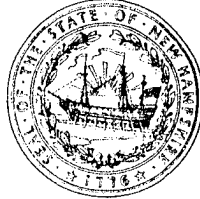


**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

April 28, 2009

New Hampshire Senate
State House
Concord, New Hampshire 03301

Re: HB 648-FN – Relative to the Use of Marijuana for Medicinal Purposes

Dear Senator:

On Wednesday, April 29th, you will be asked to vote on House Bill 648-FN, relative to the use of marijuana for medicinal purposes. While we sympathize with a small subset of the individuals who are calling for the passage of the bill—those suffering from debilitating illnesses—we believe that there are significant law enforcement and public policy concerns that weigh heavily against its passage. For those reasons, we strongly urge you to vote the bill inexpedient to legislate.

Marijuana is still the most widely abused illegal drug in the State of New Hampshire, despite a national trend of decreasing marijuana consumption. By characterizing marijuana as a medicine—a characterization that is not supported by the medical research—it will send a false and misleading message to New Hampshire residents, and our youth in particular, that marijuana is harmless. In fact, marijuana is an addictive drug that poses significant health consequences to its users, including those who may be using it for medical purposes. The use of smoked marijuana is opposed by all credible medical groups nationwide. Moreover, unlike other painkillers prescribed by doctors, marijuana has not been tested by the Federal Drug Administration, nor has its interactions with other drugs been studied. The bottom line is that the safety of the drug is highly questionable.

One of the most harmful consequences of marijuana use is the role it plays in leading to the use of other illegal drugs. Studies have shown that very few young people turn to illegal drugs such as cocaine or heroin without first experimenting with marijuana. The New Hampshire law enforcement community works diligently to discourage young people from venturing down that path. Those efforts will be significantly undermined by the passage of legislation legalizing the use of marijuana to any degree.

Law enforcement will encounter significant problems with the enforcement of this law. While HB 648-FN gives a limited category of people the right to legally cultivate marijuana, the practical reality is that many qualifying patients will have to turn to criminal drug dealers—those practiced in the illegal production and distribution of marijuana—to obtain the drug. Because a registry identification card will entitle the carrier to possess and consume marijuana, there will inevitably be a demand for counterfeit cards. And, even this limited legalization of marijuana may adversely affect the safety of the driving public. Marijuana affects many skills required for safe driving; including coordination, alertness, reaction time, and the ability to concentrate. The effects can last up to 24 hours. However, unlike alcohol, there is no readily available test to determine if a person is driving under the influence of marijuana.

Finally, the possession, use, and cultivation of marijuana are all illegal under federal law. Individuals who engage in those activities can be prosecuted under federal law, notwithstanding their state's legalization of medical marijuana. The passage of HB 648 will provide no legal protection to New Hampshire residents. It will only encourage people to violate the law.

For the above-stated reasons, I am joined by the following County Attorneys in urging you to reject HB 648-FN:

James M. Carroll, Belknap County Attorney
Robin J. Gordon, Carroll County Attorney
Peter W. Heed, Cheshire County Attorney
Ricardo A. St. Hilaire, Grafton County Attorney
Marguerite L. Wageling, Hillsborough County Attorney
Katherine Rogers, Merrimack County Attorney
James M. Reams, Rockingham County Attorney
Thomas P. Velardi, Strafford County Attorney
Marc B. Hathaway, Sullivan County Attorney

Thank you.

Sincerely,



Kelly A. Ayotte
Attorney General