

AMERICANS FOR SAFE ACCESS

PUBLIC COMMENT ~ MONTANA HOUSE BILL 161, AN ACT REPEALING THE MEDICAL MARIJUANA LAW

Fix It, Don't Nix It!

It's been more than five years since the voters of Montana approved the initiative to remove criminal penalties for certain patients who use cannabis in accordance with a physician's recommendation. There is both good and bad in the Montana Medical Marijuana Act. The responsibility of the state legislature is to protect those provisions of the law that benefit patients and citizens in Montana and to modify provisions of the law that provide opportunities for abuse.

Despite the legal protections offered by the Montana Medical Marijuana Act, most patients across Montana are still forced to place themselves in unnecessary and potentially harmful entanglements with the illicit market in order to gain access to cannabis legally recommended by their physician. Montana's medical cannabis law is incomplete. It leaves legitimate patients who cannot produce their own cannabis or find someone willing to cultivate on their behalf without a safe way to access quality medical cannabis at an affordable price.

Like our local membership, ASA is sensitive to the problems and perceptions of abuse that have developed during the past 12-15 months. And, like many of you, ASA is concerned about the presence of unlicensed and unregulated medical cannabis facilities. However, we believe that these issues can be overcome with sensible reforms, not outright repeal.

It is important to understand that Montana is not the only state working to control and regulate the state medical cannabis program. You are the only state, however, seriously considering outright repeal. For that, you should be ashamed.

Patients and their Caregivers Need Criminal Protections, Safe Access

Currently, 15 states and the District of Columbia have adopted medical cannabis compassionate use laws. All of these laws exempt qualified patients from criminal penalties and generally authorize individuals to use (or provide) cannabis as recommended by a physician in accordance with regulations established by the state. Insofar as the overwhelming majority of arrests and prosecutions for cannabis-related activity occur at the state and local level, these laws offer significant and necessary protection to bona-fide patients who might benefit from the use of cannabis to treat the symptoms of a serious or chronic condition. At a minimum, these protections must be retained.

Establishing legal protections and creating a registry identification system are often just the first step for states that authorize the use of cannabis for medical purposes. At some point, every state that has adopted these laws is forced to analyze initial implementation and determine what additional controls and regulations are necessary to curb abuse and provide better protection for registered patients and their caregivers. Not one of these states has opted for repeal, and neither should Montana.

In many states, medical cannabis dispensing centers have emerged as a community-based response to the shortcomings of various state laws. These centers provide a safe and clean place for qualified individuals to access a quality supply of medical cannabis at affordable prices, much like a pharmacy exists to provide qualified patients access to prescription drugs. And while these centers may be controversial at first, it is important to underscore that the presence of these facilities represent an effort by patients and providers to fully implement state law.

For many qualified patients dispensing centers provide more than reliable access; they also offer alternative forms of cannabis extracts for patients who prefer not to inhale as well as experienced guidance on dosage and efficacy for different cannabis varieties. Most dispensing centers offer social services and support networks that assist those who would otherwise be isolated by their conditions. And in many cases, these dispensing centers subsidize access to other natural or complementary health care services that would otherwise be unavailable to patients.

Laws and regulations that permit and control dispensing collectives ensure local governance and oversight of the cultivation and distribution of medical cannabis in accordance with state law. By requiring compliance with comprehensive laws that regulate distribution, policymakers and other officials can monitor the opera-

tion of medical cannabis dispensing collectives to be certain that proper verification procedures are followed, to assure that the place and hours of operation are consistent with community needs, and to minimize diversion of medical cannabis to the illicit market.

Regulation Is an Option

It is important to understand that repeal of the Medical Marijuana Act will not solve the problems you are currently experiencing. Most of these dispensing centers are already breaking the law. Repeal will not curb this behavior; it will simply drive that behavior back underground. Why force repeal when there is an opportunity to regulate?

Since the dissemination of the U.S Department of Justice memo discouraging the prosecution of patients and providers acting in compliance with existing state laws, many state and local governments have been working overtime to implement their state laws to curb abuse and to set up the appropriate systems to carefully regulate and control the distribution of medical cannabis to authorized individuals in their communities. Once considered a left-coast novelty, community-based medical cannabis dispensing centers are beginning to take root in locations outside of California. Oregon, Washington, Colorado, Maine, Michigan, Rhode Island and the District of Columbia are just a few of the jurisdictions seeking to appropriately control and regulate the production and distribution of medical cannabis.

So long as research supports the therapeutic value of Cannabis and physicians provide recommendations to control pain or other symptoms of serious and chronic illness, qualified patients will require access to a safe and consistent supply of quality cannabis. Where permitted and when properly regulated, medical cannabis dispensing centers provide a positive experience for qualified patients, their caregivers, and the communities in which they operate.

Whether you like it or not, cannabis is being used as a legitimate alternative medi-

cine throughout Montana. Responding with appropriate regulation that protects patients and their caregivers from criminal liability and improves access to cannabis requires courage and leadership from our elected officials. The emerging laws that provide for the safe and legal distribution of medical cannabis in other states provide a strong foundation from which Montana can fashion a comprehensive program that regulates, not repeals, safe access.

Medical cannabis law and policy should not be obscured, hindered, or repealed due to the behavior of a few bad actors. HB-161 is a drastic step in the wrong direction. If adopted, the Montana Legislature will be responsible for forcing thousands of legitimate patients, including those who have been acting in strict accordance with state law, back to the underground and unregulated market.

Medical cannabis law policy ought to be driven by relevant data and the experiences in other jurisdictions, not doctrine. The local chapters of Americans for Safe Access think medical cannabis patients and their loved ones deserve the real protections offered by the Montana Medical Marijuana Act and we believe the Montana Legislature can and must do better than repeal! We implore you to work with patients, physicians, providers, and other stakeholders to develop laws and policies necessary to properly control and regulate the Montana Medical Marijuana program.

FIX IT, DON'T NIX IT! OPPOSE HB 161!