



April 28, 2011

Governor Chris Gregoire
Office of the Governor
PO Box 40002
Olympia, Washington 98504-0002

Re: E2SSB 5073 Medical Use of Cannabis

Dear Governor Gregoire:

On behalf of the 24,000 Washington members of the ACLU, I urge you to sign Engrossed Second Substitute Senate Bill 5073 into law.

Washington residents with terminal and debilitating medical conditions, whose doctors have authorized the medical use of cannabis, need safe access to quality-controlled sources of cannabis that are not supporting the black market.

Washington State needs to provide clarity for law enforcement about how patients can access cannabis for their legitimate medical use. And local governments need regulatory tools to make sure that patient access to cannabis is provided in a manner that is safe for their communities.

Qualifying patients with terminal and debilitating medical conditions, whose doctors have authorized their medical use of cannabis, have been waiting for 12 years for the legislature to craft a workable system for providing access to an “adequate, safe, consistent, and secure source” of medical marijuana. With the leadership of Sen. Jeanne Kohl-Welles and Rep. Eileen Cody, the 62nd Legislature has delivered. E2SSB 5073 provides state oversight of safe access for patients; tools that allow local governments to control how access is provided in their communities; and clarity for law enforcement so that their limited resources are not wasted on unnecessary arrests and prosecutions.

The Legislature has been working closely with your agencies on this piece of legislation for nearly a year. The prime sponsor, Sen. Kohl-Welles, has received and incorporated multiple rounds of input from staff of your Department of Agriculture, Department of Corrections, and Department of Health.

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The concern that state employees who help enforce E2SSB 5073 would be at risk of arrest and prosecution under federal law does not withstand scrutiny. Under the bill, state employees would be involved in licensing and regulating functions only. No provision exists within the federal Controlled Substances Act that makes it a crime for a state employee to issue licenses and adopt regulations that help the state define conduct that is legal under its own state laws.

The federal government has never prosecuted state employees involved in implementing a state-adopted medical marijuana law, and it will not do so in Washington. Empty threats by the federal government should not be used as justification for refusing to sign legislation that will aid suffering residents, as well as local governments, of Washington. We urgently need our own state's leaders to step up and fix this problem.

The letters issued by the U.S. Attorneys in Washington (April 14), Montana (April 20), and Colorado (April 26) have simply reiterated the *authority* of the federal government. They are not statements of intent to prosecute. The attached memo provides in-depth explanation of this issue.

The vast majority of Washington voters favor allowing patients with terminal or debilitating conditions to use medical cannabis if their doctors recommend it. And they favor our own state— not the federal government —making its own laws regarding medical marijuana.

This bill is an important step forward in addressing a long-standing problem. This problem will only get worse if the bill is not adopted. As a national leader among governors, you can help bring relief to suffering Washington residents and safety to their families and their communities by approving this bill. In light of these urgent concerns, the ACLU of Washington urges you to sign E2SSB 5073 into law.

Sincerely,



Kathleen Taylor
Executive Director

Enclosure

Cc: Jim Justin
Jay Manning
Narda Pierce