

Balancing Science and Politics: The Challenges of Implementing Medical Marijuana Laws - Introduction

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SYMPOSIUM:

BALANCING SCIENCE AND POLITICS: THE CHALLENGES OF IMPLEMENTING MEDICAL MARIJUANA LAWS

INTRODUCTION

At the time of this publication, at least eighteen states and the District of Columbia have passed laws that legalize the use of medical marijuana. Many other states and policymakers are considering similar legislation. These laws are varied in nature and face numerous implementation challenges, including resistance from local, state, and federal government agencies; challenges from a medical and pharmaceutical standpoint; and inadequate funding and infrastructure. On Friday, April 13, 2012, the University of Maryland Francis King Carey School of Law's Law & Health Care Program, the Network for Public Health Law, and the University of Maryland School of Pharmacy's Center for Drugs and Public Policy jointly sponsored a conference intended to raise and address these and other issues surrounding the rapidly evolving landscape of state medical marijuana laws and programs.

Entitled "Balancing Science and Politics: The Challenges of Implementing Medical Marijuana Laws," this conference brought together a variety of speakers with expertise in pharmacy and drug policy, state-level public health policy, federal regulation of marijuana, and state medical marijuana legislation. State legislators, reform leaders, health practitioners, and academics met and presented on topics including preemption issues in state decriminalization efforts, legal issues relating to marijuana dispensaries, public health implications of medical marijuana decriminalization, monitoring of the use of medical marijuana, and medical marijuana in health care facilities.

Participants had the opportunity to share their expertise, relate their experiences with the emerging legal framework in their states, learn from a variety of other experts with diverse scholarly and professional perspectives, and discuss future legislative efforts. The Symposium articles published in this issue of the *Journal of Health Care Law & Policy*, authored by conference participants, are

outgrowths of the conference, and provide a deeper look into some of the crucial, emergent topics surrounding these laws.

Robert A. Mikos, Professor of Law and Director of the Program in Law & Government at Vanderbilt University Law School, presented a guide to the complex and often-confusing issue of federal preemption of medical marijuana laws. In his article, *Preemption Under the Controlled Substances Act*, he offers an up-to-date and in-depth analysis of states' authority to enact medical marijuana laws in light of preemption questions raised by the federal Controlled Substances Act.

Karen O'Keefe, Director of State Policies for the Marijuana Policy Project, offered valuable insight into the current landscape and emerging trends in state medical marijuana legislation at the conference. In her article, *State Medical Marijuana Implementation and Federal Policy*, she examines the chilling effect of shifting federal policy on medical advancement and legal protections for patients. She also suggests federal policy reforms to improve the relationship between the federal and state governments and medical marijuana patients and providers.

Linda Simoni-Wastila, a professor and Vice Chair of Research at the University of Maryland School of Pharmacy in the Department of Pharmaceutical Health Services Research, presented on the consumption and consequences of medical marijuana from an epidemiological perspective. Francis B. Palumbo, a professor at the University of Maryland School of Pharmacy and the Executive Director of the Center on Drugs and Public Policy, spoke on the issue of how to monitor and regulate medical marijuana. Their paper, *Medical Marijuana Legislation: What We Know—and Don't*, reviews and critiques current and potential frameworks for implementing and evaluating medical marijuana legislation.

The *Journal of Health Care Law & Policy* prides itself on being one of the few scholarly journals that bridges legal, public policy, and scientific fields. The articles included in this Symposium issue do just that, providing timely and nuanced perspectives on the crucial medical and legal policy questions raised by the ever-increasing number of state medical marijuana laws. The viewpoints represented within this issue of the *Journal* include the pharmaceutical, constitutional, and policy aspects of such legislation.

This issue, and every issue, of the *Journal of Health Care Law & Policy*, provides scholarly insight into leading health law and policy issues from an interdisciplinary perspective. The Editorial Board and Staff of the *Journal* hope that this Symposium issue stimulates discussion and provides in-depth analysis of this complex and controversial area of law. On behalf of the *Journal of Health Care Law & Policy*, I would like to thank the University of Maryland Francis King Carey School of Law's Law & Health Care Program, the Network for Public Health Law, and University of Maryland School of Pharmacy's Center for Drugs and Public Policy, as well as the conference participants and others who facilitated

this discussion. On behalf of the *Journal's* Editorial Board, I would also like to thank our Faculty Advisor, Diane Hoffmann, Director of the Law & Health Care Program, and Virginia Rowthorn, Managing Director of the Law & Health Care Program, for their continued guidance and support. I also extend my deepest gratitude to the *Journal* Staff and Editorial Board for their hard work, dedication, and support during the production of this issue.

Rebecca Hall
Editor in Chief