

Approved: February 29, 2012

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Brenda Landwehr at 1:30 PM on Tuesday, January 24, 2012 in Room 784 of the Docking State Office Building.

All members were present except:

Representative Winn - Excused
Representative Donohoe – Excused
Representative Hermanson - Excused

Committee staff present:

Martha Dorsey, Kansas Legislative Research Department
Joseph Leiker, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Representative Gail Finney (Attachments 1, 2 and 3)
Dr. Eric Voth, M.D., FACP, Chairman, The Institute on Global Drug Policy (Attachments 4 and 5)
Dr. Jon Hauxwell, Hays, Kansas (Attachments 6 and 7)
Dan Dawdy (Attachment 8)
Esau Freeman, Wichita, Kansas (Attachment 9)
Philip Hornbeck, Haysville, Kansas (Attachment 10)
Cheryl Riley, Voluntary Director, Kansas Medical Cannabis Network (Attachment 11)
David Mulford, Hutchinson, Kansas (Attachment 12)
Sarah Smith, Medically Retired Lenexa, Kansas Police Officer/Detective (Attachment 13)
Jason Selmon, Kannabas Project Chairman (Attachment 14)
Robin Lais, Wichita, Kansas (Attachment 15)
Charles Weismiller, Acting Director, Kansas Chapter of the National Organization For the Reform of Marijuana Laws (Attachment 16)
Nick Reinecker (Attachment 17)
Michelle Voth, MPA, Executive Director, Kansas Family Partnership (Attachment 25)
Max Wilson, Retired Executive Director of Shawnee Regional Prevention and Recovery Services (Attachment 26)
Debby Moore, CEO, Hemp Industries of Kansas (Attachments 27 and 28)

Others in attendance:

See attached list.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Chairperson Landwehr opened the informational meeting on medical marijuana. Due to the number of conferees, Chairperson Landwehr requested each speaker to limit their remarks to approximately three minutes.

Representative Gail Finney provided testimony as the sponsor and supporter of the Cannabis Compassionate Care Act. The act was designed to protect patients with debilitating medical conditions, as well as practitioners and providers, from arrest and prosecution, criminal and other penalties and property forfeiture if such patients engage in the medical use of cannabis. The legislation would provide for the registration and functions of not-for-profit compassion centers, which will have the authority to possess, cultivate, manufacture, and dispense cannabis to registered cardholders under the control of the Kansas Department of Health and Environment. ([Attachment 1](#)) Representative Finney also provided a document from Dr. Shaker Dakhil in support of medical marijuana for use by the 15% of cancer patient population needing additional treatment for nausea and loss of appetite. ([Attachment 2](#)) A third document included a letter from Robert T. Stephen, Attorney at Law, who supports medical marijuana and the reclassification of marijuana from a Schedule 1 drug to a Schedule 2 drug (Class 1 – no medicinal value, Class 2 – medicinal value). ([Attachment 3](#))

Due to his patient schedule, Dr. Eric Voth presented testimony in opposition to medical marijuana. ([Attachment 4](#)) Dr. Voth has over thirty years experience as a drug policy and drug abuse expert, and provided his vitae ([Attachment 5](#)) for background. He stated there have been many problems with medical excuse marijuana throughout the country. For example, California has experienced a 100% increase in marijuana-related traffic fatalities since the marijuana dispensaries and a five-fold increase in treatment needs for marijuana. Some states report that the most frequent medical excuse patients are young – typically under 35 years old – yet the most common complaint is for back pain. The most frequent time that marijuana is purchased is Friday afternoon by people under 21. The FDA opposes medical excuse marijuana. It is not a safe drug and is far from clearly effective.

Dr. Jon Hauxwell provided testimony in support of medical marijuana. As a Family Physician and retired Commissioned Officer in the U.S. Public Health Service, he focused much of his time in the areas of clinical pharmacology, addictions treatment, mental health consultation, and pain management. His testimony provided in-depth information concerning the physiologic basis of cannabis therapeutics, dosages, adverse effects, misconceptions, etc. ([Attachment 6](#)) A second document provided information on the practical aspects of dosing, administration and titration of medical cannabis. ([Attachment 7](#))

Dan Dawdy provided testimony in support of medical marijuana. He stated medical marijuana is a perfect example of big government, bureaucracy, running right over the very citizens it is to protect and serve. He was not asking for patient voted medicine but rather he was asking the legislature to clear the roadblocks enacted by government to essentially ban a plant and any of its uses. ([Attachment 8](#))

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Esau Freeman provided testimony in support of medical marijuana. He listed the side effects of an FDA approved medication and related the story of his 58 year old mother who died from the side effects of Humira, an FDA approved medication for the treatment of plaque psoriasis and arthritis. Patients in Kansas deserve the legal right to access a safer more natural medicine. ([Attachment 9](#))

Philip Hornbeck provided testimony in support of medical marijuana. He stated over one-third of the U.S. population now live in states that no longer want to restrict an individual's right to choose medicine that provides relief for many serious medical conditions. Nor do these compassionate states want to waste resources in all stages of the judicial process to prosecute people who choose a safer medicine with far fewer adverse side effects than "legal" alternatives. ([Attachment 10](#))

Cheryl Riley provided testimony in support of medical marijuana. She shared information concerning her daughter's experience with cannabis and how it had helped her with bipolar disorder. She stated several studies conducted abroad have indicated that cannabis is possibly the best treatment yet found for bipolar disorder. A few years ago, the Drug Enforcement Administration (DEA) conducted two years of administrative hearings before Administrative Law Judge Francis L. Young, featuring testimony of patients, physicians, and researchers, presenting compelling scientific and medical data on cannabis therapy. At the hearing's conclusion, Judge Young urged rescheduling of cannabis. ([Attachment 11](#))

David Mulford provided testimony in support of medical marijuana. He shared his struggles with muscle spasms and the need for a quick acting drug to control them. Waiting for an hour for a pill to work is not an option and said some patients suffer conditions where swallowing a pill is a problem. He indicated he is not a fan of smoking cannabis but until something like a Nebulizer comes along that can deliver an adjustable, pre-measured dose reliably we don't have much of a choice in rapidity. ([Attachment 12](#))

Sarah Smith provided testimony in support of medical marijuana. She shared her experience in law enforcement and the need to medically retire. Unfortunately, she now suffers from several painful and dangerous side effects from some of her prescription medications. Through her research over several years she has discovered that this ancient, out-lawed, illegal, controlled substance has been actually helping normal, everyday people who happen to be living with chronic pain and other serious medical conditions and greatly improving their quality of life. ([Attachment 13](#))

Jason Selmon provided testimony in support of medical marijuana. He stated the amount of support for medical cannabis in Kansas is strong, growing, and widely discussed. People with an illness that they know would be relieved with cannabis just want their quality of life back and are sick of the adverse effects sustained by the prescription pills they are forced to take. Passing the bill would have a positive economic impact in our state. In a recent article by CNN Money it

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was estimated that Kansas would make \$6.6 million dollars in sales tax alone not including application fees from dispensaries, growers, distributors and product manufacturers. There are many ways to administer cannabis other than smoking it. Food products, beverages, candy, vaporizing, creams and salves are just a few. ([Attachment 14](#))

Robin Lais provided testimony in support of medical marijuana. She relayed how she has seen with her own eyes people with mental health disorders able to function again in a calm manner; has seen people in pain from prescription drugs use hemp oil and become drug and pain free. ([Attachment 15](#))

Charles Weismiller provided testimony in support of medical marijuana. Science shows marijuana assists in the treatment of many ailments, from the well known like AIDS and glaucoma, to lesser known uses for insomnia and depression. It has also been show to have anti tumor properties in some cancer cases. Cannabis has lower risks associated with its use compared to pharmaceutical alternatives. One must also factor in the fact that there has never been a single death attributed to cannabis overdose, while pharmaceuticals for many of the ailments that marijuana could cure, kill thousands ever year. ([Attachment 16](#))

Nick Reinecker provided testimony in support of medical marijuana. He stated he has witnessed and/or experienced the consequences both directly and indirectly that are produced from the entire spectrum of safety practices, foods and drugs, whether in a medical, commercial, or social setting, legal or illegal, that mankind has and will continue to choose to be involved with. He cannot understand and cannot accept that a plant, plants and other naturally occurring substances are things that should be altered, repressed or associated with evil. ([Attachment 17](#))

Written only testimony in support of medical marijuana was provided by:

Brian Leininger, Former Assistant District Attorney, Kansas City, Kansas on Behalf of Law Enforcement Against Prohibition (LEAP) ([Attachment 18](#))

Jennifer Bennett ([Attachment 19](#))

Rebecca Morris, Chapter Leader, Wichita Moms for Marijuana ([Attachment 20](#))

Sandy Stephens ([Attachment 21](#))

Eden Fuson, Potwin, Kansas ([Attachment 22](#))

Susan Hughes, Augusta, Kansas ([Attachment 23](#))

Al Terwelp, Chair, Libertarian Party of Kansas, Overbrook, Kansas ([Attachment 24](#))

Michelle Voth provided testimony in opposition to medical marijuana. She stated what is or is not to be considered medicine is not something to be decided by popular vote. It should be based on science and go through the rigors of any other substance through the Federal Drug Administration process. The research is clear that when perception of harm of a drug goes down, use goes up. Additional concerns must also include the implications for employers who have employees with medical marijuana cards, the challenge for law enforcement, the inconsistency of

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school drug policy and medical cards (yes, youth can get these too and do), workplace safety, DUI laws, and the list goes on and on. ([Attachment 25](#))

Max Wilson provided testimony in opposition to medical marijuana. During his years in the field of substance abuse prevention and early intervention, he learned that marijuana is the number one presenting drug of addiction for Kansas youth entering substance abuse treatment. Medical excuse marijuana laws could directly increase use of and addiction to marijuana by young people. A side effect of the medical marijuana movement is to give people, especially children and teenagers, the idea that marijuana is good for health rather than that it may relieve symptoms of some diseases, for which there are other approved medications. Onset of marijuana use during adolescence is now linked to altered brain development leading to long-term cognitive impairment. ([Attachment 26](#))

At the conclusion of the conferees in opposition, Debby Moore, CEO, Hemp Industries of Kansas requested to provide testimony in support of medical marijuana. She shared information about Brooks J. Kelly, Ph.D., who has researched cannabis and fungi for 30 years. He holds numerous patents on medical cannabis, which treat ailments without the side effects of “high” ([Attachment 27](#)). She also included another document entitled “Kansas Cannabis Crime Prevention Act of 2012”. ([Attachment 28](#))

Written testimony only in opposition to the bill was provided by:

Lieutenant Mike Life, Junction City Police Department ([Attachment 29](#))
Debra Billingsley, Executive Secretary, Kansas State Board of Pharmacy,
Topeka, Kansas ([Attachments 30 and 31](#))

There was no neutral verbal or written testimony provided.

Following a question and answer session, the meeting was adjourned at 3:15 p.m.

The next meeting is scheduled for January 25, 2012.