

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE JOINT RESOLUTION 1038

Sponsors: Representative Luebke.

Referred to: Rules, Calendar, and Operations of the House.

April 10, 2003

1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH
2 COMMISSION TO STUDY THE LAWFUL POSSESSION AND USE OF
3 MARIJUANA FOR THE TREATMENT OR ALLEVIATION OF PAIN OR
4 OTHER SYMPTOMS ASSOCIATED WITH CERTAIN DEBILITATING
5 MEDICAL CONDITIONS.

6 Whereas, modern medical research has discovered a beneficial use for
7 marijuana in treating or alleviating the pain or other symptoms associated with certain
8 debilitating medical conditions, as found by the National Academy of Sciences' Institute
9 of Medicine in March 1999; and

10 Whereas, according to the U.S. Sentencing Commission and the Federal
11 Bureau of Investigation, more than 99 out of every 100 marijuana arrests are made
12 under state law, rather than federal law; and

13 Whereas, because the overwhelming majority of marijuana arrests are made
14 under State law, changing State law would have the practical effect of protecting from
15 arrest the vast majority of seriously ill people who have a medical need to use
16 marijuana; and

17 Whereas, the states of Alaska, Arizona, California, Colorado, Hawaii, Maine,
18 Nevada, Oregon, and Washington permit the medical use and cultivation of marijuana;
19 and

20 Whereas, the State is not required to enforce federal law or prosecute persons
21 engaging in activities prohibited by federal law, a State law permitting the lawful use
22 and cultivation of marijuana for medical purposes would not put the State in violation of
23 federal law; and

24 Whereas, the State should consider reasonable actions that would benefit
25 seriously ill people by alleviating pain or other symptoms of debilitating illness and that
26 will not pose a risk of harm to other citizens; Now, therefore,

27 Be it resolved by the House of Representatives, the Senate concurring:

28 **SECTION 1.** The Legislative Research Commission may study the lawful
29 possession, cultivation, and use of marijuana for the purpose of treating or alleviating

1 pain or other symptoms associated with certain debilitating medical conditions. In
2 conducting the study, the Commission may consider the following:

- 3 (1) Laws of other states that permit the medical use and cultivation of
4 marijuana, including the experiences of those states with respect to the
5 benefits realized from permitting lawful use and cultivation.
- 6 (2) The specific illnesses or conditions that can be successfully treated or
7 alleviated with the use of marijuana under the care and supervision of
8 a physician.
- 9 (3) The benefits and risks to patients of using marijuana for the treatment
10 or alleviation of the symptoms of a medical condition.
- 11 (4) The method for the lawful distribution of marijuana for medical
12 purposes.
- 13 (5) The prohibitions, restrictions, and limitations that should apply
14 regarding the medical use of marijuana.
- 15 (6) The interaction of State and federal laws governing the possession,
16 sale, distribution, and use of marijuana, and the effect on the State's
17 compliance with federal law in permitting the use, cultivation, and
18 distribution of marijuana for a specified medical condition.
- 19 (7) Other matters that the Commission deems appropriate and useful to
20 conduct the study.

21 **SECTION 2.** The Commission may submit a progress report of its study to
22 the 2004 Regular Session of the 2003 General Assembly, upon its convening, and shall
23 submit its final report to the 2005 General Assembly upon its convening. Progress and
24 final reports of the Commission may include recommended legislation.

25 **SECTION 3.** This resolution is effective upon ratification.