

6.07 MARIJUANA - POSSESSION AND USE

(1) It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.

(2) "Marijuana": means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(3) Any person who shall violate the provision of this section shall be subject to a forfeiture of \$250.00 to \$1,000.00 for the first offense and a \$1,000.00 to \$5,000.00 for the second offense and each subsequent offense.

(4) This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, a burden of proof to prove such exception shall be on the person claiming it. Further, this section shall not apply to any agent or employee of any person, firm or company which holds a controlled substance registration certificate issued by the United States Department of Justice, Drug Enforcement Administration, under the Controlled Substance Act of 1970, provided that such person is acting within the scope and course of his employment, and the authority granted under said controlled substance registration certificate.