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Fact Sheet on S.B. 998 An Act Relative to the Arrest and Prosecution for the Possession of Marijuana for Medical Purposes for the 2005-2006 Legislative Session

Background

In 1991, Gov. Weld signed into law a medical marijuana bill passed by the state legislature, creating G.L. c. 94D. This statute created “a therapeutic research program” within the state Department of Public Health (DPH), “to conduct research and monitor experimentation in the use of marijuana as a therapeutic modality ...”.

Unfortunately the law required that the only marijuana for use in this program was the supply under the strict control of the National Institute of Drug Abuse (NIDA). During the last fourteen years, both DPH and the University of Massachusetts - Amherst have filed several research protocols with NIDA and the Drug Enforcement Administration (DEA), all of which have either been ignored or rejected. Currently, researchers in Massachusetts have a lawsuit pending against the DEA so that Massachusetts may grow its own marijuana for use in scientific research.

The federal government has NEVER interfered with the protection of Individual Patients under state law in any of the nine states where medical marijuana laws have passed. Therefore, the Commonwealth should take the small step proposed by S.B. 998 that will protect confirmed medical marijuana patients from arrest and prosecution under state law.

S.B. 998

This bill amends the current controlled substances statute so that police can use their own judgment in arresting persons with proof that they are possessing marijuana for medicinal purposes. This new provision does not require the expansion of state administrative services, while protecting the public safety.

- By allowing police officers to determine whether or not an individual is possessing marijuana in accordance with the proposed law time and money can be saved by avoiding an arrest.
- If a law enforcement office is unsure of an individual’s medicinal use and an arrest occurs defendants are able to use a defense of medical necessity for the possession of marijuana.
- Definitions are expanded to determine what medical use of marijuana entails.
- Doctors recommending marijuana must be licensed by the state and have a bona fide physician-patient relationship.