

In 2000, Colorado voters approved Article XVIII of the Colorado Constitution legalizing medical marijuana. For more than six years, Coloradans and law enforcement have suffered the consequences of an ill-conceived and confusing referendum. Unfortunately, the ballot measure passed because the proponents of medical marijuana played upon people's compassions and emotions and not scientific medical research.

It's important to clarify the distinction between "smoked marijuana" and pharmaceutical THC. THC, the active ingredient in marijuana, has shown the potential to alleviate certain medical conditions. However, there are no scientific studies that support the use of smoked marijuana for medical treatment in the U.S. Proponents of medical marijuana are reluctant to admit that THC is readily available in prescription form, including Marinol, which is safer and more effective than smoked marijuana.

In 1999, the Institute of Medicine, a component of the National Academy of Sciences, released a landmark study reviewing the possible medical properties of marijuana. The proponents of medical marijuana often cite this study as a basis for legalization. The study found a potential therapeutic benefit for THC and recognized the need for additional study on its medical uses. What the proponents of medical marijuana don't tell you is that the IOM concluded "there is little future in smoked marijuana as a medically approved medication."

If someone were involved in a serious accident and admitted to the hospital, a competent physician would prescribe morphine for the pain. Following the logic of medical marijuana proponents, rather than prescribing morphine the physician would instead have the victim smoke opium.

Lacking any proven medical benefit to smoking marijuana, what is the true purpose of this amendment? The proponents of medical marijuana disingenuously use the tragic stories of truly ill people to advance the proponents' real motive of legalizing marijuana. In 2000, The New York Times interviewed Ethan Nadelmann, director of the Lindesmith Center, an organization dedicated to the legalization of drugs. Responding to criticism that the medical marijuana issue is a trojan horse for drug legalization, Nadelmann stated, "Will it help lead toward marijuana legalization? ... I hope so."

This is also obvious at the local level. Some of the groups that were on the medical marijuana bandwagon in 2000 are the same groups that are now pushing for marijuana legalization. In 2005, Denver voters passed Initiative 100, which legalized the possession of small amounts of this drug. In 2006, an attempt was made to legalize marijuana at the state level. Both Initiative 100 and Colorado's medical-marijuana amendment conflict with state and federal law, respectively.

The wording of these laws is intentionally vague, creating conflicts meant to undermine existing drug laws, create loopholes, and hamstring law officers from enforcing drug statutes.

Recently in Garfield County, the sheriff's office seized more than 100 cultivated plants and made three arrests, since the crime is a serious felony under Colorado law. Currently, a medical marijuana registrant may possess up to six plants. After photographing and taking samples of the plants, they were destroyed, standard practice in law enforcement. But a section in the current medical marijuana amendment mandates that law enforcement keep the plants alive. Because one of the suspects was a medical marijuana registrant and the plants were destroyed, the case against the suspect was dismissed even though she was in clear violation of both federal and state law.

Colorado residents certainly did not intend to have law-enforcement officers engage in marijuana cultivation.

Other questionable loopholes exist as well:

If a registrant is on probation for being a drug dealer and subject to drug testing, is that person allowed to use medical marijuana?

If a registrant or provider lives within a school zone and possesses marijuana, is this a violation of the law?

If an employer randomly screens for drugs and an employee is a registrant who tests positive for marijuana, can the employee be fired? What if the employee is a surgeon, police officer or pilot? Proponents of medical marijuana claim these ambiguities could be overcome by applying fewer controls, eventually leading to total legalization. I side with Supreme Court Justice Stephen Breyer, who said, "Medicine by regulation (through the Food and Drug Administration) is better than medicine by referendum."

A more reasonable approach is to recognize the smokescreen of medical marijuana, repeal the amendment, and engage the community in more honest dialogue about proponents' true purpose: to legalize a harmful drug.

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