

REFERRED To: NR
2/25/10 (HOUSE)

Seventeenth Northern Marianas Commonwealth Legislature
IN THE HOUSE OF REPRESENTATIVES

First Regular Session, 2010

H. B. 17-47

A BILL FOR AN ACT

TO AMEND 6 CMC SECTION 2114 SUBSECTIONS (C)(13) AND (20); AMEND 6 CMC SECTION 2142 SUBSECTION (A) AND REPEAL 6 CMC SECTION 2142 SUBSECTION (C), AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Short Title.** This Act may be cited as the Legalization of
2 Marijuana Act of 2010.

3 **Section 2. Findings and Purpose.** Marijuana is the fourth most popular
4 drug in the world, behind only alcohol, nicotine and caffeine. Unlike these drugs
5 however, marijuana has never directly, caused a single death. Also, unlike these
6 drugs, under federal law, marijuana is illegal in the United States. The
7 Legislature finds that the time has come to legalize the use and possession of
8 marijuana for all purposes and to remove any and all associated penalties.
9 Accordingly, the Legislature hereby exercises its sole authority under 6 CMC
10 section 2111 (c) to delete substances from 6 CMC section 2114 for purposes of

1 legalizing marijuana and removing all attendant penalties and fines under 6 CMC
2 section 2142.

3 First, by removing the legal restrictions on marijuana, the quantity and
4 supply of marijuana would diminish the crime and violence associated with
5 attempts to obtain it or protect it by use of force and violence. Secondly, the legal
6 use and possession of medical marijuana that currently exists in approximately 14
7 jurisdictions of the United States provides legal justification for legalization, not
8 just for medicinal use, but for all purposes as set forth herein.

9 The Legislature finds that recent events occurring on Guam and the CNMI
10 involving marijuana as a Schedule 1, controlled substance have resulted in violent
11 crimes and firearms violations. On March 8, 2010, Vincent Bernardo Peredo, a
12 31-year old resident of Guam, was brutally murdered in his home by five suspects
13 who broke down Peredo's door and used weapons including a pistol and a bat to
14 commit the robbery. The crime, which was described as "extraordinarily violent"
15 was perpetrated by five suspects, all between 16 and 19 years old, who reportedly
16 planned the break-in with the intent not to kill Peredo but to steal his marijuana.

17 Less than two weeks later, on Saipan, three local men, including former
18 Representative Pedro Castro were arrested and charged with illegally possessing,
19 manufacturing, and trafficking marijuana as a controlled substance. Significantly,
20 Castro was also charged with possession of an unregistered .410 shotgun. In this
21 case and in countless others like it, the growing of marijuana resulted in

1 government resources being spent and an individual facing jail time, fines, and
2 the seizure of property, including possible forfeiture of the land.

3 While these two incidents and many others like them involved illegal
4 marijuana, the Legislature finds that the level of violence would not have been
5 reached on Guam and the presence of firearms may not have deemed necessary
6 on Saipan, had the marijuana been legal. In other words, it is reasonable to
7 believe that the supply of marijuana in these two cases was legally limited and
8 restricted to a point where the people involved felt compelled to steal it, kill for it,
9 and use weapons to guard it.

10 Putting subjective matters aside, a purely objective analysis reveals that, if
11 supply cannot meet demand, crime and violence frequently enter the equation.
12 As set forth above and as demonstrated through everyday experience, marijuana
13 that is legally restricted has provided the motivation to perpetrate violent crimes
14 and/or use weapons to secure it. Absent any restrictions, this motivation would be
15 greatly diminished. By way of example, if marijuana had the same legal status of
16 tagantagan, where as a matter of law, anyone with minimal skills could grow it,
17 practically anywhere, and literally for free, then the supply of marijuana would be
18 able to meet its demand and the motivation to steal it, kill for it, or carry illegal
19 firearms to protect it, would be largely eliminated. No one steals tagantagan. No
20 one breaks into a home using a bat and a pistol, and brutally kills for tagantagan.
21 No one possesses illegal .410 shotguns to protect their tagantagan.

1 Moreover, the Legislature finds that medicinal marijuana, while legal in at
2 least 14 states (Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana,
3 Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and
4 Washington) has both its proponents and opponents. On the one hand, the
5 Legislature appreciates that proponents for the legal use of medical marijuana
6 argue that marijuana has "accepted medical use in treatment in the US," and that
7 it would easily meet the FDA criteria over "whether a new product's benefits to
8 users will outweigh its risks." Marijuana, proponents of medicinal use, claim, is a
9 safe and effective treatment for dozens of conditions, such as cancer, AIDS,
10 multiple sclerosis, pain, migraines, glaucoma, and epilepsy. Proponents say that
11 thousands of yearly deaths from legal prescription drugs could be prevented if
12 medical marijuana were legal.

13 On the other hand, the Legislature also recognizes that opponents of
14 medical marijuana argue that marijuana has not been FDA-approved because it is
15 too dangerous to use, and that various FDA-approved drugs make the use of
16 marijuana unnecessary. Marijuana, they claim, is addictive, leads to harder drug
17 use, injures the lungs, harms the immune system, damages the brain, interferes
18 with fertility, impairs driving ability, and sends the wrong message to kids. They
19 say that medical marijuana is a front for drug legalization, and that people who
20 claim medical use are actually using it for recreational pleasure.

21

1 The Legislature finds that each view has passionate and reasonable people
2 on both sides of the debate. Significantly, however, the only facts that seem to be
3 generally accepted by both sides of the argument is that seriously ill individuals
4 who suffer from AIDS, cancer, diabetes, glaucoma and other conditions such as
5 arthritis, migraine, menstrual cramps, alcoholand opiate addiction, depression and
6 other debilitating mood disorders cannot obtain relief from marijuana without
7 fear of arrest and imprisonment. These individuals who find marijuana to be
8 helpful are forced to do one of two things: live and suffer without marijuana or
9 illegally obtain it at the risk of arrest and usually at a cost that reflects its illegal
10 status.

11 For the above reasons, rather than engaging in a lengthy unresolved debate
12 on the merits of restricting marijuana to just medicinal use, this Act intends to
13 make marijuana legal for all purposes. It is the belief of the Legislature that the
14 restricted supply of medicinal marijuana would create unintended targets for
15 criminals that would rather steal marijuana than take the time and effort to grow
16 their own. Again, by removing the limitations on supply and eliminating the risk
17 of prosecution, the intent of this Act is to eliminate the need to engage in violent
18 behavior or possess firearms, legal or otherwise, to protect marijuana.

19 **Section 3. Amendment.** 6 CMC section 2114 subsection (c) is amended
20 to strike clauses (13) and (20) and to read as follows:

21 (c) Any material, compound, mixture or preparation which contains any quantity of the
22 following hallucinogenic substances, their salts, isomers and salts of isomers, unless
23 specifically excepted, whenever the existence of salts, isomers, and salts of isomers is
24 possible within the specific chemical designation:

- 1 (1) 2,5 dimethoxyamphetamine (2,5-DMA);
- 2 (2) 3,4-methylenedioxy amphetamine;
- 3 (3) 5-methoxy-3,4-methylenedioxy amphetamine;
- 4 (4) 4-bromo-2,5 dimethoxy amphetamine (4-bromo-2,5-DMA);
- 5 (5) 3,4,5-trimethoxy amphetamine;
- 6 (6) Bufotenine;
- 7 (7) 4-methoxyamphetamine (PMA);
- 8 (8) Diethyltryptamine;
- 9 (9) Dimethyltryptamine;
- 10 (10) 4-methyl-2,5-dimethoxylamphetamine;
- 11 (11) Ibogaine;
- 12 (12) Lysergic acid diethylamide;
- 13 (13) ~~Marijuana; reserved~~
- 14 (14) Mescaline;
- 15 (15) Peyote;
- 16 (16) N-ethyl-3-piperidyl benzilate;
- 17 (17) N-methyl-3-piperidyl benzilate;
- 18 (18) Psilocyn;
- 19 (19) Psilocybin;
- 20 (20) ~~Tetrahydrocannabinol. (reserved)~~

22 **Section 4. Amendment and Repealer.** 6 CMC section 2142 subsection
23 (b) is hereby amended and subsection (c) is hereby repealed. Section 2142 is
24 hereby renumbered to read as follows:

25 **6 CMC 2142. Possession; Penalties.**

26
27 (a) It is unlawful for any person knowingly or intentionally to possess a
28 controlled substance, unless the substance was obtained directly from, or pursuant
29 to, a valid prescription or order of a practitioner while acting in the course of his
30 or her professional practice, or except as otherwise authorized by this chapter.

31 (b) Any person who violates subsection (a) of this section with respect to any
32 controlled substance ~~except marijuana~~ shall be sentenced to a term of
33 imprisonment of not more than five years not subject to suspension, parole or
34 probation, and a fine of \$2,000.

35 ~~(c) Any person who violates subsection (a) of this section with respect to~~
36 ~~marijuana may be penalized as follows:~~

37 ~~(1) Any person who possesses one ounce or less shall be fined not more than~~
38 ~~\$50.~~

39 ~~(2) Any person possessing more than one ounce but less than 2.2 pounds may~~
40 ~~be sentenced to a term of imprisonment of not more than three months, a fine of~~
41 ~~not more than \$500, or both.~~

1 ~~(3) Any person possessing 2.2 pounds or more of marijuana may be sentenced~~
2 ~~to a term of not more than one year, a fine of not more than \$1,000, or both. The~~
3 ~~possession of 2.2 pounds or more of marijuana by any person creates a rebuttable~~
4 ~~presumption of the crime of trafficking under 6 CMC 2141(b)(2).~~

5 (d) Any person who violates subsection (a) of this section with respect to
6 methamphetaminehydrochloride, cocaine, or heroin may be penalized, in addition
7 to the penalties described in subsection (b) of this section as follows:

8 (1) Any person found guilty of a first offense of possession of one gram or less
9 shall be sentenced to a term of imprisonment of not less than 30 days. Any person
10 convicted of a second offense of possession of less than one gram shall be
11 sentenced to a term of not less than 60 days. Having been convicted of a second
12 offense, any person convicted of subsequent offenses of possession of less than
13 one gram shall be sentenced to a term of imprisonment of not less than 90 days.

14 (2) Any person possessing one gram or more but less than five grams shall be
15 sentenced to a term of imprisonment of not less than 60 days. Any person found
16 guilty of a second offense of possession of not more than five grams shall be
17 sentenced to a term of imprisonment of not less than 90 days. Having been
18 convicted of a second offense of possession of more than one gram but less than
19 five grams, any person convicted for subsequent possession of a controlled
20 substance shall be sentenced to a term of imprisonment of not less than six
21 months.

22 (3) Any person possessing five grams or more shall be sentenced to a term of
23 imprisonment of not less than one year. The possession of five grams or more by
24 any person creates a rebuttable presumption of the crime of trafficking under 6
25 CMC 2141(b)(2).

26 (4) Any person possessing any quantity of a controlled substance and found to
27 be in possession of an illegal firearm shall be sentenced to a mandatory five-year
28 term of imprisonment not subject to suspension, probation or parole.

29 (5) Any person possessing any quantity of a controlled substance and found to
30 have discharged any legal or illegal firearm in connection with that possession or
31 subsequent apprehension for that possession shall be sentenced to a term of
32 imprisonment of not less than five years, not subject to probation, parole, or
33 suspension, to be served consecutively with any other terms of imprisonment
34 imposed for that possession.
35

36 **Section 5. Preemption.** In the case of conflict with current law, this Act
37 shall supersede any statute, regulation, rule, or common law provision for the
38 period it remains in effect.

39 **Section 6. Severability.** If any provision of this Act or the application of

1 any such provision to any person or circumstance should be held invalid by a
2 court of competent jurisdiction, the remainder of this Act or the application of its
3 provisions to persons or circumstances other than those to which it is held invalid
4 shall not be affected thereby.

5 **Section 7. Savings Clause.** This Act and any repealer contained herein
6 shall not be construed as affecting any existing right acquired under contract or
7 acquired under statutes repealed or under any rule, regulation, or order adopted
8 under the statutes. Repealers contained in this Act shall not affect any proceeding
9 instituted under or pursuant to prior law.

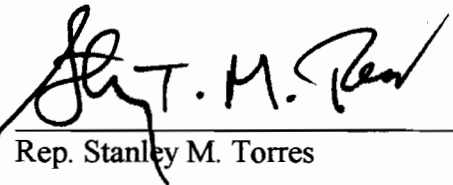
10 The enactment of the Act shall not have the effect of terminating, or in any way
11 modifying, any liability, civil or criminal, which shall already be in existence on
12 the date this Act becomes effective.

13 **Section 8. Effective Date.** This Act shall take effect upon its approval by
14 the Governor or becoming law without such approval.

Prefiled*: 3/25/10

Date: 3/25/10

Introduced By:


Rep. Stanley M. Torres

*Submitted by author without review for legal sufficiency in accordance with House Rule IX sections 4 (e) and 8 (a) for immediate assignment by Speaker to the appropriate committee.



REPRESENTATIVE STANLEY T. MCGINNIS TORRES
HOUSE OF REPRESENTATIVES
SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
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SAIPAN-I
PRECINCT 3
PUTC CHAIRMAN
Education Member
JGO Member
NR Member

PRIVILEGED SPEECH
MARCH 25, 2010

My topic is about the four most popular and recreational drugs in the world, which are alcohol, nicotine, caffeine, and marijuana. Unlike the other three drugs, however, marijuana has never directly caused a single death. Also, unlike these other drugs, under federal law, marijuana is illegal in the United States.

I have found that the time has come to legalize the use and possession of marijuana for all purposes and to remove any and all associated penalties. Accordingly, I hereby ask to delete certain substances from 6 CMC section 2114 for purposes of legalizing marijuana and removing all attendant penalties and fines under 6 CMC section 2142.

First, by removing the legal restrictions on marijuana, the quantity and supply of marijuana would diminish the crime and violence associated with attempts to obtain it or protect it by use of force and violence. Secondly, the legal use and possession of medicinal marijuana that currently exists in approximately 14 jurisdictions of the United States provides legal justification for legalization, not just for medicinal use, but for all purposes of socialization and recreation, similar to the use of alcohol.

I find that recent events occurring on Guam and the CNMI involving marijuana as a Schedule 1, controlled substance have resulted in violent crimes and firearms' violations. On March 8, 2010, Vincent Bernardo Peredo, a 31-year old resident of Guam, was brutally murdered in his home by five suspects who broke down Peredo's door and used weapons including a pistol and a bat to commit the robbery. The crime, which was described as "extraordinarily violent" was perpetrated by five suspects, all between 16 and 19 years old, who reportedly planned the break-in with the intent not to kill Peredo but to steal his marijuana.

Less than two weeks later, here on Saipan, three local men, including a former colleague, Pedro Castro, were arrested and charged with illegally possessing, manufacturing, and trafficking marijuana as a controlled substance. Significantly, Castro was also charged with possession of an unregistered .410 shotgun. In this case and in countless others like it, the

growing of marijuana resulted in government resources being spent and an individual facing jail time, fines, and the seizure of property, including possible forfeiture of the land.

While these two incidents and many others like them involved illegal marijuana, I feel that the level of violence would not have been reached on Guam and the presence of firearms may not have been deemed necessary on Saipan, had the marijuana been legal. In other words, it is reasonable to believe that the supply of marijuana in these two cases was legally limited and restricted to a point where the people involved felt compelled to steal it, kill for it, and use weapons to guard it.

Putting subjective matters aside, a purely objective analysis reveals that, if supply cannot meet demand, crime and violence frequently enter the equation. As set forth above and as demonstrated through everyday experience, marijuana that is legally restricted has provided the motivation to perpetrate violent crimes and/or use weapons to secure it. Absent any restrictions, this motivation would be greatly diminished. By way of example, if marijuana had the same legal status of betel nut or tagantagan, where as a matter of law, anyone with minimal skills could grow it, practically anywhere, and literally for free, then the supply of marijuana would be able to meet its demand and the motivation to steal it, kill for it, or carry illegal firearms to protect it, would be largely eliminated.

Yes, people steal betel nuts because there are in great demand and sell very well in the stores. But if marijuana was grown in the proper abundance, like tagantagan, then we would be better off because no one steals tagantagan. No one breaks into a home using a bat and a pistol, and brutally kills for tagantagan. No one possesses illegal .410 shotguns or other fire arms to protect their tagantagan.

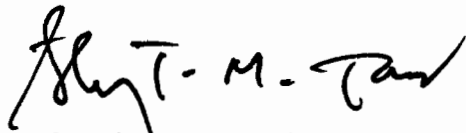
Moreover, I have discovered that medicinal marijuana, while legal in at least 14 states (Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington) has both its proponents and opponents. It must be appreciated that proponents for the legal use of medicinal marijuana argue that marijuana has "accepted medical use in treatment in the US," and that it would easily meet the FDA criteria over "whether a new product's benefits to users will outweigh its risks." Marijuana proponents for medicinal use claim that it is a safe and effective treatment for dozens of conditions, such as cancer, multiple sclerosis, severe pain, migraines, glaucoma, AIDS, and epilepsy. Proponents say that thousands of yearly deaths from legal prescription drugs could be prevented if medicinal marijuana were legal.

On the other hand, I also recognize that opponents of medical marijuana argue that marijuana has not been FDA-approved because it is too dangerous to use, and that various FDA-approved drugs make the use of marijuana unnecessary. Marijuana, they claim, is addictive, leads to harder drug use, injures the lungs, harms the immune system, damages the brain, interferes with fertility, impairs driving ability, and sends the wrong message to young adults. They say that medicinal marijuana is a front for drug legalization, and that people who claim medicinal use are actually using it for irresponsible pleasure.

I realize that each marijuana discussion has passionate and reasonable people on both sides of the debate. Significantly, however, the only facts that seem to be generally accepted by both sides of the argument is that seriously ill individuals who suffer from cancer, diabetes, glaucoma, AIDS, and other conditions such as arthritis, migraine, menstrual cramps, alcohol and opiate addiction, depression and other debilitating mood disorders cannot obtain relief from marijuana without fear of arrest and imprisonment. These individuals who find marijuana to be helpful are forced to do one of two things: live and suffer without marijuana, or illegally obtain it at the risk of arrest and usually at a cost that reflects its illegal status.

For the above reasons, rather than engaging in a lengthy unresolved debate on the merits of restricting marijuana to just medicinal use, this Act intends to make marijuana legal for all the positive reasons that it provides. It is my belief that the restricted supply of medicinal marijuana would create unintended targets for criminals that would rather steal marijuana than take the time and effort to grow their own. Again, by removing the limitations on supply and eliminating the risk of prosecution, the intent of this Act is to eliminate the need to engage in violent behavior or possess firearms, legal or otherwise, to protect marijuana.

Mr. Speaker, I hereby introduce and submit without the review for legal sufficiency, in accordance with House Rule IX, Section 4(e) and 8(a), for your immediate assignment to the appropriate committee. Thank you.

A handwritten signature in black ink, appearing to read "Stanley T. McGinnis Torres". The signature is written in a cursive, somewhat stylized font.

Rep. Stanley T. McGinnis Torres



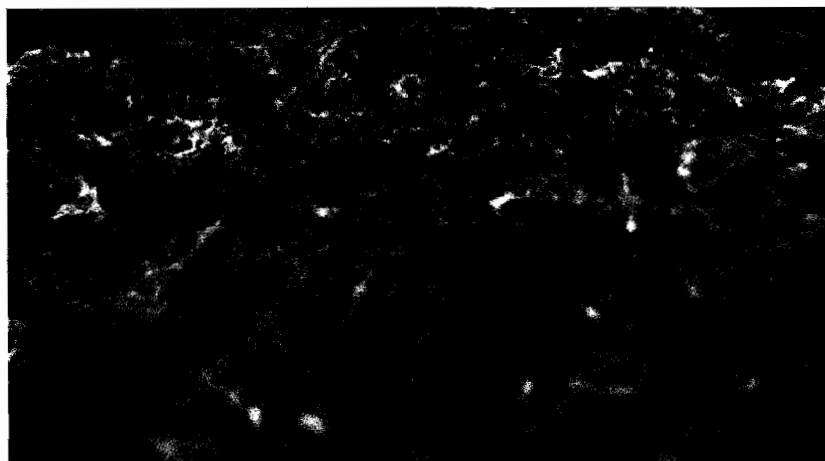
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D.C. in The Weed(s)

City leaders try to answer questions about legalizing medical marijuana

By ANDY SALSMAN

Updated 9:01 AM EDT, Wed, Mar 24, 2010



AP

Medical marijuana users in the District may not have to go to a clinic or a doctor's office to get their dose; they may be able to go into their backyard.

D.C. Council is thinking of adding a provision to the new medical marijuana bill that would allow some users to grow plants for their own use. They'd likely be limited to two plants per home.

City leaders are still ironing out a number of details about legalized medical marijuana -- a decade-old issue that just recently became relevant. Washingtonians voted to legalize marijuana back in 1998, but it wasn't until last December that Congress approved D.C.'s 2010 budget. That allowed the District to legalize marijuana.

Officials are hoping to base their program on other cities and states. Los Angeles, for example, didn't impose strict limits on shops at first.

"[We don't want to] follow the mistakes of Los Angeles, which opened the door so wide it was tantamount to legalized pot," Councilman Phil Mendelson told the Washington Examiner.

How users get their pot remains one of the major questions in Washington. Councilman David Catania

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is proposing five retail-like clinics throughout the city. He wants the shops far away from schools or youth centers.

That doesn't solve other problems, like: Which doctors can prescribe medical marijuana? What conditions would qualify for a medical marijuana prescription? How will pot actually get into the city?

Of the 14 states that allow medical marijuana, 13 currently allow so-called "home cultivation." Most states allow people to cultivate five to six plants, said National Organization for the Reform of Marijuana Laws executive director Allen St. Pierre.

A couple of D.C. Council committees are taking up the issue this week. The final language of the program could be drawn up as early as next week.

Copyright Associated Press / NBC Washington

First Published: Mar 24, 2010 7:34 AM EDT

Find this article at:

<http://www.nbcwashington.com/news/local-beat/In-The-Weeds-89001712.html>

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Half of New York Voters Support Medical Marijuana: Poll

Democrats, downstaters and young voters are all in favor

Updated 1:53 PM EDT, Mon, Mar 22, 2010



David Sutherland

A new poll reports half of New York voters support legalizing the use of marijuana for medical purposes.

The Siena Research Institute shows 50 percent back legalization, while 41 percent are opposed and 9 percent say they don't have enough information.

Pollster Steven Greenberg pointed out demographic divisions in the results, with 72 percent support among those who consider themselves liberal, 62 percent among those 18 to 34, and 55 percent among Democrats.

"Half of New York voters support legalizing the use of medical marijuana in New York, while 41 percent oppose it," Greenberg said.



LOOK

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Weird News Photos



LOOK

Top New York News Photos

“Democrats and independents, downstaters, young, white and Jewish voters support it. Republicans, upstaters, older voters, and African American, Catholic and Protestant voters oppose it.”

Latinos were split down the middle 49 percent for and 49 percent opposed to it. Opposition includes 61 percent of those who consider themselves conservative, 59 percent of Republicans and 48 percent of those 55 and older.

"One of things that hits me about it is that there has not been a huge amount of public debate in New York state, like there has been in California and other places" Greenberg said. "I think people are just going on a gut reaction.... people hear this word "marijuana" and they hear this word "legalization" and they got ot their roots".

The poll released Monday surveyed 810 registered voters last Monday through Thursday. It has a margin of error of 3.4 percentage points.

In January, former New Jersey Gov. Jon Corzine signed a bill that made New Jersey the 14th state in the country to legalize marijuana for medical use.

The law does not permit people to grow marijuana privately, but allows certain patients to buy up to 2 ounces per month at state-monitored dispensaries.

Copyright Associated Press / NBC New York

First Published: Mar 22, 2010 10:14 AM EDT

Find this article at:

<http://www.nbcnewyork.com/news/local-beat/Fifty-Percent-of-New-York-Voters-Support-Medical-Marijuana-88821812.html?abc=123>

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<http://www.printthis.clickability.com/pt/cpt?action=cpt&title=Half+of+New+York+Voters...> 3/23/2010



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Synthetic marijuana a growing trend among teens, authorities say

By Sarah Aarthun, CNN

STORY HIGHLIGHTS

- K2 or Spice, when smoked, gives users a marijuana-like high
- Danger of products is the unregulated nature of their production and makeup
- Side effects include heart palpitations, respiratory issues, panic attacks, hallucinations
- Kansas has banned K2; many other states are considering similar laws

(CNN) – The latest trend at teen parties isn't warm beer or prescription medicines pilfered from parents' medicine cabinets. Instead, increasing numbers of youths are turning to an herb-based product to get high, and unlike marijuana, it's perfectly legal.

It's known as K2 or Spice, a synthetic substance that, when smoked, gives users a marijuana-like high, according to drug authorities. Its growing popularity is causing increasing alarm among health care professionals, law enforcement authorities and lawmakers, with one Drug Enforcement Agency official calling its use the equivalent of "playing Russian roulette."

Should some illegal drugs be legalized?

Manufactured in Asia and sold online or in local stores, K2 and similar substances are marketed as herbal incense. A disclaimer on a K2-selling Web site reads: "K2Herbal products are novelty incenses and are not for consumption."

Sold in various flavors in 3-gram bags, the product consists of herbs that are sprayed with synthetic substances that mimic THC, the high-causing natural chemical found in marijuana.

A call to regulate K2

Health and drug officials say the danger in using such products is the unregulated nature of their production and makeup.

"Our biggest concern is that this particular chemical is likely manufactured in a dorm-room setting. And these dorm-room scientists are not going to be exhibiting a lot of quality assurance techniques," says Dr. Gaylord Lopez, a toxicologist and head of the Georgia Poison Center.

As a result, there's a potential for users to inhale contaminants along with the substance they think they're smoking, Lopez said, which may be a contributing factor in the adverse symptoms some of its users have been experiencing.

Political activist wants K2 banned

"Synthetic drugs and herbal drug products like Spice and K2 are not made in a controlled environment and thus you are playing Russian roulette when it comes to these types of products," said Dawn Dearden, a spokeswoman for the DEA, which first began receiving reports about abuse of the substance last year. "There is no way, outside of a controlled laboratory environment, to determine the chemical makeup, synthetic ingredients or amounts, and therefore there is no way to determine with any accuracy what the potentially harmful effects may be."

Lopez says his center first heard of the substance in December when Georgia hospitals began reporting patients who had used K2 or Spice.

Since then, the center has seen a spike in cases, with 20 people – mostly teenagers – visiting emergency rooms with such symptoms as heart palpitations and respiratory issues. In the most serious case, an otherwise healthy teenage boy, who has

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since recovered, lapsed into a coma, Lopez said.

According to Dearden, additional side effects can include panic attacks, hallucinations, delusions, vomiting, increased agitation and dilated pupils.

Around the center, Lopez said his employees have begun referring to the substance as "Scary Spice."

Earlier this month, Kansas became the first state to ban synthetic marijuana.

Kansas state Sen. Jim Barnett, a supporter of the effort, said the ban was prompted by reports of abuse of K2 and similar products in cities across the state among high school students and prison parolees who were using it as an alternative to pot to avoid a positive drug test.

Lawmakers in several other states are considering similar legislation, including Georgia, Utah, Missouri, Tennessee, Kentucky, North Dakota and Illinois.

"Although it is a synthetic drug, it is still a drug with a high potential for abuse," says Barnett, who is a physician. "It was our desire in Kansas to be ahead of the problem."

K2 has already been banned in some European countries, including Britain, Germany, Poland and France, and the DEA lists it as a drug of concern in the United States.

"We are seeing several indications that these THC-like substances could become a significant problem both domestically and internationally," Dearden says.

She says the agency is in "the preliminary stages of determining whether or not some or all of (synthetic substances) need to be controlled."

Links referenced within this article

Should some illegal drugs be legalized?

<http://connecttheworld.blogs.cnn.com/2010/03/24/should-more-illegal-drugs-be-legalized/>

A call to regulate K2

<http://edition.cnn.com/2010/OPINION/02/25/smith.k2.spice.law/index.html?iref=allsearch>

Political activist wants K2 banned

<http://edition.cnn.com/2010/OPINION/03/02/fay.ban.k2/index.html?iref=allsearch>

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<http://edition.cnn.com/2010/HEALTH/03/23/synthetic.marijuana/index.html>

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The Regulate, Control and Tax Cannabis Act of 2010

Title and Summary:

Changes California Law to Legalize Marijuana and Allow It to Be Regulated and Taxed. Initiative Statute.

Allows people 21 years old or older to possess, cultivate, or transport marijuana for personal use. Permits local governments to regulate and tax commercial production and sale of marijuana to people 21 years old or older. Prohibits people from possessing marijuana on school grounds, using it in public, smoking it while minors are present, or providing it to anyone under 21 years old. Maintains current prohibitions against driving while impaired. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Savings of up to several tens of millions of dollars annually to state and local governments on the costs of incarcerating and supervising certain marijuana offenders. Unknown but potentially major tax, fee, and benefit assessment revenues to state and local government related to the production and sale of marijuana products.

Section 1: Name

This Act shall be known as the "Regulate, Control and Tax Cannabis Act of 2010."

Section 2: Findings, Intent and Purposes

This Act, adopted by the People of the State of California, makes the following Findings and Statement of Intent and Purpose:

A. Findings

1. California's laws criminalizing cannabis (marijuana) have failed and need to be reformed. Despite spending decades arresting millions of non-violent cannabis consumers, we have failed to control cannabis or reduce its availability.
2. According to surveys, roughly 100 million Americans (around 1/3 of the country's population) acknowledge that they have used cannabis, 15 million of those Americans having consumed cannabis in the last month. Cannabis consumption is simply a fact of life for a large percentage of Americans.
3. Despite having some of the strictest cannabis laws in the world, the United States has the largest number of cannabis consumers. The percentage of our citizens who consume cannabis is double that of the percentage of people who consume cannabis in the Netherlands, a country where the selling and adult possession of cannabis is allowed.
4. According to The National Research Council's recent study of the 11 U.S. states where cannabis is currently decriminalized, there is little apparent relationship between severity of sanctions and the rate of consumption.
5. Cannabis has fewer harmful effects than either alcohol or cigarettes, which are both legal for adult consumption. Cannabis is not physically addictive, does not have long term toxic effects on the body, and does not cause its consumers to become violent.

6. There is an estimated \$15 billion in illegal cannabis transactions in California each year. Taxing and regulating cannabis, like we do with alcohol and cigarettes, will generate billions of dollars in annual revenues for California to fund what matters most to Californians: jobs, health care, schools and libraries, roads, and more.

7. California wastes millions of dollars a year targeting, arresting, trying, convicting, and imprisoning non-violent citizens for cannabis related offenses. This money would be better used to combat violent crimes and gangs.

8. The illegality of cannabis enables for the continuation of an out-of-control criminal market, which in turn spawns other illegal and often violent activities. Establishing legal, regulated sales outlets would put dangerous street dealers out of business.

B. Purposes

1. Reform California's cannabis laws in a way that will benefit our state.

2. Regulate cannabis like we do alcohol: Allow adults to possess and consume small amounts of cannabis.

3. Implement a legal regulatory framework to give California more control over the cultivation, processing, transportation, distribution, and sales of cannabis.

4. Implement a legal regulatory framework to better police and prevent access to and consumption of cannabis by minors in California.

5. Put dangerous, underground street dealers out of business, so their influence in our communities will fade.

6. Provide easier, safer access for patients who need cannabis for medical purposes.

7. Ensure that if a city decides not to tax and regulate the sale of cannabis, that buying and selling cannabis within that city's limits remain illegal, but that the city's citizens still have the right to possess and consume small amounts, except as permitted under Health and Safety Sections 11362.5 and 11362.7 through 11362.9.

8. Ensure that if a city decides it does want to tax and regulate the buying and selling of cannabis (to and from adults only), that a strictly controlled legal system is implemented to oversee and regulate cultivation, distribution, and sales, and that the city will have control over how and how much cannabis can be bought and sold, except as permitted under Health and Safety Sections 11362.5 and 11362.7 through 11362.9.

9. Tax and regulate cannabis to generate billions of dollars for our state and local governments to fund what matters most: jobs, healthcare, schools and libraries, parks, roads, transportation, and more.

10. Stop arresting thousands of non-violent cannabis consumers, freeing up police resources and saving millions of dollars each year, which could be used for apprehending truly dangerous criminals and keeping them locked up, and for other essential state needs that lack funding.

11. Allow the Legislature to adopt a statewide regulatory system for a commercial cannabis industry.
12. Make cannabis available for scientific, medical, industrial, and research purposes.
13. Permit California to fulfill the state's obligations under the United States Constitution to enact laws concerning health, morals, public welfare and safety within the State.
14. Permit the cultivation of small amounts of cannabis for personal consumption.

C. Intent

1. This Act is intended to limit the application and enforcement of state and local laws relating to possession, transportation, cultivation, consumption and sale of cannabis, including but not limited to the following, whether now existing or adopted in the future: Health and Safety Code sections 11014.5 and 11364.5 [relating to drug paraphernalia]; 11054 [relating to cannabis or tetrahydrocannabinols]; 11357 [relating to possession]; 11358 [relating to cultivation]; 11359 [possession for sale]; 11360 [relating to transportation and sales]; 11366 [relating to maintenance of places]; 11366.5 [relating to use of property]; 11370 [relating to punishment]; 11470 [relating to forfeiture]; 11479 [relating to seizure and destruction]; 11703 [relating to definitions regarding illegal substances]; 11705 [actions for use of illegal controlled substance]; Vehicle Code sections 23222 and 40000.15 [relating to possession].

2. This Act is not intended to affect the application or enforcement of the following state laws relating to public health and safety or protection of children and others: Health and Safety Code sections 11357 [relating to possession on school grounds]; 11361 [relating to minors as amended herein]; 11379.6 [relating to chemical production]; 11532 [relating to loitering to commit a crime or acts not authorized by law]; Vehicle Code section 23152 [relating to driving while under the influence]; Penal Code section 272 [relating to contributing to the delinquency of a minor]; nor any law prohibiting use of controlled substances in the workplace or by specific persons whose jobs involve public safety.

Section 3: Lawful Activities

Article 5 of Chapter 5 of Division 10 of the Health and Safety Code, commencing with section 11300 is added to read:

Section 11300: Personal Regulation and Controls

(a) Notwithstanding any other provision of law, it is lawful and shall not be a public offense under California law for any person 21 years of age or older to:

(i) Personally possess, process, share, or transport not more than one ounce of cannabis, solely for that individual's personal consumption, and not for sale.

(ii) Cultivate, on private property by the owner, lawful occupant, or other lawful resident or guest of the private property owner or lawful occupant, cannabis plants for personal consumption only, in an area of not more than twenty-five square feet per private residence or, in the absence of any residence, the parcel. Cultivation on leased or rented property may be subject to approval from the owner of the property. Provided that, nothing in this section shall permit unlawful or unlicensed cultivation of cannabis on any public lands.

B3 or B8

(iii) Possess on the premises where grown the living and harvested plants and results of any harvest and processing of plants lawfully cultivated pursuant to section 11300(a)(ii), for personal consumption.

(iv) Possess objects, items, tools, equipment, products and materials associated with activities permitted under this subsection.

(b) "Personal consumption" shall include but is not limited to possession and consumption, in any form, of cannabis in a residence or other non-public place, and shall include licensed premises open to the public authorized to permit on-premises consumption of cannabis by a local government pursuant to section 11301.

(c) "Personal consumption" shall not include, and nothing in this Act shall permit cannabis:

(i) possession for sale regardless of amount, except by a person who is licensed or permitted to do so under the terms of an ordinance adopted pursuant to section 11301;

(ii) consumption in public or in a public place;

(iii) consumption by the operator of any vehicle, boat or aircraft while it is being operated, or that impairs the operator;

(iv) smoking cannabis in any space while minors are present.

Section 11301: Commercial Regulations and Controls

Notwithstanding any other provision of state or local law, a local government may adopt ordinances, regulations, or other acts having the force of law to control, license, regulate, permit or otherwise authorize, with conditions, the following:

(a) cultivation, processing, distribution, the safe and secure transportation, sale and possession for sale of cannabis, but only by persons and in amounts lawfully authorized;

(b) retail sale of not more than one ounce per transaction, in licensed premises, to persons 21 years or older, for personal consumption and not for resale;

(c) appropriate controls on cultivation, transportation, sales, and consumption of cannabis to strictly prohibit access to cannabis by persons under the age of 21;

(d) age limits and controls to ensure that all persons present in, employed by, or in any way involved in the operation of, any such licensed premises are 21 or older;

(e) consumption of cannabis within licensed premises;

(f) safe and secure transportation of cannabis from a licensed premises for cultivation or processing, to a licensed premises for sale or on-premises consumption of cannabis;

(g) prohibit and punish through civil fines or other remedies the possession, sale, possession for sale, cultivation, processing, or transportation of cannabis that was not obtained lawfully from a person pursuant to this section or section 11300;

B4 or B8

- (h) appropriate controls on licensed premises for sale, cultivation, processing, or sale and on-premises consumption, of cannabis, including limits on zoning and land use, locations, size, hours of operation, occupancy, protection of adjoining and nearby properties and persons from unwanted exposure, advertising, signs and displays, and other controls necessary for protection of the public health and welfare;
- (i) appropriate environmental and public health controls to ensure that any licensed premises minimizes any harm to the environment, adjoining and nearby landowners, and persons passing by;
- (j) appropriate controls to restrict public displays, or public consumption of cannabis;
- (k) appropriate taxes or fees pursuant to section 11302;
- (l) such larger amounts as the local authority deems appropriate and proper under local circumstances, than those established under section 11300(a) for personal possession and cultivation, or under this section for commercial cultivation, processing, transportation and sale by persons authorized to do so under this section;
- (m) any other appropriate controls necessary for protection of the public health and welfare.

Section 11302: Imposition and Collection of Taxes and Fees

- (a) Any ordinance, regulation or other act adopted pursuant to section 11301 may include imposition of appropriate general, special or excise, transfer or transaction taxes, benefit assessments, or fees, on any activity authorized pursuant to such enactment, in order to permit the local government to raise revenue, or to recoup any direct or indirect costs associated with the authorized activity, or the permitting or licensing scheme, including without limitation: administration; applications and issuance of licenses or permits; inspection of licensed premises and other enforcement of ordinances adopted under section 11301, including enforcement against unauthorized activities.
- (b) Any licensed premises shall be responsible for paying all federal, state and local taxes, fees, fines, penalties or other financial responsibility imposed on all or similarly situated businesses, facilities or premises, including without limitation income taxes, business taxes, license fees, and property taxes, without regard to or identification of the business or items or services sold.

Section 11303: Seizure

- (a) Notwithstanding sections 11470 and 11479 of the Health and Safety Code or any other provision of law, no state or local law enforcement agency or official shall attempt to, threaten to, or in fact seize or destroy any cannabis plant, cannabis seeds or cannabis that is lawfully cultivated, processed, transported, possessed, possessed for sale, sold or used in compliance with this Act or any local government ordinance, law or regulation adopted pursuant to this Act.

Section 11304: Effect of Act and Definitions

- (a) This Act shall not be construed to affect, limit or amend any statute that forbids

impairment while engaging in dangerous activities such as driving, or that penalizes bringing cannabis to a school enrolling pupils in any grade from kindergarten through 12, inclusive.

(b) Nothing in this Act shall be construed or interpreted to permit interstate or international transportation of cannabis. This Act shall be construed to permit a person to transport cannabis in a safe and secure manner from a licensed premises in one city or county to a licensed premises in another city or county pursuant to any ordinances adopted in such cities or counties, notwithstanding any other state law or the lack of any such ordinance in the intervening cities or counties.

(c) No person shall be punished, fined, discriminated against, or be denied any right or privilege for lawfully engaging in any conduct permitted by this Act or authorized pursuant to Section 11301 of this Act. Provided however, that the existing right of an employer to address consumption that actually impairs job performance by an employee shall not be affected.

(d) Definitions

For purposes of this Act:

(i) "Marijuana" and "cannabis" are interchangeable terms that mean all parts of the plant Genus Cannabis, whether growing or not; the resin extracted from any part of the plant; concentrated cannabis; edible products containing same; and every active compound, manufacture, derivative, or preparation of the plant, or resin.

(ii) "One ounce" means 28.5 grams.

(iii) For purposes of section 11300(a)(ii) "cannabis plant" means all parts of a living Cannabis plant.

(iv) In determining whether an amount of cannabis is or is not in excess of the amounts permitted by this Act, the following shall apply:

(a) only the active amount of the cannabis in an edible cannabis product shall be included;

(b) living and harvested cannabis plants shall be assessed by square footage, not by weight in determining the amounts set forth in section 11300(a);

(c) in a criminal proceeding a person accused of violating a limitation in this Act shall have the right to an affirmative defense that the cannabis was reasonably related to his or her personal consumption.

(v) "residence" means a dwelling or structure, whether permanent or temporary, on private or public property, intended for occupation by a person or persons for residential purposes, and includes that portion of any structure intended for both commercial and residential purposes.

(vi) "local government" means a city, county, or city and county.

(vii) "licensed premises" is any commercial business, facility, building, land or area that has a license, permit or is otherwise authorized to cultivate, process, transport, sell, or permit on-premises consumption, of cannabis pursuant to any ordinance or regulation adopted by a local government pursuant to section 11301, or any subsequently enacted state statute or regulation.

Section 4: Prohibition on Furnishing Marijuana to Minors

Section 11361 of the Health and Safety Code is amended to read:

Prohibition on Furnishing Marijuana to Minors

(a) Every person 18 years of age or over who hires, employs, or uses a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of three, five, or seven years.

(b) Every person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a minor 14 years of age or older shall be punished by imprisonment in the state prison for a period of three, four, or five years.

(c) Every person 21 years of age or over who knowingly furnishes, administers, or gives, or offers to furnish, administer or give, any marijuana to a person aged 18 years or older, but younger than 21 years of age, shall be punished by imprisonment in the county jail for a period of up to six months and be fined up to \$1,000 for each offense.

(d) In addition to the penalties above, any person who is licensed, permitted or authorized to perform any act pursuant to Section 11301, who while so licensed, permitted or authorized, negligently furnishes, administers, gives or sells, or offers to furnish, administer, give or sell, any marijuana to any person younger than 21 years of age shall not be permitted to own, operate, be employed by, assist or enter any licensed premises authorized under Section 11301 for a period of one year.

Section 5: Amendment

Pursuant to Article 2, section 10(c) of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the People at a statewide election; or by statute validly passed by the Legislature and signed by the Governor, but only to further the purposes of the Act. Such permitted amendments include but are not limited to:

(a) Amendments to the limitations in section 11300, which limitations are minimum thresholds and the Legislature may adopt less restrictive limitations.

(b) Statutes and authorize regulations to further the purposes of the Act to establish a statewide regulatory system for a commercial cannabis industry that addresses some or all of the items referenced in Sections 11301 and 11302.

(c) Laws to authorize the production of hemp or non-active cannabis for horticultural and industrial purposes.

Section 6: Severability

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be

given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

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Yona crime sparks renewed weed sweep

MONDAY, 22 MARCH 2010 03:10 BY JENNIFER NAYLOR GESICK | VARIETY NEWS STAFF



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But some push for legalization of marijuana

THE tragic death of Vince Peredo has sparked a dialogue among members of the community about critical social issues such as the school system, parenting, the legal system and one specifically marijuana policy and law.

Peredo was killed by a group of young people for what they told police was part of a plan to "steal his marijuana."

At last week's press conference on the status of the Peredo case, police chief Paul Suba said, with the help of village mayors, the Guam Police Department will step up its efforts to "eradicate marijuana" all over the island.

He said there will be "residual arrests" in the Peredo case, in which many other individuals were implicated during the investigation.

Suba admitted the difficulty in this undertaking since the plant grows well and abundantly in Guam's tropical environment.

He said even though marijuana is "viewed as a lesser drug," dealing in this business is dangerous. No one knows what other illegal acts marijuana pushers may be involved with, he added.

During the investigation into Peredo's murder, the Guam police have learned more a lot about marijuana in the community and in schools.

Suba said in some instances there were professionals buying from students.

Disgusting

Dr. Ron McNinch, professor of public administration at the University of Guam, said the "thing that disgusts people the most is the sheer youth of these individuals."

"Mr. Peredo might have had some flaws, but he wasn't a violent criminal. He did not have a criminal organization under him and pit bulls in his yard—all the trappings of bad behavior," McNinch said.

"These kinds of crimes happen every day in the U.S., but we feel it a lot more in a community of our size. I view it as a bunch of young people who do not understand the consequences of reality. And that is that Mr. Peredo is dead, they can never resurrect him and never restore this community to a whole," he added.

Very bizarre

Attorney Randy Cunliffe said it was "very bizarre" that this sort of violence was perpetrated "merely to steal marijuana."

In his 33 years practicing law, Cunliffe said he has never seen the kind of crime committed in Yona, where Peredo was murdered.

"I mean, bound and beaten! For what purpose?" asked Cunliffe. "In a general sense, if you criminalize marijuana then you put it with elements of people who are in some other senses criminals."

"I am appalled that they are saying 'let's take all our resources and start pulling patches of marijuana up all over the island because of this senseless death,'" Cunliffe. "There are so many more things for them to spend their time worrying about than a few marijuana plants."

Abundant supply

But, Cunliffe said, "when you lump something into a profit making margin, you know people are going to do things to make money off it. Look at Mexico right now with the drug wars. You take the money out of it who is going to be importing it if people can grow their own and it is only worth 20 cents."

The current law on Guam for possession of less than an ounce of marijuana is punishable by a \$100 fine and is classified only as an infraction. "The definition excludes it from being a crime," Cunliffe said. "We were one of the first jurisdictions in the United States to decriminalize marijuana."

James Whippy, a graduate Student of Micronesian Affairs at UOG, said he "definitely believes that Peredo would not have been murdered if marijuana was legal."

"If we were to fully legalize it, the government would make revenue from taxes and Guam could be the Jamaica of the Pacific and help tourism," he said. "But that would be a little farfetched."

Whippy acknowledged, however, that the old-school generation that currently governs the island may not be open to such a progressive idea. "But the discussion right now is a step in the right direction," he added.

Prosecution

"The President of the United States of America has basically told U.S. Attorneys to stop prosecuting marijuana," Cunliffe said.

McNinch, for his part, said "We live in a democracy, if people think the law should be changed, that is a great public policy debate and there is nothing wrong with a policy debate on it."

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• The war on drugs is lost. The only thing that has been accomplished has been to drive up the price, given the distribution network to thugs and created criminals out of addicts. Didn't we learn anything from Prohibition? The Mafia made money on the alcohol because they have the distribution networks. The cocaine kingpins in Columbia and Mexico are not going to give up their territories because there is way too much money involved. If the police would just stop busting growers and distributors, the price would drop and crime would decrease. Make pot legal, tax the dickens out of it and provide treatment to persons who become dependent. Making Pot legal on Guam would enhance the tourism market, raise money, decrease family violence (too stoned to get off the couch to hit anyone) but it will never happen. The self righteous church will speak against it as well as some uninformed politicians. Calif is broke and is considering making pot legal. Why not? Making it illegal hasn't stopped its use.

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