



TESTIMONY OF
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IN OPPOSITION TO HB 2566
KANSAS HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

FEBRUARY 6, 2018

Thank you, Chair Jennings, and members of the Corrections and Juvenile Justice Committee for affording us the opportunity to provide testimony on HB 2566.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas strongly opposes HB 2566, which increases the criminal penalty for possession of tetrahydrocannabinol (THC) and cannabidiol (CBD) products to be equivalent to marijuana possession. Specifically, the ACLU of Kansas opposes HB 2566 because:

- **This bill furthers the over-criminalization of nonviolent drug possession offenses.** Drug offenses are currently far and away the biggest contributor to Kansas prisons, consistently making up 30% of admissions. And sentences for drug offenses in Kansas are unduly harsh. The state adopted a forward-thinking drug policy in 2003, requiring mandatory drug treatment rather than prison time for first-time drug offenders, and easing the penalties for marijuana possession. Unfortunately, this bill takes a retrograde approach, returning Kansas to the era of the failed “war on drugs,” by criminalizing cannabis possession, even in non-psychoactive forms. This approach has already cost American taxpayers over \$1 trillion dollars, led to a ballooning prison population and created an underclass of people with criminal convictions disproportionately in communities of color. Tobacco and alcohol are well documented to be medically harmful and extremely addictive. They are legal in the state of Kansas. We urge the legislature to consider policies that will reduce the criminalization of drug use and to reject this ill-conceived bill.
- **This bill, by criminalizing possession of the non-psychoactive elements of cannabis, unduly punishes people with medical needs.** There is abundant scientific evidence to suggest that cannabis has significant benefits, especially for individuals with certain debilitating medical conditions like chronic pain, cancer and epilepsy. Cannabis can provide unique relief for these very serious conditions, including providing benefits that no other medicine provides as effectively or without serious side effects. The very clear medical evidence that cannabis can, in many instances, be a cure is why thousands of doctors across the country prescribe cannabis products to their patients. Nearly one million patients nationwide now use medical cannabis as

recommended by their doctors and in accordance with state laws. Furthermore, medical cannabis can be administered without any psychoactive effects, completely eliminating any risk of danger to the public. Kansas should not further punish cannabis users through policies clearly proven ineffective.

- **Kansas should enact modern, evidence-based drug policy.** 31 states nationwide—including Arkansas, Montana, North Dakota, and West Virginia—have adopted medical cannabis, with eight states allowing recreational use. Researchers in these states have found that opioid-related deaths decreased by between 25 and 33 percent in the years following legalization of medical cannabis.ⁱ And further, cannabis legalization has led to decreases in violent crime.ⁱⁱ Specifically, Denver, Colorado saw a reduction of 14.6% following legalization. Kansas should join the chorus of states that are enacting common sense reforms to drug policy through legalizing cannabis for medical use rather than further criminalizing it.

For these reasons, we urge this committee to oppose HB 2566.

ⁱ Marcus Bachhuber, et al., Medical Cannabis Laws and Opioid Analgesic Overdose Mortality in the United States, 1999-2010, *JAMA Internal Medicine*, Journal of the American Medical Association (Oct. 2014), <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/1898878>.

ⁱⁱ Robert G. Morris, et al., The Effect of Medical Marijuana Laws on Crime: Evidence from State Panel Data, 1990-2006, *PLOS Journal* (Mar. 26, 2014), <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0092816>.