ASA Helps Defeat Counties’ Challenge to California Patient Protections

SAN DIEGO - Medical marijuana patients around the country scored a major win this month, as a California Superior Court judge issued a preliminary ruling that state medical marijuana laws can co-exist with the federal law that prohibits all use.

Even before the oral arguments by ASA Chief Counsel Joe Elford and attorneys from the American Civil Liberties Union and the Drug Policy Alliance, as well as the California Attorney General’s office, a San Diego Superior Court judge issued a tentative ruling rejecting the contention of three California counties - San Diego, San Bernardino and Merced - that the state’s medical marijuana laws are invalid because of a conflict with federal law.

"Medical cannabis patients everywhere can breathe easier," said Steph Sherer, ASA executive director. "States can act to protect patients, and local officials are now on notice that they cannot hide behind the federal reluctance to acknowledge medical use."

The Compassionate Use Act, enacted by voters in 1996 as Proposition 215, removes legal penalties for patients who use marijuana on a doctor’s recommendation. The Medical Marijuana Program Act, passed by the California legislature in 2003, clarifies implementation of the initiative and mandates an identification card program that protects qualified patients from arrest.

In addition to pressing the court to finalize its ruling, ASA, the ACLU and the Drug Policy Alliance asked the court to order the counties to immediately implement the state-mandated medical marijuana identification card systems.

"San Diego County Supervisor Bill Horn said today that what the county wanted was guidance from the court," said ASA Chief Counsel Joe Elford. "We now have guidance, so we look forward to the county moving forward with an ID card program."

The California Attorney General’s office joined the ACLU, ASA and the Drug Policy Alliance (DPA) in arguing that state medical marijuana laws are not invalidated by conflicting federal

Award for ASA Exhibit from American Public Health Association

ASA staffers have recently attended and had booths at the National MS Society conference and the Students for Sensible Drug Policy conference, where the message of safe access has been well received. But it was the American Public Health Association’s national conference that was most exciting, since ASA staff not only met with many interested health professionals but returned home with the third-place award for "Best New Exhibitor Booth."

ASA was among more than 100 new exhibitors at the American Public Health Association’s 134th Annual Meeting and Exposition, which concluded yesterday. The third-place award was the result of an anonymous vote by a special committee of the more than 800 attending exhibitors. Lynn Schoen, the APHA conference coordinator came by the ASA exhibit to explain that the committee had noted the content, presentation and overall look and feel of the booth in conferring the award.

"This award is a real confirmation of ASA’s commitment to improving public health," said Caren Woodson, ASA’s director of government affairs. "We’ve been asked to return next year, and we’re hoping to make a presentation, not just exhibit. We’ll be talking about how cannabis can improve outcomes of conventional treatments."

The APHA, an organization with more than 50,000 members, has been on record as supporting legal access to cannabis for research and medical use since 1995. Their resolution "urges the Administration and Congress to move expeditiously to make cannabis available as a legal medicine where shown to be safe and effective and to immediately allow access to therapeutic cannabis through the Investigational New Drug Program."

The APHA Annual Meeting and Exposition is the oldest and largest gathering of public health professionals in the world, attracting more than 13,000 participants.

Next up on ASA’s conference tour is the National Association of People with AIDS (NAPWA) “Staying Alive” conference, where we are presenting a mini-
Two Research Reviews Show Cannabinoid Potential for Treatment of Pain and Aging

The therapeutic opportunities offered by the body's own cannabinoid system are the focus of two pieces of recently published research.

Since the endocannabinoid system was discovered in the 1990s, scientist's knowledge of the endogenous cannabinoid system, its physiology, pharmacology and therapeutic potential has expanded enormously.

In the first study, published in the December issue of Fundamentals of Clinical Pharmacology, a Swedish researcher, C.J. Fowler presents a review of work published on the endogenous cannabinoid system, with "particular emphasis on the mechanisms of removal and metabolism of the endocannabinoid signaling molecule anandamide." Fowler notes that the current literature shows cells can accumulate anandamide, and that this process can be disrupted pharmacologically, but that how that happens remains a matter of some debate. He concludes that manipulating how the body reacts to anandamide has potential therapeutic utility in a number of areas, in particular for the treatment of pain conditions.

The second endocannabinoid study, a review conducted by a team of Italian researchers at the University of Teramo, examines the potential of utilizing specific cannabinoids as "broad spectrum modulators" to treat conditions related to aging. The review summarizes the main features of the endocannabinoid system and what scientists have come to understand about its role in regulating the aging of central and peripheral cells. The researchers also looked at how recently developed drugs that act on the endocannabinoid system may be useful "for the treatment of aging and age-related human pathologies."

(ASA Court Win, continued)

The case originated from a lawsuit initially brought against the State of California by San Diego County, which was later joined by San Bernardino and Merced counties. The ACLU, ASA and DPA intervened in the proceedings on behalf of patients and their caregivers and doctors in order to assure adequate representation of those most impacted by the case.

In addition to being co-counsel, ASA was also a party to the proceedings on behalf of its membership, which includes thousands of medical marijuana patients, caregivers and physicians. ASA and the other groups represent Dr. Stephen O'Brien, a physician who specializes in HIV/AIDS treatment and believes many of his patients benefit from medical cannabis, as well as Wendy Christakes, Yvonne Westbrook, William Britt and Pamela Sakuda - all Californians who use physician-recommended marijuana to treat medical conditions including chronic pain and sciatica, multiple sclerosis, rectal cancer, epilepsy and post-polio syndrome. The groups also represent Sakuda's spouse and caregiver, Norbert Litzinger.

"We just wish Pam had lived to see this," said Sherer of ASA. Ms. Sakuda passed away a week before the hearing, after a long battle with cancer.

NATIONAL ACTION ALERT

Send a Letter to the New Speaker of the U.S. House of Representatives

Join us in welcoming Speaker Nancy Pelosi to her new position in the U.S. House of Representatives. Speaker Pelosi has been outspoken in her support of protections for medical cannabis patients. This is an opportunity to thank her for her work, remind her that more than $10 million taxpayer dollars have been wasted recently on raiding medical cannabis patients and dispensaries, and ask that she remember the plight of patients as she sets the agenda for the next Congress. Take a minute to write her a brief note today.

Speaker Nancy Pelosi, 2371 Rayburn HOB, Washington, DC 20515
http://www.house.gov/pelosi/