

Five Things To Know About Lawmakers' Efforts On Marijuana

By Gene Johnson

Associated Press

(AP) - Medical marijuana activists feel like they have their back to the wall as the Legislature tries to rein in an unregulated system that many people believe is unfairly competing with heavily taxed recreational pot sales in Washington state. Hundreds are expected in Olympia on Thursday as lawmakers hold their first big hearing on the topic

this session.

Kari Boiter, Washington state coordinator with Americans for Safe Access, says there's been a lot of talk recently that medical dispensaries are merely fronts for black market marijuana sales, that they endanger patients with untested cannabis or that they're taking advantage of the state by not paying taxes. But many serve people who need the medicine,

voluntarily test their products and pay taxes that are applicable to them, including sales taxes.

"There are a lot of legitimate patients in this state," Boiter said. "If lawmakers don't believe they exist, we need to get those people in front of them. We want a regulated system for medical marijuana."

Here are five things to know as lawmakers attempt to reconcile medical and recreational marijuana.

WHAT'S AT STAKE?

Washington's adult-use marijuana sales, authorized by Initiative 502, have brought in more than \$17 million in taxes since stores opened last July, but officials think the state could have garnered even more if the stores weren't competing with untaxed or much-lesser-taxed sales at medical dispensaries. As

long as the medical shops remain unregulated, there's little incentive for people who have been using them for recreational purposes to switch into the legal-pot system, where for now the weed costs about twice as much.

That said, lawmakers also don't want to hurt people suffering from cancer, multiple sclerosis or other serious conditions by making it harder or more expensive for them to get marijuana. The trick is to protect those patients while reining in what many see as abuses of the system, and it's no easy task.

"We need to get the two systems functioning as one," Senate Majority Leader Mark Schoesler, R-Ritzville, said recently.

WHAT'S BEING PROPOSED?

There are at least two major approaches under consideration. On

Thursday, the Senate's Health Care Committee holds a hearing on the Cannabis Patient Protection Act, a bill proposed by Republican Sen. Ann Rivers of La Center that takes a novel tack: It would create stand-alone medical marijuana dispensaries that can't sell dried marijuana — just edibles and concentrates, like hash oil — on the theory that smoking marijuana is bad for sick people. It would require testing that's at least as strict as that for recreational pot.

Among its other tenets: that "collective gardens" of marijuana patients need to be severely curtailed; that there needs to be a registry of medical marijuana patients and providers; and that the Department of Health should determine the strength of products sold in medical shops.

The other major bill hasn't yet been introduced, but Democratic Seattle Sen. Jeanne Kohl-Welles said she is contemplating getting rid of medical dispensaries and authorizations altogether. Instead, any shop that meets requirements could be licensed to sell pot for either purpose, with tax breaks offered on marijuana products targeted toward medical use. The statewide cap on licensed pot shops — 334 — would be lifted, allowing as many as the market can bear, an idea that might have limited support in much of the state.

Kohl-Welles would also eliminate collective gardens, allow home growing of up to six plants, and reduce excise taxes on recreational pot from a 25 percent tax applied up to three times, to a 25 percent tax applied once in hopes of making state-sanctioned marijuana more competitive with the black market.

WHAT DO PATIENTS THINK?

Advocates say they're not opposed to being regulated — in fact, they've wanted it for a long time. Washington passed its medical marijuana law in 1998, but it only allowed for patients to grow their own marijuana or designate someone to grow it for them — not terribly practical for many patients. They pushed for a bill to create a system of licensed dispensaries in 2011, but then-Gov. Chris Gregoire vetoed many of the relevant parts.

There are ideas in both Kohl-Welles' and Rivers' approaches that appeal to patients. But they largely object to having medical stores that don't sell dried marijuana. Boiter noted that research does not support the idea that cannabis smoke is harmful the way tobacco smoke is. Dried bud can be used in a vaporizer, and some patients prefer it to stronger concentrates and edibles.

Many patients also consider the creation of a registry of patients and caregivers — basically a

database of people involved in federal crimes — to be problematic. Instead, Alison Holcomb, the author of Washington's legal pot law, has suggested that the distinction between medical and recreational shops be erased, as Kohl-Welles has proposed.

WHY DON'T PATIENTS JUST GO TO LICENSED RECREATIONAL STORES?

The cost, for one thing, and access, for another. There are thus far relatively few legal stores, just 85 or so statewide. Many cities and some counties have banned pot businesses, saying they don't want to accommodate them when local governments don't get to share in the state's marijuana tax revenue. Lawmakers are considering addressing this by giving cities and counties a slice of the revenue — but only if they agree to allow the businesses in their jurisdictions.

Another hindrance are the buffer zones required of recreational shops: They have to be 1,000 feet from schools, playgrounds and transit centers, among other things.

If patients are using public transit, "you're asking them to walk three football fields to get to that store," Boiter said.

Another reason is the choice of product, Boiter says: The recreational shops don't specialize in offering transdermal cannabis patches, tinctures or topical creams favored by some patients.

WHAT DO RECREATIONAL POT DEALERS WANT OUT OF THIS?

A number of recreational-pot entrepreneurs have backgrounds in medical marijuana, and say patients need to be protected as the state moves forward. But they're also in business, and they need to make money.

And that means they want to drive more pot users into licensed shops. While regular marijuana users are sticking with medical dispensaries or black market dealers, they say, their main customers are tourists and the occasional cannabis user who can afford steeply taxed products.

The Washington Cannabis Business Association, a new group of licensed pot businesses, had input as Rivers' drafted her bill.

"What we really like about it is it ensures that patients have access to safe products — that's number one," said the group's executive director, Vicki Christophersen. "The second goal is to ensure regulatory certainty and a level playing field for I-502 and medicinal. I-502 stores are struggling to compete right now with what is essentially a black market."

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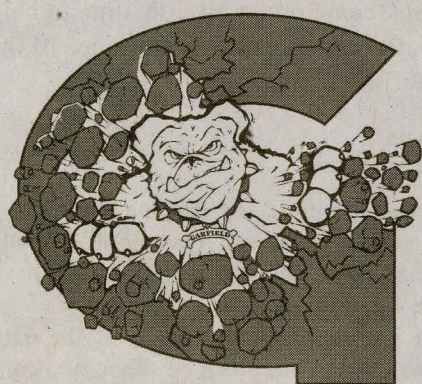
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