

By 2013, [52 percent of Americans were in favor of legalizing cannabis](#) for medicinal use. Eighteen states had already passed referendums or bills legalizing medical marijuana for a broad range of conditions, and within five years that number was destined to nearly double.

But in certain areas (Midwest and South, for example) medicinal cannabis remained controversial, causing the legalization movement to lag behind in those parts of the country. The U.S. territory of Puerto Rico was another such area, and the first attempt to legalize medical marijuana here in 2013 went over like a lead balloon.

In politics change can sometimes come fast, however, and that is what happened in Puerto Rico. The story of how marijuana went from scorned outcast to medically available treatment in less than four years shows how politics can either help or hinder medical progress — depending on the shifting sands of public opinion and the evolving definition of what comprises necessary.

2013: Roadblocks on the Path of Progress

Encouraged by legalization trends sweeping the mainland U.S., in 2013 legislators introduced two cannabis bills in the Puerto Rican House and Senate.

The [first bill](#), sponsored by Senator Miguel Pereira of the center-left Popular Democratic Party (PPD), would have decriminalized possession of up to one ounce of marijuana for people 21 and over. Before serving in Congress, Pereira was a police department superintendent and also served as the secretary of the Puerto Rico Department of Corrections and Rehabilitation. In repping the bill, he emphasized how much the debt-plagued island could save by [slashing the cost of marijuana policing and prosecutions](#).

Pereira's proposal was modest and grounded in sound economics, but he was still swimming against the tide. Public opinion in Puerto Rico has long been reflexively anti-drug, and reactions among leading political figures — particularly those in the center-right New Progressive Party (PNP), the island's *other* influential party — usually mirrored that animus.

“It’s outrageous that someone who was elected by the people tries to use his position to cause addiction, sicken and destroy Puerto Rican society,” declared PNP Senator Itzamar Peña, reflecting the more extreme end of this opposition. This was the overall sentiment expressed by those opposed to legalized cannabis in Puerto Rico.

Puerto Rico's public debt [had swelled to \\$87 billion](#), with no hope of being able to pay it down without a massive miracle. Senator Pereira had good intentions when he propped legalizing cannabis:

1. Help patients obtain legal cannabis

2. Pay the mounting debt

There are a multitude of reasons why the debt got so out of control. Puerto Rico has long been seen as prime real estate for people looking to make a buck off what is commonly referred to here as “economic development.” In 1977, former president Gerald R. Ford signed into law something called Section 936, which no U.S. manufacturer could pass up. Companies could [move their manufacturing to Puerto Rico and pay zero corporate tax](#) on profits. And by living on the island for six months and one day out of a calendar year, they could also avoid paying federal income tax.

There was one upside to this. Many Big Pharma companies (Amgen, GlaxoSmithKlein, Medtronic, Baxter, Abbot et al) took advantage of this loophole allowing them to do “overseas manufacturing,” which brought unemployment down. The flipside is that it’s difficult not to see this scheme as anything other than corporate welfare, which is why in 1996, former president Bill Clinton signed into law a 10-year plan to [phase out Section 936](#).

With no other jobs for highly skilled and specialized people, the second largest diaspora from Puerto Rico to the states began (we are currently in the middle of the largest, which started about a 18 months before Hurricane Maria and continues). Things weren’t helped by the fact that the government didn’t save for a rainy day, and instead overspent money it didn’t really have. Those three major factors aside, in [1984, Senator Strom Thurmond](#) pushed through a bill (as part of a larger bill) that would prevent Puerto Rico from declaring bankruptcy. By the time the 10-year phase out was complete in 2006, Puerto Rico had amassed \$43 billion in debt—with no way to discharge any of it.

2015: Patient Advocacy Meets Economic Freefall

By 2015, the debt was up to \$72 billion, thanks to some very shady [hedge fund deals](#), with no way of paying it off. With very few options left, by the time the idea of cannabis legalization came up again, all the opposition in the world couldn’t stop it.

Despite holding the governorship and majorities in both houses of the Puerto Rican Congress, in 2013 the PPD was unwilling to invest any political capital in pushing for cannabis reform, even on the medical side where the virtues of the drug were widely recognized. Fresh off its recent electoral victories, the PPD was still quite optimistic about their capacity to effectively address Puerto Rico’s mounting debt crisis, creating the possibility of sustained rule — if they did nothing else to rock the boat.

But this optimism proved to be unfounded. The PDD could only wallow in futility as the Puerto Rican economy cratered in 2015, forcing Governor Alejandro García Padilla (pronounced Patheeya) to publicly declare insolvency near the end of the summer.

As the certainty of either default and/or unpopular austerity measures loomed, Garcia Padilla and his PPD colleagues in the House and Senate knew they were facing disaster at the polls in 2016, since those in power when disaster strikes will inevitably get the majority of the blame, regardless of the fairness of those judgments.

In the spring of 2015, a resident of the island and veteran of the U.S. Air Force contacted one of our senators.

Narely (pronounced Nehtelie) Cortes struggles with many autoimmune diseases and other illnesses: rheumatoid arthritis, a form of Parkinson's disease, fibromyalgia and a host of others. In total, Cortes has 22 diagnoses, which combined are extremely painful. She met with the governor and members of his staff, including the health secretary Doctora Ana Rius. Cortes described what a typical day for her is like.

Taking very high doses of opioids to keep the pain manageable, Cortes required another set of pills to prevent an ulcer. The ulcer meds caused blinding headaches, so she was prescribed more pills. Another group of pills made her gain weight and when she addressed the governor and his staff, Cortes was 100 pounds overweight. Her quality of life was suffering. She was sick constantly and had been sick for years.

On behalf of herself and a group of patients, she asked the governor and his staff to reconsider legalizing cannabis under the Compassionate Care Act.

Governor Garcia Padilla took Cortes's plea very seriously and held six public hearings, which were well attended by residents of the island. He and his staff listened very closely to both sides. Puerto Rico is a pretty conservative island, both politically and ideologically, and there was still incredible opposition to legalization. Members of Garcia Padilla's staff visited dispensaries in Colorado to see what legalization really looked like, so it wasn't just a concept.

Facing a bleak political future with nothing to lose, yet perhaps still looking to salvage his legacy, or simply moved by Cortes's story, with only seven months left in his term, on May 3rd (just three months before the island officially defaulted on its \$72 billion debt) Governor Garcia Padilla shocked advocates and opponents alike by issuing [an executive order that immediately legalized medical marijuana](#) on the island — although actual implementation of the order would be delayed until further study created the parameters of the growth, production and delivery system.

“We're taking a significant step in the area of health that is fundamental to our development and quality of life,” Garcia Padilla said in a statement accompanying the executive order. “[U.S.] studies support the use of the plant to relieve pain caused by multiple sclerosis, the AIDS virus,

glaucoma, Alzheimer's disease, migraine, Parkinson's and other diseases that do not respond to traditional treatments.”

Although not specifically implied by Governor Garcia Padilla, it has to have crossed his mind a few times that Colorado had raised [tens of millions from legal cannabis sales](#). This had to have been weighing heavily in his decision.

Garcia Padilla and his staff crafted bylaws for how cannabis was to be grown, manufactured and sold. 20 pages of early stipulations included:

- Only the government could grow the plants
- Only Big Pharma could manufacture the extracts
- Only the government could sell the extracts
- No flower, except for terminal patients

As Cortes told me, “they meant well but none of them knew anything about marijuana. I urged them to let educate themselves and to visit Colorado again.”

2016: Rosselló Brings the PDP Onboard

For marijuana advocates, it was good news when the PNP chose Ricardo Rosselló Nevares (pronounced Rosayo) as its nominee for governor. A moderate-centrist who had actually served as a delegate for Barack Obama at the 2012 Democratic Convention, Rosselló began his political career after working in the U.S. as a medical researcher (he holds a Ph.D in biomedical engineering from the University of Michigan). As such, he was well acquainted with the medical evidence confirming the safety and efficacy of medicinal cannabis products. Hence, it was not really a surprise when [he announced his support for the legalization of medicinal cannabis](#) during the 2016 election campaign — however, with the caveat that recreational marijuana would be neither legalized nor decriminalized on his watch (this latter declaration was necessary to appease the more conservative elements in his party and the mostly religious residents of the island).

By this time, more than a year had passed since Garcia Padilla first issued his executive order, giving the residents time to educate themselves about medicinal cannabis and learn more about its economic and health-related benefits. This likely made it easier for Rosselló to come out in favor of medical marijuana — although he made sure to criticize Padilla's approach to legalization, even as he co-opted the concept.

2016: The Medicinal Cannabis Industry Opens for Business

In January 2017 the first dispensaries started opening under the regulatory umbrella established by the previous administration; but now, the old rules were superseded by the new legislation and the system for growth, manufacture and distribution it created.

The hope for Puerto Rico in legalizing cannabis for medicinal use, it had the potential of hitting the trifecta:

1. It could give patients a natural alternative to Big Pharma
2. Create new jobs for the island
3. Pay down the debt

Although cannabis was approved to treat [19 indications](#), people were very hesitant to sign up. Within the first six months of THC's grand opening, just 12,000 patients registered for a medical marijuana card. I was among that initial group, at the behest of my primary care doctor. She and I were both becoming concerned about my continued use of opioids for my chronic pain and frequent migraines. Fearing addiction, I always took half the recommended dose, however, we were concerned I was damaging my liver.

I spoke with many people who felt the slow and cumbersome process was enough to make them wait until the Department of Health's cannabis division streamlined the process.

In the early days, there were just a handful of doctors with a medical marijuana license. The steps went like this:

- See one of just a few licensed medical marijuana doctors
- Pay a one-time annual visit: cost \$75
- Have a lawyer to notarize an affidavit certifying the doctor's recommendation: cost \$35.
- Visit the Department of Health's cannabis division in San Juan (the island's capital) and give them \$25 to approve everything
- Four to six weeks later, return to the department of health to pick up a sealed envelope that contained your card and a packet with your doctor's recommendation.

Nobody but a patient's dispensary of choice could open this sealed envelope. If a patient wanted to go to a second dispensary, back to the health department they went to pick up a second sealed envelope. In other words, doctors, lawyers and dispensaries couldn't access patients' files on the department of health's website.

There were definitely some improvements from the early days of the executive order Garcia Padilla signed. The government opened up growing and manufacturing to anyone willing [to jump through hoops to get a grow license](#). And manufacturing of extracts was no longer limited to Big Pharma companies.

Additionally, governor Rosselló created a nine-member medical advisory board and asked Narely Cortes to join as a patient advocate. (Fortunately she remains on the board to this day.)

2017: All Quiet on The Puerto Rican Front Until Natural Disaster Struck

On July 9, 2017, [the long journey to legalization became complete](#) when Governor Rosselló signed the “Law to Improve the Study, Development and Research of Cannabis for Innovation, Applicable Norms and Limits.”

“The previous administration ignored the legislative process and, following an executive order, promulgated a regulation without due discussion with all sectors and representatives elected by the people,” Rosselló declared at the signing ceremony, covering the expected partisan bases.

“Since this administration began, we have been working to create an effective legal framework for patients and the medical cannabis industry, by legislation and with the input of all experts in the field,” the governor stated, casting himself in the role of hero. “This advanced legislation recognizes medical cannabis as an alternative medical treatment, while maintaining all safeguards to protect the general public.”

By August 2017, there were an estimated 29 dispensaries. The Puerto Rico Department of Treasury projected medical cannabis could bring in [\\$100 million in tax revenue](#) for 2017. And it’s quite possible those projections could have been realized but for one major problem: Mother Nature.

Six weeks later, Puerto Rico was hit by Hurricane Maria — the most destructive hurricane in the island’s recorded history. Only nine months in office, Governor Rosselló and his staff faced an uphill battle. [U.S. Congress wouldn't approve aid until February 2018](#), so how would Rosselló:

- Get residents back in their severely damaged homes as quickly as possible
- Restore electricity and water island-wide
- Repair badly damaged bridges and roads
- Help businesses reopen as quickly as possible, minimizing the impact of another major diaspora to the mainland U.S.?

Most of the crops were destroyed. Many manufacturing plants and dispensaries were also severely damaged. With the industry still in its infancy, there were rumors brewing among patients that the industry couldn’t survive such a devastating blow. Nobody could really blame Rosselló and his staff if they turned their attention to the insurmountable problems facing the entire island. As one of the early MMJ card holders, I had very little faith the industry could bounce back.

2019: Puerto Rican Pride

In early December 2018, [MedCannaBiz](#) held its fourth conference, bringing together growers, manufacturers, advocates, policymakers, dispensaries and patients. I covered the event and brought a good friend with me. Joan Kirchheimer (a 30-year resident of Puerto Rico) told me she was able to obtain her MMJ card within two hours of visiting with a licensed medical doctor. She told me the process was very streamlined and very straightforward. In just two days, there were 1200 new medical marijuana patients on the island — each with a card and doctor's recommendation.

Today there are 20 growers and manufacturers each, and [70 dispensaries](#) on the island. [With the number of registered patients just shy of 60,000](#), not even a category 4 could stop the momentum. Indeed this may not seem like a lot in comparison to some of states in the U.S., given the initial opposition, coupled with our shrinking population of just under 3.4 million, and a median income of [just under \\$20,000](#), I'd say we're doing well.

It's difficult to say how much more the industry can grow, however one thing is clear: we've come a very long way since the first bill was shot down in 2013. And one thing no other region on earth has to contend with is having a category 4 hurricane threaten the industry when it was still trying to find its legs.

All of this speaks to the perseverance of the people and what we call Puerto Rican Pride.

This was originally written for a publication but after four months of editorial differences, I chose to pull it.