

*The New York Times*

# In Montana, A Bid to End Medical Use Of Marijuana

By KIRK JOHNSON

Published: February 10, 2011

HELENA, Mont. — The Montana House of Representatives voted Thursday to repeal the state's six-year-old medical [marijuana](#) law.

The 63-to-37 [vote](#), largely along party lines in the Republican-controlled chamber, pushed Montana to the front lines of a national debate about social policy, economics and health as medical marijuana use has surged in the [15 states and the District of Columbia](#) that allow its use.

“We were duped,” said the House speaker, Mike Milburn, a Republican and sponsor of the repeal bill, who said he thought that the arguments about medical use had been a pretext for encouraging recreational use and creating a path to full legalization. He said he feared gang drug wars in Montana's cities and debilitation of its youth.

“This bill says, Shut down everything — it's gone way too far,” Mr. Milburn told the chamber before the vote.

The State Senate, also controlled by the Republicans, will also consider the measure, and House members will have an opportunity to vote on it again as early as Friday before sending it there. If passed by the Senate it would face an uncertain fate on the desk of Gov. [Brian Schweitzer](#), a Democrat.

Mr. Schweitzer has said he believes the laws need to be tightened, but he has not taken a position on repeal. His spokeswoman, Sarah Elliott, said in an e-mail, “The business has gotten out ahead of the regulatory environment, and we need to build some boundaries.”

But in the voices of the lawmakers on Thursday, the weight and passion of the issue were evident.

“We tried prohibition,” said Representative Diane Sands, a Democrat. “Marijuana has been in our community for years; it is not going away,” she added. “We have to deal with that fact.”

Other states and cities are also wrestling with the question of what medical marijuana is, or should be. New Mexico's new Republican governor, Susana Martinez, expressed interest in repeal this year. Colorado is formulating some of the most detailed rules in the nation for growing and selling. Lawmakers in New Jersey have jostled with the governor over regulation.

And although party line positions have defined the issue in Montana, with Republicans mostly lined up in favor of restriction or repeal, there is widespread agreement among legislators and residents that medical marijuana has become something very different than it was originally envisioned to be.

Sixty-two percent of voters approved the use of medical marijuana in a statewide referendum in 2004. But the real explosion of growth came only in the last year, after the federal [Department of Justice said](#) in late 2009 that medical marijuana would not be a law enforcement priority.

Since then, the numbers of patients have quadrupled to more than 27,000 — in a state of only about 975,000 people — and millions of dollars have been invested in businesses that grow or supply the product.

Here in Helena, at least 16 other bills in addition to the repeal measure have been filed or drafted since the legislative session began last month, calling for everything from a marijuana tax to another voter referendum.

"I've lobbied every session since '81, and I've never seen an issue as fluid as this," said Tom Daubert, an advocate for medical marijuana and an author of the 2004 ballot measure. "It changes by the minute, by the hour, by the day."

But in a huge, mostly rural state where a libertarian, keep-government-off-my-back spirit runs deep, the debate is also different in temper and geography than in other states. Marijuana, many people here say, has intensified suspicions between the two Montanas that are zipped together by the Rocky Mountains — conservative ranching and agriculture country to the east, liberal college towns and tourist communities to the west.

The change in the pattern and scale of medical marijuana use across Montana has coincided with a seismic change in politics here, where Republicans surged from a 50-50 tie in the House before last November's election to a 68-to-32 majority now. Republicans have a 28-to-22 majority in the Senate.

Several House members who spoke against repeal said the Legislature, by declining in past years to take up bills that would have regulated or controlled medical marijuana when its use was not so widespread, had only itself to blame.

“We had many years to regulate something that 62 percent of Montanans wanted, and we chose to do nothing,” said Representative Pat Noonan, a Democrat. “Don’t vote against the citizens.”

A version of this article appeared in print on February 11, 2011, on page A13 of the New York edition.

Retrieved February 11, 2011 from [http://www.nytimes.com/2011/02/11/us/11marijuana.html?\\_r=1](http://www.nytimes.com/2011/02/11/us/11marijuana.html?_r=1)