Growing Congressional Support for Medical Cannabis

With another strong bipartisan vote in the House of Representatives to prevent federal interference with state medical cannabis programs, policy reform is proving to be an area of growing agreement on Capitol Hill.

Amendments to spending bills have become the vehicle for advancing those reforms. The Senate has adopted one for the Veterans Affairs appropriation, and the House has attached three to the budget for the Department of Justice. All have been bipartisan.

Texas Governor Signs Limited CBD-Only Bill

Texas is now the 15th state to approve the medical cannabis program. Five more Democrats voted in favor, 186 vote included 67 Republicans, an increase of 149. The law passed 242-186 vote included 67 Republicans, an increase of 18. Five more Democrats voted in favor, leaving only 10 opposed. The Rohrabacher-Farr amendment to the Commerce-Justice-Science (CJS) appropriation bill is intended to allow states to implement medical cannabis programs and protect those who participate from federal prosecution. Last year the amendment was not voted on by the Senate but was retained by the conference committee that reconciled differences between House and Senate versions of the bill.

This year, the House also added two other cannabis amendments to the health appropriation that passed with even stronger support. One offered by Rep. Scott Perry (R-PA) that aims to shield the rapidly expanding state laws allowing CBD-rich cannabis extracts passed 297-130. Another by Reps. Suzanne Bonamici (D-OR) and Thomas Massie (R-KY) to block DEA meddling with states regulating industrial hemp production passed 282-146.

Puerto Rico Gov. Launches Medical Cannabis

Officials in Puerto Rico are working on rules for a medical cannabis program in the U.S. territory. The governor, Alejandro Garcia Padilla, issued an executive order early in May that authorizes Health Department Secretary Ana Ruiz to allow the medical use of “some or all controlled substances or components of the cannabis plant” and to report within three months on a program to do so. The University of Puerto Rico is a likely participant in a medical cannabis program.

Florida Court Clears Way for Cultivation Licenses

Officials in Florida have been cleared to take applications this month from nurseries seeking one of five licenses to produce cannabis medicines in the state. A state judge allowed the Florida Department of Health to continue to accept applications. The ruling is a victory for supporters of medical cannabis who believe the state’s licensing process is unfair. The decision makes the state Department of Health rules final, provided the plaintiff does not appeal. Those granted licenses will be authorized to produce medicines high in CBD and low in THC and distribute them to qualified patients who suffer from epilepsy or other debilitating conditions.

Louisiana Poised to Pass Restrictive Bill

A limited medical cannabis bill is making its way toward the desk of Louisiana Gov. Bobby Jindal. The legislation, which has already passed the state Senate, was unanimously approved by a committee in the state House of Representatives at the end of May, sending it for a full vote before the House, then back to the Senate for final approval.

If the bill (SB 143) is adopted into law, qualified patients could register to obtain limited forms of cannabis medicines from one of 10 dispensaries that would be established in the state and show growing support in Congress for harmonizing federal policy with state laws that allow medical and other uses of cannabis.

The medical cannabis amendment that was first adopted last year passed again, but with stronger bipartisan support. Again offered by Reps. Dana Rohrabacher (R-CA) and Sam Farr (D-CA), the measure was sponsored by six Republicans and six Democrats. The final 242-186 vote included 67 Republicans, an increase of 18. Five more Democrats voted in favor, leaving only 10 opposed. The Rohrabacher-Farr amendment to the Commerce-Justice-Science (CJS) appropriation bill is intended to allow states to implement medical cannabis programs and protect those who participate from federal prosecution. Last year the amendment was not voted on by the Senate but was retained by the conference committee that reconciled differences between House and Senate versions of the bill.

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The Senate is also using funding authority to advance safe access. A budget amendment that would allow veterans to consult with their VA doctors about medical cannabis use passed a key hurdle in the Senate late last month. By a bipartisan 18-12 vote, the Appropriations Committee voted to allow veterans to consult with their VA doctors about medical cannabis use. The amendment was signed into law by President Obama.

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ASA California Citizen Lobby Day June 14-15

ASA’s California Citizen Lobby Day, June 14-15, is bringing patient voices to Sacramento. This two-day event will be the biggest California lobby day yet, featuring workshops on local regulations and voter initiatives, special legislative briefings, citizen lobbyist training, and much more.

ASA has been lobbying in support of AB 258, the Medical Cannabis Organ Transplant Act, which would end discrimination against medical cannabis patients in the organ transplant process. The bill passed the Assembly on April 30 by a vote of 52 to 8, with 20 assembly members not voting. California Assembly Member Marc Levine (D-San Rafael) introduced AB 258 after two ASA members visited his office last year as part of the annual medical cannabis lobby day in the state legislature.

The requested donation is $25, but no one will be turned away for lack of funds.

Oregon Senate Sends Regulatory Bill to House

The Oregon Senate has voted 29-1 to tighten regulations on the state’s medical cannabis program, but the measure now goes to the House, where it faces opposition. If enacted, the new law would limit the number of plants at any cultivation site and require inspections and product tracking.

Most contentious has been a provision that would allow local governments to ban all cannabis businesses from operating, including dispensaries, cultivation sites and testing labs.

The proposed changes are part of legislators’ efforts to implement a voter initiative passed last November that allows cannabis possession and use by anyone 21 or over as of July 1. State officials have suggested that current medical cultivators could be licensed to produce cannabis for both markets under regulatory oversight.

In addition to significant financial requirements, to apply for a state license a nursery must have been in business at least 30 years and be able to produce at least 400,000 plants. One license is to be issued in each of five regions: Southeast, Southwest, Central, Northwest and Northeast Florida. If only one qualifying business applies in a region, a license could be issued immediately; otherwise, the state has 90 days to decide.

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The 2014 law created by the legislature went into effect last July but has faced legal challenges and bureaucratic hurdles. The state’s initial licensing procedure was rejected by the same judge who has now approved the current plan. The Florida Department of Health issued a statement following the ruling, saying, “We are moving swiftly to facilitate access to the product before the end of the year.”

In the House version of the bill but narrowly failed. The House and Senate must resolve that and other differences in the military appropriations bill before it becomes law. Either the House can vote to adopt the Senate version, or the house and Senate will create a conference committee to hammer it out.

The amendment offered by Sen. Jeff Merkley (D-Ore.) is attached to the $77.6 billion funding bill for military construction and veterans benefits. The vote marks the first time the US Senate has directly approved a measure that supports medical cannabis access. Among those voting in favor was California Senator Diane Feinstein, who has previously been an outspoken opponent of medical cannabis reforms.

A similar amendment was offered on the House version of the bill but narrowly failed. The House and Senate must resolve that and other differences in the military appropriations bill before it becomes law. Either the House can vote to adopt the Senate version, or the house and Senate will create a conference committee to hammer it out.

The amendment attempts to change VHA policy by barring “the use of funds to interfere with the ability of veterans to participate in State-approved medicinal marijuana programs or deny services to such veterans.”

The provisions of the amendment are also part of the Compassionate Access, Research Expansion and Respect States Act (CARERS), a larger bipartisan bill to legalize medical cannabis at the federal level. The Senate has not held any hearings on that bill, which is sponsored by Rand Paul (R-KY), Cory Booker (D-NJ) and Kirsten Gillibrand (D-NY).

ACTION ALERT: Tell Congress to Pass the CARERS Act

Congress has the chance to take comprehensive action on medical cannabis with the Compassionate Access, Research Expansion, and Respect States (CARERS) Act. First introduced in the Senate, a bipartisan companion bill is now also in the House.

Take action today! Tell your Senators and Representative they need to resolve the conflicts between new state laws and outdated federal policies. CARERS would do that, as well as reschedule cannabis, allow VA doctors to discuss medical cannabis with veterans, and allow cannabis businesses to have bank accounts. Sign the Petition to tell Congress to support the CARERS Act at SafeAccessNow.org/carers.

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www.AmericansForSafeAccess.org

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Committee approved a budget amendment that will override a 2011 policy directive that prohibits VA doctors from providing veterans with the recommendations they need to participate in state medical cannabis programs. Many veterans with post-traumatic stress disorder and traumatic brain injuries say cannabis is effective for symptoms like pain, anxiety, nausea and disturbed sleep.

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The Louisiana Legislature legalized cannabis for medical use in 1978 and again in 1991 but created no mechanism for distribution. The new measure has a five-year “sunset provision” that means it will have to be reauthorized in 2020.

Gov. Bobby Jindal said last month that he would sign the legislation.