



122 State St. #201
Madison, WI 53703
(608) 469-5540

Testimony of Stacy Harbaugh,
Community Advocate for the ACLU of Wisconsin
in support of AB554/SB368 relating to the medical use of marijuana
and the regulation of marijuana distribution organizations.

Before the Assembly Committee on Judiciary and Ethics and
the Senate Committee on Judiciary, Corrections, Insurance,
Campaign Finance Reform and Housing
December 15, 2009

Good evening, my name is Stacy Harbaugh and I am the Community Advocate for the American Civil Liberties Union of Wisconsin, a group of approximately 8,000 dues paying members in our state who support the civil liberties and rights of all Wisconsin residents. Thank you for introducing AB554/SB368 which if signed into law will allow the use of marijuana for registered, qualified patients. And thank you for the opportunity to share the ACLU of Wisconsin's position of support for this legislation and to comment on the right of individuals to make private medical decisions and to comment on the right of individuals to make private medical decisions.

This is the time to change Wisconsin's policy regarding the medical use of marijuana. As we watch other states' voters approve similar measures and while we witness major medical professional organizations such as the AMA and patient advocacy organizations urge policy change, it is time for Wisconsin to recognize the rights of individuals to work with doctors to get effective treatment for their illnesses.

Yesterday I was talking to Sunil Aggarwal, the medical student at the University of Washington whose research on 186 chronically ill patients and medical marijuana users and whose proposal before the med student section of the American Medical Association helped to urge the national organization to change their long-held policy on the use and research of medical marijuana. Mr. Aggarwal said that while federal policy is still that of a "War on Drugs," it's time to take patients off the battlefield.

This legislation would take patients off the battlefield of the War on Drugs. People have different ways to get sick. People have a variety of ways to treat their illnesses. And drugs come in many different forms. Some come in bottles, others come in plastic bags. Some have labels, while others don't have labels. All FDA-approved drugs did not have labels at one time.

But it was the federal government's role to help research the efficacy and to regulate the safety of the labeled drugs. And when the AMA sends its letter to the federal Drug Enforcement Agency to urge it to change marijuana from a Schedule 1 drug to a category similar to narcotic drugs like morphine and cocaine which have approved medical uses and can be legally prescribed, we will start to see the bottle/baggie dichotomy shift for medical marijuana and reduce the black market for this part of the drug trade.

For those of us here in Wisconsin, this legislation would recognize the bottle/baggie shift for registered patients with recognized illnesses. It would recognize the rights of patients to get a prescription for medicine in the privacy of their doctor's office and to affordably and effectively treat their illness in the privacy of their own home.

The ACLU supports the right of individuals to make their own decisions regarding medical treatment free from governmental prohibition. This legislation would free health professionals and patients to determine the most effective course of treatment for chronic pain and suffering.

While this bill is about decriminalizing the use of marijuana for medical purposes in Wisconsin, the ACLU has long supported alternatives to the failed policies of the "War on Drugs." The criminalization of drug users has not only hurt chronically ill people and their families, like the stories of the people we'll hear from today. But our current drug policy has led to unimaginable levels of incarceration, massive violations of civil rights and enormous fiscal costs. The ACLU supports a drug policy that honestly and realistically seeks to promote public health and safety through regulatory policy that will benefit society, preserve individual freedom and better serve the needs of individuals. This legislation is a step in the right direction for public health.

Thank you for your consideration. On behalf of the ACLU's members in Wisconsin, I ask you to please support passage of the AB554/SB368.

Stacy Harbaugh
Community Advocate
ACLU of Wisconsin
Madison Area Office
122 State St. #201
Madison, WI 53703
(608) 469-5540
sharbaugh@aclu-wi.org

Rep.Benedict@legis.wisconsin.gov
Rep.Pasch@legis.wisconsin.gov
Rep.Dexter@legis.wisconsin.gov
Rep.BernardSchaber@legis.wisconsin.gov
Rep.Strachota@legis.wisconsin.gov
Rep.Vukmir@legis.wisconsin.gov
Rep.Newcomer@legis.wisconsin.gov

Sen.Erpenbach@legis.wisconsin.gov
Sen.Carpenter@legis.wisconsin.gov
Sen.Robson@legis.wisconsin.gov
Sen.Lassa@legis.wisconsin.gov
Sen.Lazich@legis.wisconsin.gov
Sen.Kanavas@legis.wisconsin.gov
Sen.Darling@legis.wisconsin.gov