



Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Marijuana

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ASA Releases Report on Federal Enforcement Guidelines

Finds states conform to latest DOJ priorities but Congress must resolve conflict

States with medical cannabis laws already conform to the Obama Administration's latest enforcement guidelines, according to a report issued by Americans for Safe Access late last month. The Nov. 25 report, "Third Time the Charm? State Laws on Medical Cannabis Distribution and Department of Justice Guidance on Enforcement," finds existing state and local regulations for medical cannabis satisfy federal concerns, and some would be even stronger if it were not for threats from federal prosecutors that disrupted the legislative process.

Without endorsing the guidelines in the August memo from U.S. Deputy Attorney General James Cole, ASA's report shows why the federal government should defer to local or state enforcement and allow for further development of regulations. The report concludes with recommendations for how federal and state legislators can protect patients and harmonize state and federal policies.

"We hope the latest federal policy on marijuana means the Obama Administration is making

Congress Members Urge US Attorney to Lay Off

Four members of the California Congressional delegation have sent a formal letter to the federal prosecutor for the Northern District urging her to cease enforcement actions targeting medical cannabis dispensaries.

The letter to US Attorney Melinda Haag from Barbara Lee (D-Oakland), George Miller (D-Concord), Eric Swalwell (D-Pleasanton), and Sam Farr (D-Carmel) says the "harassment and constant threat of prosecution should end."

Haag has targeted two of the most prominent and well-respected medical cannabis dispensaries in her district, filing asset forfeiture lawsuits against both Harborside Health Center in Oakland and Berkeley Patients Group. Each dispensary enjoys the strong support of their communities and local elected officials, including legal efforts by the city of Oakland to stop the federal suit.

The four house members warn Haag that her intransigence is not only "counterproductive and economically prohibitive" but also



good on its promises to stop wasting taxpayer money undermining duly enacted state laws," said ASA Executive Director Steph Sherer. "With almost 40 percent of Americans living in states that permit medical marijuana, it's time for the federal govern-

ment to resolve the conflict between its outdated policies and the growing number of compassionate state laws."

"Non-binding memos are not the solution," the report says. "As patient advocates, we are hopeful that this latest policy will act as a stepping-stone for change in federal law and facilitate states enacting laws that regulate medical cannabis while serving the needs of their patient populations."

The ASA report recommends state legislators use the 2013 Cole memo as a guide when



"appears to directly counter the spirit of Deputy Attorney General Cole's memo, and is in direct opposition to the evolving view toward medical marijuana, the will of the people and, by now, common sense."

In October 2011, Haag joined the three other US Attorneys for California in announcing a campaign to eliminate all medical cannabis dispensaries in the state, despite state law permitting their operation.

The US Department of Justice issued new guidance for federal prosecutors in August saying they should defer to state and local enforcement on cannabis distribution, but Haag's office issued a statement saying it would not cease its efforts to close dispensaries.

"It is far past time for commonsense and economic sense to prevail in policies and actions related to medical cannabis dispensaries that serve the patients in our communities," said Rep. Lee in a statement on the letter.

developing production and distribution regulations, while avoiding unnecessarily restrictive policies that can undermine patient well-being. The report points out the one consistent position in all three DOJ directives is that personal cultivation by individual patients and caregivers is not a federal enforcement concern, giving the green light for state legislators to preserve or adopt patient cultivation rules.

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ASA FIGHTING FOR PATIENT RIGHTS IN WASH. STATE



Americans for Safe Access last month submitted to Washington State officials formal comments on preserving and improving the state's 15-year-old medical cannabis program. ASA also held a Nov. 13 press conference with patients, physicians, providers and researchers in advance of the public hearing on the matter at St. Martin's University in Lacey, Washington.

Washington State officials are grappling with how to integrate their medical cannabis program with I-502, the new adult-access model approved by voters last November. Draft recommendations from a state Work Group on Medical Marijuana, if implemented, would effectively eliminate the existing program that has been effectively meeting the needs of tens of thousands of patients.

In response, ASA conducted a series of stakeholder meetings around the state to gather information and ideas from those who would be directly affected. Facilitated by ASA Executive Director Steph Sherer, the meetings in Bellingham, Olympia, Seattle, Spokane, and Yakima produced feedback ASA included in the formal comments submitted to the state Liquor Control Board, which is tasked with presenting state lawmakers with final recommendations.

"A recreational market cannot meet the unique needs of patients, particularly those with the most serious conditions," said ASA Executive Director Steph Sherer. "We're urging Governor Inslee and the state legislature to treat medical cannabis as a public health issue and improve the state program rather

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Advocates in Arkansas Launch 2014 Initiative Campaign

Medical cannabis advocates Arkansans for Compassionate Care (ACC) and Americans for Safe Access (ASA) have joined forces to put an initiative on the 2014 ballot there. The fundraising and signature gathering campaign was launched at an all-day concert in El Dorado on Nov. 9.

In addition to raising money, more than 200 people signed the initiative petition, bringing the total gathered to more than 6,000 signatures. The 300-plus volunteers working for ACC are substantially ahead of where the campaign was at this point two years ago, when a similar initiative made the ballot only to be narrowly defeated. Organizers have until July 7, 2014, to submit roughly 62,000 signatures.

The Arkansas Medical Cannabis Act (AMCA) is a comprehensive blueprint for establishing and regulating a medical cannabis program run by the Arkansas Department of Health. If passed, the AMCA would allow patients with a doctor's recommendation to use medical cannabis for serious debilitating medical conditions and purchase it at state-regulated, not-for-profit dispensaries. Those with certain hardships would be able to receive a permit to cultivate it themselves.

Also likely to appear on next November's ballot is Asa Hutchinson, the former head of the Drug Enforcement Administration (DEA) who

is campaigning for the Republican nomination for governor. ASA was formed in 2002 during Asa Hutchinson's time as DEA administrator and chose the acronym ASA to draw attention to his attacks on medical cannabis patients. In 2011, Hutchinson stated in a debate that, "if there is a medical need and the doctors say you need a particular substance—whether it is Marinol or marijuana or whatever—if the doctor or medical community says that, then patients ought to be able to get that."

"Americans for Safe Access welcomes the opportunity to work with Asa Hutchinson, if he's elected governor, to implement an effective law," said ASA Executive Director Steph Sherer. "We're delighted he's joined the 80% of Americans who say decisions on treatment should be left to doctors and patients."



ACTION ALERT—Send Your Rep. ASA's Report

The time is now for Congress to resolve the conflict with state medical cannabis laws. ASA's new report, "Third Time the Charm? State Laws on Medical Cannabis Distribution and Department of Justice Guidance on Enforcement," shows states have already enacted regulations that satisfy the concerns of the Department of Justice.

That means federal prosecutors should defer to state officials and stop harassing medical cannabis patients and providers. But the DOJ guidelines are just non-binding recommendations -- federal prosecutors can follow them or not as they choose.

Real change must come from Congress. Help us turn this shift in policy into actual law by urging your Congressperson to support legislation such as HR 689, the States' Medical Marijuana Patient Protection Act.

Send your Congressperson ASA's report today and urge them to support legislation like HR 689! It's quick and easy, just go to AmericansForSafeAccess.org/sendreport.

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The report recommends that Congress make short and long-term policy changes to ensure respect for state laws and protection for patients and their providers. Among them are preventing DOJ funds from being spent on enforcement in medical marijuana states until the DOJ provides "metrics" for evaluating compliance with their enforcement priorities. As a long-term solution, the report urges Congress to adopt HR 689, which would reclassify marijuana for medical use.

The latest DOJ memo is the third attempt to rein in U.S. Attorneys in states that allow for regulated distribution of cannabis. The first memo, issued in October 2009 by then-Deputy Attorney General David Ogden, did not stop the prosecution of state-qualified medical cannabis patients and providers, nor did it end federal interference with the implementation of state medical cannabis laws. A report issued by ASA earlier this year put the cost of federal interference at more than \$300 million.

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than overturn the will of the voters and dismantle it."

Earlier this year, the state legislature asked the Liquor Control Board (LCB) and the Departments of Revenue and Health to form a Work Group on Medical Marijuana to assess whether changes needed to be made to Washington's medical cannabis law in light of last year's passage of I-502. They recommended the state eliminate personal cultivation, drastically reduce amounts patients may possess, and require patients to obtain new recommendations under stricter rules and register with the state in order to be exempted from sales tax in the recreational market. Patients would still be subject to the multi-tiered excise taxes, potentially making their medicine prohibitively expensive. The LCB can amend the Work Group's recommendations on the basis of public comment, and is scheduled to submit final recommendations to the state legislature by January 1, 2014.

Medical marijuana has been authorized under Washington State law since 1998. The legislature's attempt in 2011 to establish a licensing system for dispensaries and protections for patients from arrest and prosecution were thwarted by federal threats to lawmakers and state employees. Earlier this year, ASA and other patient advocates launched the "Health Before Happy Hour" campaign to urge passage of legislation based on Senate Bill 5073, the 2011 measure that was partially vetoed by then-Governor Christine Gregoire.