

NATIONAL ALLIANCE OF STATE DRUG ENFORCEMENT AGENCIES

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of Drug & Crime Control

NASDEA is strongly opposed to the legalization or decriminalization of marijuana.

The National Alliance of State Drug Enforcement Agencies (NASDEA) has been in existence since 1975. Its member agencies are State level drug enforcement agencies from the nation's state police, highway patrol departments, or from each state agency responsible for statewide criminal investigations. The working members of NASDEA come from command level staff. All fifty states are represented within NASDEA.

NASDEA recognizes that many states have enacted laws that have legalized or decriminalized the possession of one to twenty-four ounces of "Medical Marijuana:" Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington. In addition, Arizona and Maryland have enacted laws favorable to medical marijuana, though not legalizing its use. In February 2009, the Administration in Washington, DC, announced that it would not enforce federal marijuana laws in those states that have medicinal marijuana laws. This inconsistency sends the message that federal laws are not the law of the land, but rather, are only selectively enforced.

NASDEA also recognizes that each of the above listed states, that have legalized, decriminalized, or favored medical marijuana, have experienced difficulty with establishing, tracking, and enforcing doctor patient relationships related to:

- defining primary caregivers' significant responsibility,
- establishing the number of patients per physician, and the
- governance, regulation, and licensure of dispensaries.

The FDA has already approved "Medical Marijuana" via Marinol, a legal pharmaceutical product, available by prescription in pill form. Marinol's active ingredient, synthetic THC, has



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been found to relieve the nausea and vomiting associated with cancer patient chemotherapy and the loss of appetite experienced by AIDS patients.

The FDA has never approved medications that are smoked due to smoking being a poor medicine delivery system as:

- It is difficult to administer safe regulated dosages,
- the harmful chemicals and carcinogens create new health problems, and
- marijuana smoke contains four times the tar than tobacco.

NASDEA strongly encourages the states and Congress to oppose the legalization or decriminalization of marijuana due to the fact that marijuana has always been and is still a Schedule I Controlled Substance for numerous sound reasons including that marijuana has long been established as a primary gateway to other illicit drugs. The legalization or decriminalization of marijuana leads to greater availability, removes the fear of sanctions, creates the public perception of approval and acceptance, and reduces the sense of risk. All these factors lead to increased use. The legalization or decriminalization of marijuana will add to the large population (estimated at 4 million) who depend on or abuse this Schedule I drug.

NASDEA also pledges to the states and Congress our support through testimony based on research, anecdotal means, and other means to support the opposition to state laws that legalize or decriminalize marijuana.

NASDEA is strongly opposed to the proposition of medical marijuana, and the federal government should use the federalism statutes to enforce marijuana laws in those states that have passed state laws contrary to federal statutes.

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NASDEA seeks to identify drug issues that are and will continue to adversely affect the quality of life in the United States. One such issue relates to state medical marijuana statutes that are contrary to corresponding federal statutes.

NASDEA member agencies have observed that state medical marijuana statutes have led to an increase of the following well-documented problems:

1. follow-up lobbying for increasingly less restrictive marijuana laws with a natural evolution to marijuana legalization.



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2. law enforcement personnel investigating marijuana distribution violators within the “medical use states” are frequently discovering that these suspects are ‘illegally’ selling quantities of marijuana produced from their ‘legal’ marijuana manufacturing operation.
3. legal growers are known to protect their production facilities by utilizing firearms, as well as other devices (i.e. explosives), to prevent the possibility of being robbed or victimized by those in the criminal subculture.

NASDEA recognizes the many years of debate regarding the medicinal effects of THC. Even though groups such as NORML advocate that only “marijuana that is smoked” will adequately treat symptoms, it remains non-debatable that the medical community has many other legal and legitimate treatment options including Marinol, a Schedule III controlled substance that contains synthetic THC that can be prescribed by physicians for the vast majority of symptoms. Further, the medical community has, at its disposal, numerous other controlled substances for the treatment of severe pain.

NASDEA encourages that the federal government to use the federalism statutes to enforce marijuana laws in those states that have passed state laws to the contrary. Without the immediate intervention of the federal government enforcing existing federal statutes, additional states across our country will have the unencumbered opportunity to pass legislation that is clearly a violation of the Federal Controlled Substance Act.

NASDEA also pledges, to the states (that currently have or will soon have medical marijuana laws) and or Congress our support through testimony based on experience and research to encourage the aggressive prosecution of those individuals who violate the Federal Controlled Substance Act.

NASDEA strongly supports additional funding for ONDCP for Prevention/Intervention programs such as Drug Courts.

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NASDEA recognizes the need for a multi-tiered approach to address drug abuse in America. In addition to aggressive enforcement and prosecution, there is also a need for ONDCP prevention/intervention programs such as Drug Courts.

NASDEA recognizes the twenty years of Drug Court success that began in Dade County Florida in 1989. That jurisdiction developed an intensive, community-based, treatment, rehabilitation, and supervision program for felony drug defendants to address rapidly increasing recidivism rates. The best witness to the effectiveness of drug courts is the expansion of the original



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program to 2,140 drug courts with another 284 presently being planned. These courts divert non-violent, substance abusing offenders from prison and jail into treatment. By increasing direct supervision of offenders, coordinating public resources, and expediting case processing, drug courts can help break the cycle of criminal behavior, alcohol and drug use, and incarceration.

NASDEA further recognizes the research that indicates that drug courts reduce crime by lowering re-arrest and conviction rates, improving substance abuse treatment outcomes, reuniting families, and also producing measurable cost benefits.

NASDEA encourages Congress to continue and expand grant funding to ONDCP for its Prevention/Intervention programs including Drug Courts in all 50 States, the District of Columbia, Northern Mariana Islands, Puerto Rico, Guam, Federal Districts, and tribal locations.

NASDEA also encourages all states that have not yet fully developed a Drug Court program to do so.

NASDEA also pledges to the states and or Congress our support through testimony based on research, anecdotal means, and other means to encourage the development and use of Prevention/Intervention programs such as Drug Courts.

NASDEA strongly supports a funding increase for ONDCP to create a Polydrug Educational Awareness Program.

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NASDEA recognizes the need for a multi-tiered approach to address drug abuse in America. In addition to aggressive enforcement and prosecution, there is also a need for ONDCP to create a Polydrug Educational Awareness program due to the fact that polydrug use often carries with it more risk than the use of a single drug, due to an exponential increase in side effects, and drug synergy.

NASDEA recognizes the past effectiveness of ONDCP Drug Awareness programs that support the ONDCP goal of the reduction of illicit drug use in America as part of its National Drug Control Strategy.

NASDEA also recognizes the evolving trend of polydrug drug use which includes various combinations of illicit drugs, prescription drugs, over the counter drugs, and alcohol.

NASDEA encourages Congress to increase funding for ONDCP to create a Polydrug Educational Awareness Program.



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NASDEA also encourages all states to review their drug educational awareness programs in consideration of adding a Polydrug section.

NASDEA also pledges to these states and or Congress our support through testimony based on research, anecdotal means, and other means to encourage the creation of Polydrug Educational Awareness Programs.

NASDEA strongly supports the scheduling of pseudo-ephedrine by federal law as a schedule III controlled substance.

The National Alliance of State Drug Enforcement Agencies (NASDEA) has been in existence since 1975. Its member agencies are State level drug enforcement agencies from the nation's state police, highway patrol departments, or from each state agency responsible for statewide criminal investigations. The working members of NASDEA come from command level staff. All fifty states are represented within NASDEA.

NASDEA seeks to identify national quality of life issues. One such issue is the need to suppress the spread of methamphetamine as well as reducing the number of dangerous clandestine methamphetamine lab incidents nationally. To that end, NASDEA advocates the federal scheduling of pseudoephedrine (PSE) as a schedule III controlled substance. PSE is the cold and allergy drug from which methamphetamine is formed. The difference between PSE and methamphetamine is one oxygen molecule. By removing that one molecule through a dangerous and toxic chemical process, PSE is converted from a legal medication into a highly addictive illegal drug. Limiting the availability of PSE is directly proportional to limiting the methamphetamine manufacturing process, which, in turn, diminishes the number of hazardous and toxic clandestine labs covertly embedded in our communities.

NASDEA recognizes the steady national increase in the number of clandestine methamphetamine labs from the late 1990's through the mid 2000's. The Federal Combat Methamphetamine Epidemic Act of 2005 resulted in decreasing clandestine lab numbers by nearly 50 percent. These decreases resulted from statutory requirements that took cold and allergy products containing PSE off the shelves and placed them behind the counter. These laws also mandated that individuals purchasing PSE must be identified and recorded. These statutes were initially effective at reducing meth lab incidents throughout 2006 and 2007, but are now rendered ineffective by organized groups that have learned to manipulate this system by a black market technique known as "smurfing," the practice of purchasing lawful amounts of PSE products at one retail outlet while making additional purchases at others. These purchases, in aggregate, exceed the limit allowed by law.

NASDEA also recognizes that several state governments have implemented electronic PSE monitoring systems that may provide real time information to law enforcement about the purchasers of pseudoephedrine products and block the sale of any amount over the legal limit. The overwhelming numbers of highly organized smurfers have rendered these systems



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ineffective. In addition, new more efficient meth lab cooking methods allow for the generation of methamphetamine without requiring the purchase of PSE product amounts in excess of legal purchasing limits or triggering a blocked sale. Moreover, this simplified and accelerated production method continues to severely hamper law enforcement's chance of intervening in the production process before a dangerous clandestine methamphetamine lab is created.

NASDEA has identified a better system. In 2006, Oregon enacted a statute requiring a schedule III controlled substance prescription for all PSE products. As a result, Oregon's clan lab response numbers plummeted 89 percent from 2005 to 2008. Most significantly, Oregon meth lab incidents continue to remain low, 21 in 2008, while they increased in many other states. NASDEA further recognizes the simplicity and effectiveness of the Oregon model and considers it the best method to substantially reduce the number of meth labs that devour millions of dollars in law enforcement and emergency services. These labs are increasingly found in apartment buildings, hotels, rental properties, and near schools. The dangers of fire and explosion, the exposure to hazardous chemicals, and the environmental contamination of clandestine meth labs impact innocent citizens to a greater extent than any other illegal drug.

NASDEA, therefore, strongly encourages the scheduling of PSE as a schedule III controlled substance by federal law. PSE would, therefore, be available by prescription only. This will virtually eliminate, or greatly reduce, the ever increasing hazards to the health and security of the communities served by our member agencies.

NASDEA also pledges to Congress our support, through testimony based on the research and experience of our members, to encourage the scheduling of PSE as a schedule III controlled substance.

NASDEA strongly supports the clarification of federal law enforcement agencies' roles to minimize duplication of efforts, to promote deconfliction of events and targets, and to encourage the timely sharing of intelligence for the most effective and efficient use of federal resources.

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NASDEA recognizes that collaborative efforts between state and federal law enforcement agencies is an effective strategy in conducting investigations against drug traffickers and drug trafficking organizations, especially when those organizations operate large scale illegal enterprises in one state or throughout multiple states. Such illegal operations may exploit intelligence gaps when law enforcement information acquired through different sources impacting multiple law enforcement jurisdictions is not shared. Law enforcement agencies of



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different jurisdictions may conduct investigations and enforcement actions on the same criminal organizations, at the same time, and each is unaware of the other. This creates an inefficient duplication of investigative effort as well as presenting an officer safety issue of possible officer on officer enforcement activity.

NASDEA also recognizes that several federal law enforcement agencies have the responsibility and jurisdiction to target and investigate some of the same criminal organizations that are committing a multitude of different crimes. Joint investigations conducted by state and federal agencies are most effective if the federal agency participating in the investigation has the intelligence information, investigative resources and the coordination of investigative effort of every federal agency investigating the same target.

NASDEA encourages Congress to clarify the roles of federal law enforcement agencies to minimize duplication of efforts, promote deconfliction of events and targets, and to encourage the timely sharing of intelligence for the most effective and efficient use of federal resources.