

Bill as  
Introduced

HB 337-FN - AS INTRODUCED

2013 SESSION

13-0639

04/01

HOUSE BILL        **337-FN**

AN ACT            legalizing marijuana and cannabis.

SPONSORS:        Rep. Warden, Hills 39; Rep. Weed, Ches 16; Rep. Sylvia, Belk 6; Rep. O'Flaherty,  
Hills 12; Rep. Pratt, Hills 6; Rep. Tasker, Rock 2; Rep. D. McGuire, Merr 21;  
Sen. Reagan, Dist 17

COMMITTEE:      Criminal Justice and Public Safety

---

ANALYSIS

This act removes the criminal penalties for possession or use of marijuana.

-----

Explanation:     Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT legalizing marijuana and cannabis.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Legislative Intent. The general court hereby finds that the intent of this bill is to:

2 I. Allow law enforcement and courts to use limited resources to focus on crimes against  
3 persons and property.

4 II. Remove illegal drug organizations from the cannabis economy by allowing for legal use,  
5 possession, and cultivation of marijuana.

6 III. Repeal prohibitions on paraphernalia related to marijuana use or cultivation.

7 2 Controlled Drug Act; Definitions. Amend RSA 318-B:1, XX to read as follows:

8 XX. "Other stimulant and depressant drugs" means controlled drugs other than  
9 amphetamine-type, barbiturate-type, ~~[cannabis-type,]~~ cocaine-type, hallucinogenics and morphine-  
10 type which are found to exert a stimulant and depressant effect upon the higher functions of the  
11 central nervous system and which are found to have a potential for abuse.

12 3 Controlled Drug Act; Scheduling by Commissioner. Amend RSA 318-B:1-a, VI to read as  
13 follows:

14 VI. Authority to control under this section shall not extend to distilled spirits, wine, malt  
15 beverages, *marijuana*, or tobacco.

16 4 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, V-VIII to read as follows:

17 V. "Level 1 offense" means possession of 1/4 ounce or more, but less than 4 ounces, or  
18 distribution of less than one ounce of an illegal drug ~~[other than marijuana, or possession of one  
19 pound or more or 25 plants or more, but less than 4 pounds or 50 plants, or distribution of more than  
20 1/2 pound but less than one pound of marijuana].~~

21 VI. "Level 2 offense" means possession of 4 ounces or more, but less than 8 ounces, or  
22 distribution of one ounce or more, but less than 2 ounces, of an illegal drug ~~[other than marijuana, or  
23 possession of 4 pounds or more or 50 plants or more but less than 8 pounds or 75 plants or  
24 distribution of one pound or more but less than 5 pounds of marijuana].~~

25 VII. "Level 3 offense" means possession of 8 ounces or more, but less than 16 ounces, or  
26 distribution of 2 ounces or more, but less than 4 ounces, of an illegal drug ~~[other than marijuana, or  
27 possession of 8 pounds or more or 75 plants or more, but less than 16 pounds or 100 plants, or  
28 distribution of 5 pounds or more but less than 10 pounds of marijuana].~~

29 VIII. "Level 4 offense" means possession of 16 ounces or more or distribution of 4 ounces or  
30 more of an illegal drug ~~[other than marijuana, or possession of 16 pounds or more or 100 plants or  
31 more or distribution of 10 pounds or more of marijuana].~~

1           5 Wiretapping and Eavesdropping; Definitions. Amend RSA 570-A:1, XI to read as follows:

2           XI. "Organized crime" means the unlawful activities of the members of a highly organized,  
3 disciplined association engaged in supplying illegal goods and services, including but not limited to  
4 homicide, gambling, prostitution, narcotics[~~, marijuana~~] or other dangerous drugs, bribery, extortion,  
5 blackmail and other unlawful activities of members of such organizations.

6           6 Wiretapping and Eavesdropping; Authorization for Interception of Telecommunications or  
7 Oral Communication. Amend RSA 570-A:7 to read as follows:

8           570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The  
9 attorney general, deputy attorney general, or a county attorney, upon the written approval of the  
10 attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an  
11 order authorizing or approving the interception of telecommunications or oral communications, and  
12 such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the  
13 interception of telecommunications or oral communications by investigative or law enforcement  
14 officers having responsibility for the investigation of the offenses as to which the application is made,  
15 when such interception may provide, or has provided, evidence of the commission of organized crime,  
16 as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping,  
17 gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, child pornography  
18 under RSA 649-A, computer pornography and child exploitation under RSA 649-B, criminal conduct  
19 in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and  
20 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in  
21 RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as  
22 defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering  
23 with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as  
24 defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in  
25 RSA 642:6, bail jumping as defined in RSA 642:8, insurance fraud as defined in RSA 638:20, dealing  
26 in narcotic drugs[~~, marijuana,~~] or other dangerous drugs, hazardous waste violations under  
27 RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

28           7 Purity and Branding of Foods and Drugs; Misbranding. Amend RSA 146:6, IV to read as  
29 follows:

30           IV. If it is for use by man and contains any quantity of the narcotic or hypnotic substance  
31 alpha-eucaine, barbituric acid, beta-eucaine, bromal, [~~cannabis,~~] carbromal, chloral, coca, cocaine,  
32 codeine, heroin, [~~marihuana,~~] morphine, opium, paraldehyde, peyote, or sulphonmethane, or any  
33 chemical derivative of such substance, which derivative has been by the commissioner after  
34 investigation found to be, and by regulation designated as, habit-forming, unless its label bears the  
35 name and quantity or proportion of such substance or derivative and in juxtaposition therewith the  
36 statement "Warning - May Be Habit Forming."

37           8 Study, Treatment, and Care of Inebriates; Definitions. Amend RSA 172:1, XXII to read as follows:

1 XXII. "Other stimulant and depressant drugs" means controlled drugs other than  
2 amphetamine-type, barbiturate-type, [~~cannabis-type,~~] cocaine-type, hallucinogenics and morphine-  
3 type which are found to exert a stimulant and depressant effect upon the higher functions of a  
4 central nervous system and which are found to have a potential for abuse.

5 9 Repeal. The following are repealed:

6 I. RSA 318-B:1, IV, relative to the definition of a cannabis-type drug.

7 II. RSA 318-B:1, X-a(g), relative to separation gins and sifters for cleaning or refining  
8 marijuana.

9 III. RSA 318-B:1, X-a(k), relative to objects used for ingesting marijuana.

10 IV. RSA 318-B:9, VI, relative to the dispensing of cannabis-type drugs by a pharmacist upon  
11 written prescription.

12 V. RSA 318-B:10, VI, relative to a physician's authority to dispense cannabis-type drugs.

13 VI. RSA 318-B:26, I(b)(6), relative to penalties for certain amounts of marijuana and  
14 hashish.

15 VII. RSA 318-B:26, I(c)(5), relative to penalties for certain amounts of marijuana and  
16 hashish.

17 VIII. RSA 318-B:26, I(d)(1), relative to penalties for certain amounts of marijuana and  
18 hashish.

19 IX. RSA 318-B:26, II(c), relative to penalties for certain amounts of marijuana and hashish.

20 X. RSA 318-B:26, II(d), relative to penalties for certain amounts of marijuana and hashish.

21 XI. RSA 172:1, XIV, relative to the definition of cannabis-type drug.

22 10 Effective Date. This act shall take effect January 1, 2014.

LBAO  
13-0639  
01/15/13

**HB 337-FN - FISCAL NOTE**

AN ACT            legalizing marijuana and cannabis.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # AB 337 Date Feb. 14, 2013

Committee Criminal Justice

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
John T. O'Connor	Rock	DIST 6			X
Rep Carol McDevine			Men 29	X	
Sharon Alliegro	75 Pound Rd	731-8721		X	
Charles Rittsburg	Pembroke	904-327-4317		✓	
Sharon Lyne	Henniker			✓	
Daniel O'Leary	Nashua			✓	
Joan Bastedo	Manchester			✓	
Mary Ellen Colvin	Milton			✓	
Monica W. Dean	Manchester			✓	
Brett A. Turson	Manchester			✓	
Devon Chaffee	18 Lee Ave, Concord	NH	New Hampshire Civil Liberties Union	✓	
Rep. Tim Comerford		Roc. 9		✓	
Paul Shea	107 Tolles St	Nashua, NH	508-0687		X
Samantha Clattenburg	60 Wyman St	Concord N.H.	603-229-4969		X
SARAH SADOWSKI	Concord NH		New Futures		X
Bill Alleman	Weare	529-4446	self	✓	
Brook Griffith	Wilton, NH		603/325/0749	✓	
Valerie Morgan	43 Basin Rd	Concord	271-6519		X
Garret Egan	Concord		FreeConcord.org	X	
David Crawford	Keene		Liberty	X	
Rep Gene Chandler			House Republican Office		X
Jeremy J. Olson	Grafton		NH LIBERTY. org	X	
Daniel W Perry	Keene		NH Liberty Party	✓	





# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 337

**BILL TITLE:** legalizing marijuana and cannabis.

**DATE:** February 14, 2013

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 4:05 pm

**Time Adjourned:** 5:55 pm

(please circle if present)

**Committee Members:** Reps. Pantelakos, Cushing, Ginsburg, Berube, Boisvert, Robertson, Grady, Burridge, Harriott-Gathright, Hirsch, O'Hearne, Charron, Fields, Villeneuve, Gagne, Vaillancourt, Warden, Parsons, Fesh and Tasker.

**Bill Sponsors:** Rep. Warden, Hills 39; Rep. Weed, Ches 16; Rep. Sylvia, Belk 6; Rep. O'Flaherty, Hills 12; Rep. Pratt, Hills 6; Rep. Tasker, Rock 2; Rep. D. McGuire, Merr 21; Sen. Reagan, Dist 17

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep. Mark Warden, prime sponsor**

Introduced the bill to the committee and presented written testimony.

**\*R. Dennis Corrigan, Pittsfield, NH – representing self - support**

See written testimony.

**Chief Richard Crote, New Hampshire Chiefs of Police - oppose**

The New Hampshire Chiefs of Police oppose the bill.

**\*Rep. Michael Garcia - support**

Submitted written testimony.

**\*Lt. John Encarnacao, Department of Safety, New Hampshire State Police - oppose**

Submitted written testimony.

**Rep. Tim O'Flaherty, co-sponsor – support**

**Gail H. Devoid, PhD, representing self - support**

**NOTE: The following people had to leave:**

**Tom Reid, County Attorney - oppose**

**\*Rep. Dan McGuire, co-sponsor, – submitted written testimony - support**

**\*Rep. Michael Sylvia, co-sponsor, - support**

**\*Valerie Morgan, New Hampshire Department of Health and Human Services - oppose**

**Elizabeth C. Woodcock, New Hampshire Attorney General's Office – oppose**

**Theodore Barnes, representing self – support**

**Rep. Charles Weed, co-sponsor, - support**

**Darryl W. Perry, New Hampshire Liberty Party – support**

**Chief David B. Goldstein, New Hampshire Chiefs of Police Association - oppose**  
Decided not to testify.

**\*Bob Constantine, Grafton, NH - support**  
Submitted written testimony.

**\*Brian K. Blackden, Concord, NH, representing self - oppose**  
Federal Firearms Licensee and opposes bill.

**William Kostric, Manchester, NH - support**

**\*Tricia Lucas, New Futures - oppose**

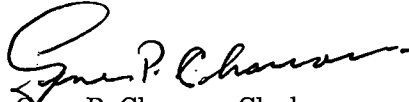
**Goshe King, Laconia, NH - support**  
Support three bills.

**Rich Paal, 420 Foundation, - support**

**Charles Riffenburg, Pembroke, NH, representing self - support**

**Iaan Freeman, Keene, NH representing self - support**

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gene P. Charron".

Rep. Gene P. Charron, Clerk

✓

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 337

**BILL TITLE:** legalizing marijuana and cannabis.

**DATE:** {Type HEARING DATE here} Feb 14, 2013

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** {Time} 16:05  
**Time Adjourned:** {Time} 17:55  
(please circle if present)

**Committee Members:** Reps. ~~Pantelakos~~, ~~Cushing~~, ~~Ginsburg~~, Berube, Boisvert, Robertson, Grady, Burrige, ~~Harriott-Gathright~~, Hirsch, O'Hearne, ~~Charron~~, ~~Fields~~, ~~Villeneuve~~, Gagne, ~~Vaillancourt~~, Warden, Parsons, Fesh and Tasker.

**Bill Sponsors:** Rep. J. Belanger, Hills 27; Rep. Shurtleff, Merr 11

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

Respectfully submitted,

Rep. Gene P. Charron, Clerk

HB = 337

- ① 16:05 Rep Mark Warden - sponsor
- ② 16:25 R-DENNIS CORRIGAN representing self - Has written testimony supports
- ③ 16:35 C Chief Crate - opposes this bill - representing N.H. Chief of Police opposes
- ④ 16:45 Rep. MICHAEL GARCIA - supports bill supports
- ⑤ 16:50 LT. JOHN ENCAENACAO opposes the bill. opposes
- ⑥ 16:55 Rep. TIM O'FLAHERTY - supports bill, note County Atty Reid Rockingham not support. had to leave.
- note Rep DAN MCGUIRE - HAD TO LEAVE  
⑦ Written testimony provided.
- ⑧ 5:00 ~~6~~ GAIL - H DEVOID - supports -

HB 337

note. Rep Michael S. Sylvia had to leave supports.

note opposes. Valerie Morgan had to leave oppose-  
bel. written testimony.

note Elizabeth Woodcock NH Attorney  
general office opposes bill had to  
leave.

note. Theodore Barnes supports bill -  
had to leave.

note. Rep Charles Weed supports has to leave

note C. Chief Goldstein - opposes - decided not  
to testify.

note Waryl W. Perry supports bill had to leave

9 5:10 BOB CONSTANTINE supports the  
bill. testified ~~and~~ written provided.

10 5:15 BRIAN BLARDEN opposes the bill.

11 5:25 WILLIAM KOSTRIC - supports bill

12 5:25 JRICIA LUCAS NEW FUTURES opposes

13 5:30 GOSHE KING supports 3 Bills

HB-337 III

(14) 5:35 RICH PAAL - supports - the bill.

(15) 5:40 CHARLES RIFFENBURG representing self  
supports the bill.

(16) 5:45 LAW FREEMAN - supports

17:55

CLOSED



# Testimony

**HB337 – Relative to Cannabis**

Rep. Mark Warden, Sponsor - February 14, 2013

Copy for  
committee  
file

FILE

①

Dear Criminal Justice Committee,

I. WHAT THIS BILL DOES. It simply removes the words “cannabis and marijuana” from section 318-B of the RSAs, the Controlled Drug Act. It leaves intact all the scary substances that cause real harm, like prescription drugs, painkillers, heroin and crack cocaine. But it removes pot as an illegal substance. It also repeals the illegality of possessing so-called “Drug paraphernalia” such as pipes, bongs, and “carburetion tubes and masks,” whatever those are.

The way the bill is written, Section 9 is the best and most important part. That’s where the good stuff is done. The other sections are then house-keeping to address other parts in the RSAs that refer to cannabis indirectly.

Section 2 changes the definitions in Controlled Drug Act. Section 4 of your bill removes references to cannabis from CHAPTER 318-C, the MODEL DRUG DEALER LIABILITY ACT.

Sections 5 and 6 simply strike the word “marijuana” from the statutes relating to the wiretapping and eavesdropping definitions.

II. PLEASE BE OPEN-MINDED ABOUT THIS ISSUE. Let’s try for one hour to put our prejudices and our preconceptions aside and be open to ideas that may differ from the status quo. This is the least we can do for the good people of New Hampshire.

We’re only 20 people, trying to decide what is mandated on over a million people in this state. That is a tall order. In general, my approach is to keep the power and force of government of their backs. Let people take care of themselves, their families and mind their own business. When somebody’s rights have been violated, that’s a valid reason to use government force and the justice system.

III. CHANGING CULTURAL VALUES. This issue of smoking pot becomes more and more of a non-issue every day. I know that when I was in high school, it was taboo to smoke weed, although we knew there were “stoners” in the school. I heard from friends in California that it was much more common and accepted out there. But times change. I don’t know what the average age of this committee’s members is, but I’m guessing it’s over 50. Many of us grew up with black and white TVs. Walter Kronkite and the Andy Griffith Show were popular. Remember when they didn’t have TV remote controls? And the only telephone in the house was a land line... and it probably had a rotary dial!

Just as technology changes, so does the culture. People’s mores and hang-ups and what they consider acceptable behavior change with time. When a lot of us were children, mixed-race marriages and same-sex marriages were inconceivable for many. So why are we stuck with a prohibition that is 80 years old when everything around us has progressed?

IV. IT'S OK TO DISCOUNT WHAT THE LAW ENFORCEMENT SPOKESMEN SAY. The separation of powers doctrine is one of the most important cornerstones of our legal society. As we all learned in Civics 101, the legislative branch represents the people and makes the laws for people to follow. The executive branch, with all its administrative agencies, is in place to enforce those laws. Law enforcement should do just that—it should not be advocating for one side or the other.

A cynic might say that the more things we have that are illegal, the more job security it is for police, prosecutors, courts, jailers, and lawyers! Making personal behavior like smoking pot a crime could be construed as a full-employment act for the criminal justice industry. In this building, we hear from the police unions and institutions, but I'd bet that if you talked to individual policemen and prosecutors, many, many would say they don't understand why society punishes pot smokers in the same way it punishes crimes with victims. You could even say it's self-serving and a conflict of interest for police chiefs and the attorney general's office to comment on this bill. Don't let them try to lecture you on the medical or psychological effects of pot. Don't let them talk about sociology and so-called "gateway" effects. Those are red herrings. Let's focus on what's best for our constituents and for liberty.

One of the most common opinions we hear is that the federal government still considers cannabis a controlled substance. WHO CARES? Do you really think the feds are going to come crashing down doors around New Hampshire, guns drawn and shooting dogs, to arrest somebody smoking in his own living room? There are 18 states that have legalized or decriminalized medical marijuana. The federal government is collapsing under its own weight. They can't get out of their own way in Washington. We need to do the right thing for the people of New Hampshire, exercise a bit of state sovereignty, and "just say no" to the meddling federal government.

Last time I checked, the Attorney General of this state works for us, not for the FBI or ICE or BATF. The AG's office has plenty to do with serious crimes against people and property. By taking cannabis off the controlled substances act, think about how many extra resources they will have to prosecute violent crimes!

V. ECONOMICS AND PRIORITIES AND JUSTICE Just this week we heard a 2 hour presentation on creative, humane ways to reduce the prison population. If you liked some of what they had to say, you'll love this bill! The chief justice, AG's office, and Dept. of Corrections went on and on about ways to reduce the time non-violent offenders spend in prison. But they were looking at a Band-Aid approach to overcrowding, not striking at the root of the problem, which this bill does so beautifully.

That discussion was mainly about the prison population, felonies, but the county jails and local PDs are where we are going to see the biggest savings when we end prohibition of cannabis. A large percentage of arrests and incarcerations are for simple possession charges. Think of how much time and money will be freed up for the police and courts to prosecute violent criminals! People complain about the backed-up court system... but with this bill, problem solved!

This would save taxpayers millions of dollars per year. The Fiscal Note doesn't properly account for the incredible savings we'd see in the criminal justice system.

But that's only one side of the equation. The other side is the human element. Young men and women have their lives turned upside down day in and day out because of prohibition. An arrest causes terrible stress on a person. It disrupts his family life and causes financial hardship, sometimes leading to loss of employment.

This is a double insult against somebody who is recreationally smoking a plant. If prosecuted and found guilty, the person now carries a criminal record that haunts him or her for years and years, leading to denied work opportunities, added stress with the family, loss of educational scholarships, and more. Think of the losses in productivity to society! It's a horrible, inhumane way to punish somebody who hasn't harmed a soul.

Punishment doesn't work! It's time we as a society focus on compassion, tolerance, individual choice, and rehabilitation if necessary. The old model of putting them in jail and throwing away the key has only lead to misery and untold personal and economic tragedy.

Thank you.

Rep. Mark Warden

FILE  
②

Testimony to Criminal Justice Committee

On HB 337-FN

By R. Dennis Corrigan  
Pittsfield, NH

February 14, 2013

## Preface

“There is now almost no activity an American can engage in that doesn't fall under the regulation of some level of government — from handing out complimentary coffee in California hardware stores to rescuing a bird from the jaws of a cat in Virginia. And even if you do nothing at all except stay at home and sit on the toilet, the government regulates that, too.

“In economic terms, around one-tenth of America's GDP is consumed by federal regulation alone. But there are psychological costs, too. John Moulton was a distinguished judge, a man of science, and a chap who held the splendid title during the Great War of Britain's director-general of explosive supplies,' a job he did brilliantly. Lord Moulton divided society into three sectors, of which he considered the most important to be the 'middle land' between law and absolute freedom — the domain of manners, in which the individual has to be "trusted to obey self-imposed law.'

“‘To my mind,' wrote Moulton, 'the real greatness of a nation, its true civilization, is measured by the extent of this land.' By that measure, our greatness is shriveling fast: The land of self-regulation has been encroached on remorselessly, to the point where we increasingly accept that everything is either legal or illegal, and therefore to render any judgment of our own upon the merits of this or that would be presumptuous.”

Every Man a Criminal

<http://www.steynonline.com/5425/every-man-a-criminal>

Mark Steyn

February 13, 2013

Chairman Pantelakos, distinguished members of the committee, ladies and gentlemen,

Good afternoon. I would like to comment on House Bill 337, and tell you why I support it.

Three of the main reasons for my support are the widespread prevalence of marijuana, cannabis and hashish use [in the following I will use the term cannabis to refer to all these alternative names], polling results showing increasing public endorsement of cannabis legalization, and the difficulty of ever again electing a President of the United States who has not used cannabis. In the course of my arguments I will refer to constitutional and philosophical issues.

### Prevalence

The war on drugs is over and the US and NH have lost the war.

"Only seven percent (7%) of American Adults think the United States is winning the war on drugs, according to a new Rasmussen Reports national telephone survey. Eighty-two percent (82%) say the country is not winning the fight against illegal drugs. Twelve percent (12%) are not sure.

"Is the United States winning the war on drugs?"

"The survey of 1,000 Adults nationwide was conducted on November 9-10, 2012 by Rasmussen Reports. The margin of sampling error is +/- 3 percentage points with a 95% level of confidence. "

According to the CDC survey of 9th through 12th grade students, in 2011, the latest year surveyed, 23.1% nationwide used marijuana one or more times (during the 30 days before the survey), and 39.9% used it one or more times lifetime. (In the 1999 survey, we see that 47.2% used it one or more times lifetime.)

[http://www.cdc.gov/HealthyYouth/yrbs/pdf/us\\_drug\\_trend\\_yrbs.pdf](http://www.cdc.gov/HealthyYouth/yrbs/pdf/us_drug_trend_yrbs.pdf)

It is absurd to have on the books a law that would if perfectly administered imprison half the high school students of the United States.

For all people over the age of 12, 9% of New Hampshire adults used cannabis in the past month, according to State Estimates of Substance Use from the 2007-2008 National Surveys on Drug Use and Health.

This compares to 6% nationwide.

<http://www.oas.samhsa.gov/2k8state/AppB.htm#TabB-3>

This means that most state representatives know someone, even in their own families, using or having used cannabis. Doctors, Attorneys, Accountants, other

Professionals, Policemen, Judges, and Politicians all have cannabis users in their ranks.

This means that a significant part of the population is suffering under an unconstitutional law.

Constitutional arguments

NH Constitution

Part I – Bill of Rights

The First Part of the NH constitution is made up of 43 articles, codifying many of the same natural rights as does the United States Constitution, including free speech, freedom of the press, jury trials, freedom of religion, and the right to bear arms. It protects citizens against double jeopardy, unreasonable searches and seizures,

[http://en.wikipedia.org/wiki/New\\_Hampshire\\_Constitution#Part\\_I\\_.E2.80.93\\_Bill\\_of\\_Rights](http://en.wikipedia.org/wiki/New_Hampshire_Constitution#Part_I_.E2.80.93_Bill_of_Rights)

Article 1. [Equality of Men; Origin and Object of Government.] All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

“All men are born equally free and independent” even those who enjoy using cannabis.

“All government of right originates from the people, is founded in consent” including the consent of those who enjoy using cannabis.

“and instituted for the general good.” Does that not include the good of cannabis users?

[Art.] 2. [Natural Rights.] All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

<http://www.nh.gov/constitution/billofrights.html>

“... acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness” including the property known as cannabis; including happiness induced by psychotropic substances.



[Art.] 10. [Right of Revolution.] Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

“arbitrary power, and oppression” Alcohol being legal, and cannabis illegal is arbitrary law.

[Art.] 16. [Former Jeopardy; Jury Trial in Capital Cases.] No subject shall be liable to be tried, after an acquittal, for the same crime or offense. Nor shall the legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

Does not the potential of Federal and state law having jurisdiction on the same charge invite this outcome?

The Tenth Amendment Center commented on Bill 337 as follows:

“The federal prohibition on marijuana doesn’t seem to serve as much of a deterrent to the people of those states who want it legalized within their borders.

“Congress and the president claim the constitutional authority to prohibit weed. The Supreme Court concurs. But claiming something doesn’t make it so. I can claim I am a unicorn, but I still don’t have a horn. Clearly, the Constitution delegates no power of marijuana regulation to the feds. And the so-called war on drugs rests on the same legal authority as all of the other modern-day undeclared wars.

“None.

“So, more and more states continue to do exactly what they should do when the federal government tries to exercise power it does not legitimately possess.

“Ignore it.

“Eighteen states have done just that, legalizing medical marijuana. That wave continues to build, with seven state legislatures already considering medicinal cannabis legislation in the 2013 session, and more likely to follow suit. Then we have the people Colorado and Washington taking the next step, voting for total

decriminalization last November. And at least two more states will consider marijuana decriminalization in 2013.”

Here is proof that the federal constitution disallows prohibition of natural rights private ownership and use of cannabis. When the US government prohibited alcohol, it needed an amendment to the constitution! The federal constitution sets up a government limited in its scope. Cannabis prohibition would have scandalized the founding fathers, many of whom grew hemp.

These are the philosophical underpinnings for the natural rights acknowledged in the US and NH Bills of Rights.

Adam Smith: \*It is the highest impertinence and presumption therefore in kings and ministers to pretend to watch over the economy of private people, and to restrain their expense either by sumptuary laws (i.e. consumption laws) or by prohibiting the importation of foreign luxuries.' (Wealth of Nations, book II. chap, iii.)

John Stuart Mill's celebrated Essay on Liberty, in which he states his central proposition as follows:

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil, in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to someone else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his body and mind, the individual is sovereign.

The fundamental value which Mill emphasizes is freedom.

## Polling

What do the voters think?

As already noted, 82% think the war on drugs is lost.

According to the Gallup Poll, 64% of adults want federal government to defer to state marijuana laws.

<http://www.gallup.com/poll/159152/americans-federal-gov-state-marijuana-laws.aspx>

On the underlying legalization question:

*Do you think the use of marijuana should be made legal, or not?*

By age and party ID

	% Yes	% No
18 to 29	60	39
30 to 64	48	51
65+	36	61
Republicans	33	66
Independents	50	47
Democrats	61	38

USA Today/Gallup, Nov. 26-29, 2012

Gallup says:

"A record-high 50% of Americans now say the use of marijuana should be made legal, up from 46% last year. Forty-six percent say marijuana use should remain illegal. ... Support for legalizing marijuana has been increasing over the past several years, rising to 50% today -- the highest on record. If this current trend on legalizing marijuana continues, pressure may build to bring the nation's laws into compliance with the people's wishes."

But a new poll from CBS conducted Nov. 16-19, 2012 shows that respondents split evenly on the question of legalization at 47% either way. It's the second year in a row that a majority for prohibition has failed to materialize, and the first time that it failed to get even a plurality:

[http://www.cbsnews.com/8301-250\\_162-57556286/poll-nearly-half-support-legalization-of-marijuana/](http://www.cbsnews.com/8301-250_162-57556286/poll-nearly-half-support-legalization-of-marijuana/)

The CBS poll results also showed that eighty-three percent of Americans favor allowing doctors to prescribe small amounts of marijuana for patients suffering from serious illnesses, the poll shows – up from 77 percent a year ago and 62 percent back in 1997. A majority of Americans of all ages – as well as most Republicans, Democrats, and independents – favor allowing this.

And the Rasmussen poll says: "When we ask Americans simply whether they favor legalization of marijuana, 45 percent say yes and 45 percent say no. But when we ask about legalizing and regulating marijuana in a similar manner to the way alcohol and cigarettes are regulated, support for legalization increases to 56 percent. Only 36 percent remain opposed."

New Hampshire polls:

In January 2013 a new Public Policy Polling survey was conducted that found that a majority of voters in our state think marijuana should be legalized for adults.

PPP (January 7-8)

Two states — Colorado and Washington — recently changed their laws to allow marijuana to be regulated and taxed similarly to alcohol, for legal use by adults age 21 and older. Would you support or oppose changing New Hampshire law to regulate and tax marijuana similarly to alcohol, where stores would be licensed to sell marijuana to adults 21 and older?

Support ..... 53%  
Oppose ..... 37%  
Not sure ..... 10%

Two days ago, a poll was released from the Granite State Poll, sponsored by WMUR-TV, and conducted by the University of New Hampshire Survey Center.

**Titled HIGH SUPPORT FOR MEDICAL MARIJUANA**

The poll also asked: "Do you support or oppose legalizing the possession of small amounts of marijuana for personal recreational use in New Hampshire?"

Results showed that 48% of New Hampshire adults support legalization for recreational use (31% strongly and 17% somewhat), 45% oppose (37% strongly and 8% somewhat), and 7% are neutral or don't know. Support for recreational marijuana legalization is strongest among liberals (70%), Democrats (62%), listeners of NH Public Radio (66%), and Boston Globe readers (65%). Opposition is strongest among Republicans (59%), conservatives (59%), Tea Party supporters (60%), and older adults (56%).

Thus New Hampshire is polling much like nationwide.

## Presidents

Each of the last three Presidents of the United States admits that he used cannabis.

If they can laugh off their past use, why doesn't that work for the rest of us, when we are arrested?

If the laws were perfectly administered their careers would have taken a different turn and none of them R or D would have served as President.

Will our next president take the oath of office, having smoked cannabis sometime in his or her life?

Will we ever again have a US President who has never used cannabis?

The fact that this question can be seriously asked shows that Emperor has no clothes.

Many institutions are built on falsehoods. In order to keep things ticking even honest newcomers must resort to the "maintenance lie" which can be defined as the affirmation of legacy falsehoods to prevent an institutional meltdown.

Let us have the courage to deny the falsehood which has resulted in so many arrests and so many incarcerations.

In New Hampshire 2 to 3 thousand are arrested annually for marijuana possession. Nationwide 800,000 are arrested every year.

In 1980 roughly half a million people were serving time for cannabis. Today it is nearly two and a half million.

In 2010 (most recently available data) U.S. law enforcement seized 4.5 million pounds of marijuana from smugglers, dealers and users, up from 3.0 million pounds in 2006.

Marijuana smoking ... won't kill you.

It's been feared that marijuana smoke, like tobacco smoke, causes cancer and heart disease. The evidence argues otherwise, writes Stephen Sidney, MD, associate director for research for Kaiser Permanente, Oakland, Calif., in the Sept 20, 2003 issue of The British Medical Journal.

"Although the use of [marijuana] is not harmless, the current knowledge base does not support the assertion that it has any notable adverse public health impact in relation to mortality," Sidney concludes.

## No Marijuana Deaths in 2 Large Studies

Sidney points to two large studies. The first is from (where else?) California. A large HMO looked at 65,177 men and women age 15-49. Over 10 years, marijuana users died no sooner than nonusers.

The second study looked at 45,450 Swedish army conscripts. They were 18-20 years old when asked about marijuana use. Fifteen years later, the marijuana users were just as likely to remain alive as nonusers.

And since marijuana smoking can't kill outright -- there's no such thing as a fatal marijuana overdose -- short-term use isn't deadly.

<http://www.webmd.com/smoking-cessation/news/20030918/marijuana-smoking-doesnt-kill>

How many deaths are due to marijuana?

Answer:

According to Drug War Facts, the answer is 0.

An exhaustive search of the literature finds no credible reports of deaths induced by marijuana. The US Drug Abuse Warning Network (DAWN) records instances of drug mentions in medical examiners' reports, and though marijuana is mentioned, it is usually in combination with alcohol or other drugs. Marijuana alone has not been shown to cause an overdose death.

[http://wiki.answers.com/Q/How\\_many\\_deaths\\_are\\_due\\_to\\_marijuana](http://wiki.answers.com/Q/How_many_deaths_are_due_to_marijuana)

In conclusion, let me quote John Stossel:

Forty years ago, the United States locked up fewer than 200 of every 100,000 Americans. Then President Nixon declared war on drugs. Now we lock up more of our people than any other country -- more even than the authoritarian regimes in Russia and China.

A war on drugs -- on people, that is -- is unworthy of a country that claims to be free.

If drugs were legal, perhaps at first more people would try them. But most would give them up. Eventually, drug use would diminish, as it has in Portugal, which decriminalized all drugs, and the Netherlands, which allows legal marijuana. More young men would find real jobs; police could focus on real crime.

When the public is this divided about an issue, it's best left to voluntary social pressure instead of legal enforcement. That's how most Americans decide whether to drink alcohol or go to church every week. Private voluntary social networks have their own ways of punishing bad behavior and send more nuanced messages about what's unacceptable. Government's one-size-fits-all rules don't improve on that.

"Once the principle is admitted that it is the duty of the government to protect the individual against his own foolishness," economist Ludwig von Mises wrote, "why not prevent him from reading bad books and bad plays ... ? The mischief done by bad ideologies is more pernicious ... than that done by narcotic drugs."

If we adults own our own bodies, we ought to get to control what we put in them. It's legitimate for government to protect me from reckless drivers and drunken airline pilots -- but not to protect me from myself.

Thank you for your time today.

## Appendix

### Historical Perspective

1894 The Report of the Indian Hemp Drug Commission, running to over three thousand pages in seven volumes, is published. This inquiry, commissioned by the British government, concluded: "There is no evidence of any weight regarding the mental and moral injuries from the moderate use of these drugs...

Moderation does not lead to excess in hemp any more than it does in alcohol. Regular, moderate use of ganja or bhang produces the same effects as moderate and regular doses of whiskey." The commission's proposal to tax bhang is never put into effect, in part, perhaps, because one of the commissioners, an Indian, cautions that Moslem law and Hindu custom forbid "taxing anything that gives pleasure to the poor." [Quoted in Norman Taylor, *The pleasant assassin: The story of marihuana*, in David Solomon (Ed.) *The Marijuana Papers*, pp. 31-47, p. 41] "To the Hindu the hemp plant is holy. A guardian lives in bhang... Bhang is the joy giver, the sky flier, the heavenly guide, the poor man's heaven, the soother of grief... No god or man is as good as the religious drinker of bhang. The students of the scriptures at Benares are given bhang before they sit to study. At Benares, Ujjain and other holy places, yogis take deep draughts of bhang that they may center their thoughts on the Eternal." —Indian Hemp Drug Commission Report (1893), new printing, Thomas Jefferson Press, Silver Springs, Maryland, 1969, p. 492.

1920 The U.S. Department of Agriculture publishes a pamphlet urging Americans to grow cannabis (marijuana) as a profitable undertaking. [David F. Musto, *An historical perspective on legal and medical responses to substance abuse*, *Villanova Law Review*, 18:808-817 (May), 1973; p. 816]

1937 Shortly before the Marijuana Tax Act, Commissioner Harry J. Anslinger writes: "How many murders, suicides, robberies, criminal assaults, hold-ups, burglaries, and deeds of maniacal insanity it [marijuana] causes each year, especially among the young, can only be conjectured." [Quoted in John Kaplan, *Marijuana*, p. 92]

1937 "It has surprised me that the facts upon which these statements have been based have not been brought before the Committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marijuana addiction. We are told that the use of marijuana causes crime. But yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marijuana habit. An informal inquiry shows that the Bureau of Prisons has no evidence on that point.

"You have been told that school children are great users of marijuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and



extent of the habit among children. And inquiry of the Children's Bureau shows that they have had no occasion to investigate it and know nothing about it."

—Taxation of Marijuana, Hearings before the Committee on Ways and Means of the House of Representatives, 75th Congress, First Session on HR 6385, April 27-30, 1937.

1941 "The publicity concerning the catastrophic effects of marihuana smoking in New York City is unfounded." The La Guardia Committee Report, The Marihuana Problem in the City of New York, Mayor's Committee on Marihuana, by the New York Academy of Medicine, City of New York, 1944.

<http://www.druglibrary.org/schaffer/library/studies/lag/lagmenu.htm>

1943 Colonel J.M. Phalen, editor of the Military Surgeon, declares in an editorial entitled "The Marijuana Bugaboo": "The smoking of the leaves, flowers, and seeds of Cannabis sativa is no more harmful than the smoking of tobacco... It is hoped that no witch hunt will be instituted in the military service over a problem that does not exist." [Quoted in *ibid.* p. 234]

1951 According to United Nations estimates, there are approximately 200 million marijuana users in the world, the major places being India, Egypt, North Africa, Mexico, and the United States. [Jock Young, *The Drug Takers*, p. 11]

1968 "At San Francisco General Hospital 5000 acute drug intoxications were treated in 1967. Despite the high incidence of marijuana use in San Francisco, no "marijuana psychoses" were seen. In fifteen months of operation the Haight-Ashbury Clinic has seen approximately 30,000 patients—visits for a variety of medical and psychiatric problems. Our research indicated that at least 95 per cent of the patients had used marijuana one or more times, and yet no case of primary marijuana psychosis was seen."—Smith, D.E.: *J. Psychedelic Drugs*, 2:37, 1968.

1972 "The costs to a significant number of individuals, the majority of whom are young people, and to society generally, of a policy of prohibition of simple possession are not justified by the potential for harm of cannabis and the additional influence which such a policy is likely to have upon perception of harm, demand and availability. We, therefore, recommend the repeal of the prohibition against the simple possession of cannabis." Canadian Government Commission of Inquiry into the Non-Medical Use of Drugs. "Conclusions and Recommendations of Gerald Le Dain, Heinz Lehmann, J. Peter Stein" 1972

1973 Michael R. Sonnenreich, Executive Director of the National Commission on Marijuana and Drug Abuse, declares: "About four years ago we spent a total of \$66.4 million for the entire federal effort in the drug abuse area... This year we have spent \$796.3 million and the budget estimates that have been submitted indicate that we will exceed the \$1 billion mark. When we do so, we become, for want of a better term, a drug abuse industrial complex.: [Michael R. Sonnenreich,

Discussion of the Final Report of the National Commission on Marijuana and Drug Abuse, Villanova Law Review, 18:817-827 (May), 1973; p. 818]

1984 U.S. busts 10,000 pounds of marijuana on farms in Mexico. The seizures, made on five farms in an isolated section of Chihuahua state, suggest a 70 percent increase in estimates that total U.S. consumption was 13,000 to 14,000 tons in 1982. Furthermore, the seizures add up to nearly eight times the 1300 tons that officials had calculated Mexico produced in 1983. [The San Francisco Chronicle, Saturday, November 24, 1984]

Thank you madam chair,

and thank you members of the committee.

For the record, my name is michael garcia,

elected representative from nashua.

I come before you in support of hb 337. A bill which in its' purest

form is a total and complete repeal of cannabis prohibition.

Repealing cannabis prohibition is a subject that is gaining steam

rapidly throughout the United States. The effects of cannabis

prohibition have been profound throughout the country. On a regular

basis local, state, and federal agencies throughout the United

States wage a war against their own people. Frequently the people

most effected are ethnic minorities and the poor.

Historically we can see the failure of alcohol prohibition and the rise of organized crime. When the state prohibits a highly sought after product in the marketplace, the demand does not cease to exist. The actors in the marketplace that are the most successful, use violence and intimidation as their means to success. The normal channels of dispute resolution do no exist in the prohibited marketplace

I do not come here advocating the use of any mind altering substance whether that be alcohol or cannabis. I urge this

committee vote ~~not~~ because it is the right thing to do. The state has

OTP

no more right to dictate to you what you can put into your own body,

then I do to tell you what sort of beverage you may consume. Please

OTP

Vote ~~not~~ on hb 337

Rep. Michael A. Garcia

*M. Garcia*

Nashua, NH



FILE  
②

First off, let me commend you for taking up this issue where it belongs: in the state legislature.

The federal government claims jurisdiction over regulating marijuana, despite the fact that it lacks any constitutionally enumerated power to do so. The federal 'drug war' represents one of the most obvious and blatant violations of state sovereignty we see in America today. Doubt my contention that the marijuana prohibition is unconstitutional? Then ask yourself this question: why did it take a constitutional amendment to prohibit alcohol?

We've seen the results of the drug war: skyrocketing incarceration rates, especially in minority communities, young people burdened for life with felony convictions for victimless crimes and a continually growing police state. But the ramifications extend far beyond the drug issue. As Justice Clarence Thomas said in his dissenting opinion in *Gonzales v. Raich*, "If the Federal Government can regulate growing a half-dozen cannabis plants for personal consumption (not because it is interstate commerce, but because it is inextricably bound up with interstate commerce), then Congress' Article I powers – as expanded by the Necessary and Proper Clause – have no meaningful limits. Whether Congress aims at the possession of drugs, guns, or any number of other items, it may continue to "appropria[te] state police powers under the guise of regulating commerce."

As you know, voters in two states, Colorado and Washington, chose to decriminalizing marijuana last fall. And 18 states currently run medical marijuana programs. These states took the proper tact when dealing with overreaching federal power. They just said, 'No!' and exercised their reserved powers anyway.

Now, most Americans assume the Supreme Court has the final say. Some of you today likely hold that view. But I challenge you to stop and examine your understanding in light of what we know about the structure of the Republic itself. The people of the states created the federal government and delegated it specific enumerated powers. The agent does not direct the principle.

Nowhere is the SCOTUS granted the sole authority to determine the extent of federal power. It is a nonsensical position, since the Supreme Court is itself a part of the federal government. It's a little like letting a Jets player referee a football game between New York and New England. In fact, the political society delegating the power retains the authority to judge the extent of that power and determine when an overreach exists.

Jefferson makes this argument in the Kentucky Resolution of 1798.

*The government created by this compact (the Constitution) was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party (the people of each state) has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.*

Decisions on marijuana policy belong at the state level, and you, the representatives of the people of New Hampshire stand on solid constitutional ground should you decide to decriminalize marijuana.

Madison said that when the federal government oversteps its authority, the states not only have a right, but "are in duty bound, to interpose for arresting the progress of the evil."

Will you follow Madison's admonition?

By Michael Maharrey: Tenth Amendment Center national communications director  
[michael.maharrey@tenthamendmentcenter.com](mailto:michael.maharrey@tenthamendmentcenter.com)

5

Encarnacao



# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

EARL M. SWEENEY  
ASSISTANT COMMISSIONER

## NH DEPARTMENT OF SAFETY LEGISLATIVE POSITION PAPER

### HB 337 AS INTRODUCED (x ) AMENDMENT NO. \_\_\_\_

This is a complex and far-reaching bill that legalizes marijuana use and cultivation. It repeals several sections of RSA 318-B, the Controlled Drug Act, which define marijuana as a drug, provide penalties for the harvesting, transportation, sale, and use of marijuana, and allow physicians to dispense and pharmacists to dispense marijuana pursuant to written prescription.

This would include legalization of hashish. Hashish, often known as "hash", is an extremely potent cannabis product composed of compressed and/or purified preparations of stalked resin glands, called trichomes, collected from the unfertilized buds of the cannabis plant. It contains the same active ingredients—such as THC and other cannabinoids—but in higher concentrations than un-sifted buds or leaves. Hashish is currently illegal to use or consume in most countries in the civilized world, except places such as Northern India and the African subcontinent.

It would remain illegal to drive under the influence of marijuana, nor prevent the courts from imposing penalties for driving under the influence of marijuana. However, the danger the legalization of this drug poses for highway safety is that there is no standard such as the .08 limit for alcohol in the DWI laws, to determine when a person is under the influence of marijuana. The potency (THC content) of the drug varies widely from dose to dose and because it is illegal, there are no scientific studies tying intoxication to a specific level in the blood, and no devices to determine from a simple test such as a breath test whether a driver is under the influence of marijuana. Impairment can be identified by a small number of police officers who have completed an extensive and expensive course of training a DRE's, or Drug Recognition Experts, but other than that the only way to obtain a conviction for driving under the influence of marijuana depends almost entirely on an officer's observations of the actions of the vehicle and driver.

The bill bans the Department of Health and Human Services from requiring the labeling or branding of marijuana or marijuana products or placing a warning on them that the product may be habit-forming. This is in section 7 and 8 of the bill and flies in the face of all the scientific evidence that marijuana and hashish are, in fact, habit-forming. If the bill passes, this restriction should be deleted. In section 11 it also deletes marijuana from the law concerning the study, treatment and care of inebriates who use cannabis-type drugs, apparently not agreeing that marijuana has an effect on the central nervous system or can have the potential for abuse, all of which not only flies in the face of scientific evidence,

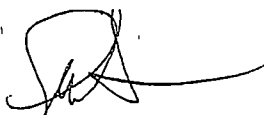
but also is a well- known fact among law enforcement officers and professionals who engage in substance abuse treatment.

In addition to the particularly problematic sections of the bill that we have noted, the fact remains that marijuana is still a controlled, scheduled drug that is illegal under federal law. If we pass a bill that legalizes it in New Hampshire, will we be setting up New Hampshire residents to believe they are doing something that is perfectly legal, when in fact they will be violating the federal drug laws and subject to perhaps unwittingly subject to federal arrests and criminal penalties because we, their own state, have misled them into thinking what they are doing is legal, and will have even issued them a" license to break the law?"

If we pass this bill, we will also be overlooking the experience of states such as California, Colorado and Montana, who have legalized marijuana or medical marijuana and true to the old adage of "follow the money", many say have created a situation where there is so much profit to be had that circumvention of these laws has become so rampant that enforcement efforts cannot begin to keep up with it, and where there are numerous media reports of instances where the abuse of the drug is negatively affecting the culture.

Finally, we need to look at what kind of a state we want New Hampshire to be. Do we want to be known as a conservative, frugal and industrious state where people want to locate businesses, to come and recreate, and with a growing export business, or do we not have enough problems with lung disease caused by smoking and problems with the abuse of alcohol and prescription drugs that we make yet another substance of abuse legal and risk creating an environment where what would otherwise be productive citizens and workers spend their days "zoned out and mellow" on a yet another habit forming and unhealthy substance? We think not.

**POSITION PAPER APPROVED:**

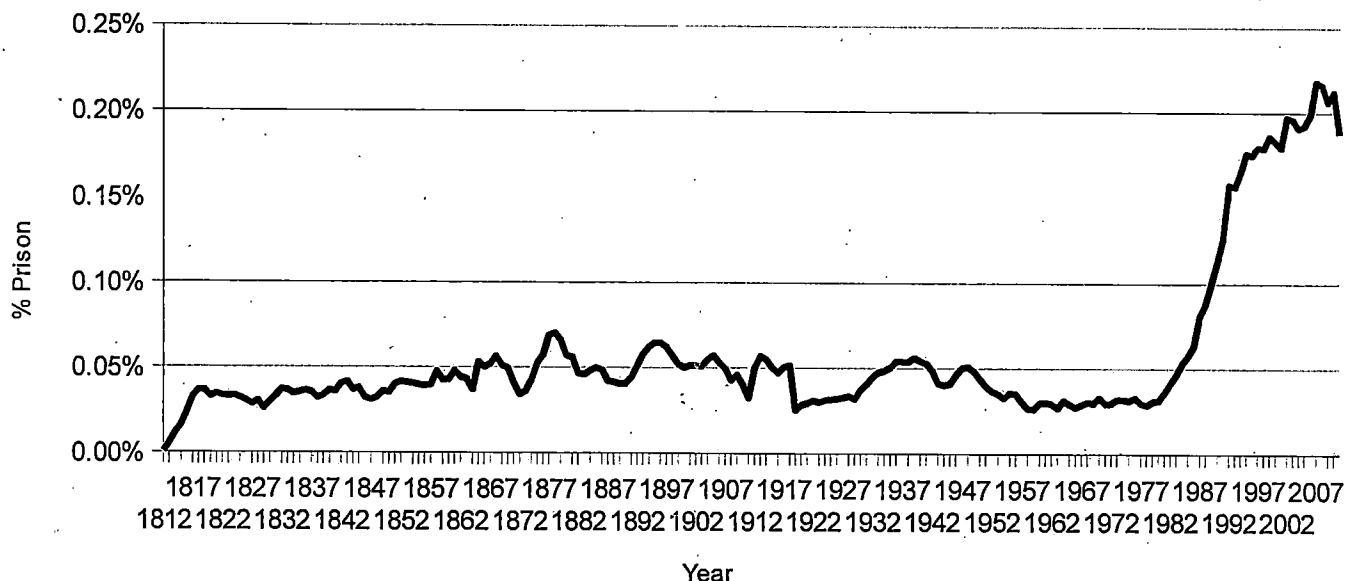


**Assistant Commissioner**



## Testimony of Rep. Dan McGuire, Epsom on Marijuana Decriminalization Feb. 14, 2013

Chart showing the fraction of New Hampshire's population in state prison, 1812 to 2011. Up six-fold in thirty years.



While law enforcement personnel will attribute this rise to truth in sentencing, it is not possible that is the only cause. The average stay in state prison today is two and a half years. Since all felony sentences are at least a year, the average before truth in sentencing could hardly be less than that, so at most truth in sentencing would account for half of the rise.

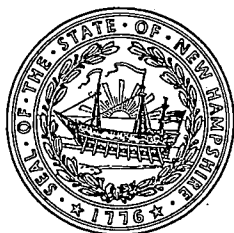
Either the character of the New Hampshire citizenry has taken a decidedly negative turn, or we are looking at the result of the war on drugs.

This war is costing us \$100's of millions of dollars a year, not just for prisons, but for the corresponding courts, prosecutors and police as well the toll of that level of lawlessness on society.

Fully half of the criminal investigations done by the state police lab are to determine whether the green stuff in a plastic bag is marijuana.

Drug abuse, like alcoholism, is a medical problem. Criminalizing drug use has not reduced the number of addicts. It has just made it a legal and a medical problem.

Prohibition didn't work for alcohol and for the same reasons it doesn't work for marijuana. Please pass these bills.



GOVERNOR'S COMMISSION ON ALCOHOL & DRUG ABUSE  
PREVENTION, INTERVENTION, AND TREATMENT

FILE  
22

V. Morgan

BUREAU OF DRUG AND ALCOHOL SERVICES  
105 Pleasant Street, Concord NH 03301  
603-271-6100 TDD ACCESS: 1-800-735-2964

Governor Maggie Hassan

Timothy R. Rourke  
Chairman

Joseph P. Harding  
Executive Director

Betsy Abrahams

Commissioner Virginia Barry

Commissioner John J. Barthelmes

Senator Jeanie Forrester

Attorney General  
Michael A. Delaney

Amélie Gooding

Representative June Frazer

Senator Molly Kelly

Honorable Edwin W. Kelly

Chairman Joseph Mollica

Chris Placey

Major General William N. Reddel, III

Stephanie A. Savard

Representative Jim MacKay

Rebecca Ewing

Commissioner Nicholas A. Toumpas

Commissioner William L. Wrenn

TO: Rep. Laura Pantelakos, Chair  
House Criminal Justice and Public Safety Committee

FROM: Tym Rourke, Chair (603-225-6641 x1295) [tr@nhcf.org](mailto:tr@nhcf.org)  
Governor's Commission on Alcohol and Other Drug Abuse  
February 14, 2013

RE: Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention,  
and Treatment Opposition to HB337, HB492 and HB621

Dear Representative Pantelakos and Honorable Committee Members;

On behalf of the Governor's Commission on Alcohol and Drug Abuse Prevention,  
Intervention, and Treatment, I write to convey the Commission's opposition for HB  
337, HB492 and HB 621.

The Governor's Commission was created in 2000 to address alcohol and drug  
problems in New Hampshire through: the development and implementation of a  
state drug strategy; to administer the Alcohol Abuse Prevention and Treatment Fund  
in partnership with the Department of Health and Human Services; and to advise the  
Governor and Legislature on policy and budgetary matters related to alcohol and  
other drug misuse and abuse.

Efforts to legalize and regulate marijuana create a significant threat to public safety  
and health. Even with restrictions to use by age, states that have considered and  
adopted partial or complete legalization have higher rates of youth marijuana use  
that states that do not. Marijuana is a major driver of adolescents and young adults  
seeking treatment in the United States, an indication of the damage the substance  
can wreak. Clinical research associates marijuana use with increased risk of seizure  
disorders, stroke and a host of other health problems that are well documented in  
literature. The "Marijuana of today" is completely different in its chemical  
composition from the drug as it existed even 10 years ago – more potent and toxic  
today than ever before.

Legalization brings with it increased costs to the criminal justice system, not a  
decrease. Alcohol – which is legal – is the cause nationally of over 2.6 million  
arrests a year. That is a million more than all drug use arrests combined in the  
United States (*Bureau of Justice Statistics*). Additionally, marijuana represents only  
a portion of proceeds gain from criminal organizations, which profit more from  
cocaine, heroin and methamphetamine distribution. There is no evidence that  
legalized marijuana would lower drug trafficking or associated crimes.

Infrastructure to market and distribute marijuana threatens to bring "big marijuana"  
into New Hampshire – similar in ways to "big tobacco", with a proven track record  
of marketing their products to populations never intended to have access to them  
(i.e. youth).

Rather than decriminalize, the legislature should consider ways to ensure that those  
who are caught with small amounts are driven into appropriate interventions, such  
as screening and referral to treatment if needed.

We encourage you to reject these proposals and continue to ensure the safety and  
health of our citizenry. Please do not hesitate to reach out if you have further  
questions.



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF COMMUNITY BASED CARE SERVICES

FILE  
23

*BUREAU OF DRUG AND ALCOHOL SERVICES*

Nicholas A. Toumpas  
Commissioner

Nancy L. Rollins  
Associate Commissioner

105 PLEASANT STREET, CONCORD, NH 03301  
603-271-6100 1-800-804-0909  
FAX: 603-271-6105 TDD Access: 1-800-735-2964

February 14, 2013

**Testimony for Marijuana related bills: HB492, HB621, HB337**

**Bureau of Drug and Alcohol Services Opposes Collection of Bills:  
HB492, HB621, HB337 legalize/decriminalize possession of marijuana**

There is substantial evidence that shows marijuana can be harmful, especially to youth.

Research has shown Marijuana is an addictive substance.

Marijuana is twice as potent as it was just 15 years ago.

Decriminalizing marijuana sends a message to New Hampshire's young people that marijuana use is acceptable there is little risk of harm associated with marijuana use.

New Hampshire data clearly shows rates when young people think there is "little risk of harm" associated with marijuana use, marijuana use increases.

There are both short- and long-term effects of marijuana use, including:

- Acute psychiatric symptoms or mental health effects
- Cognitive impairment
  - o Studies have consistently shown that heavy adolescent users experience problems with attention, learning, memory, and processing speeds and that these deficits continue beyond one month of abstinence
- Risk of injury or harm
  - o Driving while impaired & unplanned unprotected sexual activity
- Dependence

New Hampshire ranks high for marijuana use across a wide range of age categories. According to the 2011 National Survey on Drug Use and Health (NSDUH) New Hampshire youth and young adults already have a marijuana problem.

**11.35 % of New Hampshire high school students smoked marijuana within the past 30 days**

**27.03 % of New Hampshire young adults ages 18-25 years old smoked marijuana within the past 30 days**

**5.42 % of New Hampshire adults, age 26 plus smoked marijuana within the past 30 days**

*NH marijuana 30-day use is higher than national data*



# NEW HAMPSHIRE *Hospital*

36 CLINTON STREET, CONCORD, NEW HAMPSHIRE 03301-2359  
(603) 271-5300 FAX (603) 271-5395

## Testimony Regarding Cannabis Use and Admissions to NHH

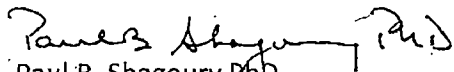
February 12, 2013

The association of cannabis use and serious mental illness has been a source of research attention worldwide for the last approximately 20 years. A thorough review of this research is presented in a summary by Dr. Wayne Hall entitled, **Cannabis Use and the Risk of Developing a Psychotic Disorder** (World Psychiatry, 2008). The various research that has been done unambiguously agrees that the incidence of psychosis increases with cannabis use. This is especially concerning in adolescents and young adults. The symptoms of their illnesses are likely to be more severe and the treatment process longer. The path ahead for them in life is a difficult one indeed, requiring more hospitalizations and other episodes of treatment.

To understand better the patterns of substance abuse among patients treated here at NHH we undertook a careful study of all the patients admitted to NHH for a six-month period of time in 2012. We learned that of the approximately one thousand admissions, one of four had a positive toxicology result for cannabis use. For adolescent males (age 13 to 20) 40 % had a positive toxicology result upon their admission to NHH, and of those with a positive toxicology result, 76% were positive for cannabis. Of the adolescent females 36% of those admitted had a positive toxicology result, and of those 53% were positive for marijuana. We conclude from this that marijuana use has a high association with severe symptoms of mental illness, severe enough symptoms to require a hospital level of care. This is especially concerning with adolescents and young adults because the prognosis for recovery is much worse for people with symptoms of serious mental illness and substance abuse problems. The future for a young person diagnosed with a serious psychiatric disorder is a difficult future and the same is true for a young person diagnosed with a substance abuse problem. For a teenager diagnosed with both a substance abuse problem and a serious mental illness, he or she faces a dark and twisty path indeed.

A widespread belief appears to exist among adolescents (and adults as well) that cannabis is a benign drug. The association between cannabis use and serious mental illness has been demonstrated repeatedly. The results of our data reinforce this. Based

on all the data we collected and reviewed we found that almost 2/3 of our admissions had some history of substance abuse. Many admissions had a history of abuse of multiple substances. The substances most frequently abused, for all ages, are alcohol and marijuana. It may be that the substance abuse worsens the psychiatric symptoms; it may be that the psychiatric condition makes the patient more vulnerable to substance abuse; it may be that both interact to worsen each other. But clearly cannabis is not a benign or harmless drug for those with a psychiatric disorder. Rather, cannabis use places them at risk for more aggravated symptoms of mental illness and a worse prognosis for recovery. And it places them at a much higher risk throughout their life of continued substance abuse problems.



Paul B. Shagoury PhD

Chief Psychologist

New Hampshire Hospital

DAVID B. GOLDSTEIN

NH ASSN. OF CHIEFS OF POLICE



**NADCP**

**National Association of  
Drug Court Professionals**

## POSITION STATEMENT ON MARIJUANA

### Scope of the Problem

*Whereas* marijuana is the most commonly abused illegal drug among adults and youths in the United States;<sup>1</sup> and

*Whereas* marijuana use rates have risen substantially since 2007;<sup>2</sup> and

*Whereas* social disapproval for using marijuana has been decreasing among teens since 2007;<sup>3</sup> and

*Whereas* softening attitudes about the dangers of marijuana often precede an increase in marijuana use rates;<sup>4</sup> and

*Whereas* more youths are in treatment for marijuana abuse or dependence than for the use of alcohol and all other drugs;<sup>5</sup> and

*Whereas* emergency room mentions for marijuana use now exceed those for heroin and are continuing to rise;<sup>6</sup> and

---

<sup>1</sup> Substance Abuse and Mental Health Services Administration. (2012). *Results from the 2011 National Survey on Drug Use and Health: Summary of National Findings* [NSDUH Series H-44, HHS Publication No. (SMA) 12-4713]. Rockville, MD: Substance Abuse and Mental Health Services Administration. Available at <http://www.samhsa.gov/data/NSDUH/2k11Results/NSDUHresults2011.htm>.

<sup>2</sup> *Id.*

<sup>3</sup> Johnston, L.D., O'Malley, P.M., Bachman, J.G., & Schulenberg, J.E. (2010). *Monitoring the future national survey results on drug use, 1975-2009: Vol. I, Secondary school students* (NIH Publication No. 10-7584). Bethesda, MD: National Institute on Drug Abuse (NIDA).

<sup>4</sup> *Id.*

<sup>5</sup> SAMHSA, Center for Behavioral Health Statistics and Quality (2010), Substance abuse treatment admissions by primary substance of abuse according to sex, age group, race, and ethnicity, United States [Data table from Quick Statistics from the Drug and Alcohol Services Information System]. Available at <http://www.dasis.samhsa.gov/webt/quicklink/US10.htm>; See also <http://www.dasis.samhsa.gov/webt/NewMapv1.htm>.

<sup>6</sup> SAMHSA, Center for Behavioral Health Statistics and Quality. (2011). *Drug abuse warning network, 2008: National estimates of drug-related emergency department visits* (HHS Publication No. SMA 11-4618). Rockville, MD: Author.

## Health

**Whereas** the psychoactive ingredient in marijuana—THC—has increased almost six-fold in average potency during the past thirty years;<sup>7</sup> and

**Whereas** marijuana is addictive for 1 in 9 adults and 1 in 6 adolescents who use the drug;<sup>8</sup> and

**Whereas** marijuana continues to negatively affect attention, memory, learning, and intelligence after the intoxicating effects of the drug have subsided;<sup>9</sup> and

**Whereas** marijuana negatively affects the development of the adolescent brain;<sup>10</sup> and

**Whereas** marijuana contains 50% more carcinogens than tobacco smoke;<sup>11</sup> and

**Whereas** marijuana smokers report serious symptoms of chronic bronchitis and other respiratory illnesses;<sup>12</sup> and

**Whereas** marijuana use during adolescence is directly linked to the onset of major mental illness, including psychosis, schizophrenia, depression, and anxiety;<sup>13</sup> and

**Whereas** the use of marijuana triggers relapse to other drugs of abuse among participants in substance abuse treatment and increases failure rates in Drug Courts;<sup>14</sup> and

---

<sup>7</sup> ElSohly M.A., Ross S.A., Mehmedic Z., Arafat R., Yi B., & Banahan B.F. 3<sup>rd</sup>. (2004). Potency trends of delta9-THC and other cannabinoids in confiscated marijuana from 1980–1997. *Journal of Forensic Sciences* 45(1), 24-30; Mehmedic, Z., Pharm, M., Suman, C., Slade, D., Denham, H. Foster, S., et al. (2010). Potency trends of D9-THC and other cannabinoids in confiscated cannabis preparations from 1993 to 2008. *Journal of Forensic Sciences* 55(5), 1209–1217.

<sup>8</sup> Wagner, F.A., & Anthony, J.C. (2002). From first drug use to drug dependence; developmental periods of risk for dependence upon marijuana, cocaine, and alcohol. *Neuropsychopharmacology* 26, 479–488.

<sup>9</sup> Hall W., & Degenhard L. (2009). Adverse health effects of non-medical cannabis use. *Lancet*, 374, 1383–1391; Schweinsburg, A.D., Brown, S.A., & Tapert, S.F. (2008). The influence of marijuana use on neurocognitive functioning in adolescents. *Current Drug Abuse Reviews*, 1(1), 99–111, 2008.

<sup>10</sup> Giedd, J.N. (2004). Structural magnetic resonance imaging of the adolescent brain. *Annals of the New York Academy of Sciences*, 1021, 77–85.

<sup>11</sup> British Lung Foundation. (2012). *The impact of cannabis on your lungs*. London: Author. Retrieved January 2013 from [http://www.drugsandalcohol.ie/17670/1/The\\_impact\\_of\\_cannabis\\_on\\_your\\_lungs\\_-\\_BLF\\_report\\_2012.pdf](http://www.drugsandalcohol.ie/17670/1/The_impact_of_cannabis_on_your_lungs_-_BLF_report_2012.pdf).

<sup>12</sup> Tetrault, J.M., Crothers, K., Moore, B.A., Mehra, R., Concato, J., & Fiellin, D.A. (2007). Effects of marijuana smoking on pulmonary function and respiratory complications: A systematic review. *Archives of Internal Medicine*, 167, 221–228.

<sup>13</sup> Room, R., Fischer, B., Hall, W., Lenton, S., & Reuter, P. (2010). *Cannabis Policy: Moving Beyond Stalemate*, New York: Oxford University Press & Beckley Foundation Press.

<sup>14</sup> Sechrest, D.K., & Shicor, D. (2001). Determinants of graduation from a day treatment drug court in California: A preliminary study. *Journal of Drug Issues*, 31(1), 129–148.

*Whereas* the use of marijuana reduces the efficacy of rewards for pro-social activities, such as those used in Drug Courts to improve offenders' behaviors;<sup>15</sup> and

*Whereas* the use of marijuana makes addiction to other drugs more likely;<sup>16</sup> and

### Education, Occupational Hazards, and Quality of Life

*Whereas* marijuana use is consistently associated with poorer academic grades and a reduced likelihood of graduating from school;<sup>17</sup> and

*Whereas* marijuana use impairs the ability to function effectively and safely on the job and increases work-related absences, tardiness, accidents, compensation claims, and job turnover;<sup>18</sup> and

*Whereas* higher levels of marijuana use are associated with lower satisfaction with intimate romantic relationships, work, family, friends, leisure pursuits, and life in general;<sup>19</sup> and

*Whereas* teens may significantly lower their IQs if they smoke marijuana;<sup>20</sup> and

*Whereas* marijuana use by parents is strongly associated with child abuse and neglect;<sup>21</sup> and

---

<sup>15</sup> Lane, S., Cherek, D., Pietras C.J., & Tcheremissine O.V., (2004). Acute marijuana effects on response-reinforcer relations under multiple variable-interval schedules. *Behavioural Pharmacology*, 15(4), 305–309.

<sup>16</sup> Schweinsburg A.D., Brown, S.A., & Tapert, S.F. (2008). The influence of marijuana use on neurocognitive functioning in adolescents. *Current Drug Abuse Review*, 1(1), 99–111.

<sup>17</sup> Macleod, J., Oakes, R., Copello, A., Crome, I., Egger, M., Hickman, M., et al. (2004). Psychological and social sequelae of cannabis and other illicit drug use by young people: A systematic review of longitudinal, general population studies. *Lancet* 363(9421), 1579–1588.

<sup>18</sup> NIDA (2012). Marijuana abuse. *NIDA Research Report Series* (NIH Publication No. 12-3859), p. 8.

<sup>19</sup> Fergusson, D.M., & Boden, J.M. (2008). Cannabis use and later life outcomes. *Addiction*, 103, 969–976.

<sup>20</sup> Meier, M.H., Caspi, A., Ambler, A., Harrington, H.L., Houts, R., Keefe, R.S.E., et al. (2012). Persistent cannabis users show neuropsychological decline from childhood to midlife. *Proceedings of the National Academy of Sciences, USA*, 109(40), E2657–E2664.

<sup>21</sup> Goldman, J., Salus, M.K., Wolcott D., & Kennedy, K.Y. (2003). *A coordinated response to child abuse and neglect: The foundation for practice*. Washington, DC: Department of Health and Human Services (HHS), Office on Child Abuse. Available at <http://www.childwelfare.gov/pubs/usermanuals/foundation/index.cfm>; Sullivan, S. (2000). *Child neglect: Current definitions and models—A review of child neglect research, 1993–1998*. Ottawa, Canada: National Clearinghouse on Family Violence; Perry, B.D. (1998). Incubated in terror: Neurodevelopmental factors in the 'cycle of violence.' In J.D. Osofsky (Ed.), *Children in a violent society* (pp. 124–145). New York: Gilford Press; Kraemer, G.W. (1992). A psychobiological theory of attachment. *Behavioral and Brain Sciences*, 15(3), 493–511.



### Crime and the Criminal Justice System

*Whereas* marijuana use consistently predicts a greater likelihood of involvement in crime and the criminal justice system;<sup>22</sup> and

*Whereas* long-term marijuana use has been shown to negatively affect the central nervous system in ways that may promote violence;<sup>23</sup> and

*Whereas* a consistent link between frequent marijuana use and violent crime and property damage has been identified among juveniles;<sup>24</sup> and

*Whereas* marijuana impairs motor coordination and reaction time and is the second most prevalent drug (after alcohol) implicated in automobile accidents;<sup>25</sup> and

### -- Marijuana as Medicine

*Whereas* several states have passed voter initiatives or legislation declaring marijuana to be “medicine”; and

*Whereas* the American Medical Association and most major health organizations oppose the legalization and medicalization of marijuana; and

*Whereas* smoked marijuana is not an FDA-approved medicine and has not passed standards of safety and efficacy; and

*Whereas* the Institute of Medicine has concluded that smoked marijuana should generally not be recommended for medical use;<sup>26</sup> and

---

<sup>22</sup> See Bennett, T., Holloway, K., & Farrington, D. (2008). The statistical association between drug misuse and crime: A meta-analysis. *Aggression & Violent Behavior, 13*, 107–118; See also Pedersen, W., & Skardhamar, T. (2010). Cannabis and crime: Findings from a longitudinal study. *Addiction, 105*, 109–118.

<sup>23</sup> National Research Council. (1993). *Understanding and preventing violence*, Washington, DC: National Academy Press.

<sup>24</sup> Dembo, R., Williams, L., Schmeidler, J., Wish, E.D., Getreu, A., & Berry, E. (1991). Juvenile crime and drug abuse: a prospective study of high risk youth. *Journal of Addictive Disorders, 11*(2), 5–31; Salmelainen, P. (1995). *The correlates of offending frequency: a study of juvenile theft offenders in detention*, Sydney, Australia: New South Wales Bureau of Crime Statistics and Research; Baker, J. (1998). *Juveniles in Crime—Part 1: Participation Rates and Risk Factors*, Sydney, Australia: New South Wales Bureau of Crime Statistics and Research & New South Wales Crime Prevention Division; Friedman, A. S., Glassman, K., & Terras, A. (2001). Violent behavior as related to use of marijuana and other drugs. *Journal of Addictive Diseases, 20*, 49-72.

<sup>25</sup> See DuPont, R., Logan, B.K., Shea, C.L., Talpins, S.K., & Voas, R.B. (2010). *Drugged driving research: A white paper*. Bethesda, MD: NIDA. Retrieved November 2011 from <http://stopdruggeddriving.org/pdfs/DruggedDrivingAWhitePaper.pdf>.

<sup>26</sup> Joy, J.E., Waston, S.J., & Benson, J. A. (Eds.). (1999). *Marijuana and medicine: Assessing the science base*. Washington, DC: National Academy Press.

*Whereas* the future of marijuana as a medicine lies in the development of its individual components delivered in a safe, uninhaled manner;<sup>27</sup> and

*Whereas* one such drug, Sativex, has been approved in several countries for cancer pain and multiple sclerosis spasticity and comprises two of marijuana's active ingredients delivered as a mouth spray; and

*Whereas* other non-smoked medications derived from marijuana, such as Marinol (dronabinol), have also been developed; and

*Whereas* the average user of smoked "medical" marijuana has no chronic illness and is a white male in his mid-thirties with a history of alcohol and drug abuse;<sup>28</sup> and

*Whereas* the vast majority of recommendations for marijuana as medicine are not based on medical necessity, an accurate or complete diagnosis, or consideration of appropriate alternative treatments; and

*Whereas* few of those seeking a recommendation for medical marijuana have cancer, HIV/AIDS, glaucoma, or multiple sclerosis;<sup>29</sup> and

*Whereas* in one state that permits the use of medical marijuana, only 3% of users reported having cancer and less than 1% reported having HIV/AIDS as the basis for seeking marijuana;<sup>30</sup> and

*Whereas* marijuana use has been found to be higher, particularly among juveniles, in states with medical marijuana laws;<sup>31</sup> and

### Legalization

*Whereas* some states are considering the legalization of marijuana; and

---

<sup>27</sup> *Id.*

<sup>28</sup> O'Connell, T. & Bou-Matar, C.B. (2007). Long-term marijuana users seeking medical marijuana in California (2001–2007): Demographics, social characteristics, patterns of cannabis and other drug use of 4117 applicants. *Harm Reduction Journal*, 4, 16. Available at <http://www.harmreductionjournal.com/content/4/1/16>.

<sup>29</sup> Nunberg, H., Kilmer, B., Pacula, R.L., & Burgdorf, J.R. (2011) An analysis of applicants presenting to a medical marijuana specialty practice in California. *Journal of Drug Policy Analysis*, 4(1), 1–16.

<sup>30</sup> Colorado Department of Public Health. (2012). Medical marijuana registry program update (as of September 30, 2012). Retrieved January 2013 from <http://www.colorado.gov/cs/Satellite/CDPHE-CHEIS/CBON/1251593017044>.

<sup>31</sup> Cerda, M., Wall, M., Keyes, K.M., Galea, S., & Hasin, D.S. (2012). Medical marijuana laws in 50 states: investigating the relationship between state legalization of medical marijuana and marijuana use, abuse and dependence. *Drug and Alcohol Dependence*, 20(1–3), 22–27; Wall, M., Poh, E., Cerda, M., Keyes, K.M., Galea, S., Hasin, D.S. (2011). Adolescent marijuana use from 2002 to 2008: Higher in states with medical marijuana laws, cause still unclear, *Annals of Epidemiology*, 21(9), 714–716.

*Whereas* nonpartisan analyses by leading research organizations concluded that marijuana legalization would significantly increase marijuana consumption because of a price collapse;<sup>32</sup>

***Now, therefore, be it resolved that the National Association of Drug Court Professionals:***

Opposes the legalization of smoked or raw marijuana; and

Opposes efforts to approve any medicine, including marijuana, outside of the FDA process; and

Supports continued research into a medically safe, non-smoked delivery of marijuana components for medicinal purposes; and

Supports reasonable prohibitions in Drug Courts against the use of smoked or raw marijuana by participants and the imposition of suitable consequences, consistent with evidence-based practices, for positive drug tests or other evidence of illicit marijuana consumption; and

Recommends Drug Courts require convincing and demonstrable evidence of medical necessity presented by a competent physician with expertise in addiction psychiatry or addiction medicine before permitting the use of smoked or raw marijuana by participants for ostensibly medicinal purposes; and

Supports a balanced policy approach to marijuana-related offenses, which does not emphasize either legalization of marijuana or incarceration for marijuana use, but rather offers an evidence-based combination of treatment and behavioral interventions to achieve long-term recovery from marijuana abuse and addiction.

Approved by the External Policy Committee of the NADCP Board on 12-14-12

Approved by unanimous vote by the NADCP Board of Directors on 12-15-12

---

<sup>32</sup> Kilmer, B., Caulkins, J.P., Pacula, R.L., MacCoun, R.J., Reuter, P.H. (2010). *Altered state? Assessing how marijuana legalization in California could influence cannabis consumption and public budgets*. Santa Monica, CA: RAND.

Complete Document

Can Be Viewed

In Bill Folder

# Get The Facts DrugWarFacts.org

Banners | Common Sense for Drug Policy | Drug War  
Distortions | Public Service Advertisements | Research Links

FILE 9

## Navigation

- Table of Contents
- Random Facts
- Recent Facts
- Copyright Notice

## Search



## Chapters

- Addictive Properties
- Adolescents
- Alcohol
- Causes of Death
- Civil Rights
- Cocaine & Crack
- Corruption
- Crime
- Diversion of Drugs
- Drug Courts
- Drug Testing
- Drug Usage
- Economics
- Ecstasy
- Entheogens
- Environment
- Families & Youth
- Forfeiture
- Gateway Theory
- Hemp
- Hepatitis C
- Heroin
- Heroin Maintenance
- HIV/AIDS & IDU
- Ibogaine
- Interdiction of Drugs
- ▶ International Policy

## Home

# Annual Causes of Death in the United States

1. (2009 - *opiate treatment and overdose deaths in Europe*) "More than 60 per cent of drug treatment demand in Asia and Europe relate to opiates that are, especially heroin, the most deadly drugs. Deaths due to overdose are, in any single year, as high as 5,000-8,000 in Europe, and several times this amount in the Russian Federation alone."

**Source:** United Nations Office on Drugs and Crime, "Addiction, Crime and Insurgency: The transnational threat of Afghan opium" (Vienna, Austria: October 2009, p. 7.

[http://www.unodc.org/documents/data-and-analysis/Afghanistan/Afghan\\_Opiu...](http://www.unodc.org/documents/data-and-analysis/Afghanistan/Afghan_Opiu...)

2. (2009 - *drug violence in Mexico*) "The cross-border flow of money and guns into Mexico from the United States has enabled well-armed and well-funded cartels to engage in violent activities. They employ advanced military tactics and utilize sophisticated weaponry such as sniper rifles, grenades, rocket-propelled grenades and even mortars in attacks on security personnel. DTOs have openly challenged the GOM through conflict and intimidation and have fought amongst themselves to control drug distribution routes. The results led to unprecedented violence and a general sense of insecurity in certain areas of the country, particularly near the U.S. border. Between January and September 2009, there were 5,874 drug-related murders in Mexico, an almost 5 percent increase over 2008 (5,600)."

**Source:** United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, "International Narcotics Control Strategy Report: Volume I, Drug and Chemical Control," (Washington, DC: U.S. Department of State: March 2010)p. 432.

<http://www.state.gov/documents/organization/137411.pdf>

3. (2008 - *drug violence in Mexico*) "More than 5,600 people died in drug trafficking violence in Mexico in 2008, more than double the prior year. This escalation in the level of violence was matched by a growing ferocity. Beginning in early 2008, there was an increase in assassinations of high-level law enforcement officials, gruesome murders including

Steroidal Anti-Inflammatory Drugs) accounts for an estimated 7,600 deaths and 76,000 hospitalizations in the United States." (NSAIDs include aspirin, ibuprofen, naproxen, diclofenac, ketoprofen, and tiaprofenic acid.)

**Source:** Robyn Tamblyn, PhD; Laeora Berkson, MD, MHPE, FRCPC; W. Dale Jauphinee, MD, FRCPC; David Gayton, MD, PhD, FRCPC; Roland Grad, MD, MSc; Allen Huang, MD, FRCPC; Lisa Isaac, PhD; Peter McLeod, MD, FRCPC; and Linda Snell, MD, MHPE, FRCPC, "Unnecessary Prescribing of NSAIDs and the Management of NSAID-Related Gastropathy in Medical Practice," *Annals of Internal Medicine* (Washington, DC: American College of Physicians, 1997), September 15, 1997, 127:429-438.

<http://www.annals.org/content/127/6/429.full.pdf>

Citing: Fries, JF, "Assessing and understanding patient risk," *Scandinavian Journal of Rheumatology Supplement*, 1992;92:21-4.

### **Related Chapters:    Overdose**

» [Login](#) to post comments | [Download PDF](#) | [Printer-friendly version](#)

---

**Banners    Common Sense for Drug Policy    Drug War Distortions    Public Service Advertisements**  
**Research Links**

---

**Copyright © 2000-2011, Common Sense for Drug Policy**



US006630507B1

(12) **United States Patent**  
**Hampson et al.**

(10) **Patent No.:** **US 6,630,507 B1**  
(45) **Date of Patent:** **Oct. 7, 2003**

(54) **CANNABINOIDS AS ANTIOXIDANTS AND NEUROPROTECTANTS**

(75) **Inventors:** **Aidan J. Hampson, Irvine, CA (US); Julius Axelrod, Rockville, MD (US); Maurizio Grimaldi, Bethesda, MD (US)**

(73) **Assignee:** **The United States of America as represented by the Department of Health and Human Services, Washington, DC (US)**

(\* ) **Notice:** **Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.**

(21) **Appl. No.:** **09/674,026**

(22) **PCT Filed:** **Apr. 21, 1999**

(86) **PCT No.:** **PCT/US99/08769**

§ 371 (c)(1),  
(2), (4) **Date:** **Feb. 2, 2001**

(87) **PCT Pub. No.:** **WO99/53917**

**PCT Pub. Date:** **Oct. 28, 1999**

**Related U.S. Application Data**

(60) **Provisional application No. 60/082,589, filed on Apr. 21, 1998, and provisional application No. 60/095,993, filed on Aug. 10, 1998.**

(51) **Int. Cl.7** ..... **A61K 31/35**

(52) **U.S. Cl.** ..... **514/454**

(58) **Field of Search** ..... **514/454**

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

2,304,669 A	12/1942	Adams	568/743
4,876,276 A	10/1989	Mechoulam et al.	514/454
5,227,537 A	7/1993	Stoss et al.	568/811
5,284,867 A	2/1994	Kleog et al.	514/454
5,434,295 A	7/1995	Mechoulam et al.	560/141
5,462,940 A	10/1995	Mitchell et al.	514/316
5,512,270 A	4/1996	Ghie et al.	424/45
5,521,215 A	5/1996	Mechoulam et al.	514/454
5,535,993 A	7/1996	Mechoulam et al.	514/454
5,635,530 A	6/1997	Mechoulam et al.	514/454
5,696,109 A	12/1997	Malfroy-Camine et al.	514/185
6,410,588 B1	9/2002	Feldmann et al.	514/454

**FOREIGN PATENT DOCUMENTS**

EP	427516	A1	5/1991
EP	570357	A1	12/1993
EP	656354	A1	6/1995
EP	658546	A1	9/1995
WO	WO9305031	A1	3/1993
WO	WO9412667	A1	6/1994
WO	WO9612485	A1	5/1996
WO	WO9618600	A1	6/1996
WO	WO9719063	A1	5/1997
WO	99/53917	*	10/1999

**OTHER PUBLICATIONS**

Windholz et al., *The Merck Index*, Tenth Edition (1983) p. 241, abstract No. 1723.\*

Mechoulam et al., "A Total Synthesis of  $\delta 1-\Delta^1$ -Tetrahydrocannabinol, the Active Constituent of Hashish<sup>1</sup>," *Journal of the American Chemical Society*, 87:14:3273-3275 (1965).

Mechoulam et al., "Chemical Basis of Hashish Activity," *Science*, 18:611-612 (1970).

Otterson et al., "The Crystal and Molecular Structure of Cannabidiol," *Acta Chem. Scand. B* 31, 9:807-812 (1977).

Cunha et al., "Chronic Administration of Cannabidiol to Healthy Volunteers and Epileptic Patients<sup>1</sup>," *Pharmacology*, 21:175-185 (1980).

Conroe et al., "Acute and Chronic Antiepileptic Drug Effects in Audiogenic Seizure-Susceptible Rats," *Experimental Neurology*, Academic Press Inc., 70:626-637 (1980).

Turkkanis et al., "Electrophysiologic Properties of the Cannabinoids," *J. Clin. Pharmacol.*, 21:449S-463S (1981).

Carlino et al., "Hypnotic and Antiepileptic Effects of Cannabidiol," *J. Clin. Pharmacol.*, 21:417S-427S (1981).

Karler et al., "The Cannabinoids as Potential Antiepileptics," *J. Clin. Pharmacol.*, 21:437S-448S (1981).

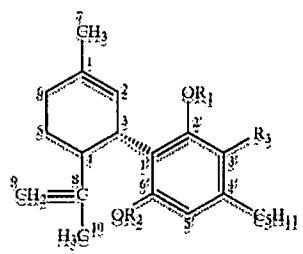
Conroe et al., "Antiepileptic Potential of Cannabidiol Analogs," *J. Clin. Pharmacol.*, 21:428S-436S (1981).

(List continued on next page.)

**Primary Examiner**—Kevin E. Weddington  
(74) **Attorney, Agent, or Firm**—Klarquist Sparkman, LLP

(57) **ABSTRACT**

Cannabinoids have been found to have antioxidant properties, unrelated to NMDA receptor antagonism. This new found property makes cannabinoids useful in the treatment and prophylaxis of wide variety of oxidation associated diseases, such as ischemic, age-related, inflammatory and autoimmune diseases. The cannabinoids are found to have particular application as neuroprotectants, for example in limiting neurological damage following ischemic insults, such as stroke and trauma, or in the treatment of neurodegenerative diseases, such as Alzheimer's disease, Parkinson's disease and HIV dementia. Nonpsychoactive cannabinoids, such as cannabidiol, are particularly advantageous to use because they avoid toxicity that is encountered with psychoactive cannabinoids at high doses useful in the method of the present invention. A particular disclosed class of cannabinoids useful as neuroprotective antioxidants is formula (I) wherein the R group is independently selected from the group consisting of H, CH<sub>3</sub>, and COCH<sub>3</sub>.



Submitted  
by: Bob  
Constantine

26 Claims, 7 Drawing Sheets

# 3 Main Issues

② Substance itself

① Federal Intervention - Article 7 NH

③ Moral issues ~~is~~ - Who owns your body?

Human Bondage  
Isn't putting a  
person in jail

engaging in "Human  
bondage" ? " //

Arrests  
23 million  
in the USA  
since 1965  
About 850,000/c



Note: In Judge Young's report cannabis is referred to as marijuana

Submitted by:  
Bob Constantine  
Grafton, NH

UNITED STATES DEPARTMENT OF JUSTICE  
Drug Enforcement Administration

\_\_\_\_\_  
In The Matter Of \_\_\_\_\_  
MARIJUANA RESCHEDULING PETITION \_\_\_\_\_

Docket No. 86-22

OPINION AND RECOMMENDED RULING, FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND DECISION OF  
Administrative LAW JUDGE.

FRANCIS L. YOUNG, Administrative Law Judge

DATED: SEP 6 1988

FRANCIS L. YOUNG, Administrative Law Judge

.....  
Part VIII.

**ACCEPTED SAFETY FOR USE UNDER MEDICAL SUPERVISION**

With respect to whether or not there is "a lack of accepted safety for use of [marijuana] under medical supervision", the record shows the following facts to be uncontroverted.

**Findings of Fact**

Point 3. The most obvious concern when dealing with drug safety is the possibility of lethal effects. Can the drug cause death?

4. Nearly all medicines have toxic, potentially lethal effects. But marijuana is not such a substance. There is no record in the extensive medical literature describing a proven, documented cannabis-induced fatality.

5. This is a remarkable statement. First, the record on marijuana encompasses 5,000 years of human experience. Second, marijuana is now used daily by enormous numbers of people throughout the world. Estimates suggest that from twenty million to fifty million Americans routinely, albeit illegally, smoke marijuana without the benefit of direct medical supervision. Yet, despite this long history of use and the extraordinarily high numbers of social smokers, there are simply no credible medical reports to suggest that consuming marijuana has caused a single death.

6. By contrast aspirin, a commonly used, over-the-counter medicine, causes hundreds of deaths each year.

7. Drugs used in medicine are routinely given what is called an LD-50. The LD-50 rating indicates at what dosage fifty percent of test animals receiving a drug will die as a result of drug induced toxicity. A number of researchers have

attempted to determine marijuana's LD-50 rating in test animals, without success. Simply stated, researchers have been unable to give animals enough marijuana to induce death.

8. At present it is estimated that marijuana's LD-50 is around

1:20,000 or 1:40,000. In layman terms this means that in order to induce death a marijuana smoker would have to consume 20,000 to 40,000 times as much marijuana as is contained in one marijuana cigarette. NIDA-supplied marijuana cigarettes weigh approximately .9 grams. A smoker would theoretically have to consume nearly 1,500 pounds of marijuana within about fifteen minutes to induce a lethal response.

9. In practical terms, marijuana cannot induce a lethal response as a result of drug-related toxicity.

10. Another common medical way to determine drug safety is called the therapeutic ratio. This ratio defines the difference between a therapeutically effective dose and a dose which is capable of inducing adverse effects.

11. A commonly used over-the-counter product like aspirin has a therapeutic ratio of around 1:20. Two aspirins are the recommended dose for adult patients. Twenty times this dose, forty aspirins, may cause a lethal reaction in some patients, and will almost certainly cause gross injury to the digestive system, including extensive internal bleeding.

12. The therapeutic ratio for prescribed drugs is commonly around 1:10 or lower. Valium, a commonly used prescriptive drug, may cause very serious biological damage if patients use ten times the recommended (therapeutic) dose.

13. There are, of course, prescriptive drugs which have much lower therapeutic ratios. Many of the drugs used to treat patients with cancer, glaucoma and multiple sclerosis are highly toxic. The therapeutic ratio of some of the drugs used in antineoplastic therapies, for example, are regarded as extremely toxic poisons with therapeutic ratios that may fall below 1:1.5. These drugs also have very low LD-50 ratios and can result in toxic, even lethal reactions, while being properly employed.

14. By contrast, marijuana's therapeutic ratio, like its LD-50, is impossible to quantify because it is so high.

15. In strict medical terms marijuana is far safer than many foods we commonly consume. For example, eating ten raw potatoes can result in a toxic response. By comparison, it is physically impossible to eat enough marijuana to induce death.

→ 16. Marijuana, in its natural form, is one of the safest therapeutically active substances known to man. By any measure of rational analysis marijuana can be safely used within a supervised routine of medical care."

[Return to Index](#)

**Brian K. Blackden**  
Federal Firearms Licensee  
485 North State Street  
Concord, New Hampshire 03301

603-415-0911

"And there comes a time when one must take a position that is neither safe, nor politic, nor popular; but one must take it because it is right."

Dr. Martin Luther King, Jr.

NH House of Representatives  
Criminal Justice Committee

February 14, 2013

TESTIMONY IN OPPOSITION OF HB's 337, 492, & 621.

I oppose three bills today and will present oral testimony on one and provide duplication of the same in written form on each subsequent bill.

As a Federal Firearms Licensee, which basically means I sell firearms, I oppose the legalization of marijuana in the three bills slated today regarding the same topic, although differing levels and wording of the decriminalization.

The State of New Hampshire, if it passes this type of legislation will affect the state's firearms industry through prevention of sales and possession.

If a state passes a law legalizing marijuana it will conflict with federal law, particularly, 18 U.S.C. section 922(g)(3) which essentially prohibits any person who is an unlawful user of marijuana from shipping, transporting, receiving, or possessing firearms or ammunition as marijuana is a federally controlled schedule I substance.

There are NO exceptions for even medical use never mind recreational use even if sanctioned by state law.

Further, federal law 18 U.S.C. section 922(d)(3) makes it unlawful for any person, including Federal Firearms Licensees to dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such a person is an unlawful user of a controlled substance, in this case, marijuana.

In essence, it blocks marijuana smokers from owning firearms and ammunition which will create a drop in revenues to businesses in the state who sell or manufacture such items and to the State itself by possibly depleting the hunting population of New Hampshire to a degree that may even affect wildlife populations and cause damage to the game balance in state and negatively impact the Fish and Game Department, police departments, and the Department of Safety financially in lost revenue.

When a person fills out a federal form 4473, a Firearms Transaction Record Part I-Over-the-Counter, question 11e, if these laws pass, the person would legally have to answer Yes, even though they may think they are entitled by state law to answer No.

This has criminal implications. If the above occurs, the person would be in violation of NH RSA 159:11 and could result in misdemeanor or felony charges because they would in fact be supplying false information in attempting to purchase a firearm, although likely unknowingly or unwittingly, and then be in violation of federal possession laws.

The US Bureau of Alcohol, Tobacco, Firearms, and Explosives issued a letter to all Federal Firearms Licensees on September 21, 2011 explaining this exact problem as far as conflict with state and federal law.

This cannot be taken lightly, it will place FFLs in a difficult position and could have them incur costs of legal fees if someone is found to have purchased a firearm or ammunition and if then questions are referred back to the FFL, it would unjustly deplete them of time and resources to respond to any federal or state inquiry of any violation that may occur.

This is bad law as it has not looked beyond the end of the smoking instrument be it organic or man made. It will impact the State of New Hampshire negatively, and harm gun ownership, manufacturing, and sales as well as environmental game concerns and income to the state for fish and game licensing and firearms licensing.

Thank you.

A handwritten signature in cursive script, appearing to read "Brian Blackden".

Brian Blackden

# Firearms Transaction Record Part I - Over-the-Counter

**WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.**

Transferor's Transaction  
Serial Number (If any)

**Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. "PLEASE PRINT."**

### Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name		
Last Name	First Name	Middle Name (If no middle name, state "NMN")

2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)				
Number and Street Address	City	County	State	ZIP Code

3. Place of Birth	4. Height	5. Weight	6. Gender	7. Birth Date
U.S. City and State	Ft. _____ In. _____	(Lbs.)	<input type="checkbox"/> Male <input type="checkbox"/> Female	Month    Day    Year
-OR- Foreign Country				

8. Social Security Number (Optional, but will help prevent misidentification)	9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)
---	--

10.a. Ethnicity	10.b. Race (Check one or more boxes.)		
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African American	<input type="checkbox"/> White
<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	

11. Answer questions 11.a. (see exceptions) through 11.l. and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.		
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? <b>Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d. Are you a fugitive from justice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
j. Have you ever renounced your United States citizenship?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
k. Are you an alien illegally in the United States?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
l. Are you an alien admitted to the United States under a nonimmigrant visa? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12. If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20c.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

13. What is your State of residence (if any)? (See Instructions for Question 13.)	14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.) <input type="checkbox"/> United States of America <input type="checkbox"/> Other (Specify) _____	15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?
---	--	---

# TITLE XII PUBLIC SAFETY AND WELFARE

## CHAPTER 159 PISTOLS AND REVOLVERS

### Section 159:11

**159:11 False Information.** – Any person who, in purchasing or otherwise securing delivery of a pistol, revolver, or other firearm, gives false information or offers false evidence of his identity, shall be guilty of a misdemeanor for the first offense, and be guilty of a class B felony for any subsequent offense.

**Source.** 1923, 118:11. PL 149:11. RL 179:11. RSA 159:11. 1967, 220:8. 1981, 553:7, eff. Aug. 29, 1981.



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington DC 20226

FILE  
10

September 21, 2011

[www.atf.gov](http://www.atf.gov)

### OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received a number of inquiries regarding the use of marijuana for medicinal purposes<sup>1</sup> and its applicability to Federal firearms laws. The purpose of this open letter is to provide guidance on the issue and to assist you, a Federal firearms licensee, in complying with Federal firearms laws and regulations.

A number of States have passed legislation allowing under State law the use or possession of marijuana for medicinal purposes, and some of these States issue a card authorizing the holder to use or possess marijuana under State law. During a firearms transaction, a potential transferee may advise you that he or she is a user of medical marijuana, or present a medical marijuana card as identification or proof of residency.

As you know, Federal law, 18 U.S.C. § 922(g)(3), prohibits any person who is an "unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))" from shipping, transporting, receiving or possessing firearms or ammunition. Marijuana is listed in the Controlled Substances Act as a Schedule I controlled substance, and there are no exceptions in Federal law for marijuana purportedly used for medicinal purposes, even if such use is sanctioned by State law. Further, Federal law, 18 U.S.C. § 922(d)(3), makes it unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or **having reasonable cause to believe** that such person is an unlawful user of or addicted to a controlled substance. As provided by 27 C.F.R. § 478.11, "an inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time."

Therefore, any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition. Such persons should answer "yes" to question 11.e. on ATF Form 4473 (August 2008), Firearms Transaction Record, and you may not transfer firearms or ammunition to them. Further, if you are aware that the potential transferee is in possession of a card authorizing the possession and use of marijuana under State law, then you have "reasonable cause to believe" that the person is an unlawful user of a controlled substance. As such, you may not transfer firearms or ammunition to the person, even if the person answered "no" to question 11.e. on ATF Form 4473.

ATF is committed to assisting you in complying with Federal firearms laws. If you have any questions, please contact ATF's Firearms Industry Programs Branch at (202) 648-7190.

Arthur Herbert  
Assistant Director

Enforcement Programs and Services

<sup>1</sup> The Federal government does not recognize marijuana as a medicine. The FDA has determined that marijuana has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and lacks an accepted level of safety for use under medical supervision. See 66 Fed. Reg. 20052 (2001). This Open Letter will use the terms "medical use" or "for medical purposes" with the understanding that such use is not sanctioned by the federal agency charged with determining what substances are safe and effective as medicines.

# Voting Sheets



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 337

**BILL TITLE:** legalizing marijuana and cannabis.

**DATE:** March 5, 2013

**LOB ROOM:** 204

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Warden

Seconded by Rep. Gagne

Vote: 9-9 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Robertson

Seconded by Rep. Tasker

Vote: 8-12 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Grady

Seconded by Rep. O'Hearne

Vote: 12-8 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** NO

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,



Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 337

BILL TITLE: legalizing marijuana and cannabis.

DATE: {Type DATE} 3-5-13

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: <sup>Retain -</sup> OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Warden

Seconded by Rep. Sagne

Vote: (Please attach record of roll call vote.)

9-9

Motions: (O)TP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Robertson

Seconded by Rep. Tascher

Vote: (Please attach record of roll call vote.)

8-12

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gene P. Charron, Clerk

3RD vote  
ITL GRADY  
O'hearn

12-8  
regular



2013 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 337 Title: \_\_\_\_\_

PH Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Exec Session Date: 3/5/13

Motion: Belain Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Pantelakos, Laura C, Chairman		✓
Cushing, Robert R, V Chairman	✓	
Berube, Roger R		✓
Robertson, Timothy N		✓
Burridge, Delmar D		✓
Ginsburg, Philip E	✓	
Boisvert, Ronald R	✓	✓
Grady, Brenda E	✓	
Harriott-Gathright, Linda		✓
Hirsch, Geoffrey D	✓	
O'Hearne, Andrew S		✓
Charron, Gene P, Clerk		✓
Fields, Dennis H		
Fesh, Robert M		✓
Villeneuve, Moe		
Gagne, Larry G	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	
Warden, Mark	✓	
Vaillancourt, Steve	✓	
TOTAL VOTE:		

9 9



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 11:54:23 AM  
Roll Call Committee Registers  
Report

2013 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB-337 Title: \_\_\_\_\_

PH Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Exec Session Date: 3/5/13

Motion: OTP- Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Pantelakos, Laura C, Chairman		✓
Cushing, Robert R, V Chairman	✓	
Berube, Roger R		✓
Robertson, Timothy N	✓	
Burridge, Delmar D		✓
Ginsburg, Philip E		✓
Boisvert, Ronald R		✓
Grady, Brenda E		✓
Harriott-Gathright, Linda		✓
Hirsch, Geoffrey D		✓
O'Hearne, Andrew S		✓
Charron, Gene P, Clerk		✓
Fields, Dennis H		✓
Fesh, Robert M		✓
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	
Warden, Mark	✓	
Vaillancourt, Steve	✓	
<b>TOTAL VOTE:</b>		

8 - 12

43



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2013 11:54:23 AM  
Roll Call Committee Registers  
Report

2013 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB337 Title: \_\_\_\_\_

PH Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Exec Session Date: 3/5/13

Motion: ITL Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Pantelakos, Laura C, Chairman	✓	
Cushing, Robert R, V Chairman		✓
Berube, Roger R	✓	
Robertson, Timothy N		✓
Burrige, Delmar D	✓	
Ginsburg, Philip E	✓	
Boisvert, Ronald R	✓	
Grady, Brenda E	✓	
Harriott-Gathright, Linda	✓	
Hirsch, Geoffrey D	✓	
O'Hearne, Andrew S	✓	
Charron, Gene P, Clerk	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	
Villeneuve, Moe		✓
Gagne, Larry G		✓
Parsons, Robbie L		✓
Tasker, Kyle J		✓
Warden, Mark		✓
Vaillancourt, Steve		✓
<b>TOTAL VOTE:</b>		

12 - 8

# Committee Report

**REGULAR CALENDAR**

**March 6, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on CRIMINAL JUSTICE  
AND PUBLIC SAFETY to which was referred**

**HB 337-FN,**

**AN ACT legalizing marijuana and cannabis. Having  
considered the same, report the same with the following  
Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Brenda E Grady**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill Number: **HB337-FN**

Title: **legalizing marijuana and cannabis.**

Date: **March 6, 2013**

Consent Calendar: **NO**

Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

This bill went through several motions in committee before arriving at the final Inexpedient to Legislate. Of the many points and concerns raised were:

- a) The "message" being sent to young people that marijuana, being legally available to those over 21, minimized the negative effect on a user under 21.
- b) Some members had a shared belief that marijuana was indeed the "Gateway Drug" for other illegal drugs.
- c) The biochemical affects upon the brain, especially when used frequently, have been shown to be psychoactive, influencing memory, thinking and concentration.
- d) Testimony against this bill was provided by a federal firearms licensee because passing a state law legalizing marijuana will conflict with federal laws that prohibit any person who is an unlawful user of marijuana from shipping, transporting, receiving, or possessing firearms or ammunition. Additionally, federal law makes it unlawful for any person, including Federal Firearms Licensees to dispose of any firearm or ammunition to any person who is an unlawful user of a controlled substance, such as marijuana. Again, this bill is in conflict with federal law.

Vote 12-8

Rep. Brenda E Grady  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File



REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 337-FN**, legalizing marijuana and cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda E Grady for the **Majority** of CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill went through several motions in committee before arriving at the final Inexpedient to Legislate. Of the many points and concerns raised were:

- a) The "message" being sent to young people that marijuana, being legally available to those over 21, minimized the negative effect on a user under 21.
- b) Some members had a shared belief that marijuana was indeed the "Gateway Drug" for other illegal drugs.
- c) The biochemical affects upon the brain, especially when used frequently, have been shown to be psychoactive, influencing memory, thinking and concentration.
- d) Testimony against this bill was provided by a federal firearms licensee because passing a state law legalizing marijuana will conflict with federal laws that prohibit any person who is an unlawful user of marijuana from shipping, transporting, receiving, or possessing firearms or ammunition. Additionally, federal law makes it unlawful for any person, including Federal Firearms Licensees to dispose of any firearm or ammunition to any person who is an unlawful user of a controlled substance, such as marijuana. Again, this bill is in conflict with federal law.

**Vote 12-8.**

COMMITTEE REPORT

*SPLIT*

COMMITTEE:

*Criminal Justice*

BILL NUMBER:

*HB 337*

TITLE:

DATE:

*3.5.13*

CONSENT CALENDAR:

YES

NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
-----------------------

STATEMENT OF INTENT:

*see agenda*

COMMITTEE VOTE:

*12-8*

*Rep. Laura Pantelakas*

RESPECTFULLY SUBMITTED,

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Copy to Committee Bill File</li> <li>• Use Another Report for Minority Report</li> </ul> |
|---|

Rep. *Juanda O. Grady*  
For the Committee

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

MAJORITY REPORT

HB 337, legalizing marijuana and cannabis.

RECOMMENDATION: INEXPEDIENT TO LEGISLATE

VOTE: 12-8

This bill went through several motions in committee before arriving at the final Inexpedient to Legislate. Of the many points and concerns raised were:

- a) The "message" being sent to young people that marijuana, being legally available to those over 21, minimized the negative effect on a user under 21.
- b) Some members had a shared belief that marijuana was indeed the "Gateway Drug" for other illegal drugs.
- c) The biochemical affects upon the brain, especially when used frequently, have been shown to be psychoactive, influencing memory, thinking and concentration.
- d) Testimony against this bill was provided by a federal firearms licensee because passing a state law legalizing marijuana will conflict with federal laws that prohibit any person who is an unlawful user of marijuana from shipping, transporting, receiving, or possessing firearms or ammunition. Additionally, federal law makes it unlawful for any person, including Federal Firearms Licensees to dispose of any firearm or ammunition to any person who is an unlawful user of a controlled substance, such as marijuana. Again, this bill is in conflict with federal law.

Rep. Brenda E. Grady

*Rep. Louie Pantelakas*

HB 337-FN

Criminal Justice +  
Public Safety

①

Relative to Legalizing Marijuana + Cannabis

Majority: ITL

This Bill went through several motions in committee before arriving at the final ITL. Of the many points and concerns raised were a) the "message" being sent to young people that marijuana, being legally available to those over 21, minimized the negative effect on a user under 21.

b) <sup>(some)</sup> members had a shared belief that marijuana was indeed the "Gateway Drug" for other illegal drugs.

c) The biochemical effects upon the brain, especially when used frequently, ~~are~~ have been shown to ~~be~~ be psychoactive, influencing memory, thinking, and concentration.

d) Testimony against this bill was provided by a federal firearms licensee because passing a state law legalizing marijuana will conflict with federal laws that prohibits any person who is an unlawful user of marijuana from shipping, transporting, receiving, or possessing ~~for~~ firearms or ammunition. Additionally, federal law makes it unlawful for any person, including Federal Firearms Licensees to dispose of any

②

Give arm or ammunition to any person who is an unlawful user of a controlled substance, such as marijuana.

Again, this bill is in conflict with federal law.

Brenda Grady

Rep Laura Pantalone

**REGULAR CALENDAR**

**March 6, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on CRIMINAL JUSTICE**

**AND PUBLIC SAFETY to which was referred**

**HB 337-FN,**

**AN ACT legalizing marijuana and cannabis. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.**

**Rep. Mark Warden**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **CRIMINAL JUSTICE AND PUBLIC SAFETY**  
Bill Number: **HB337-FN**  
Title: **legalizing marijuana and cannabis.**  
Date: **March 6, 2013**  
Consent Calendar: **NO**  
Recommendation: **OUGHT TO PASS**

**STATEMENT OF INTENT**

This bill would remove the words "cannabis and marijuana" from RSA section 318-B, the Controlled Drug Act. It repeals the prohibition on this plant in all forms, and repeals the illegality of possessing drug paraphernalia such as pipes, bongs and "carburetion tubes and masks." The minority believes that the time has come for a serious discussion about the state's war on marijuana users. Untold costs to the taxpayers, ruined families and careers, and misallocation of law enforcement and judicial resources away from prosecuting violent crimes are all good reasons to pass this legislation. Study after study shows that a large percentage of the population supports ending marijuana prohibition.

Further, the minority rejects the notion of federal supremacy in this area. The United States and state constitutions guarantee state sovereignty, and the state's responsibility to make laws that govern its residents is clear. We proved with Real ID that we can successfully challenge overreach from Washington, DC.

Relative to legal products, every thinking person realizes that abuse of tobacco and alcohol are far greater dangers to personal and public health than simple cannabis use.

Finally, this legislation turns back the notion that the state must regulate the personal behavior of adults and youths. Parents are the best ones to teach proper conduct and safe habits to their children. Criminal penalties for cannabis possession have the unintended consequence of supplanting parental responsibility, encouraging a father and mother to abdicate their duty to teach right and wrong to their children.

Rep. Mark Warden  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 337-FN**, legalizing marijuana and cannabis. **OUGHT TO PASS.**

Rep. Mark Warden for the **Minority** of CRIMINAL JUSTICE AND PUBLIC SAFETY. This bill would remove the words "cannabis and marijuana" from RSA section 318-B, the Controlled Drug Act. It repeals the prohibition on this plant in all forms, and repeals the illegality of possessing drug paraphernalia such as pipes, bongs and "carburetion tubes and masks." The minority believes that the time has come for a serious discussion about the state's war on marijuana users. Untold costs to the taxpayers, ruined families and careers, and misallocation of law enforcement and judicial resources away from prosecuting violent crimes are all good reasons to pass this legislation. Study after study shows that a large percentage of the population supports ending marijuana prohibition. Further, the minority rejects the notion of federal supremacy in this area. The United States and state constitutions guarantee state sovereignty, and the state's responsibility to make laws that govern its residents is clear. We proved with Real ID that we can successfully challenge overreach from Washington, DC.

Relative to legal products, every thinking person realizes that abuse of tobacco and alcohol are far greater dangers to personal and public health than simple cannabis use.

Finally, this legislation turns back the notion that the state must regulate the personal behavior of adults and youths. Parents are the best ones to teach proper conduct and safe habits to their children. Criminal penalties for cannabis possession have the unintended consequence of supplanting parental responsibility, encouraging a father and mother to abdicate their duty to teach right and wrong to their children.



# MINORITY REPORT

COMMITTEE: CTIS

BILL NUMBER: HB 337

TITLE: \_\_\_\_\_

DATE: 3.5.13 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

**STATEMENT OF INTENT:**

*See attached*

COMMITTEE VOTE: \_\_\_\_\_ *Rep. Laura Santolucito*

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. Mark Warden  
For the Minority

## REGULAR CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

#### MINORITY REPORT

HB 337, legalizing marijuana and cannabis.

#### RECOMMENDATION: OUGHT TO PASS

This bill would remove the words "cannabis and marijuana" from RSA section 318-B, the Controlled Drug Act. It repeals the prohibition on this plant in all forms, and repeals the illegality of possessing drug paraphernalia such as pipes, bongs and "carburetion tubes and masks." The minority believes that the time has come for a serious discussion about the state's war on marijuana users. Untold costs to the taxpayers, ruined families and careers, and misallocation of law enforcement and judicial resources away from prosecuting violent crimes are all good reasons to pass this legislation. Study after study shows that a large percentage of the population supports ending marijuana prohibition.

Further, the minority rejects the notion of federal supremacy in this area. The United States and state constitutions guarantee state sovereignty, and the state's responsibility to make laws that govern its residents is clear. We proved with Real ID that we can successfully challenge overreach from Washington, DC.

Relative to legal products, every thinking person realizes that abuse of tobacco and alcohol are far greater dangers to personal and public health than simple cannabis use.

Finally, this legislation turns back the notion that the state must regulate the personal behavior of adults and youths. Parents are the best ones to teach proper conduct and safe habits to their children. Criminal penalties for cannabis possession have the unintended consequence of supplanting parental responsibility, encouraging a father and mother to abdicate their duty to teach right and wrong to their children.

Rep. Mark Warden

*Rep. Laura Pantelakas*

**Cossette, Nancy**

---

**From:** MARK WARDEN [liberty.warden@gmail.com]

**Sent:** Tuesday, March 05, 2013 12:46 PM

**To:** Warden, Mark; Cossette, Nancy

**Subject:** Minority report for HB 337

Committee voted 12-8 ITL.

Minority recommends OTP.

This bill would remove the words "cannabis and marijuana" from RSA section 318-B, the Controlled Drug Act. It repeals the prohibition on this plant in all forms, and repeals the illegality of possessing drug paraphernalia such as pipes, bongs and "carburetion tubes and masks." The minority believes that the time has come for a serious discussion about the state's war on marijuana users. Untold costs to the taxpayers, ruined families and careers, and misallocation of law enforcement and judicial resources away from prosecuting violent crimes are all good reasons to pass this legislation. Study after study shows that a large percentage of the population supports ending marijuana prohibition.

Further, the minority rejects the notion of federal supremacy in this area. The U.S. and state constitutions guarantee state sovereignty, and the state's responsibility to make laws that govern its residents is clear. We proved with Real ID that we can successfully challenge overreach from Washington, DC.

Relative to legal products, every thinking person realizes that abuse of tobacco and alcohol are far greater dangers to personal and public health than simple cannabis use.

Finally, this legislation turns back the notion that the state must regulate the personal behavior of adults and youths. Parents are the best ones to teach proper conduct and safe habits to their children. Criminal penalties for cannabis possession have the unintended consequence of supplanting parental responsibility, encouraging a father and mother to abdicate their duty to teach right and wrong to their children.

REP. MARK WARDEN

MARCH 05, 2013

*Rep Laura Pentelatos*