

Legalization and Regulation of Medical Marijuana¹

Testimony of Donald O. Lyman, MD, DTPH

For

Special Committee on Federal and State Affairs

Kansas Legislative Research Department

Att'n Joanna Dolan

23 October, 2019; Room 346-S--Statehouse

I am Doctor Donald Lyman, a retired physician in the State of California, who was the “Proponent” for California’s Proposition 64 in 2016 (The Adult Use of Marijuana Act [AUMA])²³ . That is, I was the legal owner and author of the Proposition. It passed with 57% of the vote. Until retirement in 2011, I was the senior civil service physician in California’s Department of Public Health for 35 years and oversaw a multitude of preventive medicine Programs several of which dealt with substance abuse (of note: tobacco). Today I serve with the California Medical Association (CMA) as chair of its Council on Science and Public Health (Council). This Council authored the signature white paper which formed the policy foundation for AUMA which was supported by the CMA⁴ . With this testimony I submit copies of that white paper and our updated summary of the status of implementation of the AUMA to date⁵ .

The CMA looks on the issue of cannabis from two major perspectives: therapeutic value and control of the substance itself. Both are interrelated as is true with other controlled substances.

Therapeutic: Cannabis is now known to have adequate scientific justification to use it in several defined medical situations.

¹ PDF file of this testimony. NOTE that I speak here as an individual and not as a representative of the CMA.

² Overview of the AUMA (Proposition 64) from the California Secretary of State, part of the November, 2016, election ballot, “Official Voter Information Guide.”

³ Complete text of the AUMA statute (Proposition 64) from the California Secretary of State, part of the November, 2016, election ballot, “Official Voter Information Guide.”

⁴ “Cannabis and the Regulatory Void, Background Paper and Recommendations.” CMA,2011. (NOTE: this paper speaks to medicinal cannabis only. “Recreational” cannabis was not on our radar screens in 2011)

⁵ “Report to the House of Delegates” from the Council on Science and Public Health, Donald Lyman, MD,Chair, dated 26-27 October, 2019, on “Cannabis.” (NOTE: this is currently an internal technical / policy document for consideration at CMA’s annual meeting later this month. We will have a final public document by mid-November which I can then send you. It is the text and not the “Recommendations” which I refer you to for policy options of your own; that part is unlikely to change much at all. In that it is timely for your considerations, I share this not-yet-public document as a courtesy and ask you to use it judiciously)

Control: Having learned from our early experience with medicinal cannabis and similar actions in Colorado and Washington State, in 2016 California worked with others to design the control structure in AUMA to protect the public and several special high risk populations, especially children. It has several peculiar qualities you should note:

- It singles out children as a highest risk population for special attention,
- It permits legislative amendment (with some limitations) to the statute,
- It sets up an horizontally integrated industry which relies on existing State agencies with existing staffing, expertise, laboratories, authorities and working networks. It is not a pyramidal vertical structure,
- It designates taxation authorities to several levels of government (State and local),
- It directs taxation revenues to specific purposes while allowing some flexibility,
- It addresses righting past wrongs in social justice related to cannabis.

Your constituents have asked us many specific questions about these issues. We went through that too during our deliberations! The items I have provided list almost all the subjects you worry about and specific statutory language in how we addressed them and a summary of what-worked-and-didn't two years after first implementation of the AUMA in January of 2018.

The Doctors For Cannabis Regulation (DFCR) is a turnaround repository for State level information and contacts. If you elect to move down this road, feel free to contact us.