Statement by Senator Orrin G. Hatch
Senate Judiciary Committee
Subcommittee on Crime and Terrorism
Hearing: "Researching the Potential Medical Benefits and Risks of Marijuana"
July 13, 2016

This is an important issue that we're discussing today. There's been a lot of movement on medical marijuana in the past few years. Some states have legalized the whole plant for medical purposes. Others have legalized particular strains. The states are working as laboratories of democracy, trying various approaches and seeing what works and what doesn't.

Many of these decisions, however, are being made on the basis of anecdotal evidence or on the basis of studies with extremely small sample sizes. In some cases that may be acceptable. For instance, I'm a co-sponsor of a bill that would legalize a particular non-psychoactive strain of the cannabis plant called CBD that has improved the lives of many children with intractable epilepsy.

But when we start moving toward strains that are psychoactive, that can impair driving and judgment and that research has shown may serve as a gateway to other illegal substances, I think we need to be careful. We need to be sure we're making decisions based on science and on proven effects. Public safety demands no less.

And that means we need research—good, solid, double-blind studies with large sample sizes that illuminate the benefits and risks associated with medical marijuana, as well as the compounds and doses that are most effective in treating particular diseases.

Unfortunately, under current law, getting federal approval to conduct research on medical marijuana can be incredibly difficult. Researchers are allowed to work with marijuana only after completing an onerous and at times redundant application process with DEA. This drawn-out process can delay research by years on end and in some cases dissuade researchers from beginning study in the first place. And without the necessary research, policymakers cannot make properly informed decisions about how, when, and to what extent marijuana should be legalized for medical purposes.

That's why I recently co-sponsored bipartisan legislation with Senators Schatz, Tillis, and Coons to eliminate redundancies and other unnecessary barriers in the approval process for medical marijuana research. Our bill, the Marijuana Effective Drug Studies Act, or MEDS Act, makes targeted changes in the research approval process that will reduce delay while preserving crucial safeguards against diversion and abuse.

For example, under the bill, research applicants would be required to demonstrate that their research protocol has been reviewed and approved by a federal agency such as FDA or NIH, but would no longer be required to undergo a separate research protocol review by DEA. Rather, DEA's review process would focus on safety and risk of diversion—areas within DEA's core mission.

Researchers would also be permitted to amend or supplement their research protocols following review by the federal agency funding their research without having to reapply to DEA. Under current law, any change to a research protocol requires the researcher to repeat the DEA approval process from scratch.

The MEDS Act also addresses another barrier to effective medical marijuana research, namely, the inadequate supply of marijuana that may be used for research purposes. DEA currently limits researchers to marijuana grown at a single facility at the University of Mississippi. This single supplier is unable to provide sufficient amounts or specific strains needed for approved medical research. Current law also does not permit marijuana to be manufactured for the production of an FDA-approved drug.

The MEDS Act removes these barriers by instructing DEA to license marijuana manufacturers for purposes of legitimate medical research and production of FDA-approved drugs, unless an application is inconsistent with the public interest.

The bill is the result of months of collaboration with researchers, health experts, and groups on both sides of the legalization debate. It enjoys broad support from the medical community, including the American Medical Association and the American Academy of Pediatrics. It's careful, it's commonsense, and it's the kind of legislation that could pass.

As policymakers consider whether to expand access to marijuana for medical purposes, it's important to base those decisions on science and on safety. And in order to do that, we need more—and better—research. The MEDS Act will help make that research possible.