



Legislation Text

---

File #: Res 0094-2010, Version: A

---

Res. No. 94-A

Resolution calling upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

By Council Members Dromm, James, Vann, Brewer, Comrie, Jackson, Koppell, Koslowitz, Mark-Viverito, Nelson, Williams, Mealy, Mendez, Rodriguez, Lander, Rivera, Crowley, Sanders Jr., Reyna, Koo, Levin, Wills, Barron and Gennaro

Whereas, Marijuana refers to all parts of the plant *Cannabis sativa L.*; and

Whereas, The primary active ingredient in marijuana is THC (delta-9-tetrahydrocannabinol), which reacts to nerve cells in the brain and leads to a euphoric high that users generally experience when smoking marijuana; and

Whereas, Proponents of medical marijuana point to a large body of reports and journal articles that support the therapeutic value of marijuana; and

Whereas, These written works address the ability of marijuana to treat a variety of disease-related problems, including relieving nausea, increasing appetite, reducing muscle spasms and spasticity, relieving chronic pain, reducing intraocular pressure, and relieving anxiety; and

Whereas, Nationally, 16 states, Alaska, Arizona, California, Colorado, Delaware, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia, have enacted laws or passed ballot measures which have authorized the use of medical marijuana; and

Whereas, On October 19, 2009, the United States Department of Justice issued formal guidelines for federal prosecutors in states that have enacted medical marijuana laws; and

Whereas, The guidelines contain in pertinent part that, “[p]riorities should not focus federal resources in

your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana;” and

Whereas, Marijuana remains a Schedule I substance under the Controlled Substances Act and the United States Drug Enforcement Agency asserts that this classification means that marijuana has a high potential for abuse, currently has no accepted medical use in treatment, and there is a lack of accepted safety for use of the drug under medical supervision; and

Whereas, Yet, advocates of medical marijuana laws view the Department of Justice's policy as an important acknowledgement that patients and medical professionals should not fear prosecution as a result of adhering to state law; and

Whereas, However, some advocates are concerned that recent action taken by the Department of Justice against medical marijuana dispensaries in California will threaten individuals engaging in the medicinal use of marijuana throughout the country; and

Whereas, In New York State, Assembly Member Richard Gottfried and Senator Thomas Duane introduced A.7347/S.2774, legislation that would legalize the medicinal use of marijuana; and

Whereas, This legislation would accomplish this task by legalizing the possession, manufacture, use, delivery, transfer, transport or administration of marijuana by a certified patient or designated caregiver for certified use; and

Whereas, The bills also create procedures for allowing practitioners to certify that their patients' serious medical conditions should be treated by the medical use of marijuana; and

Whereas, Pursuant to the legislation, the New York State Department of Health is required to monitor the use of medical marijuana, promulgate rules and regulations for registry identification cards and provide reports to the Governor and the Legislature on the medical use of marijuana; and

Whereas, Multiple public health and advocacy organizations support this legislation including the Medical Society of the State of New York, the New York State Nurses Association, the Hospice and Palliative

Care Association of New York, the New York Statewide Senior Action Council and the Gay Men's Health Crisis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass A.7347/S.2774, legislation that would legalize the medicinal use of marijuana.

JM  
LS# 503  
11/3/11