



# Americans for Safe Access

Activist Newsletter

*Defending Patients' Access to Medical Marijuana*

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## California Senate Passes Medical Marijuana Resolution Lawmakers Urge New Federal Policy on Research and Enforcement

The California Senate this month approved a resolution that calls for big changes in federal policy on medical marijuana. The resolution, which is sponsored by ASA, urges federal lawmakers to both end federal interference in state medical cannabis laws and establish a comprehensive national plan to provide safe access for all patients.

The state Senate's 23-15 vote on the non-binding resolution comes in the wake of recent federal enforcement activity in the state,

### Maryland Cases Show Law's Flaws, Activists Say

Maryland's medical marijuana law worked as intended in two cases this month, but activists say the cases show the problems with the law and have vowed to press for changes.

Each of the cases involved a seriously ill patient - including one who is a founding member of the local chapter of Americans for Safe Access - who received \$100 fines and misdemeanor convictions after demonstrating that their doctors had recommended cannabis for their conditions.

"ASA-Maryland is more committed than ever to changing our state's medical marijuana law," said Tony Bowles, the chapter's spokesperson. "We should not be wasting the limited resources of the state on multi-day trials that result in a simple \$100 fine. The law should provide better protection for patients and direction for law enforcement."



Tony Bowles

In the unrelated cases, each patient had been charged with felony possession with intent to distribute. Maryland law still classifies medical use of marijuana as a criminal offense, but limits the punishment to misdemeanor possession with a fine of \$100.

One case involved a woman who uses cannabis to control her epilepsy, the other a man who suffers from a condition that causes episodes of severe vomiting that require hospitalization.

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including multiple raids and the arrests of five individuals. Senate Joint Resolution 14 was introduced in June by State Senator Mark Leno (D-San Francisco). If the state Assembly passes it, the resolution will be sent to the White House and Congress.

The Obama Administration has promised to end interference in state medical marijuana programs, and the President has signed a memorandum that says government policies should be based on sound science. But numerous federal raids since January have California lawmakers concerned.

"Patients and providers in California remain at risk of arrest and prosecution by federal law enforcement and legally established medical marijuana cooperatives continue to be the subjects of federal raids," said Sen. Leno in a statement on the resolution.

Federal agents were involved in at least three raids on medical marijuana dispensaries last month, including two in California and one in Colorado, as well as a raid on a rural marijuana

garden in California. These follow at least a half-dozen other federal actions that have occurred since President Obama took office.



Don Duncan

"Federal interference in state medical marijuana laws is unnecessary, unwelcome, and harmful," said Don Duncan, ASA's California Director. "Patients will benefit from a national policy that protects safe access; law enforcement will benefit from clearer federal guidelines; and taxpayers will benefit from better use of federal resources."

SJR 14 urges President Obama and Congress to "move quickly to end federal raids, intimidation, and interference with state medical marijuana law." It also asks them to establish "an affirmative defense to medical marijuana charges in federal court and establish federal legal protection for individuals authorized by state and local law."

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## Federal Medical Marijuana Raids Continue Obama Administration Had Promised Change

August saw increased federal enforcement actions against state-qualified medical marijuana patients and providers.

In northern California, federal agents arrested five people in connection to a small collective garden of medical marijuana. In southern California, federal agents using helicopters, riot gear, and assault weapons staged paramilitary raids on two medical cannabis dispensaries. A Colorado dispensary was also raided and closed, though federal officials claim that action was unrelated to the distribution of cannabis.

"These excessive federal enforcement actions against medical marijuana patients and providers emphasize the need for a new national approach," said Don Duncan, ASA's California Director. "We're seeing progress, but Washington needs to take action on a comprehensive, compassionate policy."

The northern California arrests apparently involved a collective garden of 154 plants. The federal indictments of the five individuals are under seal, so no information on the charges or evidence is publicly available.

The wife of one of the five people arrested told the media that the plants were all for people with valid recommendations. According to a spokesperson, one of those arrested had prior ties to a medical cannabis dispensary in Los Angeles and has been fighting asset forfeiture by the government.

Both heavily armed federal agents and local law enforcement were involved in the raids in Los Angeles that included two marijuana dispensaries and the home of the owner.

The DEA, FBI, IRS, Los Angeles County Sheriff's Department, Los Angeles Police Department, Torrance Police Department and Culver City

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# HHS Solicits Proposals for Cannabis Cultivation

## Univ. of Mississippi Has 40-year Monopoly

Just seven months after the DEA again rejected a judge's recommendation that a university be granted a license to grow research cannabis, a federal "Request for Proposals" has been issued for the production and distribution of cannabis.

The RFP issued by the federal Department of Health and Human Services is seeking applicants who can not only "grow, harvest, analyze, store and distribute" cannabis but also "extract cannabis to obtain purified phyto-cannabinoids." The RFP is similar to solicitations issued every five years by HHS.

For more than 40 years, the University of Mississippi has had an exclusive contract with the National Institute on Drug Abuse (NIDA) to produce cannabis. The pre-rolled cannabis cigarettes they produce are used by both American researchers and the four remaining patients who receive free federal cannabis as part of an Investigational New Drug program started in 1978 and closed to new participants in 1991.

Many of those researchers and patients have

been critical of the quality of the cannabis produced at Ole Miss, and activists are concerned that other proposals will not get a fair hearing.

"The government has a stranglehold on cannabis research in this country," said Caren Woodson, ASA's Government Affairs Director. "The bidding process is not as competitive as they would have us believe. They even rejected an alternative proposal their own judge recommended."

The Drug Enforcement Administration (DEA) has repeatedly denied the application of a University of Massachusetts at Amherst researcher, Lyle Craker, to provide cannabis for federally approved research studies. Professor Craker and others have pursued a years-long appeals process.

In 2007, the DEA's own administrative law judge ruling that the UMass-Amherst application should be granted because expanded medical marijuana research was "in the public interest." The DEA judge also concluded that the quantity and quality of cannabis supplied by Ole Miss was inadequate.

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Police Department all took part in the raids.

Patients on the scene report that federal agents and police in riot gear entered with weapons drawn as helicopters circled overhead. Officials seized cash and property but not before destroying the walls of one of the dispensaries with sledgehammers. The dispensary's owner, whose dog was shot in the raid, was arrested and now faces state charges of felony marijuana possession.

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The woman's attorney told reporters that he was unaware of Maryland's medical marijuana law prior to taking the case, but nonetheless successfully argued in court that she should be covered by presenting medical studies showing that epilepsy can be controlled with cannabis.



Caren Woodson

In the other case, the judge refused to allow a medical necessity defense or any mention of the patient's condition at trial, though the cannabis seized by police was clearly labeled "For Medicinal Use Only," and the man has written recommendations from two physicians, including to a gastro-intestinal specialist who noted that no other medication is effective.

That medical evidence was allowed at a sentencing hearing, and ASA's Director of Government Affairs, Caren Woodson, also testified to his long-standing activism as a medical cannabis patient.

"ASA is happy that patients and defense attorneys are able to get reduced sentences in Maryland," said Woodson. "But no one who uses cannabis in accordance with a physician's recommendation should be treated as a criminal by law enforcement or subjected to fines or any other penalties."

(RESOLUTION, continued from page 1)

Currently, federal medical marijuana defendants are prevented from using any defense that involves medical necessity or their compliance with state law.

"More than two dozen medical marijuana defendants are currently being prosecuted on federal charges," said Duncan. "A change in federal policy can keep these people from serving many years in prison."

The resolution also addresses the need to expand research into the medical benefits of cannabis, a primary recommendation of the 1999 Institute of Medicine report, which was commissioned by the White House.

### ACTION ALERT: Help Stop the Raids

Why won't they stop? President Obama and Attorney General Holder have promised an end to federal interference with state medical marijuana programs. But just this month, federal agents have had a hand in multiple raids on medical marijuana patients and providers in California and Colorado.

Five people were arrested for a small collective garden in northern California. In Los Angeles, two medical marijuana dispensaries and a home were raided in a paramilitary-style action that included heavily armed agents and air support. They even took sledgehammers to the walls and shot the owner's dog.

These heavy-handed tactics contradict the Obama Administration's stated intention to create a new federal policy on medical marijuana. The California Senate has taken action to tell Washington it needs to do better. Now's the time to add your voice.

Tell President Obama and U.S. Attorney General Eric Holder to end DEA raids and develop a sensible national policy on medical marijuana. Send a letter to them both at [AmericansForSafeAccess.org/stopraids](http://AmericansForSafeAccess.org/stopraids).

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