

SB 374
MEDICAL MARIJUANA
FEBRUARY 5, 2014

City of Las Vegas



FEDERAL FRAMEWORK

⦿ Controlled Substances Act – Schedule 1

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical use in treatment in the United States.
- There is a lack of accepted safety of the drug or other substance under medical supervision.
- No prescriptions may be written for Schedule 1 substances, and such substances are subject to the Drug Enforcement Administration jurisdiction.

⦿ Past petitions to the DEA to reschedule marijuana have been denied.

⦿ 21 states have implemented medical or recreational marijuana programs.



DEPARTMENT OF JUSTICE MEMO

8 ENFORCEMENT AREAS

AUGUST 29, 2013

- ⦿ Prevent the distribution of marijuana to minors;
- ⦿ Prevent revenue from going to criminal enterprises, gangs and cartels;
- ⦿ Prevent the diversion of marijuana to other states;
- ⦿ Prevent state-authorized marijuana activity from being used as a cover for the trafficking of other illegal drugs or other illegal activity;
- ⦿ Prevent violence and the use of firearms in the cultivation and distribution of marijuana;
- ⦿ Prevent drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- ⦿ Prevent the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- ⦿ Prevent possession or use on federal property.



NEVADA FRAMEWORK

- 2000 – Question 9 approved by 65% of Nevada Voters
- 2001 – State Legislature implemented card registration
- 2013 – SB 374 authorizing:
 - Dispensaries
 - Laboratories
 - Cultivation Facilities
 - Production Facilities - Edible and Infused



STATE REGULATION PROCESS

- Regulation assigned to State Division of Mental and Behavior Health
- October–December 2013 – Workshops and Draft Regulations
- Regulations sent to Legislative Council Bureau for drafting on January 13, and anticipate LCB draft in February 2014
- State Board of Health hearing and consideration – March 2014
- Legislative Commission consideration



STATE REGULATIONS

- ⦿ **Determine regulations for each type of facility**
- ⦿ **Develop State certification process**
(Request for Permit Applications evaluated on a merit-based criteria)
- ⦿ **Product tracking system**
- ⦿ **Electronic verification system for cards & product**
- ⦿ **State Taxation regulations**
(2% wholesale, 2% retail)



STATE AUTHORIZED FACILITIES

- ◎ **Dispensaries** – maximum of 10 in City limits
- ◎ **Edible Production Facilities***
- ◎ **Testing Laboratories***
- ◎ **Cultivation***

* State MAY determine a number for the State to service patient community.
City may restrict number within jurisdiction.



STATE APPLICATIONS

- State will issue a request for applications
- 10-day submittal timeframe will be held 45 days after the notification for applications
- Division will set point values for portions of the application
- The State will rank the applications, forward applicants to local government in rank order per the number of authorized facilities, and issue a provisional registration certificate



REGULATORY SYSTEM

- **Vertical Integration:** Own seed-to-sale in one company
- **Hybrid Vertical Integration:** Require multiple relationships of a cultivator or restrict number of sales to a retailer – no monopoly or closed system
- **Separated Ownership:** Does not allow ownership at more than one level of the system
- **Wholesale Distribution:** 3 Tier System with wholesale distributor between cultivator & retail
- ◉ **State allows either Vertical, Hybrid or Separated based on application proposals**



ASSIGNMENTS TO LOCAL GOVERNMENT

- ⦿ Compliance with Local Ordinances and Regulations
- ⦿ Land Use Requirements – Permitting
- ⦿ Local Inspections
- ⦿ Building Standards
- ⦿ Environmental Requirements and Clean-up
- ⦿ Business Licensing and Operational Regulations



LOCAL GOVERNMENT DETERMINES

- ◉ Types of facilities to be allowed within the jurisdiction
- ◉ Number or size of facilities to serve the community
- ◉ Standards for local operations
- ◉ Building requirements
- ◉ Appropriate placement of facilities within the community
- ◉ Licensing and operational requirements
- ◉ Community concerns



DECISION POINTS: LOCAL PROGRAM

Current moratorium expires March 17, 2014

- ◎ **Direction to develop a Medical Marijuana Program?**
- ◎ **Timing?**
 - Extend moratorium or develop regulations before State application process begins



DECISION POINTS: TYPES OF FACILITIES

- **Cultivation**
- **Dispensaries**
- **Laboratories**
- **Edible Products**
 - Infused
 - Natural plant materials



DECISION POINTS: LOCAL STANDARDS

- ◎ **Develop Best Practices/Local Standards for Council Consideration?**
 - Ownership/regulatory structure and operations
- ◎ **Land Use Concerns?**
 - Dispensaries: District vs. Dispersed
- ◎ **Community Concerns to research and address?**



NEXT STEPS

- ⦿ Planning Commission Review of Land Use Regulations – February 11, 2014
- ⦿ Drafting of local ordinances
- ⦿ Address need for legal counsel
- ⦿ Public Hearing on ordinances
- ⦿ Consideration by City Council



What this City Council is about to decide today will have a big impact on the future of Las Vegas. I have done my own research. I do not support medical marijuana or the legalization of marijuana and I want to clearly and publically state the reasons why.

Smoking marijuana is not a medicine

The United States Food and Drug administration does not support the use of marijuana for medical purposes. Marijuana is actually listed by the FDA as one of four, Schedule 1, dangerous drugs along with heroine, methamphetamine, and cocaine, and states it has a high potential for abuse and no currently accepted medical use.

The American Medical Association argues against medical marijuana saying heavy

cannabis use in adolescence causes persistent impairments, negatively impacts neurocognitive performance, lowers IQ and is associated with increased rates of anxiety, and psychiatric thought disorders.

According to the American Psychiatric Association there is no current scientific evidence that marijuana is in any way beneficial for the treatment of any psychiatric disorder. In contrast, current evidence supports a strong association of cannabis use with the onset of psychiatric disorders in adolescence, and are particularly vulnerable to the harmful effects of cannabis on neurological development. The effects of marijuana also include addiction.

The American Society of Addiction Medicine does not find sufficient evidence to support the notion that the public health benefits of using a

noted illicit drug outweigh the dangers to users and to their communities. According to ASAM president, Dr. Stuart Gitlow, “Public policies that support prevention and treatment for addiction should be the basis of our government’s response to a chronic disease that affects 23 million Americans. This requires, however, that substances of abuse are not made more easily available or made to seem less dangerous than they really are”.

The American Academy of pediatrics is against medical marijuana.

According to the National Institute on Drug Abuse, the scientific evidence is not sufficient for the smoking of the marijuana plant to gain FDA approval, nor have there been enough clinical trials showing that marijuana benefits outweigh its risks.

The Office of National Drug Control Policy does not endorse medical marijuana

The National Association of School Nurses does not endorse medical marijuana.

Several pharmaceutical drugs have been developed which contain similar chemicals to those found in the cannabis plant, this chemical is called a cannabinoid or CBDs. They come in spray, pill or oil form. I found 10 pharmaceutical drugs based on marijuana with their names, trade names, manufactures cannabis related properties, suggested medical uses, and approval status. Unfortunately it doesn't produce a high which is the whole point of the THC portion of marijuana.

Let's look at marijuana

Marijuana is a federal felony crime along with heroin, cocaine and methamphetamine.

The National Association of Assistant United States Attorneys, representing hundreds of federal prosecutors, opposes US Attorney General Eric Holder's decision to not prosecute drug dealers to the full extent of the law.

Smoking marijuana is about the THC which is the chemical they gets you high.

According to former Congressman Patrick J Kennedy who is the chair of Projects SAM (smart approaches to marijuana), marijuana use saps motivation, perseverance and determination. This country is on the brink of creating a massive marijuana industry that will inevitably target teens and other vulnerable

populations. Misconceptions about marijuana are becoming more and more prevalent

According to the National Institutes of Health, marijuana is addictive, reduces IQ, and contributes to car crashes. Physical consequences of smoking marijuana include respiratory problems, lung infections, and a diminished immune system.

According to the Israel Pharmacists Association, the effects of marijuana include anxiety, psychosis, drowsiness, problems with motor activity, increased blood pressure, heart attacks, cardiac death, stroke, damaged blood vessels, and decline in memory.

According to Lady Gaga “I have been addicted to it and it’s ultimately related to anxiety coping and it’s a form of self medication, smoking up to 15 to 20 marijuana cigarettes a

day. I was living on a totally other psychedelic plane, numbing myself completely. I just want young kids to know that you actually can become addicted to it and there's this sentiment that you can't.

According to the National Institute on Drug Abuse, marijuana is an intoxicating drug that impairs memory motor function and when smoked, respiratory health, and adolescent use of marijuana can cause permanent brain damage including lowering of IQ

According to the National Drug Control Policy and the National Drug Control Strategy, marijuana is listed as one of four dangerous drugs along with cocaine, heroin, and methamphetamine.

Impact on Juveniles

Marijuana use rates with 12 to 17-year-olds is highest in medical marijuana states

More than one third of 12th-graders in medical marijuana states got their pot from someone else's medical marijuana recommendation.

Medical marijuana was approved in Vermont in 2004. Vermont has the highest percentage of marijuana use among 12 to 17-year-olds in the nation. According to the current governor in his recent state of the state speech address to lawmakers, "the crisis I'm talking about today is a rising tide of drug addiction and drug related crimes spreading across Vermont".

Oregon, with its liberal drug laws, currently has the nation's third highest rate of marijuana use among youth ages 12 to 17. The percentage of

kids in drug counseling for marijuana addiction has been increasing annually.

According to the National Institutes of Health, one in 6, 16-year-olds who try marijuana will become addicted. It also states that exposure to marijuana for teenagers can alter brain development.

Getty Images research shows young pot smokers could be damaging brain structures, critical to memory and reasoning.

Northwestern University scientists studying teens who were marijuana smokers found that parts of the brain related to working memory appear diminished in size. They observed that the shapes of brain structure related to short-term memory seemed to collapse inward or shrink for those using marijuana when compared to healthy adolescents.

There is societal chaos that occurs when medical marijuana is legalized

A licensed doctor recommends that his or her patient consume a schedule 1 controlled substance, that is smoked, which is not approved by anyone, which is not sold by a pharmacy, without the doctor's knowledge of the strength or purity of the marijuana consumed, and amount completely controlled by the patient. That is medical malpractice.

Attorneys representing clients in marijuana businesses may face significant ethical issues that could result in losing their license to practice law. State Bar associations have to decide what to do with attorneys who provide legal advice to people who engage in the commission of federal felonies. Our city attorney is currently in this situation.

Banks may be engaging in money laundering when they accept cash for the sales of marijuana which is federally illegal.

Many cities across United States are passing ordinances prohibiting any medical marijuana in their jurisdictions.

The Drug Enforcement Administration, state and local police, and other federal agencies can arrest, confiscate and shut down a business connected to marijuana

Marijuana can currently be found in gum, candy, coffee, sodas, and cookies.

What are the liabilities of local officials who develop and authorize medical marijuana businesses that violate federal law.

THC is documented to stay in the body days and weeks after ingestion. What do we do with

high risk occupations who may be performing their occupation with THC in their system.

The Law Enforcement Council of Washington County Oregon, made up of police chiefs and district attorneys, gave the following statement: the Law Enforcement Council opposes the establishment of medical marijuana in the city and county limits of Washington County. Marijuana use is a serious public health concern and has negative implications for the welfare of our community. We believe it will harm the general welfare of our community because of the significant potential to increase marijuana use among our youth, placing a higher burden on emergency room care, drug treatment and other healthcare systems, an increase in marijuana related exposure cases, and increased illegal interstate drug trafficking. Marijuana

impairment doubles the risk of deadly traffic crashes and is a major causal factor in high school dropouts. Medical marijuana dispensaries are harmful to the surrounding community and its residents and constitute a public nuisance contrary to our community values which support Washington County as a safe place to live, work and raise a family.

According to researchers at Columbia University, fatal crashes involving marijuana has tripled in the last decade. “If this trend continues, in the next five to six years drugs will overtake alcohol to become the most common substance involved in deaths related to impair driving”.

CVs pharmacy has announced they will discontinue sales of tobacco products for health reasons, at the same time we are

considering opening marijuana shops, which are more dangerous.

What is this really about?

This is about public opinion creating a medicine, in order to gain legal access to THC.

This is all about legalizing marijuana. Marijuana advocates say they are crafting the necessary initiative language for Nevada to approve the use of pot for recreational purposes.

This is about people looking to make a lot of money in the marijuana business. According to the Washington Times, multimillion dollar private investment groups have emerged and are poised to become in their words “Big marijuana”. Drug policy expert Mark Kleiman, who studied potential issues of legal marijuana

for the Seattle City Council, pointed out last year, “the only way to sell a lot of pot, to create potheads.”

This is about governments looking to increase their revenue from the legalization of marijuana. Most experts expect social costs ensuing from an increase in marijuana use will greatly outweigh any tax revenue.

I have been told time and again the train has left the track for the legal use of medical marijuana and its time I got on board. I will not be getting on board and will not support it in the City of Las Vegas.

I would rather wait and see experiments unfolding in Colorado and Washington before moving forward. So far, it is not going well.