



MEDICAL CANNABIS UPDATE

National Policy Newsletter

AMERICANS FOR SAFE ACCESS

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DEA UPDATE: Medical Cannabis Raids in California Costing Taxpayers Millions

This year, the Drug Enforcement Administration (DEA) has launched a record number of raids on medical cannabis patients and those who help them, at a cost to federal taxpayers that runs to the millions of dollars.

Rather than let California and other states with medical cannabis laws regulate compassionate, community-based solutions for patients whose doctors recommend medicinal cannabis, the DEA has escalated their attacks since the U.S. Supreme Court decision in *Gonzales v. Raich*, resulting in nearly 100 Californians now awaiting trial on medical cannabis-related charges.

The DEA's tactics have included paramilitary raids on patients' homes, as well as raids on facilities that provide medicinal cannabis to patients. Unfortunately, these attacks result in harsh consequences not only for those whose health depends on cannabis and are adhering to state laws, but also for taxpayers bearing the brunt of the millions of dollars spent to arrest and prosecute sick and suffering citizens and those who help them. And under the current rules of evidence in federal court, those arrested are not able to present medical evidence during trial, or even mention state law.

Yet national polls consistently show extraordinary public support for legal access. A 2002 TIME/CNN poll found that 80% of Americans approve of cannabis for medical use, and other polls show that a majority supports it in every region of the country, irrespective of age or party affiliation.

Time Magazine said last year, "[r]esearch into the analgesic and anti-inflammatory effects of cannabis continued to bolster the case for the medicinal use of cannabis, making the 'patient pot laws' that have passed in 11 states seem less like a social movement than a legitimate medical trend." Despite broad support and a consensus of scientific opinion, federal agencies continue to deny the medical benefits

of cannabis.

The cost of this denial for patients is large. Thousands of sick and suffering Americans are being denied treatment that might help them because of their fear of legal consequences. And those who put their health, or that of loved ones, above the law do so at their peril.

But the cost to taxpayers is also large, with estimates of just the cost of the raids running in excess of \$8 million dollars over the past three years. Below is an overview of pending federal cases, stemming from recent raids.

Dustin Costa

COST OF ARREST \$86,322

Medical cannabis patient and caregiver Dustin Costa, president of the Merced Patients Group, was being prosecuted on state charges. The Merced District Attorney turned his case over to the U.S. Attorney for federal prosecution. Costa was convicted in November and is awaiting sentencing; he will likely receive 15 years.

Joe Fortt -

COST OF RAID/ARREST \$258,966

One day after the Raich decision, on June 7, 2005, Bakersfield dispensary operator Joe Fortt was raided by the DEA. Fortt is currently incarcerated, and faces a 10-year mandatory minimum sentence if convicted.

Louis Wayne Fowler

COST OF RAID/ARREST \$345,288

The DEA and Sheriff conducted a raid on Sacramento County dispensary operator Louis Fowler, 51, on July 7, 2005. Fowler is currently incarcerated in Sacramento, and awaiting trial.

James Holland

COST OF RAID/ARREST \$258,966

Bakersfield dispensary operator James

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Holland and two associates were arrested on September 8, 2005, by DEA agents after a multi-law enforcement agency raid on his home and clinic. Holland is currently incarcerated in Fresno, awaiting trial.

Richard Marino

COST OF RAID/ARREST \$172,644

Sacramento County dispensary operator Richard Marino was raided on September 3, 2004 at Capitol Compassionate Care Center and at his home in Newcastle, CA. Criminal charges were not filed for more than a year and a half, but on January 13, 2006, Marino was indicted. Forfeiture proceedings are pending on Marino's home and the building he rented.

Oakland Edible Producers

COST OF RAID/ARRESTS \$1,035,864

On March 16, 2006, the DEA, with the cooperation of local law enforcement agencies, raided multiple grow locations in Oakland and Emeryville, CA. Twelve people

were arrested and charged. All twelve defendants face between 10 years to life in prison. Six defendants are still incarcerated.

Thunder Rector

COST OF RAID/ARREST \$86,322

Modesto patient and caregiver Thunder Rector was arrested on July 18, 2005, as a result of a raid by the Stanislaus County Sheriff earlier in July. Rector is now being prosecuted on federal charges of conspiracy and manufacturing marijuana with intent to distribute. Rector is out on bail awaiting trial.

Vernon Rylee

COST OF RAID/ARREST \$345,288

Patients Vernon and Janet Rylee were arrested by the Sheriff in August 2003, the Trinity County District Attorney dismissed the charges against both defendants. The Rylee's replanted in spring 2004 and were once again raided. The DA then handed the case over to the federal court. Rylee is currently incarcerated and awaiting trial.

San Diego Dispensaries

COST OF RAID \$1,288,092

On December 12, 2005, the Drug

Enforcement Administration raided at least 13 medical cannabis dispensaries throughout San Diego, seizing patient records, computers, files, and medical cannabis. No charges have been issued to this date.

San Francisco Dispensaries

COST OF RAID/ARRESTS \$2,848,626

On June 22, 2005, three dispensaries in the Sunset area of San Francisco were shut down by the DEA. Twenty people were indicted.

HopeNet Dispensary

COST OF RAID/ARRESTS \$172,644

On December 20, 2005, DEA agents raided the home of Steve and Cathy Smith, the owners of HopeNet dispensary in San Francisco. While DEA agents waited for a warrant to raid the dispensary, public officials spoke at a press conference to voice their support for the dispensary. On January 11, 2006, patients and public officials again vocalized their support for HopeNet. Two San Francisco Supervisors and spokespeople from the Mayor's office, District Attorney's office, local Assembly and State Senate offices honored HopeNet at a press conference, presenting awards and admonishing the DEA to stay out of San Francisco.

David Harde & Toby Landis

COST OF RAID/ ARRESTS \$172,644

On September 1, 2005, the El Dorado Sheriff conducted a raid of the garden, arresting and charging Harde and Landis with sales. Unable to prosecute the case under state law, the County was eventually successful at transferring it to the federal government, resulting in the pair being re-arrested on June 30, 2006. Both Harde and Landis are on bail pending trial.

Sparky Rose, et al.

COST OF RAID/ ARRESTS \$1,294,830

Patient and operator of the New Remedies Cooperative in San Francisco, Sparky Rose, was the target of DEA raids on October 3, 2006. In addition to the dispensary, DEA agents raided several other locations in San Francisco and Oakland, including administrative offices and grow sites. In all, 15 people were arrested and charged with manufacture and distribution of cannabis. The investigation began in May 2005, after the DEA shut down a network of dispensaries, of which Rose was a part.

TOTAL COST FOR RAIDS \$8,366,496

LEGAL UPDATE: Guilty Verdict in First Federal Medical Cannabis Trial in 3 Years

No Evidence of Medical Use Allowed in Trial of Merced County Patient

The day before Thanksgiving, a jury took less than a day to find a medical cannabis patient guilty of violating federal cannabis laws. Dustin Costa, 60, a prominent medical cannabis activist and former Marine, was found guilty of manufacture of marijuana, possession of marijuana for distribution, and possession of a firearm.

Mr. Costa's sentencing date has not been set, but he could face in excess of 20 years in prison. Mr. Costa indicated he will appeal his conviction to the Ninth Circuit.

The federal charges were brought against Mr. Costa only after 18 months of state court proceedings made it clear to local prosecutors that California's medical cannabis law would provide him a defense.

"The conviction of another medical cannabis patient is a senseless tragedy for all involved," said Steph Sherer, executive director of the medical cannabis advocacy group Americans for Safe Access. "Imprisoning patients is an injustice, and shameful when done against the will of the vast majority of U.S. citizens that support the medical use of marijuana."

Because of the U.S. Supreme Court decision in *Gonzales v. Raich*, patients like Costa cannot mention the phrase "medical marijuana," let alone provide a medical defense in federal court. This was the first federal trial of a medical cannabis patient since the high-profile 2003 conviction of author Ed Rosenthal. In the Rosenthal case, the jury repudiated their verdict once they

learned he was helping patients under state law.

The original state cannabis cultivation charges against Mr. Costa, president of the Merced Patients Group, stemmed from a March 2004 arrest by Merced County Sheriffs following a raid on the greenhouse he maintained. Since being re-arrested by federal agents on August 10, 2005, Mr. Costa has been held in Fresno County jail.

Mr. Costa represents the first of nearly a hundred patients and providers expected to go to trial on arrests that have occurred since *Gonzales v. Raich*. More than 90 patients and providers have been arrested and nearly as many currently await trial in federal court.

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LEGAL UPDATE: New Medical Cannabis Policy Signed by California Highway Patrol, Attorney General, Governor

California's medical cannabis patients are now protected from arrest and seizure of their cannabis by law-enforcement officers, thanks to a binding agreement between Americans for Safe Access (ASA) and state officials.

The signed agreement settles a lawsuit filed last February against the California Highway Patrol by ASA on behalf of qualified medical cannabis patients who had lost their cannabis seized during CHP traffic stops. CHP had a policy of seizing any cannabis found, regardless of whether the officer was provided patient documentation or not.

On August 22, 2005, as a result of the lawsuit, CHP adopted a new policy that respects the rights of qualified patients to possess and transport medical cannabis. The new settlement agreement - signed by CHP officials and counsel for Attorney General Bill Lockyer and Governor Schwarzenegger - makes binding the policy adopted last year.

Qualified patients, whether they have a state ID card or not, are allowed to have either the quantities specified by SB420 or the local county guideline amounts, whichever is greater.

As part of the settlement, ASA received reimbursement of \$75,000 in legal fees for prosecuting the case.

"California's private attorney general statute encourages concerned citizens to fix flawed policy through litigation and allows for the award of attorney fees where appropriate," said Joe Elford, ASA Chief Counsel. "This case corrects an egregious policy that completely ignored the right of sick and dying Californians to possess marijuana for medical use."

The new consent decree can be downloaded from the ASA website at AmericansForSafeAccess.org.

NEW RESEARCH: THC Inhibits Marker of Alzheimer's

Scientists at Scripps Research have found that the primary active ingredient in cannabis, tetrahydrocannabinol or THC, inhibits the formation of amyloid plaque, the primary pathological marker for Alzheimer's disease. In fact, the study said, THC is "a considerably superior inhibitor of [amyloid plaque] aggregation" to several currently approved drugs for treating the disease.

According to the new study, which used both computer modeling and biochemical assays, THC inhibits the enzyme acetylcholinesterase (AChE), which acts as a "molecular chaperone" to accelerate the formation of amyloid plaque in the brains of Alzheimer's victims. Although experts disagree on whether the presence of beta-amyloid plaques in those areas critical to memory and cognition is a symptom or cause, it remains a significant hallmark of the disease. With its strong inhibitory abilities, the study said, THC "may provide an improved therapeutic for Alzheimer's disease" that would treat "both the symptoms and progression" of the disease.

"While we are certainly not advocating

the use of illegal drugs, these findings offer convincing evidence that THC possesses remarkable inhibitory qualities, especially when compared to AChE inhibitors currently available to patients," said Kim Janda, Ph.D., who is Ely R. Callaway, Jr. Professor of Chemistry at Scripps Research, a member of The Skaggs Institute for Chemical Biology, and director of the Worm Institute of Research and Medicine. "In a test against propidium, one of the most effective inhibitors reported to date, THC blocked AChE-induced aggregation completely, while the propidium did not. Although our study is far from final, it does show that there is a previously unrecognized molecular mechanism through which THC may directly affect the progression of Alzheimer's disease."

The study, which was supported by the Skaggs Institute for Chemical Biology at Scripps Research and the National Institutes of Health, was published online August 9 in the *Journal Molecular Pharmacology*, a publication of the American Chemical Society.

NEW RESEARCH: Cannabis Helps Hep-C Therapy

Cannabis can improve the effectiveness of drug therapy for the hepatitis C virus (HCV), a potentially deadly viral infection that affects more than 3 million Americans. In an article published by the *European Journal of Gastroenterology and Hepatology*, researchers from the University of California, San Francisco medical school and the Organization to Achieve Solutions in Substance-Abuse (OASIS) concluded 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." In fact, the research suggests that Hep-C patients who used cannabis while undergoing combination ribavirin and interferon treatment were about 3 times more likely to complete their conventional medical treatment than those patients who did not use cannabis.

Treatment for hepatitis C involves months

of therapy with two powerful drugs, interferon and ribavirin, which have severe side effects, including extreme fatigue, nausea, muscle aches, loss of appetite and depression. Due to these side effects, many patients do not finish treatment and the virus ends up destroying their livers. Researchers tracked the progress of 71 hepatitis C patients undergoing this difficult therapy. Tests and interviews indicated that 22 smoked cannabis every day or two during the treatment period while 49 rarely or never did. At the end of the six-month treatment, 19 (86 percent) of those who used cannabis had successfully completed the therapy -- meaning they took at least 80 percent of their doses over at least 80 percent of the period. Only 29 (59 percent) of the non-cannabis users achieved that.

Similarly, 54 percent of the cannabis users achieved a "sustained virological response," the gold-standard goal of the

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therapy, meaning they had no sign of the virus in their bodies six months after the treatment was over. That compared with only 18 percent of those who did not use cannabis during their treatment periods.

While it is possible that the cannabis had a specific, positive biomedical effect, it is more likely that it helped patients by reducing depression, improving appetite, and offering psychological benefits that helped these patients tolerate the treatment's side effects.

Last year the Journal of AIDS published the results of a study indicating that HIV patients who use medicinal cannabis to combat the side-effects of anti-HIV drugs (a therapy referred to as HAART) are approximately 3.3 times more likely to remain on their prescribed drug therapies than those who do not use cannabis.

NATIONAL: AFSCME Endorses Medical Cannabis

The American Federation of State, County and Municipal Employees (AFSCME), the largest public service workers' union of the United States, passed a resolution endorsing medical cannabis at its national convention in Chicago on August 8, 2006. AFSCME becomes the latest major civic organization to advocate for access.

AFSCME represents some 1.4 million American workers in both the public and private sectors, including bus drivers, child care providers, custodians, librarians, and other state, local, and federal government employees. AFSCME also represents nurses and corrections officers. Some 6,000 delegates are meeting all week in Chicago for the union's 37th annual convention.

Passed on an overwhelming voice vote by convention delegates, the resolution notes that cannabis has been shown to effectively treat such illnesses as cancer, multiple sclerosis, HIV/AIDS, glaucoma, Crohn's disease, chronic pain, and the side effects of medical treatments for these illnesses. The resolution states that "AFSCME endorse and support legalization of medical marijuana for appropriate medically indicated ailments, including but not limited to AIDS, HIV, cancer, arthritis, etc."

NATIONAL: Health Group Confers Award on Medical Cannabis Exhibit

Americans for Safe Access, the national medical cannabis advocacy group, recently took home a third-place award for "Best New Exhibitor Booth" from the American Public Health Association.

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 confirmation of ASA's commitment to improving public health," said Caren Woodson, 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 out-

comes 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 national and international physicians, administrators, nurses, educators, researchers, epidemiologists, and related health specialists. APHA's meeting program addresses current and emerging health science, policy, and practice issues in an effort to prevent disease and promote health.

NATIONAL: Cannabis at the XVI International AIDS Conference

For the first time in the conference's 16-year history, an exhibit on the therapeutic use of marijuana (cannabis) was part of the International AIDS Conference, held in Toronto. This initiative acknowledges that for many people living with HIV/AIDS, cannabis is an important part of their medical therapy.

The display, sponsored by the Medical Marijuana Information Resource Centre (MMIRC) and the Canadian AIDS Society, was located in the Global Village and offered people living with HIV/AIDS, caregivers, front line workers and clinicians cur-

rent medical findings, information on legal access, and practical tips on the use of cannabis as a medicine.

The Canadian AIDS Society was also providing attendees with copies of their report "Cannabis as Therapy for People Living with HIV/AIDS: Our Right, Our Choice" which helps identify barriers to access to cannabis for people living with HIV/AIDS across Canada.

An electronic copy of that report is available at: <http://www.cdnaids.ca>.

ABOUT AMERICANS FOR SAFE ACCESS ASA is the largest national member-based organization of patients, medical professionals, scientists and concerned citizens promoting safe and legal access to cannabis for therapeutic uses and research. ASA works in partnership with state, local and national legislators to overcome barriers and create policies that improve access to cannabis for patients and researchers. We have more than 30,000 active members with chapters and affiliates in more than 40 states. The mission of Americans for Safe Access is to ensure safe and legal access to cannabis for therapeutic uses and research.

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