

# THE DQA AND MEDICAL CANNABIS

## BACKGROUND ON ASA'S PETITION TO HEALTH AND HUMAN SERVICES

Americans for Safe Access (ASA) has filed a legal petition with the U.S. Department of Health and Human Services to correct misinformation about the medical use of cannabis. ASA's petition uses the provisions of the Data Quality Act to ask HHS to change its public statements about cannabis to reflect current scientific understanding and medical practice.

### **What is the Data Quality Act?**

The Data Quality Act (DQA) requires federal agencies to use reliable science when making regulations and disseminating information. Specifically, the DQA requires that the information circulated by federal agencies is fair, objective, and meets certain quality guidelines. It also permits citizens to challenge government information believed to be inaccurate or based on faulty, unreliable data. Business, consumer, environmental and conservation groups have all used the DQA to pursue changes in federal policy.

### **What Is ASA's Challenge to HHS under the DQA?**

The Department of Health and Human Services (HHS) is a significant roadblock for a variety of issues impacting medical marijuana patients. HHS obstructs research, maintains a monopoly over the supply of cannabis and funds that could be used for medical research, and they control the process for rescheduling marijuana.

In 2001, HHS published information in the Federal Register concerning a previous petition to reclassify marijuana. ASA believes the "information" HHS provided was inaccurate and did not consider all the scientific evidence available. Our petition requests the following corrections be made to the HHS and FDA websites in addition to the Federal Registry:

"There have been no studies that have scientifically assessed the efficacy of marijuana for any medical condition."	Replaced with: "Adequate and well-recognized studies show the efficacy of marijuana in the treatment of nausea, loss of appetite, pain and spasticity."
"A material conflict of opinion among experts precludes a finding that marijuana has been accepted by qualified experts" and "it is clear that there is not a consensus of medical opinion concerning medical applications of marijuana."	Replaced with: "There is substantial consensus among experts in the relevant disciplines that marijuana is effective in treating nausea, loss of appetite, pain and spasticity. It is accepted as medicine by qualified experts."
"A complete scientific analysis of all the chemical components found in marijuana has not been conducted."	Replaced with: "The chemistry of marijuana is known and reproducible."
"[Marijuana] has no currently accepted medical use in treatment in the United States."	Replaced with: "Marijuana has a currently accepted use in treatment in the United States."

### **How does this Petition Help Patients and Doctors?**

The debate about medical cannabis is at a gridlock due to federal government intransigence. The public, along with doctors, scientists, and patients, all know that cannabis therapies benefit millions in the US, while the federal government refuses to budge from its claim that "marijuana has no accepted medial value." ASA's challenge under the DQA highlights the government's unwillingness to recognize overwhelming evidence of marijuana's medical value, and forces the federal Department of Health and Human Services to reconsider their erroneous position. In so doing, ASA intends to break through the gridlock and advance the dialogue on medical cannabis so that further research can be conducted, and a federal policy can be established that respects the rights and needs of patients. Ultimately, ASA seeks to end the current harm inflicted on patients as a result of misguided federal policy, which prioritizes politics over science.