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Gov. Lynch's Veto Message Regarding HB 648

By the authority vested in me, pursuant to part II, article 44 of the New Hampshire Constitution, on July 10, 2009, I vetoed HB 648-FN, an act relative to the use of marijuana for medicinal purposes.

I have tremendous compassion forpeople who believe medical marijuana will help alleviate the symptoms of serious illnesses and the side effects of medical treatment. Although opinion of the medical community on the efficacy of medical marijuana remains mixed, I have been open, and remain open, to allowing tightly controlled usage of marijuana for appropriate medical purposes. But in making laws it is not enough to have an idea worthy of consideration, the details of the legislation must also be right.

I recognize that the sponsors of this legislation, and the members of the conference committee, worked hard to attempt to address the concerns raised about this legislation. However, after consulting with representatives of the appropriate state agencies andlaw enforcement officials, I believe this legislation still has too many defects to move forward.

Law enforcement officials have raised legitimate public safety concerns regarding the cultivation and distribution of marijuana. These concerns have not been adequately addressed in this bill. Marijuana is an addictive drug that has the potential to pose significant health dangers to its users, and it remains the most widely abused illegal drug in this State. I am concerned about the quantities of the drug made available to patients and caregivers under this bill, particularly because there are different types of marijuana and the potency of marijuana can vary greatly depending on how it is cultivated. I am troubled by the potential for unauthorized redistribution of marijuana from compassion centers. In addition to patients and designated caregivers, an unlimited number of "volunteers" can receive registry cards and receive the full protections afforded under this legislation to authorized cardholders. The provisions made for law enforcement to check on the status of an individual who asserts protection under the proposed law are too narrow.

There are also many inconsistencies and structural problems in the legislation that would greatly complicate its administration and would pose barriers to controls aimed at preventing the unauthorized use of marijuana. The bill does not clearly restrict the use ofmarijuana to those persons who are suffering severe pain, seizures or nausea as a result of a qualifying medical condition. The bill requires compassion centers to hold a license to cultivate and distribute marijuana for medicinal purposes, but the bill does not contain clear provisions regarding a licensing process or standards. Compassion centers can be penalized for distributing amounts of marijuana that exceed permissible limitations, without the compassion centers having the means to know how much marijuana the patient already possesses. Caregivers in some instances are required to control the dosage of marijuana without any real means to accomplish this task. The bill leaves unclear the authority of a landlord to control the use of marijuana on rented property and in common areas of property. While the bill contemplates self-funding, there have been inadequate fiscal studies. The Department of Health and Human Services' administrative responsibilities are of such a magnitude under this legislation that the fees potentially would be so great as to deny access to anyone but the wealthiest of our citizens, resulting in potential inequities.

I understand and empathize with the advocates for allowing medical marijuana use in New Hampshire. However, the fact remains that marijuana use for any purpose remains illegal under federal law. Therefore, if we are to allow its use in New Hampshire for medical purposes, we must ensure that we are implementing the right policy. We cannot set a lower bar for medical marijuana than we do for other controlled substances, and we cannot implement a law that still has serious flaws.

Therefore, I am regretfully vetoing HB 648-FN.