

Contact Colorado Senate Health and Human Services Committee

Ask them to VOTE NO ON SB109

January 20, 2010

First Medical Marijuana Law Enforcement Bill Introduced

The first of the Law Enforcement bills designed to restrict patients' access to medical marijuana in Colorado was officially introduced into the state Senate today by Sen. Chris Romer (D-Denver) and Senator Nancy Spence (R-Centennial). The bill is Senate Bill 109 and has been introduced into the Senate Health and Human Services Committee. A hearing has not been scheduled.

Required Exams for Patients

Senate Bill 109 redefines the term "bona-fide physician-patient relationship" from Article XVIII, Section 14 of the Colorado Constitution (Colorado's Medical Marijuana Law).

The new definition requires the patient to receive a full physical exam by a physician in order to obtain a Medical Marijuana Registry Card. In addition, "follow-up care and treatment" by that same physician would be required every year.

This will dramatically increase the cost of a Medical Marijuana Registry card to the medical marijuana patient. A full physical exam costs anywhere from \$250 to \$500. Follow-up office visits cost from \$200 to \$500.

Yearly Cost of Medical Marijuana Registry Card

Current Yearly Cost to Patients	New SB109 Yearly Cost to Patients
Examination of previous medical history by a physician: \$100	Full physical exam: \$250 to \$500
Registration fee for the State: \$90	One followup visit: \$200 to \$500
Total: \$190	Registration fee for the State: \$90
	New total: \$540 to \$1090

SB-109 fails to specify how many times per year a patient must see his or her physician for "follow-up care and treatment", but it could be required more than once a year, driving the cost up even further.

"This will be a crushing blow to patients," says Timothy Tipton of Rocky Mountain Caregivers Cooperative. "Patients were already having a difficult time coming up with an \$200 a year for their Registry card. Thousands of patients will be denied access to medical marijuana because they cannot afford these new fees."

Additional Exams Required

SB-109 fails to recognize that many patients' primary care physicians will not sign a recommendation for medical marijuana because of fear of reprisal. CTI has been told by several patients that physicians working for Kaiser Permanente HMO are not allowed to recommend medical marijuana. Other physicians have also stated they will not sign medical marijuana recommendations out of fears of reprisal from the State of Colorado or the DEA. This means that thousands of patients across Colorado will have to obtain physical exams from physicians other than their primary care physician.

SB-109 would also mean that physical exams and medical histories that are performed by these patients' primary care physicians will not be enough evidence of a patient's current medical condition to satisfy the State of Colorado. Currently, qualified physicians can review a patient's medical history

and recommend marijuana based on previous assessments by the patient's primary care physician and other experts. Physicians who specialize in medical marijuana shouldn't be required to perform a new physical exam each year and perform followup care on patients, many of whom may already have had these exams performed by their primary care physician.

Record-Keeping Requirements

SB109 also requires physicians to maintain separate records for all medical marijuana patients and requires them to surrender these records to the State Board of Medical Examiners upon request. This additional burden on physicians will drive the cost to patients up even further.

Medical Marijuana Review Board ("Pain Panel")

SB109 also sets up a "Medical Marijuana Review Board" of 7 people appointed by the Governor who will review Medical Marijuana Registry applications for all patients under 21 years of age. Only "veterans of military service", but not current members of the military, would be exempt.

The Cannabis Therapy Institute opposes the creation of a medical review board that would be allowed to override the recommendation of a physician that a patient might benefit from the medical use of cannabis. The physician/patient relationship is sacrosanct, and the state has no right or authority to deny a patient's Constitutional right to use cannabis as medicine if their physician recommends it, regardless of the patient's age. The state should not come between a patient and his physician with the equivalent of a "Pain Panel" that gets to determine whether or not a qualified patient is in "true" pain.

This "Pain Panel" is an unnecessary and discriminatory burden on younger patients, who would be forced to suffer through a humiliating and embarrassing hearing concerning their medical condition. Why not have a Vicodin Review Board for 18-20 year olds? We need to trust physicians in their recommendations.

Attorney Rob Corry, in a previous analysis of this idea, stated: "The specter of these vulnerable young patients facing a Governor-appointed board of overseers for 'permission' to access his or her constitutionally-protected, physician-recommended medicine does not belong in a free country. This Board's very existence is unconstitutional."

Contact the Senate Health and Human Services Committee

Supporters of patient rights need to contact the Senate HHS Committee and ask them to **vote NO on SB109**.

1) Be respectful and calm.

2) In your own words, state your reasons that you would like them to **vote NO on SB109**. Here are some talking points:

SB109 is bad for patients because it:

- Raises the costs to patients by requiring extra exams and recordkeeping
- Raises the costs to patients by not allowing their previous medical history to be used to determine whether they would benefit from medical marijuana
- Allows a Medical Review Board to override the decision of a qualified physician that someone under 21 might benefit from the use of medical marijuana.
- Is discriminatory, because no other medicine in the state is regulated so harshly

3) The bill is a solution in search of a problem. The Colorado State Board of Medical Examiners already has a system set up to deal with complaints about fraudulent physicians. These additional burdens are unnecessary and discriminatory.

<http://www.dora.state.co.us/medical/complaints.htm>

4) If you are a patient, tell them how medical cannabis has improved your life.

5) Ask the Senator if they would be willing to sponsor a Medical Marijuana Patient Bill of Rights, that takes into consideration the concerns of patients. The current bills are all geared towards law enforcement and restricting the Constitutional rights of patients to use medical cannabis. We need a champion in the Senate that will help protect patients, not try to restrict their rights to medicine.

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