

ILLINOIS: Medical Marijuana Reply Letter from Senator Durbin

Last Updated Monday, 17 December 2007

Dear Mr. Dan Linn:

Thank you for contacting me about the medical use of marijuana. I appreciate knowing your thoughts.

Under federal law, it is illegal to manufacture, sell, or possess marijuana. While the states have similar prohibitions, some states exempted from their prohibitions the use of the drug purely for medicinal purposes. I oppose the legalization of marijuana for general use. At the same time, I believe that [cannabis] may have medical applications when prescribed by a doctor in specific cases, such as glaucoma or the alleviation of pain in some patients with chronic illnesses. The United States Supreme Court has ruled that there is no medical necessity defense to the federal law prohibiting cultivation and distribution of marijuana - not even in states that have created a medical cannabis exception to their comparable ban under state law.

Despite this ruling, I am troubled that the Drug Enforcement Administration (DEA) has been aggressively targeting medicinal cannabis providers even when they comply with their own state laws. Given the DEA's limited resources, why is it so focused on the medical use of cannabis?

Among the people the DEA has targeted is Suzanne Pfeil, who suffers from post-polio syndrome. Her physician recommended medicinal cannabis, in accordance with California state law, to help alleviate extreme pain and muscle spasticity. On September 5, 2002, she awoke to the sight of five federal agents pointing rifles at her head. After the DEA agents handcuffed her and left her lying in bed, the agents confiscated her medication, despite California law and numerous studies showing that her pain could be mitigated by medicinal cannabis.

Seriously ill individuals like Ms. Pfeil, who have a doctor's recommendation to cultivate and use cannabis as a form of treatment, would benefit from a carefully crafted medical use exemption that includes adequate safeguards against abuse. In 2004, I joined Senators Leahy and Jeffords in introducing the Truth in Trials Act, which would have made changes in the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act to accommodate states that have approved exemptions for the medicinal use of cannabis. Unfortunately, this measure did not become law before the end of the legislative session.

Thanks again for sharing your thoughts. Please feel free to keep in touch.

Sincerely, Richard J. Durbin
United States Senator
August 2, 2007