

From: Richard Sears [RSEARS@leg.state.vt.us]
Sent: Friday, January 15, 2016 7:51 PM
To: Childs, Michele; Pepper, James
Subject: Fwd: comments on marijuana regulation hearings

FYI on comments some I agree with others not and some I did have a strong position on. Please look at his comments regarding Butane Hash Oil. I think we should consider something that might discourage it.

Dick

Sen. Dick Sears
343 Matteson Rd.
North Bennington, VT 05257
Chair Senate Judiciary Committee
Appropriations Committee
Sent from my iPad

Begin forwarded message:

From: Matt Simon <msimon@mpp.org>
Date: January 15, 2016 at 10:46:53 AM EST
To: rsears@leg.state.vt.us, jbenning@leg.state.vt.us,
tashe@leg.state.vt.us, anitka@leg.state.vt.us
Cc: Penny Carpenter <pcarpenter@leg.state.vt.us>
Subject: comments on marijuana regulation hearings

Dear Chairman Sears and Members of the Senate Judiciary Committee,

I greatly appreciate the seriousness with which your committee has been approaching the marijuana regulation issue. I feel honored to be part of these proceedings, even as an observer. Before I get into specifics, I just want to thank you for giving this issue the attention it deserves, and for seeking to determine the facts before proceeding with these important policy decisions.

I'll begin by responding to a few questions that have been raised about the advocacy positions of the Marijuana Policy Project and its allies with the Vermont Coalition to Regulate Marijuana. Here are our opinions (and my comments) on a few of the key issues that have been raised so far:

Edibles: We believe the production and sale of edibles can and should be regulated. As Bill Lofy noted in his testimony, Washington has done an excellent job with edibles since Day One (I can show you samples of their packaging if you'd like) and Vermont could learn from that state's example. However, we appreciate the concerns some have expressed about moving too quickly on edibles, so we feel it is reasonable to have a study committee look at this before proceeding. We do not anticipate any strong objections from the members of our coalition on the subject of edibles being relegated to further study, although some will note that edibles comprise over 1/3 of retail sales in Colorado, and that unregulated edibles likely pose a greater risk to consumers and communities than edibles that have been created in a regulated setting and tested and labeled for potency and purity.

Lounges: As David Mickenberg indicated in his testimony, we are glad this aspect of the issue is being talked about. People will, at some point, need a place to consume legally that is not a privately owned residence. However, we will not object if the "lounges" concept is "jettisoned" (to use Sen. Ashe's word) for now and relegated to a study process along with edibles.

Impaired Driving: I was surprised to learn, from Chief Doucette's testimony, that Vermont only has 34 DREs, with only 11 more in training. We believe Vermont can take strong steps to combat drug-impaired driving without rushing to adopt a *per se* standard for marijuana that is not justified by the currently available evidence. Targeted tax revenues could pay for DRE training, new technology, educating consumers against driving while impaired (something today's dealers are *not* doing), and public education campaigns, etc.

Not adopting a *per se* standard would simply mean that a driver could choose to argue against the evidence of impairment — which can include the results of any blood test — in court, as is the case in Colorado.

District of Columbia: Since Chairman Sears asked why D.C. legalized possession and cultivation but not regulated production and sales, there is a simple answer: D.C. did as much as voters themselves had the power to do through the ballot. Initiative 71, which passed with 70% of the vote in 2014, legalized the following:

- Possession, purchase, and transportation of up to two ounces of marijuana for personal use by adults 21 and older.
- Personal cultivation of up to six marijuana plants, with no more than three being mature, by adults 21 and older in their personal residences. Adults may possess all of the cannabis grown by those plants at the same location. (No more than a total of 12 plants — six being mature — may be grown in a single house or rental unit.)
- Transfer of up to one ounce of marijuana by adults 21 or older to another adult 21 or older. All transfers are to be free from remuneration; sales are still prohibited.
- Use or sales of paraphernalia for marijuana use, cultivation, or processing.

D.C. voters would almost certainly have approved a system of regulation and sale similar to those found in Colorado, Washington, Oregon, and Alaska, but under D.C.'s unique system of government, this reform would require action by the D.C. Council. Unfortunately for supporters of marijuana regulation in D.C., Congress exerts considerable influence on the D.C. Council, and in 2015 and 2016, Congress explicitly forbade D.C. from moving forward with a regulated system of marijuana production and sale.

Butane Hash Oil: By all means adopt an appropriate penalty to discourage the unlicensed home production of Butane Hash Oil! We should all seek to educate people against this dangerous method of producing marijuana concentrates in any but the most controlled conditions (other methods of making concentrates, such as those using ice or dry ice, carry no risk of explosion). Additionally, if regulated concentrates are not included in the bill, we believe the regulation of concentrates should be given serious study along with edibles and lounges. As with edibles, there is substantial demand for these products, even now, in Vermont, and the illicit market that we wish to eliminate will likely continue to supply what an unregulated market will not.

The word “cannabis” vs. the word “marijuana”: Since our coalition member Bill Lofy brought this up in testimony, I feel I should address it. In a nutshell, MPP does not have a position on whether or not marijuana should be called “marijuana” or “cannabis.” We work to end the prohibition of marijuana, but if the plant we end up legalizing starts being called by its scientific name rather than by a slang term associated with Prohibition-era racism, that is perfectly fine with us.

Home Cultivation — We feel strongly that limited, unlicensed home cultivation should be included in any bill. We do not, however, have strong feelings about whether the limit should be measured by canopy size or number of plants. Each method has pros and cons. The Rand Corporation recommended adopting a limit based on canopy size (they didn't say what that limit should be), but we are inclined to believe law enforcement may be more comfortable with a plant limit.

Marijuana and Caffeine Dependence — Dr. Porter was right that cannabis dependence and withdrawal are described in the DSM-IV and DSM-V. Senator White was also correct that the symptoms described sound like caffeine withdrawal — by the way, caffeine dependence is also described in the DSM-IV and ["caffeine withdrawal syndrome" is described in the DSM-V](#).

To put cannabis dependence and withdrawal in perspective, I think it's useful to consider [Dr. Sanjay Gupta's take](#):

We now know that while estimates vary, marijuana leads to dependence in around 9 to 10% of its adult users. By comparison, cocaine, [a schedule 2 substance](#) "with less abuse potential than schedule 1 drugs" hooks 20% of those who use it. Around 25% of heroin users become addicted.

The worst is tobacco, where the number is closer to 30% of smokers, many of whom go on to die because of their addiction.

There is clear evidence that in some people marijuana use can lead to withdrawal symptoms, including insomnia, anxiety and nausea. Even considering this, it is hard to make a case that it has a high potential for abuse. The physical symptoms of marijuana addiction are nothing like those of the other drugs I've mentioned. I have seen the withdrawal from alcohol, and it can be life threatening.

Thank you for reading and considering my comments. I'll continue to take detailed notes and observe with great interest. Feel free to call on me at any time if you have questions you think I might be able to help answer.

Best Regards,

Matt

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Matt Simon, New England Political Director
Marijuana Policy Project
Montpelier, Vermont
office: 202-905-2025
mobile: 603-391-7450
virtual fax: 202-905-2003
msimon@mpp.org, <http://www.mpp.org>

"The plain and simple truth is that alcohol fuels violent behavior and marijuana does not... alcohol contributes to literally millions of acts of violence in the United States each year. It is a major contributing factor to crimes like domestic violence, sexual assault, and homicide. Marijuana use, on the other hand, is absent in that regard from both crime reports and the scientific literature. There is simply no causal link to be found." –former Seattle Police Chief Norm Stamper, from the foreword to *Marijuana is Safer: So Why Are We Driving People to Drink?* (2009, Chelsea Green Publishing).

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