

Please *OPPOSE* HB 30

Medical Marijuana

To: All Illinois House Members
From: Illinois Family Institute
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Illinois Family Institute

HB 30 — Oppose

1. Dispensaries — Each Illinois State Senate district may initially have one nonprofit medical cannabis organization (dispensary). (*Section 65. (e), page 33*) After 4 months the Department of Public Health will review whether or not qualifying patients in all areas of the state are able to access marijuana in a **timely manner**. (*Section 95. (d), page 48*)

Each nonprofit medical cannabis organization (dispensary) may have **additional locations** where cannabis is cultivated, harvested, packaged, labeled and otherwise prepared for distribution. (*Section 65. (a), (4), page 30*) A dispensary may possess enough plants to provide an **adequate supply** of marijuana to satisfy their patients. (*Section 105. (a), (1), (G), page 45*)

Based upon Colorado's approved medical marijuana applications for 2009, Illinois can expect **310,000 approved medical marijuana applications in one year**. Divided evenly among the 59 senate districts each dispensary can anticipate serving 5,254 patients. Conservatively, 2.5 ounces of marijuana every 14 days would require 4 marijuana plants, 2 mature and 2 developing plants, year round per patient or 21,016 plants for each dispensary. This is for just year one; more patients will likely apply the next year.

- **How many additional locations will be needed to cultivate, harvest, package and label cannabis for each dispensary? What is considered a timely manner or an "adequate supply" of cannabis?**

2. Photo copy of application recognized as registry card — If the Department of Public Health fails to issue a valid application or renewal submitted within 30 days a copy of the application shall serve as a registry card. (*Section 110. (b), page 49*)

- **How many people will be using a copy of their application as a registry card after 30 days?**

3. Employer Liability; Elimination of the Drug Free Workplace — No employer may refuse to hire a medical marijuana patient unless failing to do so would place the employer in violation of federal laws. (*Section 25. (a), (1), page 17*)

An employer cannot discipline an employee for failing a drug test unless failing to do so would be in violation of federal law. (*Section 35. (d), page 19*)

An employer can't discriminate when enforcing a policy concerning drug testing, zero-tolerance or drug free workplace. (New language) (*Section 35. (b), page 19*)

An employer may consider whether or not a patient/employee is impaired by judging his/her behavior based upon the bill's definition. If an employer elects to discipline an employee for their behavior the employee must have a reasonable opportunity to contest on the basis of determination. (New language) (*Section 35. (f), page 20*)

The bill addresses the liability an employer is confronted with when employing a medical marijuana patient. (New language) (*Section 35. (e), (g), page 20*) (*Section 35. (b), (1, 2, 3), page 21*)

- **Knowing that a medical marijuana patient/employee gets 2.5 ounces of marijuana every 14 days, 183 joints or 13 per day, to use to treat his medical condition, how does an employer test the employee daily without appearing to discriminate or enforce a company's zero tolerance policy?**

4. Expanded List of Medical Conditions — An example, “intractable pain” is replaced with “Complex Regional Pain Syndrome Type I” and “Complex Regional Pain Syndromes Type II.” (New language) (Section 10. (d), (1), page 4)

5. HB 30 Invalidates DUI Laws — HB 30 allows a medical marijuana patient to operate a motor vehicle while the U.S. Department of Transportation does not:

“We have had several inquiries about whether the DOJ advice to Federal prosecutors regarding pursuing criminal cases will have an impact upon the Department of Transportation's longstanding regulation about the use of marijuana by safety-sensitive transportation employees — pilots, school bus drivers, truck drivers, train engineers, subway operators, aircraft maintenance personnel, transit fire-armed security personnel, ship captains, and pipeline emergency response personnel, among others.”

“We want to make it perfectly clear that the DOJ guidelines will have no bearing on the Department of Transportation's regulated drug testing program. We will not change our regulated drug testing program based upon these guidelines to Federal prosecutors.”

“The Department of Transportation's Drug and Alcohol Testing Regulation — 49 CFR Part 40, at 40.151(e) — does not authorize ‘medical marijuana’ under a state law to be a valid medical explanation for a transportation employee's positive drug test result.”

“We want to assure the traveling public that our transportation system is the safest it can possibly be.”

(Source: Swart, Jim L., Director, Office of the Secretary of Transportation, Office of Drug and Alcohol Policy and Compliance, Department of Transportation, October 22, 2009)

6. Operating a Motor Vehicle — HB 30, subsection “a,” allows a qualified medical marijuana patient to operate a motor vehicle after 6 hours have passed since consuming marijuana. (New language) (Section 11-501.9. (a), page 82)

Research shows that a single marijuana joint with a moderate level of THC can impair a person's ability to drive for more than 24 hours. (Leirer et al, 1991)

Marijuana impairs cognitive and psychomotor performance. It can slow reaction time, impair motor coordination, limit short-term memory, and make it difficult to concentrate and perform complex tasks. Spatial perception is distorted and time perception is impaired so that perceived time goes faster than clock time.

- **Will a patient, whose memory, motor skills, concentration, and perception are distorted, be expected to exercise self-discipline while under the influence of marijuana and refrain from driving for the required 6 hours?**
- **What is the likelihood that a qualified patient who gets 2½ ounces of marijuana every 14 days (183 joints, 13 per day) is not going to be impaired when they drive?**
- **How can this law be enforced?**

