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Informational on Medical Marijuana
Committee on Health and Human Services
Presented by Debra Billingsley
On Behalf of
The Kansas State Board of Pharmacy
January 24, 2012

Madam Chairperson, Members of the Committee:

My name is Debra Billingsley, and I am the Executive Secretary of the Kansas State Board of Pharmacy. Our Board is created by statute and is comprised of seven members, each of whom is appointed by the Governor. Of the seven, six are licensed pharmacists and one is a member of the general public. They are charged with protecting the health, safety and welfare of the citizens of Kansas and to educate and promote the understanding of pharmacy practices in Kansas.

The Board of Pharmacy wanted to provide information to the committee related to medical marijuana. Currently, marijuana is a schedule I controlled substance federally and pursuant to K.S.A. 65-4105 in state law. A schedule I drug has a high potential for abuse and has no current accepted medical use in treatment in the United States. There is a lack of accepted safety for use of the drug under medical supervision.

The Department of Justice denied a petition from the Coalition for Rescheduling Cannabis to initiate proceedings to reschedule marijuana federally. The denial was reported in the *Federal Register*, Volume 76, Number 131 (Friday, July 8, 2011). The denial was based on a request to remove marijuana from schedule I and to reschedule cannabis as either a schedule III, IV, or V. The request was based on the following assertions:

- 1) That cannabis has an accepted medical use in the United States,
- 2) That cannabis is safe for use under medical supervision,
- 3) That the potential for abuse is lower than schedule I or II, and
- 4) That cannabis dependence liability is lower than schedule I or II.

The Drug Enforcement Agency (DEA) requested a scientific medical evaluation and scheduling recommendation from the Department of Health and Human Services (DHHS). I have attached a copy of the information that was provided to the Department of Justice. The Secretary of HHS is required to consider in a scientific and medical evaluation eight factors determinative of control under the Controlled Substance Act. Those eight factors are:

- 1) The actual or relative potential for abuse,
- 2) Scientific evidence of its pharmacological effects, if known,
- 3) The state of current scientific knowledge regarding the drug or other substances,
- 4) Its history and current pattern of abuse,
- 5) The scope, duration, and significance of abuse,
- 6) What, if any, risk there is to the public,
- 7) Its psychic or physiologic dependence liability, and
- 8) Whether the substance is an immediate precursor of a substance already controlled under this article.

After consideration of the eight factors discussed HHS recommended that marijuana remain in schedule I of the Controlled Substance Act. Under state law the Board of Pharmacy is required to determine annually any drugs that should be scheduled, rescheduled or deleted from the Controlled Substance list. Pursuant to K.S.A. 65-4102 the Board must consider the same eight factors when making a recommendation to the legislature. Based on the recommendations of HHS the Board of Pharmacy would not recommend a change to the Kansas Controlled Substance Act since it would be a hazard to the public safety of the citizens of Kansas.

Thank you for permitting me to provide information.