

TALKING POINTS FOR OPPOSING

H.170 (legalization of marijuana)

1. The Vermont House bill H.170 legalizes marijuana for recreational use. Passing such a law violates federal law that has the exclusive jurisdiction of this matter and according to the Controlled Substances Act, marijuana is illegal to possess.
2. Marijuana is illegal to possess under federal law and the federal law that makes it illegal has been upheld constitutionally and state law cannot supersede it. What that means is that, while it has been overlooked in the past by the United States Justice Department and the Obama Administration, the medical marijuana clinics are illegal and if Vermont passes legalization of any kind for recreational use that will also be illegal. Vermont has no power to change that.
3. What is driving the rush to get this so called legalization of marijuana bill passed this session? We must slow this down and not rush it. With the change in the administration there is the very real possibility of resolving the legalities of marijuana use medically and open the avenue of clinical study to determine who is right on the issue of safe recreational use.
4. It is clear that Senator Dick Sears and other misguided Senators want the House to pass H.170 so he can change it to a commercialization bill. He made that clear in a Vermont Digger article on 3-23-2017 where the article pointed out: “Sen. Dick Sears, D-Bennington, said he was pleased the House committee was able to meet the extended deadline for the bill to cross over to the Senate. Sears was a key supporter of a bill last year that would have created a taxed and regulated market. He indicated that proposal might be under consideration again should H.170 pass the House and make it to the Senate Judiciary Committee, which he chairs.”
5. For decades after smoking tobacco was correlated with increased cancer rates, the tobacco industry produced reams of studies reassuring the American people that tobacco did not cause cancer. Who will you trust when you make a decision that will greatly affect the public good? Will you trust medical experts and their organizations whose purpose is to serve your health needs or Vermont-based paid lobbyists of a multibillion-dollar marijuana industry? The National Academy of Pediatrics has spent a year studying the subject and decided they needed to publicly oppose the legalization of marijuana in Vermont.
6. The Vermont Medical Society, the Vermont Academy of Family Physicians, the American Academy of Pediatrics (Vermont Chapter) and the Vermont Psychiatric Association all oppose the legalization of marijuana in Vermont because marijuana damages developing minds, worsens mental health conditions and increased use results in impaired drivers who will maim and kill people on our highways.

7. Last fall, five Vermont high school students on their way home from a concert died in a horrible fiery head on collision. Their car was struck by a man driving the wrong way on Interstate 89 at a high rate of speed. According to news reporting, the wrong way, speeding driver tested positive for THC the active ingredient of marijuana;
8. Legal use and increased availability will create a culture where our youth will believe use is safe, more will use it, and those using it will use more.
9. Student use will cause short term memory and motivation loss.
10. Legalization is a bad signal to send to our youth about drug use.
11. Second-hand pot smoke is more harmful than second-hand cigarette smoke.
12. Legalization sends a message that implies safety when even the proponents tell us there are dangers from marijuana. Their suggestion that legalization and regulation will reduce those dangers is not borne out by the facts.
13. Drug impaired drivers will kill and maim more Vermont citizens. Last year 5 teenage students were hit head-on by a driver, reportedly under the influence of marijuana, going in the wrong direction on the Interstate at a high rate of speed, causing their horrible deaths in a fiery crash.
14. How many have to die before we realize the cost of pleasure, indulgence and money is not acceptable?
15. Marijuana is proven to worsen mental illness in mentally ill people who use marijuana. How can one additional young person suffering from schizophrenia be worth such permissive a law that allow use for pleasure recreationally?
16. Mental health workers issue: Where are we going to find enough qualified mental health workers to fill the openings? Trained practitioners have not been applying for jobs in Vermont. The state hospital and our regional mental health centers are understaffed and overloaded already, while many beds remain empty because there is no one to provide the necessary care to one more patient. We can't even fill the positions that are already open. This law will lead to more need for mental health services.
17. High THC marijuana can lead to an increased incidence of, earlier and more severe psychosis, and actual schizophrenia in youth who are already predisposed due to genetic and sometimes other risk factors.
18. It will lead to the message of hypocrisy to youth that drugs are OK for adults over 21 but not for us. "Sure!" they will say!
19. Legalization, even of a small amount of marijuana, will give the marijuana industry the legal standing to assert commercial free-speech rights, such as advertising and the

right to legally challenge zoning laws with armies of highly paid out-of-state lawyers so retailers can open pot shops next door to small town high schools. Beau Kilmer, a co-author of the Rand Report, has stated, 'Our commercial First Amendment free speech doctrine make advertising very difficult to control.'

20. After a simple decriminalization law passed in Maryland, that there was a huge increase in use rates from 22% to 39% in the 18-25 age group (people whose brains are still extremely susceptible to the adverse effects of the drug). Ages 12-17 also saw a large increase in use from 9 to 14%.

21. How many more of our teens have to die at the hands of drivers high on pot before we learn that the State should not legalize marijuana? What happens if it is your child or grandchild, husband, wife, or mother?

22. Vermont has decriminalized marijuana, by fifty times the amount legally decriminalized in Holland. It is no longer a crime. We don't need more. No one is in jail in Vermont for simply possessing marijuana. We do not now need legalization. Marijuana is not legal in Holland, it is decriminalized.

23. The pediatricians and Vermont Medical Society tells us that the decreased perception of harm that comes from legalization will lead to increased use and harm from that use.

24. Administration, the medical marijuana clinics are illegal and if Vermont passes legalization of any kind for recreational use that will also be illegal. Vermont has no power to change that.

25. Pursuant to the federal Controlled Substances Act (CSA) there are classes of drugs based on various criteria such as addictiveness, acceptable medical use, and others. Those definitions range from Schedule I to Schedule V with Schedule I being drugs that have no accepted medical use as determined by the Drug Enforcement Agency (DEA) and are illegal to possess. Heroin is a Schedule I drug and so is marijuana. Right now Vermont has decriminalized marijuana and that does not run afoul of this act. If Vermont "legalizes" marijuana, it will be running directly counter to the ACA and will violate the Supremacy Clause of the United States Constitution (Article VI, clause 2).

26. The Trump administration will be more likely to enforce the law against possession of marijuana. That evaluation is based on statements that the Attorney General has made about his perception of the law being to enforce the laws that Congress has passed and not "pick and choose" just those he likes.

27. There is also the real possibility that a reasonable approach could be taken by the new administration to move marijuana to the status of a Schedule II drug and that would allow possession by medical researchers to do well-controlled medical studies on risk/benefit, safety and efficacy of the drug. That being so the claims by both sides of the marijuana issue can be tested and decisions could be made on the use of the drug based

on scientific facts and not emotion and old worn-out clichés. For a discussion of this idea for Vermont to be the first to do, see my op-ed piece at <https://vtdigger.org/2017/03/03/bob-orleck-marijuana-debate-needs-legal-way-get-clinical-information/>

28. If H.170 is passed in the House it will for certain be changed by the Senate into an even stronger legalization bill and most likely a “commercialization bill” similar to that which originated in the Senate last year. Such a bill would put Vermont in the cross-hairs of federal law enforcement and would be an extreme black-eye for Vermont.

29. The current federal legal atmosphere no longer allows Vermont to ignore the law and go its own way on this. Vermont could lead the way in our legislature by offering a joint House/Senate resolution calling for the federal government to change the classification of marijuana from Schedule I to Schedule II which would allow legal possession and the gaining of valuable well-controlled studies that would determine once and for all the possible legal uses of marijuana.

30. Any other way that Vermont goes will cause major problems for our state. The mnemonic I use for “illegal legalization legislation” which is exactly what H.170 or any legalization bill would be, is “ILL”. ILL will make Vermont sick in many ways which will be explained in points below.

31. Marijuana negatively affects brain development in children and young adults. There is little doubt that marijuana is harmful to some brains, especially developing ones, and the human brain is developing up to age 25.

32. If marijuana is legalized it will be commercialized, advertised, and normalized like the tobacco and alcohol industry has done. Both of these substances are very dangerous so what makes us believe the same process won’t be applied to marijuana who the proponents claim is not as dangerous? Right now Vermont has decriminalized some use of marijuana but has not legalized it for recreational use. To legalize it will bring problems with controlling such advertising due to the legal rights this will bring to the big pot industry who will exploit it. Issues surrounding the First Amendment, zoning laws and the like will bring a nightmare to Vermont once the genie is let out of the bottle.

33. Legalizing marijuana (ILL) will lead to commercialism and that will make Vermont a sick place. Establishing Vermont as a “drug mecca” will discourage some industry that is looking for a state to locate their business. This will have a negative connotation to many who might look to establish a business here or to bring their family here.

34. Last year when the bill that came right out of the Senate was “commercialism”, I did a 53 reasons to oppose the bill. Those reasons are still applicable if and when any legalization bill passed in the House gets to the Senate for the morphing into the big commercialization bill that puts illusory tax revenue visions before certain of our legislators at the expense of our children and other citizens. You can review those

reasons by going to that article by clicking here. <http://www.randolphvtplaintalk.com/2016/04/17/747/>

35. Top Vermont Doctors warn against legalizing marijuana: <http://vtdigger.org/2016/01/29/top-vermont-doctors-warn-lawmakers-about-legal-pot/> Nationally, the American Academy of Pediatrics, American Society of Addiction Medicine, the American Medical Association and the American Psychiatric Association have all made public statements opposing the legalization of marijuana.

36. Does marijuana put people in risk of other addictions? A prestigious report shows dire relationships of marijuana to other addictions: JAMA Comprehensive study showing marijuana use is tied to nicotine, alcohol and drug dependence. Journal of the American Medical Association (JAMA) on Feb 17, 2016, reported on a study of close to 35,000 people (approximately half men and half women) that shows marijuana use is tied to nicotine, alcohol and drug dependence. The study is mentioned in this link at http://www.eurekalert.org/pub_releases/2016-02/tjnj-wir021516.php and there is a link to the JAMA abstract regarding the study. What is sad about this is that this is a very definitive broad based study that will be ignored by the deniers that marijuana puts people at risk of other addictions.

37. Much of what drives the public discussion is “self-indulgence and personal gain”. A careful review of the comments to articles in vt.digger.org shows this very thing. Just look at the comments after an opinion piece by a mother who had lost a child to drugs. One very insensitive comment was even deleted by the publisher because it was so insensitive. http://vtdigger.org/2016/03/10/linda-mulley-reconsider-marijuana-legalization/?utm_source=VTDigger+Subscribers+and+Donors&utm_campaign=26538bcef0-Weekly+Update&utm_medium=email&utm_term=0_dc3c5486db-26538bcef0-405544681 A review of the comments and the thumbs down and up will show the mind-set of many of those advocating for legalizing of marijuana.

38. Proponents say it is hard to die from marijuana overdose. If the only measure of a drug’s safety was it having a LD (lethal dose), then any side effect short of death would be an invalid consideration in whether a drug should be legalized. It is significant enough that mental health conditions are worsened, children suffer brain development problems and people do die on the road as the result of drug impaired driving. There are many other reasons why marijuana should be and is at presently illegal to possess and sell according to federal law.

39. Prohibition argument is phony. To say not allowing legal pot for all “adults” is prohibition is analogous to saying we have antibiotic, chemotherapy, narcotic and all prescription drugs prohibition. So what is the difference making a medicinal substance that has a side effect of causing schizophrenia non-prescription and making all medications non-prescription for those considered “adults”?

40. More on prohibition: We are talking about allowance of marijuana by the state here not prohibition. Recognizing that all the dangers are real the bill proponents think that

this bill will reduce them. If we were talking about a simple decriminalization for individuals to grow and use a small amount for personal use, while not ideal, would be better than state legalized use. Prohibition prohibits those without connections from getting something. Legalization opens access. Throwing your hands up in “failure” is a horribly weak argument.

41. Drug impaired driving in Colorado- In 2014, the first year that marijuana stores were open in Colorado, the state suffered a 32% increase in marijuana-related traffic deaths in just one year; marijuana-related traffic deaths made up 20% of all traffic deaths that year, while the number of THC-impaired drivers, as determined by active marijuana blood tests, increased by 45%. Washington State reported almost a doubling of active marijuana blood tests in impaired drivers since they legalized recreational marijuana. Our state police are already shorthanded – by as many as 16 troopers – due to budget cuts and age attrition. The state cannot afford the added troopers that legal recreational marijuana would require.

42. Proponents say that it is easier for children to get marijuana than alcohol. Marijuana is not easier for kids to get than alcohol, and our high school use rates reflect this: according to the 2015 Youth Risk Behavior Survey, 30% of Vermont high school students report drinking, while only 22% report using marijuana. Why the difference? Alcohol is legal, thus more available and perceived as less risky. In Colorado, in the first two years of legalization, high school use rates went up by 20% and college-age rates went up 17%.

43. Personal liberty and privacy. The argument goes something like this: “No one, no government, no ruler, or authority should have the right to tell me what I can and cannot put in my body if I am not hurting another living being by doing it. It’s really very simple. We have no freedom if we have no choice.” The response: Not every action that a person wants to do or substance that he wants to ingest is covered by freedom under our system of laws. A person cannot go into a theater and yell “fire” and rely on the 1st Amendment freedom of speech to do so. With freedom comes responsibility. Fundamental liberty is not freedom to do whatever one wants without regard to the destructiveness of that behavior. What about “child pornography”. Surely no one would argue that this is a protected free speech freedom. Government’s main role is to protect citizens and in order to do that certain acts have to be prevented. The public good requires the limitation on what people “want to do”. If it is detrimental to the public the government has a legitimate role to play to prevent that act. There are no Constitutional limitations on the federal government restricting harmful chemicals and exercising its role in determining if a drug is safe and effective and allowed for public consumption.

Bob Orleck
P.O. Box 174
Randolph, VT 05060
300strong@randolphvtplaintalk.com