



KANSAS NARCOTICS OFFICER'S ASSOCIATION

March 14, 2019

Opposition Testimony for SB113

Senator Suellentrop and Senate Public Health and Welfare Committee Members,

I come before you today to ask you to be a leader not a follower. People tell you that medical marijuana is the cure all. It will heal everything and will stop the black market. Medical marijuana actually only treats limited illnesses, and for those illnesses pharmaceutical companies have developed or are in the process of developing FDA approved drugs. I have yet to go to my doctor and have him say smoke this you will be treated. By legalizing medical marijuana the drug cartels do not just stop selling their product they will sell out the back door of legitimate shops. An adult over 21 is allowed to purchase 1 ounce a day. But by smurfing a person could travel to the city of Denver and purchase 169 ounces roughly 10 lbs. a day that means a person would spend 4 days to get 40 plus pounds of recreational pot to bring back to their state and sell. By looking at KHP stats and interviews people with 100 lb. loads are spending 10 days in Colorado to get their drugs. But during some cooperative interviews people say they were only there for a day or two before heading back. So how are they getting what they need, easy to talk to the other guy who works for the shop and boom pick up 50 lbs. pay cash and off they go through our state. And guess what, no taxes on that 50 lbs. everyone makes their money but the state.

Our points of concern are that marijuana continues to be illegal under federal law. While federal prosecutors usually limit their prosecutorial actions on drugs based on quantities and scope of the violation, this bill may be pushing those limits because of how broadly inclusive it is on ailments and exemptions from things prohibited in federal law. We should not forget the dilemma a law passed several years ago placed some of our southeast Kansas citizens in when they engaged in acts the legislature deemed lawful, which were unlawful under federal law. In that case, Kansas citizens acted under the state law only to find them being prosecuted, convicted, and sentenced for the federal law violation. Convictions that were upheld in federal appeals. Since the marijuana products being authorized by state law in this bill are clearly in violation of federal law, we could be setting up Kansans for this same fate.

Progress is being made in developing these drugs in the existing pharmaceutical processes. Those processes will assure quality control, dosage control, and proper physician oversight. But marijuana convenience store sales cannot provide any such assurance.

The definition of "Adequate Supply" (page 1, lines 17-23 is very broad. A 3-month supply is significantly more than what is reasonably necessary "to ensure the uninterrupted availability."

The list of “Qualifying medical conditions” is so extensive it is doubtful most people could not qualify. (Page 2, line 16-page 3, line 4) The provision on page 3, line 3, which directs the board of pharmacy to include any “pain, suffering or debility and for which there is credible evidence . . . that the medical use of cannabis could benefit. . .” is particularly broad. There is a big difference between “evidence it could benefit” and scientific “evidence it does provide a benefit.” The bill language is a pretty low bar. This definition pretty much makes this a full legalization bill.

The provision on page 3, line 35-page 4 line 3, along with the definition of “adequate supply” authorizes the user to possess in any location at any time large quantities of marijuana that today would be indications of significant drug trafficking. This, when considered with the extensive list of “qualifying medical conditions” will likely make black markets of marijuana flourish with the licensing system being a mechanism to make it difficult to establish illegal sales under the provisions of the bill.

It is concerning that the disqualifying felony convictions only include drug violations. We believe there is concern with persons convicted of other felonies, particularly certain person felonies, to be working in an industry distributing a drug which can influence illegal behavior. For example, do we really want a person convicted of rape, child sex crime, murder, aggravated assault/battery, etc. to be licensed to cultivate process, sell and distribute marijuana? Wouldn't we want licensure requirement to be at least as stringent as they are for alcohol licenses? Do we want persons in the country illegally to be licensees? (For example, see KSA 41-2623 and 41-311)

The provisions on page 19, line 9 appears to allow licensees to deal in many more drugs than just marijuana. If we are interpreting this correctly this is very troubling. Likewise, the provision on page 24, lines 21-24 appears to allow a distribution or manufacturing licensee to deal in paraphernalia beyond that used for marijuana, since the language allows the exemption “whose distribution and manufacture” is allowed under the act, but doesn't limit the use of the paraphernalia to actions authorized under the act.

That is not our only concerns with this bill. But it is a start and significant enough it should raise doubt to the wisdom of moving this bill forward.

In our opinion, this bill has all the appearances of being designed to go much further than just medical marijuana. It would likely undermine efforts to enforce other illegal drug activity because of how broadly the exemptions as we have explained above are written. This bill is opening marijuana, and probably many other drugs, to near full legalization. The Committee should be very cautious of the underlying intent and the unintended consequences with which it is riddled.

Another concern of ours is that there is not going to be a board licensed pharmacist at every one of these “medicinal marijuana facilities”, what if some of the medication the patient is already taking counteracts with the medicinal marijuana. Who is going to be liable?

The extremely broad scope of covered diseases and exemptions in this bill demonstrate there are many unintended consequences that are difficult to spot in the bill. We encourage the committee to not move this bill forward.

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