



Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Cannabis

JULY 2014

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CONGRESS ON THE BRINK OF HISTORY

Bipartisan Medical Cannabis Amendment Introduced in Senate



State medical cannabis programs may soon operate more freely if a bipartisan measure in the U.S. Senate is adopted this month. The measure, introduced by rising stars Rand Paul (R-KY) and Cory Booker (D-NJ), would prohibit the Department of Justice (DOJ) from spending any taxpayer money on interfering with state medical cannabis programs, including prosecution of patients and providers who comply with state law. The bipartisan Senate effort is similar to a House budget amendment to the Commerce, Science & Justice (CJS) appropriations bill that passed with an historic 219-189 vote last month. A Senate floor vote on the CJS amendment is expected after the 4th of July recess.

"The Senate has an unprecedented opportunity to act on the overwhelming national support for safe access to medical cannabis," said

ASA Executive Director Steph Sherer. "No more patients should go to federal prison."



Sens. Rand Paul and Cory Booker

For two decades, polls have shown overwhelming national support for legal access to medical cannabis, with a recent CBS News poll pegging support at 86%. Yet until the historic bipartisan vote in the House on the CJS bill, many federal lawmakers had been reluctant to act, though more are speaking out.

Former-President Bill Clinton, whose administration began the aggressive federal push-back against state medical cannabis programs, said in an interview last week that there is "a

lot of evidence to argue for the medical marijuana thing," and "this really is a time when there should be laboratories of democracy, because nobody really knows where this is going." The Supreme Court has said that divergent state laws provide a "laboratory of democracy" for solving public policy issues.

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New TV Ads on Budget Vote Run in Washington



Americans for Safe Access expanded its VoteMedicalMarijuana.org TV ads into Washington state last month with new spots about the recent votes of two Representatives on the amendment to cut funds for federal interference with state medical cannabis programs.

The two 30-second ads, which ran on MSNBC, CNN, and HLN in eastern and central Washington every day for a week, highlight how the votes of two members of the Washington state delegation affect the the Kettle Falls 5 case—a federal prosecution of Washington patients.

One targets the "no" vote of Congresswoman Cathy McMorris Rodgers (R-WA), who represents the district where the Kettle Falls defendants live. Despite Washington's 16-year-old medical cannabis law and federal interference with it in her own district, McMorris Rodgers has opposed medical cannabis reform.

The other ad praises Rep. Doc Hastings (R-WA), one of 49 House Republicans who voted in favor of restricting DOJ enforcement in medical marijuana states. Hastings will retire at the end of his term, and ASA's ad encourages Washington voters to learn where the candidates running for Hastings' seat stand on medical cannabis.

The first two VoteMedicalMarijuana.org ads ran in Maryland and South Florida. One focused on Maryland's Rep. Andy Harris (R), who spoke out on the House floor against the amendment. The other took on Democratic National Committee Chair Rep. Debbie Wasserman Schultz of South Florida, who was one of only 18 House Democrats to vote

ACTION ALERT—Contact Your Senators Today!

We are on the brink of history. Your action this week can push us over. U.S. Senators are back in their home states on recess for the 4th of July holiday. When they return, they will vote on the historic amendment offered by Senators Rand Paul (R-Ky.) and Cory Booker (D-N.J.) that could stop federal prosecutions of qualified medical cannabis patients. There's no better time for you to make your voice heard!

- Write a Letter to the Editor** of your local paper.
- Call or Email** your Senators offices.
- Schedule a Meeting** with your Senators' offices.
- Attend a Community Event** your Senators will be attending.
- Share with Friends and Family** so they can help.

Help us make sure the amendment goes to the President's desk by taking action today. Go to AmericansForSafeAccess.org/take_action_for_medical_marijuana.

New York to be 23rd Medical Cannabis State



Governor Andrew Cuomo has said he will soon sign a bill into law that will make New York the 23rd medical cannabis state. Gov. Cuomo struck a deal with the state legislature last month that will protect qualified patients from arrest, prosecution, and discrimination, and license up to 20 distribution facilities across the state.

The compromise bill includes many restrictions, such as a ban on smoking medical cannabis, that proven, preferred method of

administration for most patients. Although dried flowers could be approved by the state for non-smoking purposes, it is expected that the program will only allow products in an extracted form of medical cannabis, like oil and edibles, which are to be produced under a state-licensed manufacturing process.

The bill empowers the New York State Health Department to license physicians to recommend cannabis to patients with cancer,

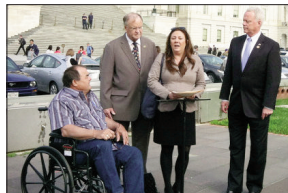
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Federal Defendant Lobbies Senate on Vote

Medical cannabis patient Larry Harvey, 70, returned to Washington, D.C. in June to lobby the U.S. Senate. Harvey is urging Senators to support the bipartisan Paul-Booker Amendment to the appropriations bill that funds the Department of Justice (DOJ).



Larry Harvey in D.C.

Harvey is one of the Kettle Falls 5, a federal medical cannabis case scheduled to go to trial on July 28 in Spokane, Washington. Federal District Judge Fred Van Sickle allowed Harvey to modify the conditions of his release so he could travel to Washington, D.C. against "strong objections" from U.S. Attorney Michael Ormsby, who warned that Harvey's statements to the media "could and probably would be used against him at trial."

"It's wrong what the federal government is doing to us," said Larry Harvey. "I just want to make sure Congress knows what's happening so they can fix the law and so there's no more money wasted on cases like mine."

Despite repeated claims by the Obama Administration that it is not interested in tar-

getting individual patients, the DOJ has spent more than \$3 million so far to prosecute the "Kettle Falls 5," five patients who were growing fewer than 15 plants each for personal use in accordance with state law. The DOJ is seeking 10-year mandatory minimum sentences for each defendant, despite calls for sentencing reform by U.S. Attorney General Eric Holder. If convicted, the government may spend as much as \$13 million to imprison the five.

Four of the five "Kettle Falls 5" defendants are Harvey's family members, including his wife Rhonda Firestack-Harvey, 55, her son Rolland Gregg, 33, daughter-in-law Michelle Gregg, 35, and friend of the family Jason Zucker, 38. All five are legal patients. In 2012, the DEA raided Harvey's rural home, seizing 44 premature cannabis plants. Agents also confiscated the family's 2007 Saturn, \$700 in cash, their legally owned firearms, and other property.

First Businesses in Southwest Gain Certification

Three businesses in Arizona and New Mexico were certified last month by a new nationwide program that verifies the quality and reliability of medical cannabis produced, analyzed, and sold.

In New Mexico, the state-licensed dispensary New Mexicann of Santa Fe was the first in the state to be certified by the Patient Focused Certification (PFC) program for its production and distribution practices. In Arizona, the licensed dispensary Harvest of Tempe was the first medical cannabis business in Arizona to be certified. AZ Med Testing of Phoenix is the first laboratory in the country to be certified by the PFC program.

The PFC program, a project of Americans for Safe Access (ASA), is the only nonprofit, third-party certification for the medical cannabis industry based on quality standards issued by the American Herbal Products Association and the American Herbal Pharmacopeia.

"Americans for Safe Access has a long history of working to ensure the safety of medical cannabis for the patient community," said Steve Cottrell of AZ Med Testing. "AZ Med Testing also believes that the safety of patients comes first, which is why we place so much importance on PFC certification and raising patients' confidence in the medicine being sold in Arizona."

In addition to last month's certifications, 16 licensed medical cannabis businesses in six states (Arizona, California, Colorado, Maine, New Mexico, and Washington) and the District of Columbia have been, or will soon be, certified by PFC.

With more than one million qualified medical cannabis patients in 23 states and the District of Columbia, many states and localities have created regulations to govern the location, size, taxation, and even the management of the organizations that serve them.

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SENATE VOTE continued from page 1

In January, Senate Majority Leader Harry Reid said in an interview with the Las Vegas Sun that, "there's some medical reasons for marijuana." Reid, whose state of Nevada has had a medical cannabis program in place since 2000, also conceded that "[w]e waste a lot of time and law enforcement going after these guys that are smoking marijuana."

The hundreds of millions of taxpayer dollars that have been wasted are documented in ASA's report *What's the Cost?*, which found that the Obama Administration alone has expended more than \$300 million to derail state medical cannabis programs, including the criminal prosecution of individuals who were in compliance with state law.

Among the scores of costly prosecutions is the widely watched Kettle Falls Five case, currently underway in Washington state. Federal prosecutors are seeking 10-year mandatory prison sentences for a handful of family members who were openly growing medical cannabis for their personal use as legal, state-qualified patients.

If the Paul-Booker medical cannabis amendment passes in the Senate, it will be included in the House-Senate conference committee negotiations expected in August. The budget bill that emerges from that committee will be sent to the President's desk for signature.

ASA will track the results of the Senate vote at VoteMedicalMarijuana.org as part of its "Vote Medical Marijuana" campaign to educate supporters and the general public on how their Members of Congress are voting on this issue.

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HIV/AIDS, epilepsy, and a range of other medical conditions. It also imposes a seven-percent tax. The new law will take at least 18 months for the health department and state officials to establish regulations. The law will sunset in seven years.

Most patients prefer to administer medical cannabis via inhalation because the rapid onset provides both quick relief and the ability to easily regulate dosage. Complying with the New York law will compromise the care for thousands of patients, and the behavior of most patients will remain criminalized. Recent studies have indicated that smoking cannabis does not increase risk of pulmonary disease or lung cancer.

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