficial to an
4 individual as determined by a licensed physician. Furthermore, as time goes by,
5 more states in the U.S. are easing the restrictions on medical marijuana and they
6 are passing laws to permit the use of medical marijuana with controls for the
7 benefit of the people in need of this natural remedy.

8 Therefore, we hereby permit the use of medical marijuana as forth
9 herein—and hereby move it from the list of Schedule 1 controlled substances to
10 Schedule 3. All penalties and provisions currently in place that prohibit the use
11 and possession of marijuana *without* a prescription remain in full effect.

12 **Section 3. Amendment.** 6 CMC section 2114 subsection (c) is amended
13 to amend clauses (13) and (20) to read as follows:

14 (c) Any material, compound, mixture or preparation which contains any quantity of
15 the following hallucinogenic substances, their salts, isomers and salts of isomers,
16 unless specifically excepted, whenever the existence of salts, isomers, and salts of
17 isomers is possible within the specific chemical designation:

- 18 (1) 2,5 dimethoxyamphetamine (2.5-DMA);
19 (2) 3,4-methylenedioxy amphetamine;
20 (3) 5-methoxy-3,4-methylenedioxy amphetamine;
21 (4) 4-bromo-2,5 dimethoxy amphetamine (4-bromo-2,5-DMA);
22 (5) 3,4,5-trimethoxy amphetamine;

- 1 (6) Bufotenine;
- 2 (7) 4-methoxyamphetamine (PMA);
- 3 (8) Diethyltryptamine;
- 4 (9) Dimethyltryptamine;
- 5 (10) 4-methyl-2,5-dimethoxylamphetamine;
- 6 (11) Ibogaine;
- 7 (12) Lysergic acid diethylamide;
- 8 (13) ~~Marijuana~~; reserved
- 9 (14) Mescaline;
- 10 (15) Peyote;
- 11 (16) N-ethyl-3-piperidyl benzilate;
- 12 (17) N-methyl-3-piperidyl benzilate;
- 13 (18) Psilocyn;
- 14 (19) Psilocybin;
- 15 (20) ~~Tetrahydrocannabinol~~; (reserved)

16 **Section 4. Amendment.** 6 CMC section 2118 is hereby amended to add
17 a new subsection (c) (9) which will read as follows:

18 “(9) Not more than 1.0 ounces of marijuana or tetrahydrocannabinol per dosage unit.”

19 **Section 5. Amendment.** 6 CMC section 2148 is hereby amended to add
20 a new subsection (c) to read as follows:

21 “Affirmative defense. For persons charged under 6 CMC 2142, evidence
22 of a medical diagnosis of a debilitating medical condition that is "severe and
23 resistant to conventional medicine" shall constitute an absolute affirmative

1 defense to the patient and his or her caregiver whose possession is for the patient's
2 use or benefit only. Sufficient evidence to establish this defense shall be when a
3 physician certifies, in writing, that the patient has a specified debilitating medical
4 condition and that the patient would receive therapeutic benefit from medical
5 marijuana. Said affirmative defense does not apply to any person who uses
6 medical marijuana in public or who possesses more than the medically prescribed
7 amount."

8 **Section 6. Rules and Regulations.** The Department of Public Health
9 shall promulgate all regulations and rules necessary to enforce this Act that may
10 include provisions relating to quantity, identification cards, dispensaries, and the
11 honoring of valid United States prescriptions. Any failure to do after 180 days
12 shall have no adverse effect on the applicability of provisions as set forth herein.

13 **Section 7. Preemption.** In the case of conflict with current law, this Act
14 shall supersede any statute, regulation, rule, or common law provision for the
15 period it remains in effect.

16 **Section 8. Severability.** If any provision of this Act or the application of
17 any such provision to any person or circumstance should be held invalid by a
18 court of competent jurisdiction, the remainder of this Act or the application of its
19 provisions to persons or circumstances other than those to which it is held invalid
20 shall not be affected thereby.

21 **Section 9. Savings Clause.** This Act and any repealer contained herein

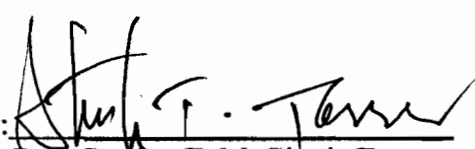
1 shall not be construed as affecting any existing right acquired under contract or
2 acquired under statutes repealed or under any rule, regulation, or order adopted
3 under the statutes. Repealers contained in this Act shall not affect any proceeding
4 instituted under or pursuant to prior law.

5 The enactment of the Act shall not have the effect of terminating, or in any way
6 modifying, any liability, civil or criminal, which shall already be in existence on
7 the date this Act becomes effective.

8 **Section 10. Effective Date.** This Act shall take effect upon its approval
9 by the Governor or becoming law without such approval.

Prefiled*: 7/6/12

Date: July 6, 2012

Introduced By: 
Rep. Stanley T. McGinnis Torres

*Submitted by author without review for legal sufficiency in accordance with House Rule IX sections 4 (e) and 8 (a) for immediate assignment by Speaker to the appropriate committee.