

The Medical Cannabis Advocate's Handbook

TESTIFYING AT PUBLIC HEARINGS

Results of short term controlled trials indicate that smoked cannabis reduces neuropathic pain, improves appetite and caloric intake especially in patients with reduced muscle mass, and may relieve spasticity and pain in patients with multiple sclerosis.

—American Medical Association

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Elected bodies, including City Councils, County Boards of Supervisors, and Planning Commissions, often host public hearings to find out what constituents think about proposed legislation or other topics. Do not be intimidated by the word "hearing." It has nothing to do with going to court or being on trial. A public hearing is just what the name implies—a chance for elected officials to hear what you have to say in a public forum. Public hearings are a great place to influence medical cannabis legislation, but you need to plan ahead to make the most of your testimony.

The elected body holding a public hearing will usually hear testimony on numerous topics at the same time. You will want to check the agenda for your jurisdiction to find out when medical cannabis is on the agenda. Agendas for public hearings are usually available a few days in advance, although posting and publication deadlines vary from one jurisdiction to another. Most public hearing agendas are available online. You may have to contact the staff for the body holding a public hearing to find out how to check the agenda in your city, county, or state.

In some instances, the elected body will receive a staff report on the topic in advance of the public hearing. The staff report, which is prepared by staff members who work for the City Attorney, County Counsel, legislative committee, etc., will present analysis of the issue to be considered. The staff report is likely to contain a recommendation for the elected body—adopt the ordinance, reject a proposal, do more research, etc. Elected bodies tend to follow the recommendations in staff reports, so it is important to be prepared to support recommendations in the report with which you agree or argue persuasively against recommendations you oppose.

It is always best for an advocate to know what the elected officials will be considering before the public hearing. Always try to obtain the staff report, if any, in advance. It will usually be a part of the agenda package, which will be available a few days before the hearing (policies vary among jurisdictions). If you cannot locate it, ask the staff at offices of elected officials if you can speak to or otherwise communicate with the staff members who will write the report. This can be a useful strategy for influencing the report in advance of its publication. Take advantage of any opportunity to educate staff before they publish a report for a public hearing. It is much easier to support the staff recommendations than it is to oppose them.

You will have a limited amount of time to speak at a public hearing—sometimes as few as one or two minutes. Planning your comments in advance is important. ASA recommends sending written comments to the elected body in advance whenever possible. This will allow you to use your public speaking time more efficiently because you already have your thoughts organized. It is also possible your spoken comments will have more of an impact if the elected officials have already read them in a letter or email.

Whether or not you wrote in advance, you should plan your comments to make the most of limited time. As with all citizen advocacy, you must be accurate, brief, and courteous when you testify at a public hearing. It is a good idea to write your comments, make notes, or prepare an outline in advance. That way, you do not draw a blank when it is your turn to speak. This is especially important for those with limited experience with public speaking.

You should have one or two points to make





at a public hearing. Keeping it simple makes your comments easier to remember. If you have more to say, send a letter in advance or fol-

low up with more copious comments. Be sure to look up and write down any facts or statistics you want to relate. These are easy to forget on the spot!

Use this simple outline to frame your testimony at a public hearing:

1. Introduce and identify yourself—"Hello. My name is John Doe. I live in _____, and am a medical cannabis patient."
2. State your "ask" (what you want) up front—"I am here today to ask the City Council to allow medical cannabis collectives in any commercial zone in the city."
3. Reference comments you sent in advance, if applicable—"I hope you have had an opportunity to read the letter I sent last week."
4. Support your "ask" or make secondary points... but be brief.
5. Restate your "ask" before your time expires—"I urge you to allow medical cannabis collectives in any commercial zone in the city."
6. Say thank you and end your comments when your time expires.

Be sure to follow up after you testify at a public hearing. You can call your elected official two or three days after a public hearing to ask if he or she will do what you want (your "ask"). Try to be a solution for the representative. Does he or she need a sample ordinance, statistics, or cases studies? Is there anyone else to whom you should be speak-

ing? When will your representative make a decision or take action? Always be polite, but keep pushing for a commitment or concrete action. In politics, the squeaky wheel often gets the grease!

Lawyers, lobbyists, and other professionals sometimes make impressive presentations at public hearings. These may include sophisticated comments, visual aids, and expert opinions. Elected officials do not expect that grassroots advocates, concerned community members, or other laypersons will do so. It is enough for you to be accurate, efficient, and sincere. Keep in mind, however, that public hearings are official proceedings. You need to make a good impression with your comments, appearance, and demeanor. And always remember that everything you say is on the record.

There is a time when you may want professional assistance at a public hearing. If you are participating in a public hearing as a permit applicant or appellant, or if you anticipate being a party to any litigation as a result of the hearing's outcome, it may be prudent to consult with an attorney and have him or her present at the public hearing. In some cases, your legal options as an applicant, appellant, or plaintiff may be limited by the information presented at a hearing. Consult with a qualified attorney if you are involved in a situation like this.

By preparing in advance and using your time efficiently, you can make the public hearing an important tool in advocating for medical cannabis. You can make your testimony even more effective by sending written comments in advance and following up with a phone call afterwards. If you use these time-tested strategies, you will set yourself apart from the large majority of ineffective speakers at public hearings and make a real difference for safe access.