

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the third day of January in the year of Our Lord two thousand and six.

Volume 132, No. 74

Tuesday, January 3, 2006
Last Day of 2005 Session

Seventy-fourth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 3, 2006 and is called to order at 2:38 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williams, Williamson, Winfield.

ABSENT – 3: Representatives Corvese, Menard, Wasylyk.

APPOINTMENT

I hereby appoint Frank McCabe as acting Clerk of the House.

CALENDAR

Special Order of Business for Tuesday, January 3, 2006, 2 p.m., House Chamber

1 2005-H 6052 SUB A as amended

BY Slater

**ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O.
HAWKINS MEDICAL MARIJUANA ACT**

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Slater and many other members of the House..

Representatives Slater, Watson, and Fox, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 59 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS – 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McNamara, Melo, Moffitt, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Voccola, Williams, Williamson, Winfield.

NAYS – 13: Representatives Amaral, Brien, Caprio, DeSimone, Giannini, Gorham, Loughlin, McManus, Moran, Mumford, Trillo, Ucci, Watson.

2 2005-S 710 SUB B

BY Perry

**ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O.
HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA
ACT**

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is ordered to be placed on file.

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Slater, McNamara, Moura, Shanley, Coderre, Kennedy, Lima, Faria, Carter, Costantino, San Bento, Kilmartin, Gemma, Ajello, and Handy.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 58 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS – 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McNamara, Melo, Moffitt, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Voccola, Williams, Williamson, Winfield.

NAYS – 13: Representatives Amaral, Brien, Caprio, DeSimone, Giannini, Gorham, Loughlin, McManus, Moran, Mumford, Trillo, Ucci, Watson.

ELECTION OF THE CLERK OF THE HOUSE

The Honorable Speaker declares the election of Clerk is in order and calls for nominations.

Representative Dennigan, seconded by Representative Davey, nominates Frank McCabe of Pawtucket to be Clerk of the House for the 2006.

There being no further nominations, Representative Kilmartin, seconded by Representatives Jacquard, Carter, Handy and Loughlin moves that nominations be closed.

The motion to close nominations prevails, on a voice vote.

Representative Kilmartin moves that Representative Dennigan be directed to cast one ballot for Frank McCabe of Pawtucket to be Clerk of the House for the 2006 Session, seconded by Representative Lima.

Representative Dennigan casts one ballot for Frank McCabe for the office of the Clerk of the House for the session year 2006. The motion prevails by unanimous consent on a voice vote.

Frank McCabe is elected Clerk of the House for the 2006 Session.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith.

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

January 3, 2006

The Honorable William J. Murphy
Speaker of the House of Representative
323 State House
Providence, RI 02903

Dear Mr. Speaker:

Today, January 3, 2006, I will not be present at the General Assembly due to illness.

I respectfully request that this be read into today's Journal of the House of Representatives.

Sincerely,

Rene R. Menard
Representative – District 45

Received and placed on file.

GUEST

Representative Slater welcomes to the House Chamber as guest Rhonda O'Donnell.

RECESS

At 3:18 o'clock P.M. Majority Leader Fox declares the House to be in recess until 4:00 P.M., seconded by Representative Watson.

ORDER

At 4:08 o'clock P.M. the Honorable Speaker Murphy calls the house to order.

NEW BUSINESS**House Bill No. 6700****BY** O'Neill, Ginaitt, Church, Kilmartin, Jackson**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLE OFFENSES {LC154/1}

01/03/2006 Referred to House Judiciary

House Resolution No. 6701**BY** Fox, Watson**ENTITLED**, JOINT RESOLUTION OF ADJOURNMENT {LC41/1}

Majority Leader Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Majority Leader Fox seconded by Representative Watson and by unanimous consent, on a voice vote.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith.

The 2005 Session is adjourned, at 4:08 o'clock P.M Sine Die.

APPENDIX

VETO MESSAGE

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 29, 2005

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Rhode Island General Laws § 43-1-4, I am transmitting herewith, with my disapproval, 2005-H 6052 Substitute A, as amended, "An Act Relating to Food and Drugs — The Edward O. Hawkins Medical Marijuana Act."

I support efforts to provide effective pain management techniques to persons suffering from debilitating conditions. I understand that for some Rhode Islanders, this bill is a very important, and even emotional, issue. But this bill's noble goals cannot mask its serious safety flaws. Our desire as public servants to be compassionate must be balanced by our obligation to ensure public safety. The flaws inherent in this bill will place our children at increased risk of abusing marijuana. This risk is too great to ignore. Further, the bill would give our citizens a false sense of security against criminal prosecution. I am joined in my concerns by various law enforcement and health experts, including the Rhode Island State Police, the Rhode Island Department of Health, and the Chief Judge of the Rhode Island Family Court. I am compelled to veto this act for many reasons.

First, I fear that the bill will encourage more marijuana abuse in our state. Marijuana is an addictive narcotic, classified by the federal government as a Schedule I drug, the possession of which subjects a person to serious criminal penalties under state and federal law. Yet, this bill will increase the availability of marijuana on the streets of our state.

Marijuana is already the most widely-available and commonly-abused illicit drug in Rhode Island. The number of marijuana-related treatment admissions to publicly-funded facilities in Rhode Island nearly doubled from 822 in 1997 to 1,624 in 2001. Young adults are the most common abusers of the drug. According to a survey in 2000, 7.2 percent of Rhode Island children aged 12 and over reported using marijuana compared to 4.8 percent nationwide. Forty-eight percent of Rhode Island high school students have used marijuana at least once, compared to forty-two percent nationwide. Children who smoke marijuana are more likely to commit suicide, do poorly in school, join gangs and engage in other problematic behavior. While we are taking steps to reduce these numbers, this legislation will move us in the wrong direction.

This bill will make marijuana more available to children in Rhode Island. Nearly anyone would be allowed to grow marijuana in nearly any private location in the state. The amount of marijuana this bill authorizes is staggering. The bill permits anyone with a doctor's recommendation to possess 12 marijuana plants and an additional 2.5 ounces of usable marijuana. According to the Drug Enforcement Agency, a typical "joint" weighs a half-gram and the average plant produces about one pound of marijuana, or 10,886 joints annually, almost 30 per day. The picture gets worse when one considers that so-called "caregivers" are allowed to cultivate 60 plants, which can produce more than 100,000 joints annually. Determining which are legal and which are illegal would be an impossible task for law enforcement.

Second, the bill has few health and safety protections. The definition of an eligible patient is so broad that we have no idea how many people could be eligible. Although I understand that the legislation was intended to benefit people who suffer from truly debilitating conditions like cancer and multiple sclerosis, the bill does not limit eligibility to such serious diseases. This flaw is compounded by a provision to expand eligibility through a citizen petition process. One needs only to look to the State of Oregon, which has a similarly-broad definition of eligibility, as a harbinger. According to the Office of National Drug Control Policy, in that state more than 13,400 people who use medical marijuana are doing so for unspecified pain, nausea, or muscle spasms, not necessarily associated with debilitating diseases. Meanwhile, 754 people with cancer, HIV/AIDS, or glaucoma use medical marijuana in that state. This means that only five percent of those using medical marijuana in Oregon are those for whom the law was intended.

This bill is full of other loopholes. It sets no standards for the disposal of unused marijuana. This is an invitation for illegal activity. The bill sets no standards for dosage or quality, unlike the rigorous standards for prescription drugs. How will authorized users be assured that the marijuana they purchase is of sufficient quality? This is an invitation for fraud.

Third, the bill sanctions criminal activity because it makes no provisions for the acquisition of legal marijuana seeds. Where will Rhode Islanders obtain the seeds for growing marijuana? The bill doesn't answer that critical question, but the most likely sources are the very criminals that we spend so much time and money fighting on the streets of our neighborhoods. The state should not encourage otherwise law-abiding citizens to support the illicit drug trade.

Fourth, the debate over the efficacy of medical marijuana is by no means settled, contrary to the assertions made in the legislative findings. The Rhode Island Department of Health explains that "well-designed studies have not been performed or are inconclusive on the effectiveness of smoking marijuana plants over taking THC." The Institute of Medicine also supports this finding and the National Multiple Sclerosis Society states that marijuana use "is not recommended as treatment."

Finally, the United States Supreme Court has ruled that state medical marijuana laws do not trump the federal laws criminalizing the possession of marijuana. Indeed, federal authorities have recently begun to prosecute medical marijuana establishments in California. Passage of this legislation will give a false sense of security to Rhode Island patients, caregivers and doctors involved in the cultivation and distribution of marijuana. Rhode Islanders relying on this bill will

subject themselves to federal prosecution. The state should not place them in that situation.

I support efforts to alleviate the pain and suffering of Rhode Islanders with debilitating diseases. However, the legalization of marijuana for medical purposes as provided for in this legislation is not the answer. This bill is flawed in too many ways to permit it to become law. For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor