House Bill 2566: Neutral Testimony   **Nick Reinecker March 20 2018**

Senate Judiciary Committee   **Senator Rick Wilborn: Chair**

Senators,

Thank you for allowing me to speak today regarding House Bill 2566. I am neutral to this bill and contend that cannabis prohibition is a threat to public health and safety, an irresponsible use of Law Enforcement/Correction resources and a violation of basic rights, including access to a substance that provides relief for suffering individuals, and can be grown to produce food, fuel, and fiber.

The present local, state, and federal laws in the United States and Kansas regarding the growing, possession, and consumption of cannabis are based largely on public hysteria and myth, rather than on any established data about the effects of cannabis on the user. Existing cannabis laws represent vast government over-reach into the personal lives of American citizens and violate principles of personal liberty and the Declaration of Independence. These laws are also making criminals of, and causing undue and unjust punishment to, many persons who have no criminal intent in the use of cannabis. The laws relating to cannabis are not uniformly enforced, and are being used as political weapons against people and industry, especially the young, ill, and minorities.

As of today, in addition to the fact cannabis is a schedule I substance, no reliable research on the effects of cannabis has shown its use to be as hazardous to the public, or the individual user, as the use of tobacco, alcohol, or many other stimulants and depressants legally available to the public.

Existing cannabis laws have created an illegal market for cannabis that contributes to crime and violence while funding cartels operating in Kansas. These laws have not had a significant impact on cannabis availability.

Millions of Americans have been arrested, imprisoned, fined, or otherwise needlessly criminalized and stigmatized, potentially for life, because of their use of cannabis. "Asset seizure" programs have raised over $13 billion for local police forces across the country, encouraging more cannabis arrests, while funding the purchase of high-tech military equipment for police, further militarizing their operations.

It should be noted that for Sovereign States, including Kansas, one of the areas in which states have traditionally held the greatest authority is in the exercise of their police powers to determine appropriate law enforcement policies reflective of local values and needs. The federal government cannot force a state to criminalize cultivating, possessing, or distributing cannabis, whether for general well-being, adult-use, industrial, or other uses, because doing so would constitute unconstitutional commandeering. I call on the Kansas Legislature to not only de-schedule cannabis but also call on police, prosecutors, and judges to focus the discretion afforded to them in an appropriate manner that preserves peace.

Thank You.

Title 21 United States Code (USC) Controlled Substances Act

SUBCHAPTER I — CONTROL AND ENFORCEMENT Part A — Introductory Provisions §802. Definitions

As used in this subchapter:

(1) The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

 (4) The term "Drug Enforcement Administration" means the Drug Enforcement Administration in the Department of Justice.

(5) The term "control" means to add a drug or other substance, or immediate precursor, to a schedule under part B of this subchapter, whether by transfer from another schedule or otherwise.

(6) The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. **The term does not include distilled spirits, wine, malt beverages, or tobacco,** as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.

 The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article. The term "drug" means (A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (D) articles intended for use as a component of any article specified in clause (A), (B), or (C). A food or dietary supplement for which a claim, subject to sections 343(r)(1)(B) and 343(r)(3) of this title or sections 343(r)(1)(B) and 343(r)(5)(D) of this title, is made in accordance with the requirements of section 343(r) of this title is not a drug solely because the label or the labeling contains such a claim. A food, dietary ingredient, or dietary supplement for which a truthful and not misleading statement is made in accordance with section 343(r)(6) of this title is not a drug under clause (C) solely because the label or the labeling contains such a statement.

Reference: https://www.deadiversion.usdoj.gov/21cfr/21usc/index.html

http://codes.findlaw.com/us/title-21-food-and-drugs/21-usc-sect-321.html

The Word "Marijuana" Versus the Word " Cannabis"   **by Tobias Coughlin-Bogue**

Why do we call marijuana marijuana? Growing up, I assumed that "marijuana" was the original Latin name for the plant I discuss every week in this column. But that's not the case.   Cannabis is its actual name. Cannabis is the genus that contains the three psychoactive plants we love so well: Cannabis sativa, Cannabis indica, and their stubby cousin Cannabis ruderalis. However, cannabis is far more commonly referred to as marijuana. Why?   The term "marijuana" came to the United States via Mexico. How it came to Mexico is still a mystery. Scholar Alan Piper made a valiant attempt at its etymology in a 2005 issue of the academic journal Sino-Platonic Papers, but came to the conclusion that it could have come from China, or maybe Spain, or maybe it was already in North America. "Of all the multifarious terms associated with the cannabis plant," he wrote, "marihuana is one of the most universally recognized and used in the English-speaking world, yet its origins remain deeply obscure." He goes on to say, "The word marijuana, together with the use of herbal cannabis as an intoxicant, is consistently identified as coming into the USA from Mexico, being brought there by migrant workers."   That key phrase—"the use of herbal cannabis as an intoxicant"—could explain why we still call cannabis marijuana today.

In 1930, Harry Anslinger, the head of the brand-new Federal Bureau of Narcotics, was unsatisfied with regulating only cocaine and opium. When he went in front of a congressional panel in 1937 to push his pot prohibition bill, he said, "We seem to have adopted the Mexican terminology, and we call it marihuana."

While he sounds all innocent there, like he just picked up the word from who knows where, many surmise that he was actively using the term to focus the discussion on recreational use. His terminology distanced the plant as much as possible from its common medical and industrial uses, where it was more often referred to as cannabis or hemp. Using "marijuana," most commonly associated with recreational use among poor Mexican immigrants, was a sneaky bit of branding for the bill he wanted passed.

Dr. William C. Woodward, legislative counsel of the American Medical Association, showed up to the same 1937 hearing to protest Anslinger's feigned semantic innocence, accusing him of switching the name to fool groups that would have otherwise been opposed to the bill.

"I use the word 'cannabis' in preference to the word 'marihuana,' because cannabis is the correct term for describing the plant and its products," Woodward said. "It was the use of the term 'marihuana' rather than the use of the term 'cannabis' or the use of the term 'Indian hemp' that was responsible, as you realized, probably, a day or two ago, for the failure of the dealers in Indian hempseed to connect up this bill with their business until rather late in the day."

As an example of the racial dimension of Anslinger's animus toward cannabis, here's one of his quotes on the subject: "There are 100,000 total marijuana smokers in the US, and most are Negroes, Hispanics, Filipinos, and entertainers. Their satanic music, jazz, and swing, result from marijuana use," he said. "This marijuana causes white women to seek sexual relations with Negroes, entertainers, and any others."

William Randolph Hearst was also happy to lend his newspaper empire to the cause of pot prohibition, printing such inflammatory bullshit in nationally syndicated columns as: "Was it marijuana, the new Mexican drug, that nerved the murderous arm of Clara Phillips when she hammered out her victim's life in Los Angeles?... Three-fourths of the crimes of violence in this country today are committed by dope slaves—that is a matter of cold record." This use of the term represents a marked linguistic shift. As NPR reported in 2013, "Throughout the 19th century, news reports and medical journal articles almost always use the plant's formal name, cannabis."

No matter how you slice it, the rise of the term marijuana is suspiciously contemporaneous with its popularity in racist screeds. To that end, I'm going to stop using the word "marijuana" in this column, except in proper names, quotations, or where it is part of the seemingly inseparable alliterative pairing "medical marijuana" (after all, "medical marijuana" has specific regulatory policy attached to it). While the word doesn't carry the same racist connotations it once did, I see no reason to use it when "cannabis" or "pot" or "weed" work fine. And I'm not alone. Harborside Health Center, one of California's largest and most influential dispensaries, has a page on its website devoted to the issue.

"The word 'marijuana' or 'marihuana' is an emotional, pejorative term that has played a key role in creating the negative stigma that still tragically clings to this holistic, herbal medicine," it reads. "Most cannabis users recognize the 'M word' as offensive, once they learn its history. We prefer to use the word cannabis, because it is a respectful, scientific term that encompasses all the many different uses of the plant." I asked an expert on the subject—someone who runs a socially conscious (and sadly illegal) cannabis delivery service—what they thought. "We are very vocally against that word and fully support whatever action you choose to take against its use," they said. "It's 100 percent racist terminology."

The Federal Drug Schedule Doesn't Make Any Sense

Published on May 7, 2014 in [War on Drugs](#) *by* [J. Wilson](#)

For some reason people always tend to think that when the government passes a law they've actually done some significant scientific study. People would especially hope that to be true for the Federal Drug Schedule. Unfortunately, this is almost never true even when it comes to the drug schedule.

When the government does study an issue they somehow always come to justify their original hypotheses. In other words, it's not science they're practicing because there's no chance of them being proven wrong. It's how the government continues to justify the prohibition of marijuana and other drugs that have significant medical applications or are only dangerous because of the drug war. It's why marijuana is somehow considered a Schedule 1 drug even though it's remarkably safe.
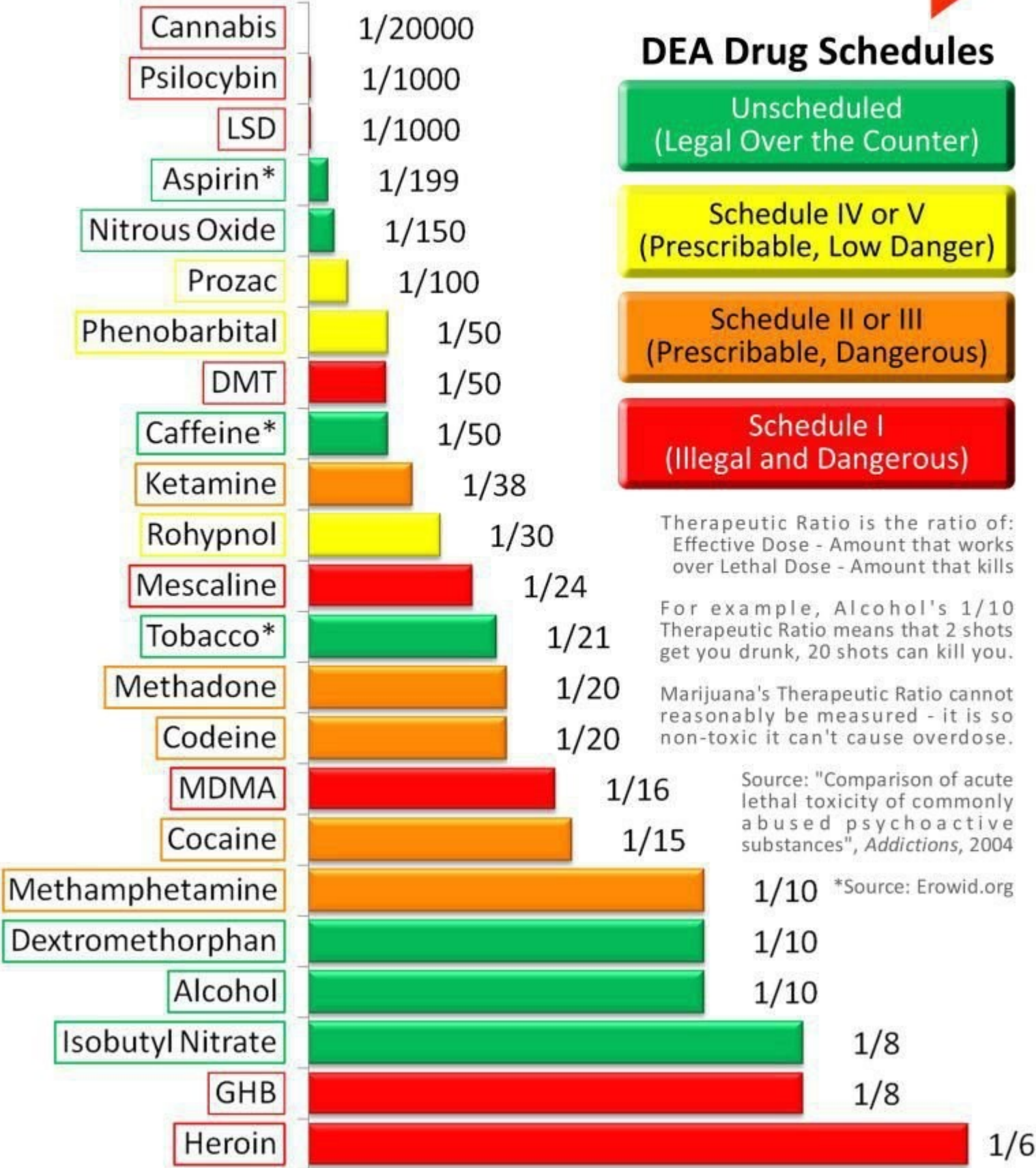
Prohibition is based on bad science because it's done for the purpose of proving the government's hypothesis that drugs should be illegal. People are given government grants and told what to prove and then they figure out a way to prove it. That's not science. Those are the people that make hyperbolic claims like your brain on ecstasy is like a fried egg. Fortunately [real drug facts](#) like this graphic are easy to come by. Serious scientists don't actually believe the government's propaganda.

The Federal Drug Schedule is based on this same flawed science. Unfortunately, that schedule is the basis for all drug prohibition in the United States. It's supposed to rank drugs Schedule 1-5 based on their medical potential and their potential for abuse. Schedule 1 Drugs are supposed to be the most dangerous and therefore are the most highly restricted and prohibited. They're said to have no medical use and a high potential for abuse. It's easy to see how unscientific the drug schedule is just by seeing that marijuana is somehow a Schedule 1 drug.

This rest of the graphic makes it even more clear. It's obvious how completely random the government is when it makes things illegal. Their scientists didn't include basic principles like the Therapeutic Ratio. That's the ratio of effective doses over a potentially lethal dose; it determines a substance's toxicity. Heroin has a ratio of 1/6 meaning it's very toxic and is therefore a Schedule 1 Drug. But, then why is marijuana a Schedule 1 Drug? It's impossible to overdose on marijuana, it's therapeutic ratio is immeasurable because it's so non-toxic.

Marijuana also has a [high potential for medical use](#) as is being proven in the two dozen states that have legalized medial marijuana. Although the states have made it legal it's still difficult to do research on marijuana's medial benefits because of the Federal Drug Schedule's classification. If it were moved down just one rank to Schedule 2 it would be significantly easier.

As you can see, the Federal Drug Schedule isn't built on the cutting edge science the government would have you believe it is. Some addictive or toxic drugs are legal and some drugs aren't. Some medically useful drugs are legal and some drugs aren't. It all depends on which politician gets which bill passed to benefit the paper industry, or the pharmaceutical industry, or the alcohol or tobacco industries.

Very Non-Toxic ➜ **Getting More Toxic** ➜ **Approaching Poison**

Cannabis	1/20000
Psilocybin	1/1000
LSD	1/1000
Aspirin*	1/199
Nitrous Oxide	1/150
Prozac	1/100
Phenobarbital	1/50
DMT	1/50
Caffeine*	1/50
Ketamine	1/38
Rohypnol	1/30
Mescaline	1/24
Tobacco*	1/21
Methadone	1/20
Codeine	1/20
MDMA	1/16
Cocaine	1/15
Methamphetamine	1/10
Dextromethorphan	1/10
Alcohol	1/10
Isobutyl Nitrate	1/8
GHB	1/8
Heroin	1/6

DEA Drug Schedules

Unscheduled
(Legal Over the Counter)

Schedule IV or V
(Prescribable, Low Danger)

Schedule II or III
(Prescribable, Dangerous)

Schedule I
(Illegal and Dangerous)

Therapeutic Ratio is the ratio of: Effective Dose - Amount that works over Lethal Dose - Amount that kills

For example, Alcohol's 1/10 Therapeutic Ratio means that 2 shots get you drunk, 20 shots can kill you.

Marijuana's Therapeutic Ratio cannot reasonably be measured - it is so non-toxic it can't cause overdose.

Source: "Comparison of acute lethal toxicity of commonly abused psychoactive substances", *Addictions*, 2004

*Source: Erowid.org