

## More Tweaks To Utah's Medical Cannabis Law Aim To Clear Criminal Records

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A bill introduced in the State Senate Wednesday is looking to clear criminal records for those who've been convicted of offenses related to marijuana possession.

S.B.121, sponsored by Evan Vickers, R-Cedar City, would expunge the records of those who've used marijuana medicinally, though would not apply to anyone caught dealing or selling it or those with felony charges.

The bill would also protect patients who've failed drug tests from CBD use, which can contain trace amounts of THC, the psychoactive ingredient in marijuana.

Connor Boyack, president of the pro-medical marijuana Libertas Institute, has been working with lawmakers on the changes. He said he's heard from a number of patients who've run into legal challenges before voters passed Proposition 2 — the 2018 ballot initiative that first legalized medical marijuana.

"Some of them got caught and they have criminal records," Boyack said. "Our position is now that the legislature and the public have said [marijuana] is medicine, we can look back with a bit of compassion."

He couldn't say how many would be eligible for expungement, but the goal is to provide the opportunity for those who qualify.

Marijuana-related convictions vary by local jurisdiction in Utah, but marijuana arrests have historically been a significant proportion of drug arrests nationwide. In 2010, they accounted for 52% of all drug arrests, according to the ACLU.

Jason Groth with the ACLU of Utah said he supports the bill, especially because it would help those who might have a hard time finding housing or landing a job because of their criminal records.

"For the specific community that this bill addresses, it's a very real thing," Groth said. "The idea that somebody previously convicted of an act we now have deemed non-criminal and medically sound, they shouldn't still face the same consequences of that conviction years later."

Despite Utah's law, there are still questions about marijuana's broader legal status. It's classified as a Schedule 1 drug at the federal level — the same category as heroin and ecstasy.

But Boyack said federal law enforcement hasn't arrested patients in the 33 other states that have legalized medical marijuana. And as long as people in Utah are using it with a doctor's note, they're in the clear.

"We can't control the feds, but they're not enforcing it — the states are," Boyack said. "We can control the state law enforcement officers and that's what we've done since Proposition 2 and in every amendment since."

He said patients have strong legal protections under Utah's cannabis law, as do doctors who recommend it to their patients.

Dr. Marc Babitz, a family physician and deputy director of the state Department of Health, said the federal threat is there, but it's more of a theoretical concern.

"If the Drug Enforcement Agency were to bust through the doors, they could arrest me," he said. "But I'm going to call that a very low risk."

Other changes included in the bill increase the number of patients that doctors can recommend cannabis for — from 175 to 275 — and make it easier for state regulators to revoke a dispensary's license.

Boyack said it has broad support and hopes to get it passed before the state's program launches next month.

*Jon Reed is a reporter for KUER. Follow him on Twitter @reedathonjon*