

# In a twist, fight for medical pot goes to Florida Statehouse

February 22 2015, byMatt Sedensky

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(AP)—Republicans lawmakers in Florida who once opposed medical pot are now embracing it, motivated by the strong show of support from voters and worried that another constitutional amendment during next year's presidential race could drive opponents to the polls.

Last year, lawmakers in the GOP-controlled Legislature passed a law to allow low-potency strains of marijuana helpful to a very limited group of patients. But many people argued it was inadequate and took the fight to voters with a constitutional amendment that would have widely expanded the drug's availability to the sick. It got about 58 percent of the vote in November, but needed 60 percent to pass under Florida law.

Though it was a rare defeat amid a wave of efforts across the U.S. to legalize marijuana for both medical and recreational use, it sent a powerful message to legislators in Tallahassee. Amendment 2 garnered more support than any statewide candidate and served as the impetus for the introduction of [medical marijuana](#) bills for the legislative session, which begins March 3.

"It's the ultimate poll," said Sen. Jeff Brandes, a Republican. "It shows that there is momentum for this issue, that it will likely pass in the future and that there is an ability right now in this window of time to address this issue in the legislative process."

Brandes opposed the ballot measure, but is now sponsoring a medical pot bill. Two House Republicans have also filed a companion bill.

Brandes believes the legislative process better affords the opportunity to debate and amend the proposal. His bill was hailed by United for Care, the group that lobbied for a comprehensive medical marijuana law and put the issue on ballots last year.

Brandes' bill has earned the opposition of the Florida Sheriffs Association, an influential lobby that also opposed Amendment 2.

"There's a lot of things in that bill that resemble the problems with the constitutional amendment," said Pinellas County Sheriff Bob Gualtieri, the legislative chair of the sheriffs association. "There's a lot of loose language in it that would allow probably de facto recreational use."

The sheriffs want more restrictive language in the bill and said medicine shouldn't be smoked. In other states, medical marijuana dispensaries have found high numbers of patients opt against smoking, instead using capsules, lozenges, drinks, foods, lotions, face masks and all sorts of other products.

Ben Pollara, executive director of United for Care, said lawmakers shouldn't be "dictating the best way for the patient to take their medication."

Though 23 states have passed comprehensive medical marijuana laws, none are in the South. A handful of southern states have measures such as the law passed in Florida last year, legalizing the drug for small populations or for medical research. Medical marijuana bills are also under consideration in Georgia, Kentucky, Mississippi, North Carolina and South Carolina, according to the Marijuana Policy Project.

Another sticking point in Florida is just who exactly would be allowed to use medical pot. Both the Senate and the House proposals would permit people with certain conditions to use it, including AIDS, epilepsy, Lou

Gehrig's disease and multiple sclerosis. But the House version wouldn't allow it for people with chronic pain, nausea or seizures or other debilitating illnesses that aren't included on the list.

That would disqualify many patients, including M.J. Seide, a 64-year-old Hollywood resident. She said she has persistent pain from a congenital disease and countless surgeries. She buys marijuana illegally and has found it helped alleviate the pain while avoiding powerful prescription pills that left her incapacitated.

"I don't believe that it's up to the Legislature to be able to pick and choose who gets to suffer and who doesn't," she said. "It has to be left up to the physician who he gets or she gets to prescribe a medication to."

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