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COMMENTS ON 13-H 5823, RELATING TO MEDICAL MARIJUANA April 23, 2013

The ACLU has a number of concerns about this legislation, as we believe its passage would significantly undermine the state's current medical marijuana program. Rather than provide a detailed synopsis of all of our objections, we wish to highlight three of them.

1. By requiring documentation from the municipality where marijuana is being cultivated that "the location and the cultivation is in compliance with any applicable state or municipal housing and zoning codes," [Page 2, lines 5-7] this bill would give local cities and towns the opportunity to place numerous obstacles in the way of individuals seeking to grow marijuana for medical purposes. One can easily envision municipalities adopting special housing or zoning ordinances designed solely for the purpose of preventing the cultivation of medical marijuana. This provision would have another damaging consequence: it would largely destroy the confidentiality protections that are written into the law, making many people aware of the places where the medicine is being cultivated.

2. By allowing landlords to discriminate in their rental practices against cardholders who cultivate this medicine, [Page 5, lines 32-34 and Page 6, line 1], the bill treats medical marijuana unfairly. A tenant with emphysema who uses an oxygen tank could also be deemed a "safety concern," yet we don't believe anybody would suggest that a landlord could discriminate against a tenant for that reason. Safety concerns about growing medical marijuana should be treated the same way as any other safety concern that a tenant's activities might create. It should not serve as an automatic excuse for a landlord to kick out, or not rent to, a tenant. There is no reason to single out this medical activity for discriminatory treatment.

3. By eliminating the discretion that currently exists in the law and now barring any individual, except immediate family members, from being a primary caregiver if he or she has *ever* been convicted of a felony drug offense, no matter the circumstances, [Page 10, lines 17-22] – this bill will unduly and unfairly restrict some qualified individuals from serving as caregivers.

For these reasons, and for others you will hear about from many participants in the program, we urge rejection of this legislation.