

Medical marijuana companies now can give to Illinois politicians — but will they?



Charlie Bachtell, CEO and co-founder of Cresco Labs, holds up two bags of dried cannabis flower Dec. 19, 2016, at Cresco Labs' Joliet facility. Bachtell said in March 2017 that his company has not decided whether to contribute to candidates after a court ruling struck down a ban on political giving. (Antonio Perez / Chicago Tribune)

By **Ally Marotti** · **Contact Reporter**

Chicago Tribune

Illinois' medical marijuana companies, operating in a nascent industry fraught with rules, now have one less regulation they must follow.

A federal judge ruled last week that a provision preventing cannabis companies from making campaign contributions in Illinois was unconstitutional. The ruling came in response a lawsuit filed in 2015 by two Libertarian Party candidates who sought contributions from the medical marijuana world.

Cannabis companies, however, are accustomed to operating in a highly regulated industry and aren't rushing to make campaign donations. Many business owners agree that strict regulations are necessary to make Illinois' pilot program successful. They play by the rules and have found other ways to advocate.

"To us, a big part of advocacy is education," said Ben Kovler, CEO of Green Thumb Industries, or GTI, which operates two cultivation centers and two dispensaries in Illinois.

The cannabis company, which also operates in other states, supports national organizations that work on marijuana awareness. It's a new industry, and there's a lot for the public to learn, Kovler said.

For Charlie Bachtell, CEO and co-founder of Cresco Labs, the provision preventing campaign contributions was just another regulation to abide by.

State lawmakers approved Illinois' pilot medical cannabis program in 2013, and dispensaries started opening two years later. The provision that prevented political contributions was part of the law that created the program.

"We had a road map of certain things we had to do, certain things we need to comply with, a couple things we were prevented from doing, and this was one of those," Bachtell said.

Although it is nice to have access to the same channels as businesses in other industries, he said, the company, which operates three cultivation facilities in Illinois, hasn't decided whether it will start contributing to candidates.

But that level playing field is exactly what the lawsuit was fighting for, said Jacob Huebert, a senior attorney at Liberty Justice Center, the Chicago-based nonprofit litigation center representing the plaintiffs in the case that sparked the ruling.

Typically, entities can only be barred from making campaign contributions to "prevent actual or apparent corruption," Huebert said. There was nothing that pointed to potential corruption in the case of businesses in the cannabis industry, he said.

"They have every right to speak out about politics and participate in it and try to influence the laws just like the rest of us do," he said.

The plaintiffs in the case were Claire Ball and Scott Schluter, who in the 2016 election ran for comptroller and state representative, respectively. Neither was successful.

Defendants included Illinois Attorney General Lisa Madigan and members of the Illinois State Board of Elections.

Madigan's office did not immediately return a request for comment. Ken Menzel, general counsel for the Board of Elections, said that the board's job is to enforce rules the General Assembly creates.

"It wasn't our idea to begin with," Menzel said.

Medical cannabis companies around the country made at least \$3.6 million in political contributions in 2016, according to data from the Helena, Mont.-based National Institute on Money in State Politics.

"A lot of them have primarily been focusing on ballot measure committees to move to recreational use, but there are some to candidates," said J T Stepleton, a researcher at the institute.

Companies in the industry have a lot at stake in those campaigns, he said, plus there aren't contribution limits like there are on donations to politicians or parties. The Illinois provision that was ruled unconstitutional covered contributions to political committees established to promote candidates for public office.

Chris Stone is CEO of HCI Alternatives, a company that runs two dispensaries downstate, and a veteran lobbyist. He said HCI Alternatives likely will start making contributions in the future.

He said he believes businesses should participate in the political process and support candidates who support their industries. But campaign contributions aren't the key to growing the young cannabis industry in Illinois, Stone said.

As of March 1, Illinois had 16,990 qualified patients. The program launched with 39 qualifying conditions and now just surpasses 40.

Lawmakers signed a bill last summer that pushed back the end of the pilot program to 2020, but it also changed the way qualifying conditions are approved. Originally, an advisory board composed of patients, medical experts and advocates vetted the conditions that people petitioned to be added, then the director of the Department of Public Health decided whether to approve them.

The legislation eliminated the board's role in the process, putting approvals solely in the hands of department Director Nirav Shah, who hasn't approved any additional qualifying conditions. Post-traumatic stress disorder and terminal illness were added to the original list of 39 conditions as part of last summer's bill.

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Electing officials that support adding qualifying conditions could help grow the program, but educating doctors, patients and the public will help even more, Stone said.

"Once you start educating them, they're going to see cannabis can actually be a benefit to pain management and pain relief," he said.

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