



NEW YORK STATE SENATOR

Thomas K. Duane

Medical Marijuana Bill Introduced in Albany

THOMAS K. DUANE April 21, 2009

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For the First Time, Both Chambers to Consider Identical Bills

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Albany, NY — Calling current laws that criminalize patients who use medical marijuana cruel and unjustified by medical science, lawmakers announced the introduction of twin bills at a press conference today that would protect New York patients from arrest for using medical marijuana if their doctors recommend it.

Joined by two patients who could benefit from the legislation, the Assembly and Senate Health Committee Chairs, Assembly Member Richard N. Gottfried and Senator Thomas K. Duane, told reporters the legislation would allow seriously ill patients safe access to medical marijuana with their doctors' recommendation, while providing strict controls to prevent the law from being abused.

Gottfried, lead sponsor of the bill in the Assembly (A. 7542), said that while similar bills he sponsored had passed the Assembly in each of the past two years, is hopeful that the Senate, which Democrats took control of this year, is now ready to act to protect medical marijuana patients from arrest.

"It is cruel to make seriously ill patients criminals for relying on medical marijuana for relief when their doctor recommends it," stated Assembly Member Richard N. Gottfried . "I hope that the Senate and the Governor will make this the year we protect patients from arrest for simply treating a serious condition."

"Medical marijuana's safety and efficacy in treating certain painful, often life-threatening diseases is a well-documented scientific fact," said Duane, lead sponsor of the bill in the Senate (S. 4041). "There is no reason we can't establish common sense controls to ensure safe access to this medicine for suffering patients who have their doctors' recommendations while ensuring it doesn't wind up in the wrong hands. This bill does exactly that and that's why I believe it enjoys broad support among New York lawmakers and constituents of both parties."

Appearing with the lawmakers were two New York residents battling painful, debilitating conditions who believe they should be allowed to use medical marijuana if their doctors recommend it.

"I have shooting pains all through my body all the time, and it never goes away," said Joe Gamble of Liverpool, N.Y., a former Army paratrooper and commercial test pilot who suffers from multiple sclerosis. "There are times every day that my arms and legs move on their own, twitching all over. Marijuana helps alleviate the pain that is with me every second of the day and getting some relief shouldn't be a crime."

Joel Peacock, a Buffalo resident who for years has advocated for sensible, compassionate medical marijuana laws, said New Yorkers of all political beliefs understand the importance of ending the criminalization of seriously ill patients who rely on medical marijuana for relief.

"As a Conservative Party member, I believe in strong conservative values like compassion for the sick and dying," said Peacock, who believes medical marijuana could alleviate chronic pain caused by a 2001 car accident but refuses to break the law by using it. "Seriously ill people have enough hardship -- they shouldn't be arrested for easing their suffering."

Thirteen states already have effective laws that remove criminal penalties for medical marijuana patients, with Michigan becoming the most recent when 63 percent of the voters there passed a law by ballot initiative in November. In the 11 states that have before-and-after data, all have seen youth marijuana use rates decline since passing their medical marijuana laws.

A July 2007 Mason-Dixon telephone poll of 500 registered New York voters, commissioned by the Marijuana Policy Project in Washington, found 76 percent support for medical marijuana legislation like the bills introduced by Gottfried and Duane. That includes 55 percent support among the state's Conservative Party members.

Several other state legislatures are considering passing medical marijuana laws similar to the proposals in New York, including New Jersey, New Hampshire, Minnesota, and Illinois. Although federal law still does not recognize medical marijuana's scientifically proven efficacy in treating painful symptoms related to conditions such as cancer, HIV/AIDS, and multiple sclerosis, U.S. Attorney General Eric Holder has stated that the federal government would not interfere in states with medical marijuana laws unless both state and federal laws were broken.