

March 13, 2012

TO: THE PEOPLE OF LEGISLATIVE DISTRICT 8

MEDICAL MARIJUANA FOR THOSE WHO STRUGGLE WITH PAIN & CHRONIC ILLNESS

Under current Maryland law, approved in 2003, jailing is prevented for marijuana users who can prove they need the drug for medical reasons. Sick people with less than one ounce of marijuana can use medical necessity as a defense. However, the law does not protect medical marijuana users from arrests and fines. Because current law provides no control over medical marijuana distribution, many users are forced to go to the black market to purchase it. The law is flawed and tends to criminalize suffering people for using marijuana to relieve their symptoms.

During this session, two bills have been introduced to make medical marijuana legal. One bill would allow doctors to prescribe medical marijuana to some patients and create a network of state-sanctioned and supervised dispensaries and growers. The second bill, backed by the Secretary of Health & Mental Hygiene, Dr. Joshua F. Sharfstein and law enforcement officials, calls for a strictly monitored program in which an educational research institution would be selected to dispense the drug to patients.

Unfortunately, both bills are in trouble. According to Assistant Maryland Attorney General Kathryn M. Rowe, “Federal law prohibits use, possession, distribution and manufacture of marijuana, without regard to whether the marijuana is ultimately used to treat a medical condition.” States with medical marijuana programs similar to the Maryland proposal have come under fire from federal prosecutors and have been forced to suspend all or parts of their programs.

Recently, Governor O’Malley announced he will likely veto legislation to legalize medical marijuana because he is concerned that it may not stand up to federal scrutiny. More recently, Dr. Sharfstein has said he cannot support any bill to legalize medical marijuana, including the one he previously endorsed. According to federal law, medical marijuana is illegal, even if a state makes it legal. It seems in Maryland and everywhere else medical marijuana laws are being stymied by the feds.

It should be emphasized that in October 2009, the Obama Administration announced it would not arrest medical marijuana users and suppliers in states with reasonable marijuana laws. Frankly, I think our course is clear. We should craft and approve a tightly drawn proposal that will stand federal scrutiny. We cannot turn our backs on people suffering from pain and chronic illness for which medical marijuana offers relief. By any standard of judgment, it is wrong to send these people into the black market to deal with criminals to obtain help from debilitating symptoms.

Please do not hesitate to contact me on this or any other legislative issue of concern to you. I encourage and welcome your input.