



## Senate Committee Passes Measure Protecting Patients



A key Senate committee has renewed the budget amendment that provides federal protection for those participating in state medical cannabis programs.

Despite a personal plea from Attorney General Jeff Sessions to reject it, on July 27, the Senate Committee on Appropriations voted to include the amendment in the FY2018 Commerce, Justice, Science and Related Agencies Appropriations bill.

The amendment introduced by Senator Patrick Leahy (D-VT) continues the ban on using federal funds to interfere with any of the various



Sen. Leahy of Vermont

state medical cannabis programs and participants.

"We have more important things for the Justice Department to do than tracking down physicians or epileptics who are using medical marijuana legally in their state," said Sen. Leahy when introducing the latest version of the amendment.

The restriction on federal enforcement was first added to the 2015 budget and has been renewed each year since. Federal courts have ruled that so long as the budget measure is in place, prosecutors must show violations of state law to pursue criminal charges or civil

actions against anyone participating in state medical cannabis programs.

"This shows that Senate support exists for the central elements of the CARERS Act," said ASA Executive Director Steph Sherer. "The CARERS Act would make the protections in the Leahy medical cannabis amendment permanent and create a much-needed framework for further research and federal and state cooperation."

## Justice Dept Urged to Respect State Programs



Attorney General Jeff Sessions has ramped up the drug war rhetoric on cannabis, but a federal task force and patient advocates have urged a continuation of the policy of deferring to state enforcement.

Early last month, ASA sent Sessions and the task force a detailed report showing how the various states have complied with Department of Justice guidance. ASA urged that the DOJ continue to allow states to police their own medical cannabis programs.

Shortly after ASA sent its recommendations, the Task Force on Crime Reduction and Public Safety largely endorsed current DOJ policy. While the report was not released to the public, journalists at the AP obtained a copy and reported the task force did not call for increased enforcement but rather more study.

Specifically, the report suggests attention to financial regulations that affect medical cannabis businesses and the development of

"centralized guidance, tools and data related to marijuana enforcement." That is the same direction the Government Accountability Office gave DOJ two years ago.

The task force also suggested DOJ officials "should evaluate whether to maintain, revise or rescind" the hands-off guidance given to prosecutors by the Obama administration. Prosecutors in the 93 US Attorney offices around the country operate autonomously but ultimately answer to the Executive branch.

In July, Sessions sent letters to state officials in Colorado, Oregon and Washington asking them to each answer claims that their regulatory approaches were not meeting the enforcement priorities set by the DOJ. In March, Sessions said, "The Cole Memorandum set up some policies under President Obama's Department of Justice about how cases should be selected in those states and what would be appropriate for federal prosecution, much of which I think is valid."

## Veterans Rights Amendment Clears Senate Committee

Veterans scored a win in Congress last month. On July 24, the Senate Committee on Appropriations voted 24-7 to include a bipartisan budget amendment that both protects veterans who use medical cannabis and allows their Veterans Health Administration (VHA) doctors to recommend it to them. Current policy prohibits VHA doctors from providing the documentation veterans need to participate in state medical cannabis programs, and some veterans have lost access to VHA care for using medical cannabis. The amendment to the FY2018 Military Construction, Veterans Affairs Appropriations bill was introduced by Senators Steve Daines (R-MT) and Jeff Merkley (D-OR).



Sen. Merkley of Oregon

"We often talk about how our soldiers stand up for us, and we need to stand up for them," said Sen. Merkley when introducing the amendment.

"Veterans suffer from a high rate of conditions that can be mitigated with medical cannabis," said Michael Krawitz of Veterans for Medical Cannabis.

The veterans' amendment mirrors one from last year that passed the Senate and House but was removed during a special committee meeting before the final 2017 budget bill was approved. This year's amendment drew support from three Republican senators who previously voted "no" on the measure: Sens. Susan Collins (R-ME), Jerry Moran (R-KS), and John Hoeven (R-ND).

## PFC Offers Free Services for Labs, Online Info



Opportunities are growing for laboratories to help ensure cannabis products are accurately labeled and tested. To help labs take advantage of rapidly increasing demand, Patient Focused Certification (PFC) is offering free assessments and certification services for cannabis testing laboratories. Safe, standardized medical products with accurate labeling require consistent testing based on industry best practices.

"Laboratories play a vital role in the standardization and quality assurance of medical cannabis products," said Jeffrey Raber, Ph.D. President of the Association of Commercial Cannabis Labs.

Concern for product standards has increased as policymakers react to the remarkable decrease in opioid-related deaths in states that have

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# ASA Activist Profile: Jill K. Swing, Charleston, South Carolina

Like many parents of children with severe seizure disorders, Jill Swing discovered the potential of medical cannabis through the 2013 CNN special report *Weed*, in which medical correspondent Dr. Sanjay Gupta reported the near-miraculous effects of CBD extracts for a young girl with Dravets Syndrome. Jill Swing

The story of that little girl's experience in Colorado was enough to make Jill consider moving her family there. One of Jill's twins, Mary Louise, now nine, has cerebral palsy and intractable epilepsy so severe that at times she has suffered near continuous seizures, up to 200 an hour, totaling 800-1,000 per day. The potential benefits of cannabis products were compelling, but ultimately the complications of trying to uproot an established family were too much, and the Swing family turned to state lawmakers for help.

First, Jill reached out to South Carolina state Senator Tom Davis through a mutual friend of her mother-in-law. In early 2014, Davis introduced CBD legislation and encouraged Swing to get involved in support of it. Jill and her mother-in-law testified at hearings at the state capitol until they got it passed.

Part of the bill established a medical cannabis study committee, and Jill's activism got her selected as the public representative. That became an eye-opening experience, as she traveled the state with the other committee members from state agencies, law enforcement and university medical centers, hearing

the stories of other patients in need who were excluded from the narrowly written law, which allows only for possession of CBD extracts for certain types of epilepsy and has no provision to legally produce or acquire it.

Jill had no experience with cannabis before considering it as a treatment for her daughter, so the stories she heard of its broader therapeutic potential for so many types of medical



Jill Swing and her daughter

conditions provided new perspective. Her lack of experience also meant she had a steep learning curve trying to find medicine for her daughter. She networked with other desperate parents to find CBD extracts out of Colorado, but got burned several times, highlighting for her the critical importance of regulated state programs that ensure patients can both obtain medicine and have confidence in what it is.

With a verifying letter from Mary Louise's physician, Jill was able to take her daughter to Maine, which has a provision for recognizing out-of-state patients. There, she was able to try extracts of various varieties and combinations that included THC. The results were dramatic. Mary Louise started babbling and standing and showed improved motor skills. Her pharmaceutical medications have been

substantially reduced or changed as a result.

"After three years of working on this, not knowing if it would make a difference, what happened in Maine last year left me much more motivated," says Jill. "Now I'm driven."

After returning from Maine, Jill started an advocacy group, South Carolina Compassionate Care Alliance (SCCCA). First it was just a facebook group, but last fall they held their first big organizing meeting in Columbia, followed by smaller meetings around the state.

This year, SCCCA is creating special groups for veterans and medical professionals and working with a pair of attorneys on model resolutions municipalities can adopt to show support for a more comprehensive state bill. For more information on SCCA, join their page [www.facebook.com/groups/SCcompassiongrp](http://www.facebook.com/groups/SCcompassiongrp).

"When people ask what they can do, I say, 'just tell your story.' That's your role in this," says Jill.

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medical cannabis programs. With 25% fewer fatalities in those states, medical cannabis may be a tool for combatting the opioid epidemic.

"Patients have a right to have access to medicine of known purity and quality," said Jahan Marcu, Ph.D., Director of PFC. "By increasing the number of certified labs, we can increase the availability of accurately tested and labeled medical cannabis, ensuring this is a viable alternative for patients using opioids."

More states are requiring product testing, but cannabis testing laboratories often lack the financial resources to access third-party assessment and certification services, which are necessary to ensure accurate results.

To achieve PFC certification, laboratories must pass two assessments each cycle. Assessment involve a facility inspection and audits of method validation reports, employee training records, and other elements as determined by law and expert guidelines.

Cannabis laboratories can apply by August 25 at <https://safeaccess2.org/patientfocusedcertification/certification/register/> to receive a free assessment. Participating labs include ones in California, Colorado and Australia.

PFC has also expanded its regulatory compliance services with mock inspections for businesses seeking licensure in advance of the actual inspections many states and municipalities now require. Mock inspections are adapted to the specific licensing requirements of the business. New trainings are coming next month at [patientfocusedcertification.org](http://patientfocusedcertification.org).

## ACTION ALERT: Now's the Time to Meet Your Reps

Your Members of Congress are at home holding town halls, attending Labor Day parades, and visiting fairs. Now is the perfect time to remind them that they represent you and the millions of others who support safe access.

If your Senators or Representatives are holding a town hall, attend. Bring a sign. Ask them: "Do you support protecting state medical cannabis programs from federal interference?" "Do you support the CARERS Act of 2017?"

If they're not holding meetings, make an appointment to see them in their district office. Citizen lobbying is effective!

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