



Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Marijuana

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Calif. Patients, Lawmakers Push for Worker Protections *Court Says Medical Marijuana Law No Protection for Patient Employment*

California legislators are working with Americans for Safe Access to clarify employment protections for patients under the state's medical marijuana law. The new legislation -sponsored by ASA and offered by Assemblyman Mark Leno -- would guarantee medical marijuana patients the same employment protections as those enjoyed by people who use other prescribed medications.

The action comes in response to a 5-2 ruling by the California Supreme Court that said employers can fire those who fail drug tests for marijuana even if the employee is qualified to use the drug under state law. The case, *Ross v. RagingWire*, had been argued by ASA Chief Counsel Joe Elford, who said that the Compassionate Use Act (Prop. 215) and the Medical Marijuana Program Act (SB420) should prevent employment discrimination against medical marijuana patients.

Assemblyman Leno and all the other legislative authors of the Medical Marijuana

Program Act filed a brief with the court to that effect, saying their intent was to guarantee civil protections for Californians who use medical cannabis, and that the Fair Employment and Housing Act "generally requires accommodation of medical cannabis use by disabled persons with medical conditions."



Gary Ross

The Court thought otherwise, ruling the state legislature had not adequately clarified employment rights of medical marijuana patients, despite the amicus brief. In the dissenting opinion, Justice Joyce Kennard said the Court "has seriously compromised the Compassionate Use Act, denying to those who must work for a living its promised benefits."

Within hours of the ruling, Assemblyman Leno announced his intentions to introduce

legislation that would restore those protections, which he had been working on with ASA in the weeks preceding the decision.

"Today's California Supreme Court ruling strikes a serious blow to patients' rights," Leno said in a statement released that day. "In the coming weeks I will introduce legislation that secures a medical cannabis patient's right to use their doctor recommended medication outside the workplace. Through the passage of Proposition 215 in 1996 and SB 420 in 2004, the people of California did not intend that patients be unemployed in order to use medical marijuana."

The case stems from the 2001 firing of Gary Ross, a 45-year-old systems engineer whose doctor recommended cannabis to treat a back injury suffered during his military service.

Despite that, Ross was terminated by RagingWire Telecommunications for testing positive for
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Patients Ask Future President to Order End of DEA Raids *Nationwide campaign to stop federal prosecutions of medical marijuana*

As Republican and Democratic presidential candidates vie for their party's nomination, Americans for Safe Access has launched a nationwide campaign urging whoever is elected come November to end federal raids in states with medical marijuana laws.

The campaign reminds candidates that, if elected, they can order an immediate stop to federal interference in state medical marijuana programs. The proposed Executive Order would cut off federal funds currently being used to prosecute patients and providers in states where medical marijuana is legal.

"To counter the increased level of federal interference in states with medical marijuana laws, we're asking candidates to clearly state their opposition by pledging to issue an Executive Order, if elected," said Caren Woodson, ASA's Director of Government Affairs. "We're spending millions of dollars on law enforcement actions that harm our most vulnerable citizens, but the President has the power to stop it at any time."

Over the past two years, federal raids and prosecutions of medical marijuana patients and providers have been escalating. While federal interference with state medical marijuana programs has been widespread, some have been hit harder than others.

In California, the federal Drug Enforcement Administration (DEA) has conducted more than 100 raids and threatened more than 300 landlords with criminal prosecution and asset forfeiture for renting space to patient collectives. Federal prosecutors are currently pursuing more than 100 medical marijuana-related cases, all of which carry the threat of long prison sentences.

ASA's Executive Order campaign focuses on Presidential candidates that have already made supportive statements on medical marijuana: Senators Hillary Clinton and Barack Obama and Representative Ron Paul. All are being asked to pledge to end the raids by Executive Order, if elected. ASA's proposed order reads, in part:

"No funds made available to the Department of Justice shall be used to prevent States from implementing adopted laws that authorize the use, distribution, possession, or cultivation of medical marijuana. In particular, no funds shall be used to investigate, seize, arrest or prosecute in association with the distribution of medical marijuana, unless such distribution has been found by adjudication to violate state or local law."

DEA interference is drawing increasing opposition from lawmakers, including Oakland Mayor Ron Dellums, who has condemned the DEA tactics, and House Judiciary Chair John Conyers. The Berkeley City Council has passed a resolution condemning the raids, and San Francisco Supervisors are expected to do the same this week. Chairman Conyers has said he will hold oversight hearings on the DEA's "efforts to undermine California state law."

Further information: www.americansfor-safeaccess.org/ExecutiveOrder

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Chapter Focus: ASA Western North Carolina

by Jean Marlowe

ASA Western North Carolina (ASAWNC) was started on November 30. Steve Marlowe, ASAWNC member and caregiver for our director, Jean Marlowe, was arrested, and his grow equipment and medicine was confiscated. On December 5, the local paper had an article about his arrest. ASAWNC was then featured in the evening news on the local ABC affiliate, WLOS in Asheville.

Shortly afterwards, Tod Aiken, a local patient and grower who had seen the news story, was arrested and his family terrorized. He immediately called ASAWNC and Jean went to see him at his home. When she walked in wearing an ASA sweatshirt, Mrs. Aiken burst into tears, saying, "Thank you Lord, someone is here that knows we're not criminals."

With hugs and promise of putting their attorney in touch with ASA's national legal

department and the names of legal patients and expert witnesses, Jean left them feeling a little better.

Tod went on the local Fox news station saying he was a patient, and would fight. He mentioned that he called the local ASA office and we were interviewed again.

For 2008, ASAWNC will be working on petition drives in all 44 legislative districts, gathering signatures from all 100 counties, as well as developing a NC Patients Union, meeting with state legislators and state health directors and committees. ASAWNC will also be petitioning Congress demanding rescheduling of cannabis.

To get involved with ASAWNC, please e-mail Jean@ASAWNC.org, call (825) 625-2818, or visit their website at www.ASAWNC.org or YouTube channel www.youtube.com/asawnc.

REGISTER NOW

A Medical Cannabis Conference By Patients, For Patients

Doctors, patients, and researchers from around the world are gearing up for the 5th National Clinical Conference on Cannabis Therapeutics, hosted by Patients Out of Time on April 4-5. We are particularly excited about the theme: Re-Entering Mainstream Medicine.

Several members of ASA's Medical and Scientific Advisory Board have been asked to present at the conference, including Philippe Lucas whose talk will be "Putting the Compassion in Compassion Clubs." This cutting edge conference is an excellent opportunity for patients, and their physicians, to learn about exciting and important developments in research.

Started in 2000, the Conference on Cannabis Therapeutics is the only national conference organized specifically by patients where attendees will learn about the scientific evidence supporting the therapeutic use of cannabis. It offers the opportunity to meet, network, and share experienced with a diverse national gathering of patients, our allies and supporters.

Join ASA at the 5th National Clinical Conference on Cannabis Therapeutics, April 4-5, 2008 at Asilomar Conference Center, in beautiful, coastal Pacific Grove, California. www.medicalcannabis.com/conference.htm.

ACTION ALERT: Demand Research Senate Drop-In Days - February 12th and 13th

Set up meetings with your U.S. Senators' local district offices on February the 12th and/or 13th to talk about the research sign-on letter Senators Kennedy and Kerry are circulating to enable FDA-approved medical marijuana research. Visit www.Senate.gov for contact information for your local district office. Ask to schedule a meeting to discuss medical marijuana research. Your Senator's staff may not be able to meet with you on the 12th or 13th and that is fine, just be sure to schedule a meeting for the soonest available date. Look for tips on citizen lobbying in the February organizer packets.

When meeting with your Senators' offices please bring with you the following materials, which can be found at: www.AmericansforSafeAccess.org/ResearchCampaign

What to Ask: Please support medical cannabis research by co-signing the Kennedy/Kerry letter to Acting DEA Administrator, Michele Leonhart, urging her agency to follow the recommendation of Administrative Law Judge Mary Ellen Bittner and grant a license to Prof. Lyle Craker of UMass Amherst to grow marijuana exclusively for federally-approved research. To join the letter, contact ASA's Director of Government Affairs, Caren Woodson at (202) 857-4272.

Follow Up: At your meeting or drop-in, be sure to schedule a follow up meeting to discuss other pressing national medical cannabis issues. After you take action, be sure to contact Sonnnet@AmericansforSafeAccess.org to let us know how it went!

If you have questions about scheduling meetings with your senators' offices, contact Sonnnet@AmericansforSafeAccess.org or call (510) 251-1856 ext. 321.

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marijuana. The company said it would not make an exception for medical use, even if it was away from the workplace

"All I am asking is to be a productive member of society," said Ross. "I was not fired for poor work performance, but for an antiquated policy on medical marijuana."

Ross filed suit after he was fired, arguing that RagingWire illegally discriminated against him because of his condition. After both superior and appellate courts ruled against Ross, ASA appealed to the California Supreme Court on his behalf.

ASA has received hundreds of such reports from across California since it began recording instances of employment discrimination in 2005. Companies that have either fired patients, threatened them with firing, or denied them employment include Costco Wholesale, UPS, Foster Farms Dairy, DirecTV, the San Joaquin Courier, Power Auto Group, as well as several construction companies, hospitals, and various trade union employers.

Further information, see ASA's website at: www.AmericansForSafeaccess.org/Ross

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