

MARIJUANA IS NOT MEDICINE

Facts for Law Enforcement

Any substance with potential for use as a medicine by the public needs to be regulated by the U.S. Food and Drug Administration, as all prescription medications are now to ensure the public's health and safety. Local legislation should not replace science.

Implications for law enforcement are known yet many others are not known

Federally prohibited: Marijuana is listed by the U.S. Drug Enforcement Administration as a Schedule I Controlled Substance and is prohibited.

FDA oversight: Every prescription medication has been approved by the U.S. Food and Drug Administration. This should be no different. Law enforcement supports scientific studies and regulation by the U.S. Food and Drug Administration. The same Winthrop University survey cited by proponents also showed 77 percent of those surveyed were in favor of regulation by the FDA.

Federal gun prohibition: Because marijuana is an illegal Schedule I Controlled Substance, possession of a marijuana card is prima facie evidence that a person is in violation of the federal gun laws and is prohibited from possessing or purchasing firearms or ammunition.

No opt-out: This bill would require that local governments cannot prohibit these facilities within their jurisdictions. Marijuana would be grown, processed and sold by businesses which have little regulation. Dispensaries are not medical or pharmacies and do not employ medical staff.

Probable Cause: A search for evidence based upon the smell of marijuana may be declared illegal by the courts if the trafficker has a medical marijuana card. Work by narcotic K9s would be similarly affected.

Crime magnets: Other states report areas where dispensaries are located had more criminal activity including robberies and murders. Neighbors complain about open marijuana smoking and sales, vandalism and homeless population.

Tracking difficult: Once a purchaser obtains the marijuana there is no way to know whether it is used or sold on the street. This bill has no mechanism to track how much a person has purchased in a 14-day period. A person can have up to two ounces but they can purchase that and use or sell it in a day and then repurchase a second day or even in the same day at a different store.

Regulator shortage: Department of Health and Environmental Control has fewer than 15 inspectors in its Bureau of Drug Control. More inspectors will have to be hired and pass 12-week training at the SC Criminal Justice Academy which will be difficult to meet time frames established in the bill.

Tax funding: The bill prohibits sales tax so no additional funds would be available for public safety and social service needs resulting from enactment of this bill.

DUI Issues: Current S.C. DUI law allows only urine testing for drugs which does not prove impairment in a THC-related DUI case. A new DUI law needs to consider blood testing for drug-suspected DUIs and establish thresholds which are recommended by the National Highway Traffic Safety Administration. 44-53-2060(F) – A person who is arrested for DUI and refuses to submit to tests has their registry card revoked. For how long?

Criminal Penalties: Criminal penalties for violating sections of this bill should be established. Currently 44-53-2340 states that the department (DHEC) shall create a progressive penalty structure for violation of this article. Criminal penalties should be built in rather than only administrative violations.