



# Americans for Safe Access

Monthly Newsletter

*Defending Patients' Access to Medical Marijuana*

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## Report on Dispensaries Released at Convention of City Officials



ASA has a new report showing why California's medical marijuana dispensaries are a benefit to both patients and local communities. The 23-page report was released at a press conference in San Diego on Thursday, September 7, as part of the annual League of California Cities convention. It details the impact of regulatory ordinances in cities around the state, based on information collected over

nine months from local officials involved in the process.

Three of those local officials, Oakland City Councilmember Desley Brooks, Santa Rosa Councilmember Lee Pierce and Santa Cruz City Councilmember Mike Rotkin were on hand at ASA's San Diego press conference to describe how their cities had arrived at regulations and the positive results.

Two San Diego TV stations ran segments about the report and press conference, stories ran in two newspapers—both the San Diego Union Tribune and the North County Times—and KQED, the San Francisco National Public Radio affiliate did a segment on the report in its morning drive-time slot.

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## State, National Groups Support ASA's Workers' Rights Suit

ASA's landmark lawsuit to protect the employment rights of medical cannabis patients received strong support this month from state and national groups. Medical organizations, California state legislators and disability rights organizations all filed supporting briefs with the California Supreme Court. The amici curiae, or 'friend of the court,' briefs all argue that medical cannabis patients deserve civil employment protections provided by California state law.

The case is being litigated by ASA on behalf of Gary Ross, a systems engineer fired in September 2001 for failing an employer-mandated drug test because he uses medical cannabis after work hours on his doctor's advice.

"This case is an opportunity for the California Supreme Court to make

clear that medical cannabis patients enjoy the same civil rights as everyone else," said Steph Sherer, executive director of ASA. "Like all disabled persons, Mr. Ross deserves equal protection under the law."

Ross's physician had recommended he use cannabis for chronic back pain resulting from injuries sustained during his military service. But his employer, RagingWire Telecommunications, refused to make an exception to their policy that anyone testing positive for cannabis use be terminated.

Mr. Ross went to court, arguing that RagingWire illegally discriminated against him because of his condition, but a state superior court and then an appellate court rejected his argument. ASA appealed to the California Supreme Court, which decided to

review the case in November 2006.

The amicus brief filed by ten national and state medical organizations, with the help of the Drug Policy Alliance, makes the case that medical cannabis patients should be considered no different than other patients who require medication to live and work effectively. The organizations signing the medical amicus brief in support of ASA's case are the American Nurses Association, American Pain Foundation, American Medical Women's Association, Lymphoma Foundation of America, American Nurses Association, California Nurses Association, AIDS Action Council, Gay Men's Health Crisis, National Women's Health Network and Doctors of the World-USA.

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# New research points to cannabis help for atherosclerosis and Hep-C

Research findings published this month point to the effectiveness of cannabis for patients battling Hepatitis-C and the promise of cannabinoids for the treatment of atherosclerosis.

In the first case, that of patients with hepatitis C virus (HCV), whose drug regimens include interferon and ribavirin treatments that produce notoriously difficult to manage side effects, researchers discovered that those using cannabis as an adjunct therapy were much more likely to adhere to their prescribed treatment. Researchers found that the HCV patients "were significantly more likely to remain on HCV treatment for at least 80% of the projected treatment duration, 95% versus 67%."

In the article published by the *European Journal of Gastroenterology and Hepatology*, the researchers from

the University of California, San Francisco medical school and the Organization to Achieve Solutions in Substance-Abuse (OASIS) conclude that: "modest cannabis use may offer symptomatic and virological benefit to some patients undergoing HCV treatment by helping them maintain adherence to the challenging medication regimen." Bottomline, Hep-C patients were three times more likely to have an undetectable virus level six months after the end of treatment.

In a companion article by six addiction treatment specialists, who consider the implications raised by this research, the authors note that "there is substantial evidence that cannabis use may help address key challenges faced by drug users in HCV treatment (e.g., nausea, depression), especially when such treatment occurs in the context of methadone maintenance treatment which may amplify these conse-

quences." They conclude with a call to action on behalf of patients: "we advocate that in the interim existing barriers to cannabis use are removed for drug users undergoing HCV treatment...."

In the second case, that of atherosclerosis, the new research published in *Current Opinion in Lipidology* found that in a "mouse model of atherosclerosis, Delta9-tetrahydrocannabinol [THC] was shown to inhibit disease progression through pleiotropic effects on inflammatory cells." The researchers from the Foundation for Medical Research in Switzerland found that all disease effects were "abolished" by the THC treatment. The scientists conclude by noting that: "The immunomodulatory capacity of cannabinoids is now well established and suggests a broad therapeutic potential of cannabinoids for a variety of conditions, including atherosclerosis."

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## Dispensary Report, continued

In addition to the information gleaned from nine-months of interviews with city officials about the effects of regulatory ordinances, the report covers the political background and legal status of dispensaries and outlines important issues for dispensary regulations. It describes how regulated dispensaries help revitalize neighborhoods, bring new customers to neighboring businesses, and reduce crime in the area.

Amanda Reiman, Ph.D., of the University of California, Berkeley was also present at the press conference to discuss her recent research findings.

Among the benefits she found for patients are access for the most seriously ill and injured, a safer environment for patients than having to buy on the illicit market, and improved health through social support services.

ASA distributed copies of the report to city officials attending the California League of Cities conference. ASA national staff and San Diego members were on hand at the convention to talk to officials about how best to implement state law and meet the needs of the patient community.

The report is at [www.safeaccessnow.org/downloads/dispensaries.pdf](http://www.safeaccessnow.org/downloads/dispensaries.pdf).

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## Worker lawsuit, continued

The legislative amicus brief was filed by all five of the authors of Senate Bill 420, the 2003 legislation that clarified California's medical cannabis law. In it, the current and former lawmakers clearly state that California's civil protections and the medical disability protections afforded by the Fair Employment and Housing Act (FEHA) also apply to medical cannabis patients.

"[T]he FEHA, together with the Compassionate Use Act, authorize and protect the use of medical cannabis by employees away from the workplace and during non-business hours," according to the brief signed by former Senator John Vasconcellos, the bill's author, and Assemblymembers Mark Leno (principal co-author), Jackie Goldberg, Paul Koretz and Loni Hancock.

In addition to those briefs, two disability rights organizations are also weigh-

ing in on the issue: Equal Rights Advocates and Protection and Advocacy. In their brief, the disability rights organizations note that the lower courts' decisions, upholding the firing of Mr. Ross, "plac[es] individuals for whom cannabis is safe, effective and needed treatment in legal limbo, with their ability to earn a living dependent on the continued indulgence of their employers."

See more at [www.SafeAccessNow.org](http://www.SafeAccessNow.org)

## Americans for Safe Access

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