



Advancing Legal Medical Marijuana Therapeutics and Research

May 7, 2018

The Honorable Herb Wesson, Jr  
The Honorable Michael Feuer  
The Honorable Members of the Rules Committee  
Ms. Cat Packer

Re: Ensuring That Minors Who Are Ill Seek Medical Treatment  
CF: 14-0366-S5

Dear President Wesson, Honorable Members of the Rules Committee, Michael and Cat:

As you move towards the final cannabis ordinances, our organization would like to ask that language be inserted which would allow minors and those bringing minors to an emergency room for treatment relating to cannabis products, products those who have fallen ill thought were marijuana, or synthetic marijuana, be exempt from prosecution.

With synthetic marijuana circulating in other jurisdictions and perhaps accessible to children, and the high risk of death associated with inhalation, we need statutory language which would encourage minors who have ingested this deadly product to seek emergency medical treatment. The alternative, being so fearful of prosecution that you refrained from going to the emergency room and died as a result is not acceptable. Likewise, minors or adults who bring minors in for treatment should not be prosecuted.

Synthetic marijuana known popularly as K2 or Spice is not cannabis and is an extremely dangerous drug. While California has been aggressive in prohibiting it, manufacturers keep changing the formula just enough to get around the law. (see: <https://sdtreatmentcenter.com/synthetic-drugs/is-spice-legal/>).

The recent outbreak in the Midwest (see links below for the news stories) indicates that the drug is still circulating, perhaps in a new, legal and more deadly form. Our fear is that it will shortly arrive here, and do just as much damage as it did in other locales.

It is an unregulated commodity containing poisonous substances in such quantities that a minor could well die if they did not receive prompt medical attention. The problem is that teenagers can't really tell the difference between medical cannabis which is regulated, tested and provided by licensed entities and whatever their buddies have acquired to get high with. They also tend to trust their peers more than adults who would seek to curtail their use.

In such a situation, the only compassionate thing to do is to make sure that minors understand that going to the emergency room as the result of ingesting or inhaling cannabis or what they thought was cannabis will not result in prosecution. They are far more likely to be honest with the attending physician if they have no fear of police intervention. This allows the doctor to make a quick and accurate determination that what the child inhaled was not marijuana at all, but something far more deadly.

Obviously, we would like the police to be able to trace back the substance to the seller. If a minor has no fear of prosecution, they are far more likely to be honest with the investigating officer.

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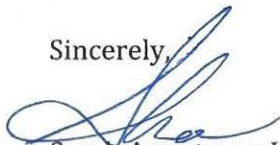
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Because the child would be under the impression that what they'd smoked was cannabis, the statutory language needs to be written in such a way that both cannabis, synthetic marijuana and other drugs which could be mistaken for cannabis are covered as exempted from criminal charges when a minor seeks medical treatment at an emergency medical facility.

I enclose language from a proposed New Jersey Legalization bill, which addresses this issue, as well as links to news stories about the recent cases in the Midwest. Thank you for your attention to this matter. As always, I can be reached at (805) 279-8229 if you have any questions.

Sincerely,



Sarah Armstrong JD  
Director of Industry Affairs  
Americans for Safe Access

Cc: Mr. Andrew Westall  
Ms. Leela Kapur  
Mr. Alexander Ponder  
Mr. Adam Spiker  
Mr. Donnie Anderson  
Mr. Virgil Grant  
Mr. Daniel Sosa  
Mr. Don Duncan  
Council Staff Attached to the Cannabis Issue

Links to recent stories about the deadly nature of synthetic marijuana circulating in the Midwest:

<http://wgntv.com/2018/03/31/person-dies-after-using-fake-marijuana-in-illinois/>  
<https://www.cnn.com/2018/04/02/health/fake-weed-illinois-death-bn/index.html>  
<https://chicagotonight.wttw.com/2018/04/06/reports-illness-linked-synthetic-cannabinoid-use-surge-2018>  
<https://www.nbcchicago.com/news/local/state-health-department-links-death-to-synthetic-marijuana-478517963.html>

**From page 10 of New Jersey Senate Bill S3195 introduced during the 2017 session but not yet passed:**

3j. A person under the legal age for purchasing marijuana items is not in violation of this section, and is immune from prosecution under this section if:

- (1) The person contacted emergency medical services or a law enforcement agency in order to obtain medical assistance for another person who was in need of medical assistance because that person consumed a marijuana item and the evidence of the violation of this section was obtained as a result of the person's having contacted emergency medical services or a law enforcement agency; or
- (2) The person was in need of medical assistance because the person consumed a marijuana item and the evidence of the violation of this section was obtained as a result of the person's having sought or obtained the medical assistance.
- (3) Paragraph (1) of this subsection does not exclude the use of evidence obtained as a result of a person's having sought medical assistance in proceedings for crimes or offenses other than a violation of this section.

Link to S3195 here: [http://www.njleg.state.nj.us/2016/Bills/S3500/3195\\_11.PDF](http://www.njleg.state.nj.us/2016/Bills/S3500/3195_11.PDF)

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