

ARE WE GOING TO POT?

BY SUSAN R. MILLER

**AS DEBATE OVER LEGALIZING MARIJUANA INTENSIFIES,
FLORIDA BECOMES THE LATEST BATTLEGROUNDS FOR REFORM**

In the 1930s morality movie, "Reefer Madness," parents are warned of the "horrifying" dangers of marijuana. Considered a cult favorite today, the film lectures on the "dangerous hallucinations" that result from smoking pot, and the "emotional disturbances leading to acts of shocking violence often ending in incurable insanity."

Marijuana's depression-era stigma has since given way to greater acceptance, not only from John Q. Public, but also from lawmakers who've legalized medical marijuana in 20 states and the District of Columbia.

In December, a New York State assemblywoman became the latest lawmaker to introduce a bill that would legalize the sale, regulation and taxation of pot. If passed, New York would become the third state along with Washington and Colorado, to approve recreational marijuana sales.

Florida is the latest battleground for reform, with two factions seeking to make pot-smoking legal for medical purposes: People United for Medical Marijuana is asking residents to decide, with the passage of a constitutional amend-



ment, while Rep. Katie Edwards of Plantation and other state lawmakers prefer

it be made legal through legislation during the upcoming legislative session.

Each side remains passionate about its argument.

Those who favor legalization argue that marijuana can help alleviate many symptoms associated with medical conditions including Parkinson's, ALS, glaucoma and epilepsy, plus the side effects associated with radiation treatments for cancer. They also claim it's safer than many prescription drugs.

And while opponents are not pushing the "incurable insanity" argument, they argue that pot impacts short-term memory and cognitive ability, and runs the risk of abuse and addiction. Dr. Barbara Krantz, medical director at the Hanley Center, a drug treatment facility in West Palm Beach, points to research suggesting that among drug addicts ages 15-19, 83 percent were in treatment for primary marijuana use.

"So if you are talking about a gateway drug into addiction treatment," Dr. Krantz says, "marijuana is still part of that."

JOINT EFFORT

Until only about eight months ago, Florida didn't have a prayer of legalizing the use of marijuana. Allen St. Pierre, executive director of the Washington, D.C.-based National Organization for the Reform of Marijuana Laws (NORML), says Florida had been, for all intents and purposes, a lost cause.

That was until last March, when three people working separately to legalize marijuana joined forces: Orlando resident Kim Russell, who in 2009 launched People United for Medical Marijuana; Ben Pollara, a political consultant in Miami and Orlando personal injury attorney John Morgan.

Russell had the organization and the

people on the ground, Pollara had the political contacts and campaign experience and Morgan had the clout, connections and money.

For both Morgan and Russell, pro-legalization is personal. Morgan says marijuana helped his father, who suffered from esophageal cancer, die with dignity. It helped him regain his appetite and alleviate some of the pain, he says.

Russell's decision to launch People United grew out of her grandmother's refusal to light up because marijuana was illegal—even though it could have helped her glaucoma.

Pollara, founding partner of LSN Partners, a Miami-based political consulting firm, says he took up the pro-medical marijuana mantle because it was an issue he'd been thinking about for a while.

"After the 2012 election, I had some money left over from political committees I control that I was not able to spend, so I decided to use (it) to do a statewide poll

on the issue and see if it was feasible," Pollara explains. "The results were overwhelmingly favorable."

Boosted by these findings, Pollara contacted Russell who, he explains, "had an impressive framework of volunteers and grassroots support." He chose to join her team, rather than start a group from scratch.

First on his agenda: help the group gain clout. "I started shopping the idea around to some folks I knew in the political world and they told me, 'You have to talk to John Morgan, he is very interested in this,'" recalls Pollara, now the group's campaign manager.

Morgan jumped in with both feet pumping a reported \$1 million into the pro-marijuana effort and becoming chairman of People United.

"We went from a grassroots organization run on a shoestring to a real political committee with a shot of getting on the ballot next year," Pollara explains.

"He put Florida on the map," agrees St. Pierre.

At the heart of their proposed constitutional amendment: Making it legal for doctors to prescribe marijuana for medical purposes. The organization needs 684,000 signatures to place the measure on the November 2014 ballot. By the end of 2013,

it had more than 500,000, though at press time fewer than half had been verified.

The ballot language states the law allows for the medical use of marijuana by people with debilitating diseases as determined by a Florida physician. The Department of Health would register and regulate centers that produce and distribute marijuana and issue identification cards to patients and their caregivers.

On December 5 Florida Supreme Court justices reviewed the amendment but as of press time, had not yet ruled whether it's constitutional. Opponents argued the wording was too broad and misleading, leaving the possibility of marijuana access to patients who don't suffer

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— Ben Pollara, campaign manager, People United for Medical Marijuana

from a debilitating illness. Supporters argued the language was narrow enough to ensure that doctors would determine whether they want to prescribe marijuana for their patients' medical conditions.

Folks such as Rep. Edwards don't believe an amendment is the way to go. Although she introduced a bill last year to legalize medical marijuana that never even got a committee hearing in the Florida House or Senate, she insists that a constitutional amendment fails to address the specifics of how the state would go about allowing doctors to dispense medical marijuana. She says even if it passes, it will require enabling legislation.

"It's been a painstaking process; we are trying to do this the right way. I have to have physicians to the table if we are expecting the Department of Health to come up with guidelines to regulate this and in turn have physicians prescribe this," says Rep. Edwards, who wants to conduct workshops with physicians, researchers and experts from other states that have passed laws legalizing medical marijuana.

"I know the temperament of our Republican-led legislature—they are not chomping at the bit to legalize cannabis for medi-

20 LEGAL MEDICAL MARIJUANA STATES AND D.C.

STATE	YEAR PASSED	HOW PASSED	POSSESSION LIMIT	ACCEPTS OTHER STATES' REGISTRY ID CARDS?
ALASKA	1998	Ballot Measure 8	1 oz. usable; 6 plants (3 mature, 3 immature)	Unknown
ARIZONA	2010	Proposition 203	2.5 oz. usable; 0-12 plants	Yes
CALIFORNIA	1996	Proposition 215	8 oz. usable; 6 mature or 12 immature plants	No
COLORADO	2000	Ballot Amendment 20	2 oz. usable; 6 plants (3 mature, 3 immature)	No
CONNECTICUT	2012	House Bill 5389	One-month supply (exact amount to be determined)	No
D.C.	2010	Amendment Act B18-622	2 oz. dried; limits on other forms to be determined	No
DELAWARE	2011	Senate Bill 17	6 oz. usable	Yes
HAWAII	2000	Senate Bill 862	3 oz. usable; 7 plants (3 mature, 4 immature)	No
ILLINOIS	2013	House Bill 1	2.5 oz. of usable cannabis during a period of 14 days	No
MAINE	1999	Ballot Question 2	2.5 oz. usable; 6 plants	Yes
MASSACHUSETTS	2012	Ballot Question 3	60-day supply for personal medical use	Unknown
MICHIGAN	2008	Proposal 1	2.5 oz. usable; 12 plants	Yes
MONTANA	2004	Initiative 148	1 oz. usable; 4 plants (mature); 12 seedlings	No
NEVADA	2000	Ballot Question 9	1 oz. usable; 7 plants (3 mature, 4 immature)	Yes
NEW HAMPSHIRE	2013	House Bill 573	2 oz. of usable cannabis during a 10-day period	Yes
NEW JERSEY	2010	Senate Bill 119	2 oz. usable	No
NEW MEXICO	2007	Senate Bill 523	6 oz. usable; 16 plants (4 mature, 12 immature)	No
OREGON	1998	Ballot Measure 67	24 oz. usable; 24 plants (6 mature, 18 immature)	No
RHODE ISLAND	2006	Senate Bill 0710	2.5 oz. usable; 12 plants	Yes
VERMONT	2004	Senate Bill 76	2 oz. usable; 9 plants (2 mature, 7 immature)	No
WASHINGTON STATE	1998	Initiative 692	24 oz. usable; 15 plants	No

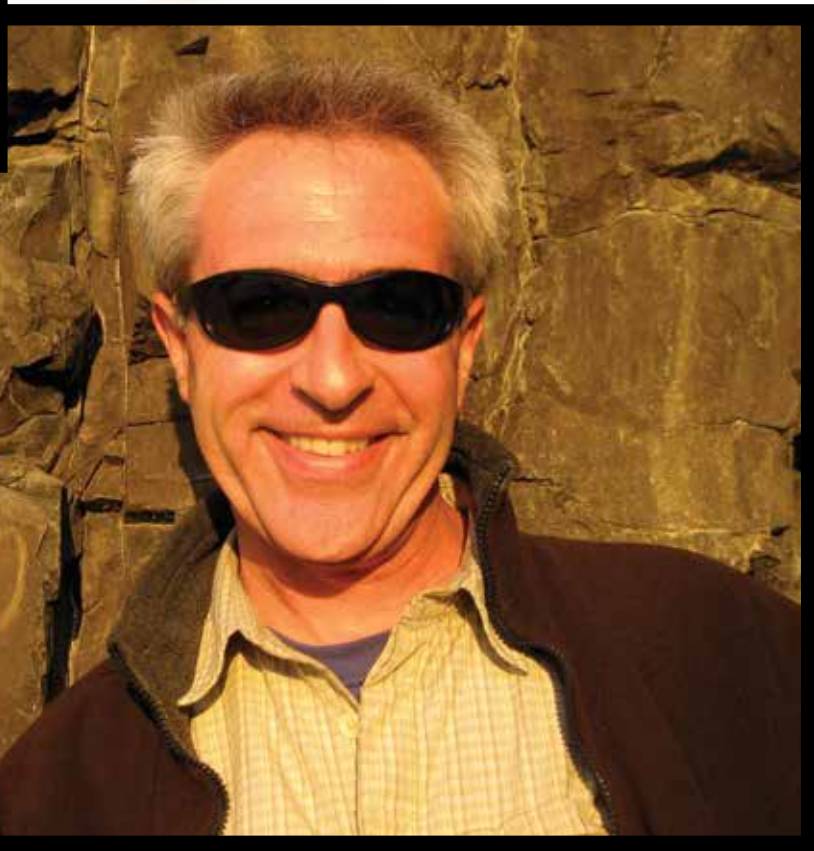
Source: ProCon.org

cal purposes," says Rep. Edwards, who is working on another bill for the 2014 legislative session. "We need to have something in this state that a doctor would feel comfortable prescribing to a patient that is available in a suitable, safe form."

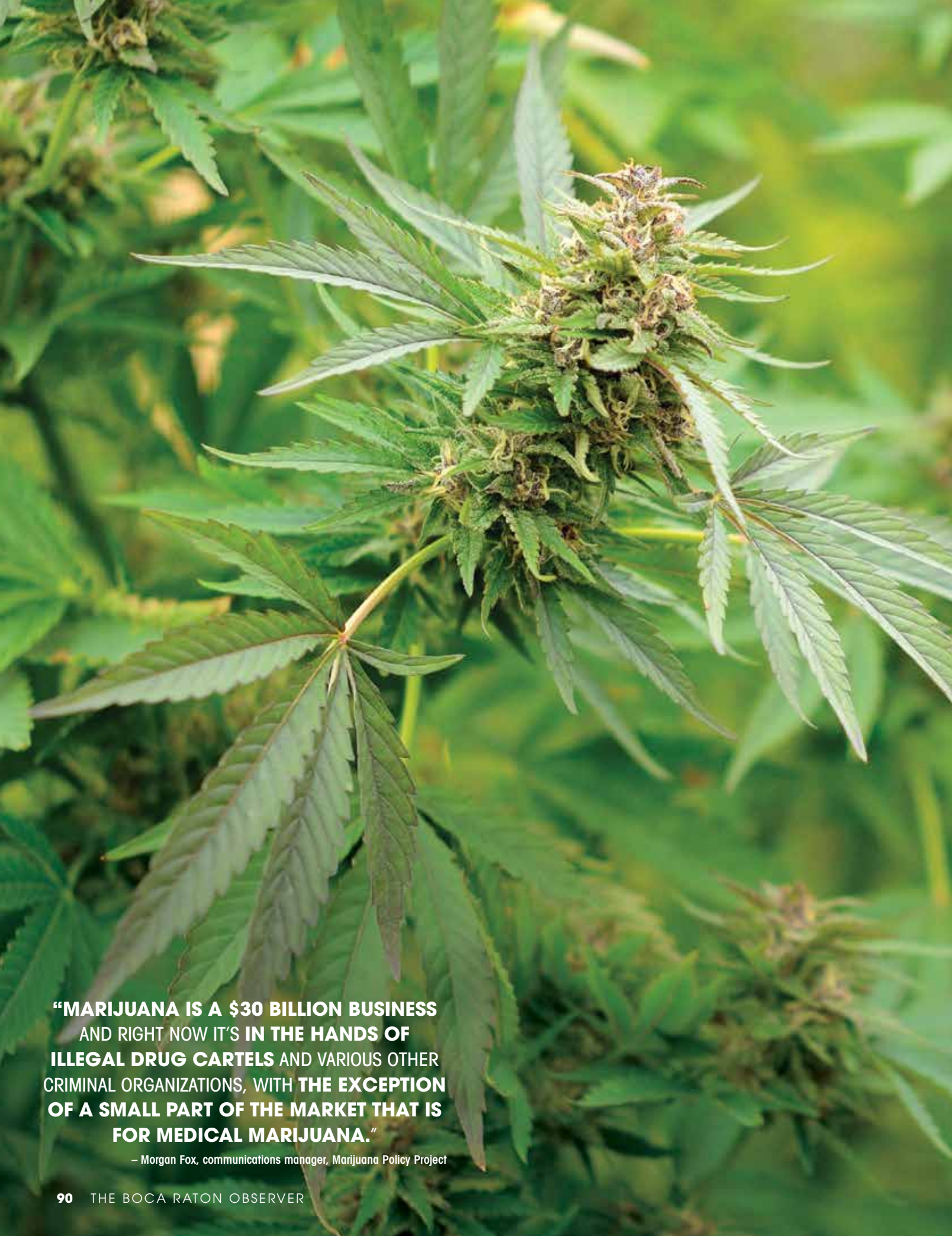
While many doctors agree that mari-

juana provides health benefits, the Florida Medical Association, which represents more than 20,000 physicians statewide, opposes any initiative supporting its use.

In an email statement, the FMA says cannabis and cannabis-based products should be subject to the same standards ap-



ABOVE: Dr. Barbara Krantz
RIGHT: Allen St. Pierre



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— Morgan Fox, communications manager, Marijuana Policy Project

Photo of Elvy Musikka by Don Ryan for the Seattle Times-Associated Press

plicable to other prescription drugs and should receive FDA approval before doctors are allowed to prescribe it.

Dr. Krantz says there are legal alternatives for patients who use marijuana to treat chronic medical conditions.

“We use pharmacological and non-pharmacological methods to treat pain,” Dr. Krantz says. “I hear a lot of ‘pot takes my pain away,’ but is it cannabis taking the pain away or is it the euphoric effect or the relaxation effect that the patient experiences that is helping the pain?”

HIGH HOPES

The public has increasingly embraced the idea of legalization, with support more than doubling since the 1970s. In October, a Gallup poll found a clear ma-

“IT’S NOT A GATEWAY DRUG. I’VE BEEN ON MARIJUANA FOR 28 YEARS AND HAVE NO DESIRE OF PUTTING A NEEDLE IN MY BODY FOR ANY REASON. THE ONLY DRUG I HAVE IN MY MEDICINE CABINET IS TYLENOL.”

— Elvy Musikka, longtime marijuana user and pro-legalization advocate

majority of Americans (58 percent) were in favor of it. But getting lawmakers to mirror the will of the people hasn’t been easy, says Norman Kent, a Fort Lauderdale attorney and NORML’s national president.

“I think (People United) has taken the right approach by going directly to the people and asking them to support a statewide petition and bypassing the weak and cowardly legislature that thinks it’s OK to get drunk in Tallahassee bars, but not smoke a joint in your home,” he says.

Kent’s reform battle dates back to 1988, when Elvy Musikka, then in her 40s, was arrested by Hollywood police after they discovered three marijuana plants growing in her backyard. She admitted to smoking pot to combat her glaucoma, a condition that had plagued her for a decade.

Kent successfully argued in Broward Circuit Court that using pot was a medical necessity for Musikka, and that without it she’d go blind. The judge agreed and Musikka became the third person in the country and the first in Florida to be acquitted based on a medical necessity defense.

Legalization proponents argue that police would be better off spending their time



CLOCKWISE FROM ABOVE: The Hanley Center; Norman Kent; Elvy Musikka with a bucket of marijuana cigarettes

and resources on arresting violent criminals, and that millions of dollars are “wasted” each year on arresting people such as Musikka, now a pro-legalization advocate and one of just a handful of U.S. residents to receive medical marijuana through a federal government program.

According to the Federal Bureau of Investigation’s annual Uniform Crime Report, police arrested 749,825 people for marijuana violations in 2012 (the latest figures available), and pot represents nearly half of all drug arrests reported in the United States. Of all the arrests made for marijuana violations in 2012, approximately 88 percent were for possession only, according to the Drug Policy Alliance (DPA), which advocates for legalization.

The DPA points out that the United States spends more than \$51 billion each year on the war against drugs and that if illegal drugs were taxed at rates comparable to those on alcohol and tobacco it would add \$46.7 billion to the economy.

“Marijuana is a \$30 billion business and right now it’s in the hands of illegal drug cartels and various other criminal organizations, with the exception of a small part of

the market that is for medical marijuana,” says Morgan Fox, communications manager for the Marijuana Policy Project, a Washington, D.C.-based organization. MPP wants marijuana removed from the controlled substances list and treated like alcohol under the control of the Bureau of Alcohol, Tobacco and Firearms, or a similar type of organization.

“I think we will see Congress address this once we have a few more states decide to make marijuana legal,” Fox says.

In the meantime, people such as Musikka continue to smoke pot and fight for national legalization.

“It’s been a heck of an education not only about cannabis, but also about people in this beautiful United States,” says Musikka, now 74. “I have never met as many people who are dedicated and determined to change the law.”

To her critics, she responds: “It’s not a gateway drug. I’ve been on marijuana for 28 years and have no desire of putting a needle in my body for any reason. The only drug I have in my medicine cabinet is Tylenol.”