



State of Rhode Island and Providence Plantations

State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 12, 2009

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2009 S 185, as amended, "An Act Relating to Food and Drugs—The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act."

This act would provide for the creation and regulation of non-profit medical marijuana compassion centers to acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply or dispense marijuana or related equipment in Rhode Island.

The Supreme Court, in *U.S. v. Oakland Cannabis Buyers' Coop.*, 532 U.S. 483 (2001), affirmed that federal law classifies marijuana as a controlled substance, and as such, is afforded no exclusion from the prohibitions found in the Controlled Substances Act, despite attempts to argue "medical necessity." Although it has been argued that because federal officials have stated that they will not be proactive in enforcing federal drug laws in the case of medicinal marijuana, these federal officials cannot choose to ignore the laws effectively passed by Congress.

In *Gonzales v. Raich*, 454 U.S. 1 (2005), the Supreme Court ruled that it is Congress' constitutional responsibility to regulate the interstate drug market, whether legal or not. This ruling puts the individual grower and any future "compassion center," regardless of licensing status with the State, at risk for prosecution by the federal government, while significantly complicating the responsibilities of state and local law enforcement officials. In fact, yesterday a federal judge sentenced a medical marijuana dealer in California to prison.

If enacted, this legislation would move Rhode Island further down the path of weakening the laws governing illicit drugs. Additionally, the passage of this act would create a public perception that Rhode Island is complacent towards drugs that are illegal in the United States, especially as Rhode Island has already experienced a recent significant increase in marijuana usage among persons 12 years and older as well as a decrease in the perception of the risk of marijuana use among that same population. The General Assembly should be passing stronger

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drug laws, not passing laws that condone the growth, manufacture and sale of a drug that is deemed illegal by the federal government.

Allowing the manufacture and sale of federally illegal drugs would send the wrong message to our children and would place them at risk. Although the intent of the legislation is to allow consenting adults to use marijuana only for medicinal purposes based on illness, the increased availability, along with a complacent attitude, will no doubt result in increased usage, and will negatively impact the children of Rhode Island.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald L. Carcieri", with a long horizontal flourish extending to the right.

Donald L. Carcieri
Governor