

Legislative Testimony

Special Committee on Medical Marijuana
October 28th, 2024

| WRITTEN ONLY |

Chairman Fagg and Members of the Committee,

Thank you for the opportunity to present testimony on behalf of the ACLU of Kansas. My name is Rashane Hamby, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas, a nonpartisan, non-profit organization with more than 35,000 supporters across the state. Our mission is to preserve and strengthen the civil rights and liberties of every person in Kansas. I am writing today to underscore the urgent need for Kansas to adopt a more just and rational approach to cannabis policy—one that recognizes the medical value of cannabis and addresses the profound harm caused by its continued criminalization. Legalizing medical cannabis and decriminalizing possession are essential steps to addressing public health needs, protecting individual rights, and promoting racial justice in our state.

Recognizing Cannabis as Medicine, Not a Crime

The scientific consensus is clear: cannabis has significant medical benefits, especially for individuals suffering from debilitating conditions such as cancer, epilepsy, and chronic pain. Medical cannabis is currently legal in 38 states, where over 4.5 million patients rely on it for treatment under the guidance of their healthcare providers¹. These patients use cannabis because it offers relief from symptoms that conventional medications often fail to alleviate without severe side effects.

In Kansas, thousands of individuals are denied access to this proven medical treatment. Conditions like chronic pain and PTSD remain untreated, and patients are forced to rely on opioid-based therapies, which carry a significantly higher risk of addiction and overdose. According to the CDC, opioids were involved in 73% of all drug overdose deaths in 2021², while cannabis has never been directly linked to a fatal overdose³. By legalizing medical cannabis, Kansas can help reduce its reliance on opioids and provide a safer alternative for patients in need.

¹ National Conference of State Legislatures. (2024). *State medical cannabis laws.*, from <https://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

² Center for Disease Control (2024). *Routes of Drug Use Among Drug Overdose Deaths — United States, 2020–2022.* from <https://www.cdc.gov/mmwr/volumes/73/wr/mm7306a2.htm>

³ CBC (2018). *Why overdose may be the wrong word when it comes to cannabis.*, from <https://www.cbc.ca/news/canada/calgary/cannabis-overdose-toxicity-marijuana-1.4816654>

The Constitutional Right to Make Personal Healthcare Decisions

Cannabis prohibition violates the fundamental right of Kansans to make decisions about their own healthcare in consultation with their doctors. Nationwide, nearly 90% of Americans support medical cannabis legalization, recognizing that individuals should have the freedom to access treatments that improve their quality of life⁴. Yet in Kansas, the state continues to interfere in the doctor-patient relationship by denying access to medical cannabis.

This is not just a public health issue but also a constitutional one. The right to privacy in healthcare decisions is well-established under the U.S. Constitution. It is unjust for Kansas to deny its residents the autonomy to choose a treatment that is legally available in most of the country. Legalizing medical cannabis would restore Kansans' right to make informed healthcare choices without fear of criminal repercussions.

The Urgent Need for Decriminalization

While legalizing medical cannabis is a critical step, Kansas must also decriminalize cannabis possession to address the broader harms caused by prohibition. Cannabis criminalization disproportionately impacts communities of color and working-class individuals, perpetuating cycles of poverty and incarceration.

In 2023 alone, Kansas recorded 4,645 arrests for marijuana possession and 380 arrests for marijuana sales. The vast majority of these arrests—91%—were for simple possession, not trafficking or violent crime.⁵ The ACLU's national report on marijuana arrests revealed that in Kansas, Black residents are 4.8 times more likely to be arrested for marijuana possession than white residents, despite similar rates of use across racial groups. This disparity is even more pronounced in cities like Wichita, where Black individuals make up 10% of the population but account for 45% of all marijuana-related prosecutions.⁶

These arrests are not just unjust—they are a drain on public resources. A study found that states spend an estimated \$3.6 billion each year enforcing marijuana laws⁷. In Kansas, millions of

⁴ Pew Research Center. (2022, November 22). *Americans overwhelmingly say marijuana should be legal for medical or recreational use*. <https://www.pewresearch.org/short-reads/2022/11/22/americans-overwhelmingly-say-marijuana-should-be-legal-for-medical-or-recreational-use/>

⁵ National Organization for the Reform of Marijuana Laws. (n.d.). *Kansas marijuana arrests*. NORML. <https://norml.org/marijuana/library/state-marijuanaarrests/kansas-marijuana-arrests/>

⁶ American Civil Liberties Union. (2020). *Extreme racial disparities persist in marijuana arrests*. <https://graphics.aclu.org/marijuana-arrest-report/>

⁷ American Civil Liberties Union. (2013). *The war on marijuana in Black and White*. Retrieved from <https://www.aclu.org/publications/report-war-marijuana-black-and-white>



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dollars are wasted on policing, prosecuting, and incarcerating individuals for low-level cannabis offenses. These funds could be better spent on education, healthcare, and community services that improve public safety and well-being.

Promoting Equity and Justice in Cannabis Policy

Any cannabis reform in Kansas must include measures to rectify the harms caused by decades of prohibition. Decriminalization alone is not enough; we must also ensure that those disproportionately affected by cannabis criminalization have the opportunity to participate in the legal market and that their records are cleared of past convictions

The economic impact of cannabis legalization is significant. States that have legalized cannabis for adult or medical use have generated over \$15 billion in tax revenue since 2014. In neighboring Missouri, medical cannabis sales generated over \$200 million in just two years⁸. Kansas has the potential to benefit from similar economic growth, but only if we ensure that the legal market is accessible to all. A tiered licensing system that prioritizes small businesses—particularly those owned by individuals from communities disproportionately harmed by prohibition—would prevent large corporations from monopolizing the industry and ensure that economic benefits are distributed more equitably.

Furthermore, expunging cannabis-related convictions is critical to meaningful cannabis reform. In states that have legalized cannabis, automatic expungement of past convictions is increasingly becoming the norm. Kansas must follow suit by creating a streamlined process for expungement, allowing individuals with low-level cannabis convictions to clear their records and move forward without the burden of a criminal record that limits their opportunities for employment, housing, and education.

A Path Forward for Kansas

Decriminalizing cannabis and legalizing its medical use is not only the right thing to do from a moral and ethical standpoint—it is also a practical solution that will improve public health, reduce racial disparities, and generate economic benefits for the state. The ACLU of Kansas strongly encourages the legislature to listen to the will of the people and join the 38 other states that have legalized medical cannabis

⁸ Missouri Cannabis Trade Association. (2024). *Economic impact of Missouri cannabis*. MoCannTrade. <https://www.mocanntrade.org/cpages/economic-impact>



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The time for action is now. By decriminalizing cannabis and legalizing its medical use, Kansas can align itself with a growing national movement and take meaningful steps toward justice, equity, and improved public health.

Sincerely,
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