



Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Marijuana

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New York is 21st Medical Cannabis State Governor Creates Limited Program Via Executive Order



In January, New York joined the 20 other states with medical cannabis programs, at least on a limited basis. Making use of a 1980 law, Gov. Andrew Cuomo has ordered the start of a pilot program to make medical cannabis available through 20 hospitals in the state.

"Research suggests that medical marijuana can help manage pain and treatment of cancer and other serious illnesses," Gov. Cuomo said in his annual State of the State address. "We will monitor the program to evaluate the effectiveness and the feasibility of a medical marijuana system."

Medical cannabis legislation has four times passed the New York Assembly only to be



blocked by the state Senate. The law on which Gov. Cuomo has based his executive order is the Antonio G. Olivieri Controlled Substance Therapeutic Research Program, which was never implemented.

According to Assemblyman Richard Gottfried, a leading proponent of establishing a medical cannabis program in New York who was briefed on the governor's plan, the state health department would set guidelines and choose the hospitals that will participate. Each hospital will establish a panel to decide, case-by-case, which patients will qualify to participate. No plan has been made for how the cannabis would be obtained for distribution.

NFL Says League Will Consider Medical Cannabis

In the wake of calls for the National Football League to allow its players to use medical cannabis to treat injuries, including a column in the Huffington Post by ASA Executive Director Steph Sherer, NFL Commissioner Roger Goodell said last month the league may consider it.

"We will follow medicine, and if they determine this could be a proper usage in any context, we will consider that," Goodell said at a news conference. Goodell said if science showed it could be used to treat concussions - which it has in preclinical studies - the NFL would consider it.

Currently all cannabis use is prohibited by NFL rules, whether for medical use or not. At a press conference last week, Seahawks coach

Pete Carroll endorsed the idea of lifting the ban on medical cannabis. "We have to explore and find ways to make our game a better game and take care of our players in whatever way possible," he said. "Regardless of what other stigmas might be involved, we have to do this because the world of medicine is doing this."

In an editorial this week, the *New York Times* urged the NFL to take action, noting that "The league would merely be catching up to contemporary practice by creating a medical exception." The Times quotes the 1999 Institute of Medicine report on medical cannabis, which concluded that "cannabinoids can have a substantial analgesic effect." Those on the field already recognize that, with several insiders estimating 50 to 60 percent of players use cannabis, primarily to manage pain.

Florida Voters Will Decide on Medical Cannabis

Voters in Florida will decide a medical cannabis initiative this November, now that the Florida Supreme Court last month denied an attempt by the state Attorney General Pam Bondi to keep it off the ballot. Bondi and other Republican opponents unsuccessfully argued the ballot summary of the proposed constitutional amendment was misleading.

The "United for Care" campaign has already surpassed the 683,000 verified signatures necessary to qualify the measure. To be enacted, a 60% supermajority of voters must vote yes.

A recent poll shows overwhelming public support for safe access. A November poll by Quinnipiac University found 82% favored "allowing adults to use marijuana for medical purposes if their doctor prescribes the drug." Just 16% of voters said they opposed, and 70% of Republican voters said they support it. That shows increasing support since a campaign poll last January found 7 in 10 Florida voters support the measure.

Proponents say they plan to spend \$10 million in support of the measure.

OBAMA ADMINISTRATION SETS STAGE FOR CHANGE



President Obama and Attorney General Eric Holder each made statements in January that set the stage for a change in federal policies on cannabis. AG Holder announced late last month that the Department of Justice will soon release new guidance for financial institutions that should allow medical cannabis providers and related businesses to utilize their services. Then in an interview *The New Yorker*, President Obama acknowledged that cannabis is no more dangerous than alcohol.

The President's admission about the relative safety of cannabis flies in the face of the federal classification of cannabis as a Schedule I substance, defined as the most dangerous drugs with no medical use. When asked about that in a CNN interview on January 31, the President said it was up to Congress to change the classification of cannabis. In fact, while Congress placed cannabis in Schedule I in 1970, the Attorney General and the Drug Enforcement Administration, both of which operate at the direction of the White House, each have the regulatory authority to change its classification.

The Obama Administration may have an ally for changing federal law in Senate Majority Leader Harry Reid, who on January 16 told the *Las Vegas Sun*, "I think we need to take a real close look at this...I think that there's some medical reasons for marijuana." In the House, Representative Earl Blumenauer (D-OR), sponsor of HR 689, recently requested that the Administration take steps to remove cannabis from the Controlled Substances Act of 1970.

While the DOJ has yet to release its guidance on banking, allowing these businesses to utilize banks and other financial services will make it easier for state regulatory bodies to oversee them, just as with any other type of business. Whether the DOJ will also address the 280e tax issue that prevents cannabis businesses from taking normal business deductions on their tax filings is not clear.

ASA, as part of the Coalition for Rescheduling Cannabis (CRC), filed a petition in 2002 to reclassify marijuana for medical use. The Drug Enforcement Administration denied the petition in July 2011 and subsequently fought ASA's appeal to the D.C. Circuit.

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Implementation Moves Forward in Several States

Connecticut Governor Announces Four Dispensary Licensees

Connecticut Gov. Dan Malloy announced last month that medical cannabis will go on sale there by this summer, now that officials have selected four production facility operators and locations. Joining him in the announcement were the state's Consumer Protection Commissioner and Lt. Governor. The four production facilities selected from 16 applicants are Advanced Grow Labs, LLC in West Haven, Connecticut Pharmaceutical Solutions, LLC in Portland and Theraplant, LLC in Watertown in addition to Curaleaf. Connecticut has registered approximately 1,700 patients under the law enacted in 2012. The four facilities were selected based on estimates of patient demand, production capacities and timetables and anticipated strain availability. They must each put \$2 million in escrow and pay a licensing fee. The state will announce dispensary licensees within the next two months.

Massachusetts Approves 20 Dispensaries, Invites 8 to Reapply

On January 30, the Massachusetts Department of Public Health (DPH) announced 20 out of about 100 applicants have been approved for medical cannabis dispensary licenses in the state. The approved dispensaries are spread among 10 counties, with the most being five in Middlesex County, which has more than 1.5 million residents. Boston, with a population of more than 700,000, will have two.

Four counties did not have a dispensary operator selected: Berkshire, Franklin, Dukes, and Nantucket, which have a combined population of more than 228,000. Eight of the rejected applications for counties where dispensaries have been approved were invited to resubmit new proposed locations within the counties without a selected dispensary.

"I've been impressed with the steps that DPH has taken to execute a transparent process and develop regulations that address concerns from an array of stakeholders," said Matthew Allen, Executive Director of the Massachusetts Patient Advocacy Alliance (MPAA). ASA has been working with MPAA on the implementation of Massachusetts program.

Delaware Accepting Applications

State officials in Delaware have issued a call for applications to operate medical cannabis dispensaries in that state. Applications are online at: http://bids.delaware.gov/bids_detail.asp.

Illinois Working on Rules, Invites Comment

Medical cannabis officially became legal in Illinois on January 1, but state officials are still working on the rules for accessing it. Until those rules are in place, it remains illegal to possess or use medical cannabis. The Compassionate Use of Medical Cannabis Act, signed Aug. 1 by Gov. Pat Quinn, allows patients with one or more of 41 qualifying conditions to register with the program. Those

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registered will be allowed to obtain up to 2.5 ounces every 14 days from state-licensed dispensaries. The law allows for as many as 60 dispensaries, which will obtain the cannabis they distribute from 22 separately licensed cultivation centers.

State officials have proposed initial rules for qualifying patients, including requiring them to pay \$150 a year to register, be fingerprinted for a background check and give up their right to own a firearm. The Illinois Department of Public Health, which will submit recommendations to a legislative panel in April, is accepting comment on the proposed rules until Friday, February 7. Comments should be emailed to DPH.MedicalCannabis@illinois.gov.

Virginia Lobby Day Success

A grassroots lobby day organized by Safe Access Virginia, the state ASA chapter, at the General Assembly on Jan. 20 was successful in blocking HB 684, which would have repealed the state's current but inactive medical cannabis law. Advocates also urged lawmakers to support the Virginia Medical Cannabis Act, draft legislation that would allow Virginia residents safe, legal access.

Virginia law requires patients to have a doctor's prescription to legally possess and use medical cannabis, but doctors are prohibited from prescribing it because it is not a federally recognized medicine. The draft legislation would allow access with a doctor's recommendation, as other, workable state programs do.

Pennsylvania Holds First Medical Cannabis Hearings

A bipartisan bill that would establish a state medical cannabis program was in front of the Pennsylvania Senate Law & Justice Committee last month, the first time legislative hearings have been held on the issue. Senate Bill 1182 is sponsored by senators from each end of the political spectrum, Daylin Leach, D-Montgomery, who first introduced legislation to allow medical cannabis in 2009, and Mike Folmer, R-Lebanon, one of the most conservative and influential Republicans.

Testifying were representatives from the Pennsylvania State Nurses Association, which has endorsed the bill, and the Pennsylvania Medical Society. The proposal is favored by 96 percent of the state's medical community, according to a poll by the *New England Journal of Medicine*.

ACTION ALERTS—Unity Conference & Clemency Petition

The Obama Administration has asked which federal prisoners should be granted clemency. Sign ASA's petition urging Pres. Obama to help Jerry Duval and other imprisoned medical cannabis patients at AmericansforSafeAccess.org/clemency.

ASA's National Medical Cannabis Unity Conference, Navigating Medical Cannabis in the Mainstream, is your chance to gather with patients, providers, activists and medical and legal professionals to exchange ideas and learn best practices for the new political landscape. Then join us for a day of lobbying on Capitol Hill! Your citizen lobbying is six times more effective than special interest groups. Last year we had over 300 conference participants march on Washington for our lobby day, the largest in history for safe access. Early Bird Registration ends and scholarship applications open on Feb 15. Register today at AmericansForSafeAccess.org/unity2014.

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