

## **Holmes Medical Marijuana Testimony–Ways & Means–2/23/11 – SB 5073**

Thank you for the opportunity to testify this afternoon. I'm Seattle City Attorney Pete Holmes, here testifying in support of SB 5073. Last month John Schochet of my office testified before the Health & Long-Term Care Committee and proposed several amendments to the bill, and I'm pleased to see that our proposals have largely been incorporated into the substitute bill before this committee.

Although medical marijuana has been permitted in this state for more than a decade, our current system for regulating it is neither clear nor comprehensive, and too often it leaves patients, providers and law enforcement in the dark about what's allowed and what's not. The lack of clear direction in the current law requires police, prosecutors and other parts of local government to devote too many of our scarce resources towards figuring out how to address medical marijuana issues. In our view as an office that does both criminal prosecution and civil legal work in fields ranging from law enforcement to land use to defense of lawsuits alleging police misconduct, this system needs reform. It is difficult to quantify the fiscal impact of our current law.

Reform that brings greater clarity and rational regulation to the medical marijuana system will help local governments be more efficient by spelling out what is allowed and what's not. This bill will do that. It will also allow local governments to collect taxes on medical marijuana.

This is a particularly opportune time to reform our medical marijuana laws. Just over a year ago, the nation's top prosecutor in the Obama Administration, Attorney General Eric Holder, issued a memorandum giving states a broader opportunity to bring medical marijuana regulation further from the black and gray markets despite the ongoing federal prohibition. The memorandum instructed federal prosecutors that, "[a]s a general

matter, pursuit of...significant traffickers of illegal drugs...should not focus federal resources...on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana.” While this doesn’t lift the federal prohibition, short of that step it is as clear a statement as we can hope for from the federal government that states may establish rational regulatory systems for medical marijuana. The clearer we can make Washington law in stating what is and what is not permitted in the field, the easier it will be for federal prosecutors in our state to determine what constitutes “clear and unambiguous compliance with existing state laws.”

This bill is not perfect, but no marijuana regulation system can be as long as the federal prohibition remains in effect. We cannot afford to let the perfect be the enemy of the good. This bill will do good, and it should be enacted.

Some of the changes we proposed that were incorporated after the last committee hearing—such as the revisions to the probable cause provisions in Section 904 and the broadening of local zoning rights—will help give clarity to courts and law enforcement and make this bill more workable and efficient on a practical level. In our experience, the public is broadly supportive of medical marijuana rights, but many remain concerned with the “devil in the details” of how the medical marijuana supply chain would work. It is essential that local jurisdictions have broad authority to responsibly use reasonable zoning and business licensing powers to ensure that medical marijuana is produced, processed, and dispensed in a manner that minimizes the impact on our communities.

Thank you for considering my testimony today. I’m happy to answer any questions the committee has.