



## We Need Your Help to Save Medical Marijuana

*by Claire Ebel, Executive Director*

On Wednesday, October 28th, the New Hampshire Legislature will convene to consider the bills that have been vetoed by the governor. One of those bills — HB 648 — is legislation to make medical marijuana available to seriously ill individuals in the state.

HB 648, as passed by the House and the Senate: requires that a physician provide a “written certification” that the patient has a debilitating medical condition due to a chronic or terminal disease and that the potential benefits of medical marijuana outweigh the health risks; defines “chronic or terminal disease” as cancer, glaucoma, HIV, AIDS, hepatitis C while receiving antiviral treatment, ALS, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease or multiple sclerosis; mandates that the patient obtain a “registry identification card” from the New Hampshire Department of Health and Human Services, and the application includes identifying information and a fee that will cover all expenses required to maintain the system; and establishes a qualifying patient as a person 18 years of age or older.

HB 648 does not break new legal ground. Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington have eliminated state criminal penalties for the medical cultivation and medical use of marijuana.

HB 648 does not provide any protection for those who cultivate, sell or use marijuana recreationally. It does not legalize marijuana. It does not change New Hampshire criminal law for those who engage in these activities. It simply creates a carefully defined legal exception for medical marijuana use.

HB 648 does not permit patients to ‘grow your own’. It allows three “Compassion Centers” to be created in the state. These centers may acquire and dispense marijuana to registered qualifying patients for the patients’ medical use. The Centers will be non-profit entities required to apply to the Department of Health and Human Services for licensure under rules to be adopted by the Department. Licensed Centers will be required to submit extensive information on the officers of the non-profit, the security of the proposed facility and identifying information including finger prints for every employee and agent of the Center and will also be assessed a licensing fee sufficient to cover all costs associated with the application review and licensing of Compassion Centers.

The agony of New Hampshire citizens that was described in legislative hearings was overwhelming. The testimony that marijuana alleviated the suffering was compelling. Thirteen other states permit their citizens to procure and use medical marijuana. Several states have done so for decades.

## **We need your help with Medical Marijuana**

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You CAN make a difference. Contact your senator and your representatives. Ask them to support their constituents. Ask them to vote to override the veto of HB 648.

You can find your legislators through these links:

*Find your State Senator at:*

<http://www.gencourt.state.nh.us/senate/senatemembers.asp>

*Find your State Representative at:*

<http://www.gencourt.state.nh.us/house/members/wml.aspx>

## **The ACLU is Looking for a Few Youth Activist Scholars!**

**T**he ACLU is again offering 15 young civil liberties activists the opportunity for a \$7,000 scholarship, to be applied to the tuition, fees and expenses for their first year of college!!

An extraordinary New Hampshire scholar/activist, Alex Fried — a senior at Oyster River High School — was one of the recipients of an ACLU scholarship in 2009. He is currently a freshman at the University of New Hampshire in Durham.

The New Hampshire Civil Liberties Union seeks students who have stood up for tolerance, free speech or equality, or stood against discrimination, gay bashing or sexual harassment, in their school or in their community.

In order to qualify for the scholarship, you must: 1) be a high school senior planning on enrolling in an accredited college or university as a full-time, degree-seeking student; 2) have demonstrated a strong commitment to civil liberties

through some form of activism; and 3) have attained a GPA of at least 3.0 on a 4.0 scale at the time of graduation.

Scholarship winners will also be invited to participate in an elite class of scholar-activists who attend a three-day Youth Activist Institute training program at the ACLU national office in New York City during the summer of 2010.

Email June West — [june@nhclu.org](mailto:june@nhclu.org) — for information about the application process. June will ask for a description of your involvement in civil liberties activism, and will send the application forms to you if you are eligible for the scholarship. The submission deadline is November 16, 2009.

The NHCLU would be delighted to nominate additional New Hampshire high school students for Youth Activist Scholarships, so contact June as soon as you can.

### **Survey Responses**

We are grateful for the responses to our membership questionnaire.

We are reviewing the results.

Keep 'em coming!

NHCLU, 18 Low Avenue, Concord, NH 03301.

## Legal Docket, Fall 2009

*by Barbara Keshen, Staff Attorney*

### ***First Amendment***

The 4th Annual Live Free or Die Celebration was held August 21-23 in Jaffrey with the help of the NH Civil Liberties Union. The annual event has met with resistance from the Town since its inception. The NH Civil Liberties Union has intervened on behalf of the event organizers in the past when the Town imposed a requirement of a \$1,000,000 insurance bond for them to hold their event on the town square.

This year the event organizers decided to avoid hassles with the Town of Jaffrey and hold its event at the Grand View Inn, which is privately owned. In response the Town tried to use its zoning laws to prevent the event from occurring on private property.

Once again the NH Civil Liberties Union stepped in. We represented the organizers of the LFDC against the town and successfully persuaded the town that it could not use its zoning ordinances to squelch this First Amendment event.

### ***Sex Offenders***

Many ACLU affiliates have been called upon to defend this unpopular group from laws that, although well intentioned, are ill thought out and trample unnecessarily on the civil rights of registered sex offenders without accomplishing the stated goal of protecting children. In Vermont and in New Jersey, the ACLU won decisions that town ordinances which restricted where registered sex offend-

ers could live were unconstitutional because the towns did not have the authority to enact such a law.

Here in New Hampshire, the NHCLU represented Richard Jennings when the City of Dover prosecuted him for violating its residency ordinance when he lived with his wife and child within 2500 feet of a day care center.

NHCLU worked collaboratively with New Hampshire Legal Assistance in challenging the constitutionality of the ordinance. We presented expert testimony that these ordinances, which are meant to protect children, in fact may have the unintended consequence of actually harming children because the ordinances make it hard for registered sex offenders to find housing and jobs and may actually drive them underground where they cannot be supervised.

Judge Mark Weaver agreed with us. He found that the ordinance violates the constitutional principle of equal protection because it places a burden on a class of people without showing that it achieves its intended result.

This is a huge victory for NHCLU and for the people in New Hampshire. There is a lot of misinformation and unnecessary fear about sex offenders. They are not all alike and laws like these ordinances that cast such a large net are poor public policy. It is our hope that cities and towns that wish to address the concerns of child victims will chose to focus on methods that are likely to succeed and not legislate out of fear.

## **Welcome to the NHCLU!**

We recently sent welcome letters to ACLU members who have moved to New Hampshire from other states. However, some of our new members were angry that we contacted them.

We have discontinued the letter, but not the welcome!

Please contact us at 225-308 if you want any information about the NHCLU.

## The NHCLU Annual Membership Meeting is on October 18, 2009

The 2009 Membership Meeting of the New Hampshire Civil Liberties Union will be held on Sunday, October 18th at 2:00 p.m. at the Currier Museum of Art, 150 Ash Street, Manchester. This membership event is also open to the public. All attendees will have the opportunity for a complimentary visit to the museum prior to the NHCLU program.

John Holdridge, Executive Director of the ACLU's Capital Punishment Project, will be the featured speaker. He is recognized as one of the nation's foremost death penalty litigators, and has made frequent appearances on network news programs that examine capital punishment in the United States. John will discuss repeal tactics and strategies and their success in other states.

NHCLU staff attorney Barbara Keshen will moderate the discussion. Barbara will examine the makeup of the Death Penalty Study Commission created by the 2009 legislature, and describe ways in which NHCLU members can impact the deliberations of the Commission.

Executive Director Claire Ebel will discuss opportunities that members will have during the 2010 legislative session to influence legislators - and the governor - to finally repeal New Hampshire's death penalty.

The Currier Museum of Art is internationally renowned, featuring works by Monet, Picasso, O'Keefe and Wyeth among many others. It is a rare opportunity for our members and attendees to take a self-guided tour of this extraordinary facility.



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