

C-J-S APPROPRIATIONS: HINCHEY MEDICAL MARIJUANA AMENDMENT

BACKGROUND:

In January, Neurology published the results of a clinical trial indicating that smoked marijuana effectively reduces chronic pain for people living with HIV/AIDS. The study builds on other international evidence and the federal government's own 1999 Institute of Medicine (IOM) report, *Marijuana and Medicine-Assessing the Science Base*, which firmly stated that marijuana has medical value and made several recommendations for further study. To date the federal government has never undertaken any effort to review or implement these recommendations. Until the federal government moves forward with a review of the IOM recommendations, and initiates and completes research of the medical efficacy of marijuana, the States should not be obstructed from being responsive to the public health needs of its citizens.

Despite the extent of scientific studies, government reports and journal articles from around the world that support the medical value of marijuana, the US Department of Justice has been conducting paramilitary style raids on dozens of bona-fide medical cannabis patient collectives across the state of California. These attacks have become more frequent since the U.S. Supreme Court's decision in *Gonzales v. Raich*, which upheld DEA's authority to conduct raids, but questioned the wisdom of doing so.

The fiscal impact of these raids has yet to be determined, but despite increased enforcement efforts, medical cannabis collectives continue to open throughout California, Colorado, Washington, and in other medical cannabis jurisdictions. The Hinchey-Rohrabacher Medical Marijuana Amendment seeks to put scarce federal law enforcement resources to better use. The amendment specifically prohibits the Department of Justice from using appropriated funds to interfere with the implementation of medical cannabis laws in the 12 states that have approved such use.

WHAT IS THE HINCHEY AMENDMENT?

- The Hinchey Amendment prohibits any funds made available in the Act to the Department of Justice from being used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.
- The Hinchey Amendment does not "legalize" medical cannabis. It simply limits the federal government's ability to raid and prosecute medical cannabis patients and providers who are abiding by their state law.

WHY IS THE HINCHEY AMENDMENT NEEDED?

- Between FY2005 and FY2007, the DEA conducted dozens of raids on legal and registered patient collectives and dispensaries across the state of California. Currently, the Department of Justice (DOJ) is seeking to prosecute nearly 100 licensed medical cannabis patients and care providers.
- The federal government has failed to implement any of the recommendations provided by the National Academy of Science's 1999 Institute of Medicine (IOM) report, *Marijuana and Medicine: Assessing the Science Base*. Until the Administration provides access to cannabis for research and therapeutic use, Congress should limit the ability of DOJ to arrest and prosecute patients and providers who are acting within the limits of their state law.