

# SENATE BILL REPORT

## SJM 8028

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As Reported By Senate Committee On:  
Health & Long-Term Care, January 18, 2006

**Brief Description:** Requesting Congress to allow states to decide whether marijuana should be used legally for medicinal purposes.

**Sponsors:** Senators Kohl-Welles, Keiser, Thibaudeau, McCaslin and Kline.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/16/06, 1/18/06 [DP].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Benson, Franklin, Kline, Parlette and Poulsen.

**Staff:** Edith Rice (786-7444)

**Background:** Under Initiative Measure No. 692, approved November 3, 1998, the citizens of the state of Washington intended to allow for the limited medical use of marijuana by patients with terminal or debilitating illnesses. Such patients and their primary caregivers will not be found guilty of a crime for possession and limited use of marijuana under state law. Physicians who authorize marijuana use to qualifying patients are excepted from liability and prosecution for doing so.

Nine states have approved, through the initiative process, the protection of patients who possess or grow medical marijuana with their doctor's approval. Those who support its therapeutic use claim that it reduces pain, relieves nausea and muscle spasms, and can increase the appetite of patients suffering from wasting disease.

Marijuana is listed as a Schedule I drug according to the Federal Controlled Substances Act of 1970. Schedule I drugs are described as having the highest potential for abuse and no current accepted medical use. As recently as June, 2005, the U.S. Supreme Court has ruled on the issue of medical use of marijuana. The court ruled in *Gonzales v. Raich* that Congress's constitutional authority to regulate the interstate market in drugs, licit or illicit, extends to small, homegrown quantities of marijuana, even in states that have eliminated sanctions for its medicinal use. In other words, the federal government can still ban its possession even if a state does not. The result of this ruling is that those who use marijuana for medicinal purposes in compliance with state law, still run the risk of legal action by the U.S. Drug Enforcement Administration or other federal agencies. The state law provides no defense.

**Summary of Bill:** The Washington State Legislature requests that Congress adopt federal legislation to allow states to decide individually whether to allow marijuana to be used for

medical purposes. Such use is limited to personal, medicinal use only and is not to be bought, sold, or transferred for interstate commerce.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Testimony For:** Raids by federal law enforcement officials are intimidating to those using marijuana for medicinal purposes; states should have the right to determine what is best for our state's citizens.

**Testimony Against:** None.

**Who Testified:** PRO: Greg Carter, M.D., Douglas Hiatt, Jennifer Shaw, American Civil Liberties Union, Martin Martinez, Medical Marijuana Patient Representative, Larry Little.

CON: None.