



To: Members of the House Task Force on Medical Marijuana
From: Maria Bruno, Lawyer and Policy Manager for ACLU of Ohio
Re: Medical Marijuana Legalization
Date: March 31, 2016

Thank you to Chairman Schuring and to the House Task Force on Medical Marijuana for allowing me to testify this afternoon. My name is Maria Bruno. I am a lawyer and Policy Manager at the ACLU of Ohio.

As you consider a proposal regarding medical marijuana, I ask you to keep in mind, what purpose does this law serve? And what specific harms will the law prevent? The ACLU of Ohio firmly believes that banning substances of any kind should be limited, and that the drug laws as they currently exist today are highly problematic. I understand that this committee would like to look solely at medical marijuana. However, in doing so, you cannot overlook examining the current climate of the war on drugs, because these issues are intertwined. Only discussing medical marijuana will lead to a very limited, potentially misleading conversation about the realities of existing drug laws. Any medical marijuana law would have to coexist with the Ohio criminal code's treatment of marijuana.

The ACLU supports the legalization of medical marijuana; however, we would prefer to support more expansive legalization. I would like to discuss three main points: (1) Support for medical marijuana legalization, (2) Problems with legalizing only medical marijuana, (3) Additional considerations for medical marijuana legalization

1. Support for Medical Marijuana Legalization

You have already heard from several doctors. Most of them have testified that they have looked for – extensively – and failed to find any legitimate medical basis for the harsh laws against marijuana, citing low addiction rates and high efficacy. A few doctors have stated that they had concerns and would like to see more testing done, but still did not list any legitimate medical basis for the current state of drug laws, and confirmed that the active ingredient contained within marijuana had legitimate medical uses.

You have also heard from a variety of patients, including parents of children with severe illnesses, who have stated unequivocally that however inconvenient, illegal, or immoral as some might judge it to be, marijuana is the medicine that works best to treat their condition. The legalization of medical marijuana would allow these patients access to a wider range of options for their medical care.

2. Problems with legalizing only medical use of marijuana

Medical marijuana's effectiveness relies on access to healthcare. If marijuana use must be funneled through our current healthcare system, it will remain inaccessible to some patients

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who need it. It will also ensure that a larger proportion of insurance premiums and Medicaid money will go towards marijuana. In other words, from a budgetary prospective, making access to marijuana like access to over-the-counter medicines such as Pepto-Bismol, aspirin, and other medications would ensure access and also eliminate added pressure on the Medicaid budget.

Additionally, the War on Drugs has largely failed, and marijuana, like other drugs, is still easy to obtain. Legalizing only medical marijuana ensures that non-regulated users will continue to clog up resources in our overburdened criminal justice system and continue to be victim to well-documented racial disparities within our justice system. This limited scope also means that unregulated users will not be taxed, and there will be no age minimum or quality control on the substance.

Failing to legalize marijuana also continues to legitimize the failed war on drugs. This approach has cost American taxpayers over \$1 trillion dollars, led to explosive prison populations, and created an underclass of people with criminal convictions disproportionately in communities of color. Those who advocate that marijuana should be illegal have cited the fact that it functions as a "gateway drug." Tobacco and alcohol are well documented to be extremely addictive and medically harmful. They are legal. The testimonies that this committee has listened to show that marijuana aids many people with chronic illnesses, and is also relatively harmless in terms of physical addiction and side effects, especially when compared to both alcohol and tobacco. Why these two substances, that often are used as "gateway drugs," are legal while marijuana remains illegal makes no logical sense.

Further, if you believe that the free market is a valuable component of society, then we should let the market decide for marijuana as it does for cigarettes, alcohol, and over-the-counter medications.

3. Additional considerations for medical marijuana legalization

Ohio's drug laws contain a variety of mandatory minimum sentences. Any proposal to legalize medical marijuana will need to specifically address how the medical marijuana laws would implicate future prosecution of marijuana offenses. Any prospective proposal that does not specifically state immunity or exceptions for distributors, manufacturers, patients, doctors, or other people involved in the legal distribution of medical marijuana would be incomplete as a practical matter.

Tracking medical marijuana doctors and users has the potential to create a very incriminating database. Due to state and federal regulations as well as the stigma that surrounds marijuana use, we would ask this committee to avoid gratuitous tracking mechanisms. While tracking may provide peace of mind to some, it also infringes on the privacy of patients and doctors, and potentially puts both at risk of targeted prosecution or intimidation.

Additionally, any medical marijuana bill that specifically limits the conditions allowed to be treated with medical marijuana would prevent doctors from determining the best treatment of patients. We oppose any restrictions on conditions that may be treated with medical marijuana and urge you to consider the importance of doctors' autonomy.

Lastly, a successful medical marijuana proposal should be accessible. States such as Kentucky and Minnesota have put such burdensome restrictions on medical marijuana that the legalization is ineffective in actually providing patient access. Such restrictions also do little to nothing to limit black market marijuana sales. The ACLU asks that any restrictions on medical marijuana distribution and usage be practical, realistic, and reasonable. At this time, I would be happy to answer any questions.