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December 1, 2009

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Re: HB 1393 Legalization of Marijuana for Medicinal Purposes

Dear Chairmen Oliver and Baker:

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House Bill 1393 has been introduced to legalize the use of marijuana in Pennsylvania for medicinal purposes. While we support the use of any medication that will relieve the pain of those who have truly serious and debilitating conditions, we believe this bill is riddled with provisions that will lead to widespread abuse of a harmful substance. Additionally, we agree with the FDA that there are alternatives to marijuana use that better treat chronic pain and suffering.

HB 1393's proposed legalization of marijuana for treatment purposes would bypass and disregard the rigorous drug approval process conducted by the FDA to ensure a substance is safe and has a medicinal benefit. In 2006, the FDA found marijuana to have a high potential for abuse and a lack of accepted safety for its use. Further, the FDA has serious concerns regarding medications that are smoked. Smoking makes it more difficult to administer safe, regulated doses and also introduces harmful chemical byproducts. Tar levels, for example, are 4 times higher in marijuana cigarettes than in a tobacco cigarette. Instead, the FDA has approved the use of Marinol, a pharmaceutical product that extracts the active ingredient of marijuana (THC) into a scientifically regulated form. Marinol has worked effectively at

relieving the nausea and vomiting associated with chemotherapy and to assist with the loss of appetite in AIDS patients.

House Bill 1393 does have an admirable goal: to provide relief to sick and infirm patients. Yet the actual impact of similar laws has been to encourage illegitimate production and use of marijuana. The language of House Bill 1393 is very similar to legislation that was passed in California in 1996; the abuse problems California has since encountered with doctors, patients, and distributors is a cautionary tale to legislators of other states.

One of the most troublesome provisions in HB 1393 is the grant of power to prescribe marijuana for almost any medical complaint. The negative effects of a broad prescriptive power have been demonstrated in California, where the state law allows prescriptions for any illness for which marijuana provides relief. Obtaining a prescription is as easy as walking into a clinic and complaining about a tension headache- something that could be eased with Tylenol as easily as marijuana. In an undercover study in California, CBS found that prescriptions for marijuana were written to individuals who complained of hair loss, dry skin, and high heel pain. While doctors may be overly generous in their prescriptions, what they are doing is not against the law- it is perfectly legal to make this type of prescription at their patient's request. HB 1393 similarly allows prescriptions for any weakening condition that is recognized as being treatable with marijuana in a manner that is superior to treatment without marijuana. What qualifies as "recognition" by licensed medical authorities or as a "superior" treatment is not further explained, leaving the door open for ambiguity and abuse.

Even more troublesome is the production and distribution of medical marijuana as provided by HB 1393. "Compassion centers" face little specification and regulation. No doctors or certified pharmacists need oversee the growth and distribution of marijuana after the prescription is written. There are no regulations for who will ensure that a patient is not overmedicated and that the product is grown and sold strictly for medicinal use. In California, the owner of one "compassion center" (or "dispensary" as they are known in California) sold \$4.5 million worth of "medical marijuana" in two years. He was recently arrested by the DEA on drug conspiracy charges.

The legislature should also be concerned with the message legalizing marijuana creates in society, especially to children and youths encountering drugs for the first time. It becomes more difficult to effectively teach drug resistance when the state is supporting marijuana cultivation and use. Moreover, long-term studies of teenagers and their drug use patterns show that very few young people use other illegal drugs without first trying marijuana. Increased use of cocaine and heroin and the accompanying increase in drug-related crime is a high cost to bear for the legalization of medical marijuana.

In short, House Bill 1393 will create a myriad of problems for the Commonwealth, including the unregulated production and sale of marijuana. Because of the potential for abuse and the availability of a safe alternative, we oppose this bill.

Sincerely Yours,

A handwritten signature in cursive script that reads "Edward M. Marsico, Jr.".

Edward M. Marsico, Jr.
President

CC: Mike Schwoyer, Counsel, Speaker of the House
Annmarie Kaiser, Legislative Liaison, Office of the Attorney General
Mike Piccuch, Executive Director, Pennsylvania District Attorneys Association
Executive Committee, Pennsylvania District Attorneys Association