

January 19, 2010

Honorable Senators, members of the Judiciary committee, staff & guests:

My name is Greg Francisco and I am the founder of the Michigan Medical Marijuana Association, the largest medical marijuana patient advocacy group in the state. Our organization represents thousands of member patients and caregivers, along with their families, friends and health care providers. Our message is simple. Thank you Senator Kuipers, Kahn & VanWoerkem. You are correct.

One year after passage of the Michigan Medical Marijuana Act many patients in Michigan are still struggling to find safe, reliable and affordable access to their medicine. Our present system which has patients and caregivers cultivating limited quantities of medical marijuana is in fact, well, limiting. Don't get me wrong, the system we have now is working. But it could work better.

Our concern is not with the Senator's suggestions that Michigan patients need a controlled, regulated distribution system. Our concern is with the particular model they propose. SB 616, 617 & 618 are not acceptable. This package of bills does not create a safe, regulated access at all. Instead they will eviscerate the voter approved law.

If SB 616, 617 & 618 were ever enacted it would still be technically legal to use medical marijuana in Michigan. It would just be illegal to obtain or possess it. Which means it really won't be legal at all. These bills require doctors to write prescriptions for medical marijuana, something they are barred from doing by federal law. It would require medical marijuana be dispensed only by pharmacies, again something that federal law prohibits. And it would take away the right granted by voters that allows patients and caregivers to cultivate small amounts of medical marijuana in the privacy of their home, away from over reaching government agents. Instead these bills would turn that lucrative cash cow over to 10 well connected nurseries.

Defenders of SB 616, 617 & 618 say they are not trying to shut down the Michigan Medical Marijuana Registry program. They are not trying to thwart to the will of the voters, they're just tweaking it a bit, since the voters were so reckless as to pass such a flawed law. That's what they say anyway. But can they deny that will in fact be the outcome if this package of bills were enacted into law? Is it unreasonable to predict that in the very unlikely event these bills were passed, every currently registered patient would turn in their card and no new patients would enroll.

Why do I say that? Because, besides making medical marijuana impossible to obtain and illegal to possess, it also imposes hefty fines on any registered patients found in possession of marijuana that didn't come from a pharmacy—which cannot dispense it. The upshot is that registered patients risk tens of thousands of dollars in fines while their unregistered neighbor may only face a \$100 fine for the same offense. The incentive to drop out of the program is clear.

I urge the members of this committee to kill this package of bills now. They are a transparent attempt to thwart the will of the voters and to score political points off the suffering of innocents. Marijuana is medicine, and the voters of Michigan want it to be available to seriously ill patients. Politicians who stand in the way of the people on this issue, do so at their own peril.

Please vote no on SB 616, 617 & 618. Thank you for your attention.

Greg Francisco, MA

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Dear MI Senate Judiciary Committee Member:

I am the founder of the Michigan Medical Marijuana Association, the leading medical marijuana patient advocacy group in this state. I am writing to express my deep concerns about SB 616, 617 & 618, which were recently referred to your committee.

SB 616, 617 & 618 are blatant attempts to thwart the clear will of the voters of Michigan. Proposal 1 passed by an overwhelming margin and it passed in every single House and Senate district. Additionally, a Compassionate Use Act was only put on the ballot after Michigan legislators failed to act to adequately protect patients. It is a true slap in the face of Democracy to now attempt to change the Michigan Medical Marijuana program in a manner that will effectively make our medicine both unavailable or illegal again.

Among other things SB 616, 617 & 618 would:

Require doctors to write prescriptions rather than recommendations for medical marijuana. Doctors may only write prescriptions for FDA approved drugs lest they imperil their license. This provision will have the practical effect of no patient being able to obtain doctor authorization to use the medicine.

Require medical marijuana to be dispensed only by pharmacies. Pharmacies may only dispense FDA approved drugs lest they imperil their own business license. This provision will have the practical effect of barring patient access to the medicine.

Prohibit any patient or caregiver from engaging in not for profit cultivation of medicine, instead handing over a potential cash cow to a handful of privileged large plant nurseries. Large plant nurseries such as chief SB 616, 617 & 618 sponsor and Judiciary Committee Chair Senator Kuiper's own family operates for example. This completely re-writes the cultivation provisions in Initiated Law 1 of 2008 as approved by the voters and gives every appearance of "nest feathering" by someone soon to be term-limited out.

Moves medical marijuana to Schedule 2 under MI law. It will however remain at Schedule 1 at the Federal level meaning doctors won't be able to prescribe it nor pharmacies dispense it. This provision is just so much smoke and mirrors.

Patients will only be allowed to possess medical marijuana dispensed from a pharmacy. Since pharmacies are barred by federal law from dispensing medical marijuana this effectively means it will be illegal to possess any medical marijuana at all.

Sets a \$25,000 fine for any registered medical marijuana patient who obtains medical marijuana from a source other than pharmacies, which are barred by federal law from dispensing it. This in turn creates a powerful incentive for patients not to register for the program but to instead take their chances in the black market where the penalties are much less severe. Surely that cannot be the intent of the Michigan Senate—to stimulate the black market.

On behalf of our 12,500 registered members, most of whom are also registered voters, spread all over our state, I am asking you to stop these ill considered bills as soon as possible. I can guarantee you a very full house at today's hearing.

Respectfully,

Greg Francisco, M.A.
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