



# Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Cannabis

JUNE 2014

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## House Votes to Rein in Federal Interference

On May 28, the House of Representatives took an historic step toward protecting medical cannabis patients and the state programs that serve them. By a vote of 219-189, the House approved an amendment that would cut off funds for Department of Justice (DOJ) enforcement in medical marijuana states. One hundred seventy Democrats and 49 Republicans voted in favor of Amendment No. 25, which was sponsored by a bipartisan coalition of six Republicans and six Democrats.

The Commerce, Justice & Science (CJS) appropriations bill is now before the U.S. Senate, where ASA and other advocates are lobbying for a similar amendment to be offered.



Larry Harvey and ASA's Steph Sherer with amendment sponsors Rep. Sam Farr and Rep. Dana Rohrabacher.

"This vote is a huge step forward for patients," said Steph Sherer, ASA Executive Director. "If the Senate approves it, no longer will we have to look over our shoulder and worry when the

next raid or indictment will prevent us from safely and legally accessing our medicine."

The CJS appropriations amendment was co-sponsored by Reps. Dana Rohrabacher (R-CA), Sam Farr (D-CA), Don Young (R-AK), Earl Blumenauer (D-OR), Tom McClintock (R-CA), Steve Cohen (D-TN), Paul Broun (R-GA), Jared Polis (D-CO), Steve Stockman (R-TX), Barbara Lee (D-CA), Justin Amash (R-MI), and Dina Titus

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## ASA Airs TV Ads Targeting House Members on Vote



Americans for Safe Access is running 30-second TV advertisements on MSNBC in Maryland and South Florida over the next few days targeting Members of Congress who opposed medical marijuana reform in last week's House vote.

The ad running in Maryland focuses on Rep. Andy Harris (R-MD), who spoke out on the House floor against the measure that restricts Justice Department funds spent on medical marijuana enforcement in states that have legalized its use. Despite the recent passage of a medical marijuana law in his State of Maryland, Rep. Harris made the claim Friday that "Marijuana is neither safe nor legal."

The ad running in South Florida focuses on Democratic National Committee Chair Debbie Wasserman Schultz (D-FL), who was one of only 18 House Democrats to vote against the medical marijuana measure last week. Notably, Rep. Wasserman Schultz voted contrary to several other Democrats in her Florida delegation. A recent poll indicated 88 percent support for medical marijuana among residents of Florida, which is expected to pass its own medical marijuana law before the end of the year.

The political advertisements are part of the "Vote Medical Marijuana" campaign, which includes an interactive online tool that provides voting statistics and a report card for each Member of Congress. A project of ASA, VoteMedicalMarijuana.org provides details not only on last week's vote, but also on other medical marijuana-related measures like the recent House budget amendment that would have allowed Veterans Affairs physicians to recommend cannabis to their patients.

## Minnesota Enacts Medical Cannabis Law

Minnesota has joined 21 other states and the District of Columbia in providing limited legal protections for qualifying medical cannabis patients. More than half of the U.S. population now lives in a medical cannabis state.

Governor Mark Dayton signed SF 2470 into law on May 29, creating a medical cannabis program that will license two manufacturers of medical cannabis oil extracts and eight distribution centers across the state. The Minnesota law differs substantially from the approach taken by most other states. It prohibits any use and possession of

the dried, whole-plant flowers, including smoking, which is the method and form most widely used. Only concentrated oil extracts are permitted.

Health care practitioners may recommend marijuana to patients with cancer, multiple sclerosis, HIV/AIDS, chronic pain, seizures, and a range of other medical conditions. The law establishes a patient registry and task force to evaluate health impacts of the program. Registered patients are protected from arrest, prosecution and civil discrimination. The state is to start supplying patients with cannabis oil by July 1, 2015.

## Court Says Workers' Comp Covers Cannabis

At least one medical cannabis patient will now have his medicine covered by insurance, thanks to a unanimous ruling from the New Mexico Court of Appeals last month. The ruling upheld a Workers' Compensation decision that a Santa Fe car mechanic with a lower back injury is entitled to coverage. His former employer and its insurance company had argued that federal law prevented them from paying for medical cannabis.

Gregory Vialpando uses medical cannabis to treat severe chronic pain his doctor describes as some of the worst he has ever seen. After he was injured in 2000, Vialpando was initially prescribed multiple narcotics and anti-depressants, but both his primary care provider and another doctor recommended medical

cannabis, so he asked a state workers' compensation judge to approve it in 2013.

The judge ruled that he was qualified to participate in New Mexico's medical cannabis program, that it was necessary and appropriate medical treatment, and that he should be reimbursed for the cost of his medical cannabis. His former employer and its insurance company refused. In appealing the decision, they argued that they shouldn't have to pay, because doing so would violate federal law and public policy.

Writing for the appeals court, Judge James Wechsler pointed out that neither the employer nor the insurance company could name a federal law they would violate by reimbursing

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# House Members Seek End to Research Barrier



A bipartisan group in the House of Representatives has drafted a letter asking the Secretary of Health and Human Services (HHS) to remove a federal barrier that is unique to medical cannabis research.

Representatives Earl Blumenauer (D-OR), Morgan Griffith (R-VA), Jan Schakowsky (D-IL), and Dana Rohrabacher, (R-CA) are currently seeking additional cosigners to the letter, which seeks to lift the current Public Health Service (PHS) review process that prevents potentially groundbreaking medical marijuana research from taking place in the US.

Established in May 1999, the PHS review process was established in response to the 1998 Institute of Medicine report that called for more scientific research on the medical value of cannabis. While the PHS review protocol says it is, "intended to facilitate the research needed [...] by making research-grade marijuana available for well-designed studies," the review process has largely served to thwart research rather than facilitate it. No other drug is subject to this review process.

ASA has an online tool to help advocates ask their Representatives to sign on to the letter at [safeaccessnow.org/researchletter](http://safeaccessnow.org/researchletter).

## Federal Supply of Research Cannabis Increased

The amount of cannabis available for federally approved research has been increased dramatically, according to an April 29 notice from the Drug Enforcement Administration. The DEA says it is allowing the National Institute on Drug Abuse (NIDA) to increase its annual cannabis production from 21 kg, the quota for the last four years, to 650 kg in order to meet current and anticipated research needs.

The 3000% increase the DEA said was needed to meet research demands. Few research studies of medical cannabis are approved in the U.S., and those that are approved have had difficulty obtaining research cannabis from

NIDA, as federal law requires. One such case is a study of how cannabis may help treat veterans with PTSD. In April, that study was approved to receive federal cannabis, after years of delay. The study's sponsor took NIDA to court in 2007. The court's ruling concluded "the existing supply of marijuana is not adequate."

In 2007, the NIDA cultivation quota was 4,500kg of cannabis, nearly 700% more than the newly approved amount. That 4,500 kg quota was the level for five years, from 2005 to 2009. The three years before that, 2002 to 2004, it was 840 kg, hundreds of pounds more than the new 2014 quota.

## Save the Date: California Lobby Day Aug 8

Last month, the California Senate approved 31-0 SB 1262 that would place oversight in the Department of Consumer Affairs (DCA). The Senate bill now goes to the Assembly Public

Safety Committee. Join ASA in Sacramento on Friday, August 8 to lobby state elected officials on behalf of patients. Find out more online at [SafeAccessNow.org/ca\\_citizen\\_lobby\\_day](http://SafeAccessNow.org/ca_citizen_lobby_day).

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"Minnesota has taken important action to meet the needs of their medical cannabis patients," said Steph Sherer, ASA's Executive Director. "We will work to expand this restrictive law to provide access to the types of medicine most patients prefer."

Under the new Minnesota law, possession of small amounts of cannabis plant material is a misdemeanor. Qualified patients registered with the new program who are caught with the plant form of cannabis can be jailed for up to 90 days, fined \$1,000 and terminated from the program. Many Minnesota patients who rely on whole-plant cannabis or cannot tolerate highly concentrated oil extracts have said they will continue to violate the law to access the medicine they need.

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Vialpando for the cost of his medicine.

In another first, the state appeals court ruling cited the 2013 Department of Justice memo from Deputy Attorney General Cole in rejecting the argument that reimbursement for the cost of medical cannabis treatment would violate federal public policy. The court noted the DOJ's intent to defer to state and local authorities and stated that New Mexico public policy is clear. The Lynn and Erin Compassionate Use Act established a regulated program for the beneficial use of medical cannabis and those who participate are entitled to reimbursement for care under New Mexico's Workers Compensation Act.

**HOUSE VOTE** continued from page 1

(D-NV). How each member of the House voted can be found at [VoteMedicalMarijuana.org](http://VoteMedicalMarijuana.org).

The historic House vote followed widely circulated news about an ongoing federal prosecution of five patients in Washington State who were growing a modest amount of medical cannabis for their own personal use. The DOJ is seeking 10-year mandatory minimum to life sentences for each defendant. One of the defendants, Larry Harvey, traveled to Washington, D.C. last month to meet with members of Congress and hold a press conference with some of the sponsors of the CJS Amendment, Reps. Paul Broun (R-GA), Earl Blumenauer (D-OR), and Sam Farr (D-CA), and ASA Executive Director Steph Sherer.

Just weeks before its historic vote on the CJS Amendment, the House came close to lifting the ban on Veterans Affairs doctors writing recommendations for medical cannabis. The bipartisan "Veterans Equal Access Amendment" to the House Military Construction & Veterans Affairs & Related Agencies Appropriations Act (HR 4486) was narrowly defeated by a vote of 195-222.

### ACTION ALERT—Contact Your U.S. Senators Today!

We're close to an historic win in Congress, but we need your help today. The Senate must approve an amendment like the one the House passed last week to stop federal interference with state medical cannabis programs. We're lobbying hard on Capitol Hill, but your Senators need to hear from you today! Urge them to support a Senate version of the bipartisan Rohrabacher-Farr Amendment to the Commerce, Science, and Justice (CJS) Appropriations bill for fiscal year 2015. Take a minute today to tell your Senators to support it. [AmericansForSafeAccess.org/cjsaction](http://AmericansForSafeAccess.org/cjsaction).

## Become a Member

**YES! Please accept my donation**

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