

My name is Mark Miller and I am a forty year resident of the state. I am here today to provide some information about when the State Board of Pharmacy was involved in changing the scheduling of Cannabis back in 1979. But, first, a little about what I was doing that involved my working in Cannabis scheduling, so as to establish credibility for my testimony.

I have been involved with drug information and education issues for more than 35 years. In 1972 I became Director of the University of Oregon Drug Information Center for fourteen years – when the Drug Information Center was the NIDA (National Institute on Drug Abuse) state agency designee - in charge of drug information distribution and dissemination on legal and illegal drugs throughout the state of Oregon.

When I was Director of this agency, I instructed courses on Drugs and their Effects to accredited University undergraduate and graduate courses – while also teaching drug courses at the Department of Education and Oregon State Board on Police Standards and Training for ten years. I was and remain an expert witness on drug issues for both prosecution and defense.

While Director I also provided training to numerous local, state and federal agencies, including county health agencies, state education and enforcement agencies, and the US Coast Guard and Drug Enforcement Agency.

I have continued to stay active in drug education and information. I have been a research associate at the Oregon Health Sciences University Medical Informatics Department, and set up vaccine information systems for the Oregon State Health Department. I have also been the Education Director for Mothers Against Misuse and Abuse for more than 20 years.

I have had past experience with the difficult task your Board has today in rescheduling controlled substances. My experience was at the heights of claims that were being made against Cannabis by the federal government. I thought the Board would find it interesting to see how in the past, another agency that was tasked with the same job as you have today; had problems in getting accurate, scientific rescheduling to be acted on.

In 1978 the Oregon Legislature passed a bill directing the appointment of a Committee on Controlled Substances made up of State Board of Pharmacy members. The Committee was to determine if Cannabis and other controlled substances were correctly scheduled. If the Committee determined that the schedules were incorrect based on their research, then they were to make recommendations for changes to the schedules.

The Oregon legislature, having passed the 1973 Cannabis decriminalization of possession of small amounts - wanted to make sure it was on sound scientific footing, since the legislature had decided not to adopt the part of the federal Controlled Substances act referring to possession of small amounts of Cannabis.

The Committee then, as you members of the Board today; were to use more detailed criteria than the federal scheduling – adding considerations such as risk of overdose death, and short and long-term psychological and physiological effects.

An interesting component of the legislation was that the Committee's recommendations could be accepted by the Legislature either in totum (all the provisions had to be accepted) or completely rejected. The legislation did not allow acceptance of some reclassifications, while rejecting others.

There was also a time limit on how long the Committee could take to report its findings and implement schedule changes. If the date for implantation of schedule changes was not met, then existing federal schedules would apply.

The University of Oregon Drug Information Center, which I was Director of at the time, was appointed by the Committee on Controlled Substances to be one of its lead researchers to gather the required data on controlled substances.

At the end of a several months long process, during which the Committee members met extensively – the Committee recommended that Cannabis be moved from Schedule I to Schedule V. The recommendations also included lowering of LSD and Cocaine schedules.

As soon as the recommendations were reported in the media – the Oregon Association of Police Chiefs and the Oregon Association of District Attorneys released statements that the Committee's findings were 'completely out of touch with reality' and should be rejected.

Governor Atiyeh also issued public statements opposing the findings – and the controversy caused the Committee to not implement its findings before the date required. This meant that none of the changes recommended by the Committee would take effect - and the federal scheduling instead became effective

My point is not that politics and manipulation played a role in these events – although they did – but that even when claims against Cannabis were amongst the strongest being stated – the Committee still objectively examined the evidence and stated that Cannabis should move from Schedule I to Schedule V.

Enough of the past. Let me come to the present. The information that you have released to date indicates that the Board still perceives it is difficult to get in-depth scientific information on Cannabis that all sides accept as accurate.

I would suggest that one reference point the Board might consider drugs that are currently in Schedule IV, including the benzodiazepines and other anti-anxiety agents (tranquilizers).

These commonly prescribed medications and other sedative-hypnotics are capable of producing true physical dependence in long-term continuous use. Furthermore patients can experience fatal rebound convulsions during withdrawal without medical intervention. Contrast this to Cannabis. While experts do differ on whether a true physical dependence develops to Cannabis, most state that it does not produce a physical dependence anywhere near the severity of other drugs.

Even the strongest proponents of physical dependence acknowledge that when they state they have found Cannabis dependence, it has low impact symptoms; especially when considered against other therapeutic agents. When contrasted against even commonly available drugs to the public, such as alcohol, Cannabis treatment experts state that it certainly in no way causes potentially life-threatening withdrawal symptoms requiring medical intervention.

I would also direct the State Board's attention to the fact that the drugs currently listed in Schedule V, do not produce potentially fatal withdrawal syndromes that can require medical intervention.

Finally, in regards to potentially placing Cannabis in Schedules II or III, they contain drugs that can produce fatal withdrawal syndromes. Additionally, Cocaine which is in Schedule II, has a risk from overdose death from small quantities of the pure drug. All experts agree that Cannabis has almost no risk what ever of overdose death.

The intent of the legislation directing the State Board of Pharmacy to remove Cannabis from Schedule I, is the recognition of the fact by the Legislature that Cannabis has valid medical uses.

The work then is to determine how Cannabis toxicity ranks against other drugs. Currently experts can be found that disagree extensively on the type, and extent of effects. The one area of agreement amongst all experts, of every persuasion, is that Cannabis does not product life-threatening withdrawal symptoms that require medical intervention.

The only drugs in the Controlled Substances Act that meet this criteria are in Schedule V

It will be extremely important for the State Board to get the scheduling scientifically accurate this time.

The decisions made by your scheduling will have widespread repercussions beyond medical circles. Any classification other than Schedule V results in tens of thousands of Oregonians still being liable for felonies for many infractions, no matter how small the amount, if they are charged for anything beyond simple Possession.

Your decision will impact more than just tens of thousands of Oregonians... they will also impact you. Given the current level of use of prescription medications, over-the-counter drugs, and yes Cannabis – your decisions will have impact today, or in the future

on your children, your in-laws, your relatives, and your neighbors and their children and relatives.

You may be told to be concerned about the ‘message’ this sends to children. That message has already been sent now for generations. The incarceration of adult users has not been demonstrated over more than 40 years to deter youthful experimentation. Strong criminal sanctions based on Controlled Substances scheduling has not resulted in stopping millions from making decisions to use Cannabis.

Instead the message sent back to these classifications, was as a flouting of the law, decade after decade by millions of Cannabis users since the passing of the Controlled Substances Act.

In Oregon untold hundreds of millions of dollars have been spent over the last four decades in law enforcement, prisons and incarcerated citizens who were no longer productive, tax-paying individuals. Their jobs and earnings, thus their ability to support families and pay taxes, were not realized again after criminal convictions. I have not even started to mention the huge, underground, unregulated and untaxed economy that flourishes due to Cannabis. It is acknowledged to be the number one cash agricultural crop in Oregon.

We have now reached the point where it is generations of Cannabis users, in the millions, who have recognized the false classification of Cannabis as a Schedule I narcotic. In Oregon, hundreds of thousands of Cannabis users are following this issue closely, and will know if the Board has used accurate information. They will know if this Board arrived at a scientific decision based on what is known of the drug and its effects on users.

I emphasize simply and bluntly again. All social scientists who have examined the Cannabis use phenomena agree that placing Cannabis at high levels of enforcement and punishment has not deterred usage. If anything, over the decades, and now, generations - it appears to have created an enormous Cannabis culture; almost in defiance of these misclassifications.

This Board has another opportunity to get it right... before another ten to twenty years pass with more and more wasting of precious resources – of people, of families, of money, of police. Our society has failed to deal scientifically and realistically with Cannabis for more than 40 years. It is not going away.

It is only a matter of how much more people and money have to be wasted over the years, before you as this Board, take on the responsibility of telling the truth, and forcing society to stop hiding behind Controlled Substances scheduling that cannot be scientifically or socially justified.

