



Americans for Safe Access

Activist Newsletter

Defending Patients' Access to Medical Marijuana

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New Bipartisan Bill Focuses on Safe Access for Veterans

Veterans will be able to discuss medical cannabis as a treatment option with their VA doctors if a new bill becomes law. The bipartisan Veterans Equal Access Act, introduced by Representatives Earl Blumenauer (D-OR) and eight cosponsors, would lift the federal ban on Veterans Health Administration physicians issuing recommendations in states where medical cannabis is legal. The bill is modeled after similar legislation which was narrowly defeated at the end of the last Congressional session.

"We should be allowing these wounded veterans access to the medicine that will help them survive and thrive, including medical marijuana—not treating them like criminals and forcing them into the shadows.," said Rep. Blumenauer in a prepared statement. "It's shameful."

The bill's cosponsors include members from each side of the aisle: Rep. Dana Rohrabacher

(R-CA), Walter Jones (R-NC), Justin Amash (R-MI), Tom Reed (R-NY), Richard Hanna (R-NY), Dina Titus (D-NV), Sam Farr (D-CA) and Jared Polis (D-CO).



Rep. Blumenauer

Currently, veterans may obtain recommendations for medical cannabis from doctors outside the Veterans Health Administration.

Until 2011, when the VHA issued a directive revising the policy, any medical cannabis use was grounds for denying other treatment to veterans.

For many veterans, a VA physician is their only doctor, and many lack the means to pay for private care. More than a million U.S. veterans are at risk of homelessness due to poverty.

"In every state of our union, disabled United States military veterans stand to gain from this legislation because every veteran deserves the

best medical care," said Veterans for Medical Cannabis director Michael Krawitz. "We trust our doctors to prescribe morphine; we should also trust them to recommend cannabis."

VIRGINIA IS 12TH STATE TO ENACT CBD-ONLY LAW

Virginia became the 12th state to pass a limited medical cannabis bill restricted to extracts rich in cannabidiol (CBD), the second most prevalent cannabinoid in the plant. The new law provides an affirmative defense only for patients with severe forms of epilepsy who use oils with CBD and THC-A, the non-psychoactive version of THC.

The medicine remains illegal, but patients with written permission from their doctors can present that as a defense if charged. The law makes no provision for producing or distributing the cannabis extracts, and transport remains illegal.

Seizure disorders are a promising therapeutic application for cannabis. In 2014, the Epilepsy Foundation recognized medical marijuana as a potentially beneficial substance for treating epilepsy, calling for better access to the drug and urging the federal government to allow more research into its medical possibilities. The American Academy of Pediatricians called on the Drug Enforcement Administration in January to reschedule the drug for medical research purposes.

Many States Considering New Medical Cannabis Bills

Since Congress told the Department of Justice to stop interfering with state medical cannabis programs, new bills have been introduced in several state legislatures. Among the states where lawmakers are considering new medical cannabis bills are Pennsylvania, Utah, Georgia and Iowa.

In Pennsylvania, the state Senate is considering SB 3, the Medical Cannabis Act. A similar bill passed the Senate in September but stalled in the House. In its current form, the bill's limited list of qualifying conditions excludes most patients, and vaporizing or

continued page 2

Kettle Falls Five Acquitted on 4 of 5 Charges

A Congressional ban on interference with state medical marijuana laws did not stop federal prosecutors from spending as much as \$2 million seeking long prison terms for the Kettle Falls Five, a family of qualified patients from eastern Washington State. But the jury did.

After a trial in which District Court Judge Thomas O. Rice barred all evidence of medical need and compliance with state law, a jury acquitted the three remaining defendants of four of the five felony charges against them. The remaining charge that they had cultivated more than 100 plants, which carries a mandatory minimum sentence of five years in federal prison, was also rejected by the jury. Instead, the jury found that they had cultivated fewer than that, leaving Judge Rice free to sentence them to something other than prison time.

The widely watched trial of the Kettle Falls Five, began at the end of February with just three of the original five defendants. In the week before trial started, prosecutors dismissed charges against Larry Harvey, 71, who was recently diagnosed with late-stage pancreatic cancer. Family friend Jason Zucker agreed to testify against the Harvey family in exchange for a recommended sentence of 16 months in prison. He had faced a mandatory

minimum sentence of 15 years, if convicted. The three remaining defendants—Harvey's wife and caregiver, Rhonda Firestack-Harvey, 56, her son Rolland Gregg, 33, and daughter-in-law Michelle Gregg, 36—remain free until sentencing on June 10.



Protestors outside the courthouse

In August 2012, the DEA raided the Harvey family home near the town of Kettle Falls and seized 68

plants. The five were charged with conspiracy to manufacture and distribute marijuana, manufacture and distribution of marijuana, maintaining a drug-involved premises, and possession of a firearm in furtherance of a drug trafficking crime.

In order to charge them with cultivating more than 100 plants, which carries a 5-year mandatory minimum sentence, prosecutors argued the family also grew cannabis in previous years, so those plants can be counted, too. The jury rejected that in finding they had cultivated fewer than 100, a conviction that does not require jail time. The defendants were acquitted of all the other charges.

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ASA Chapter Profile: SAFE ACCESS VIRGINIA

Safe Access Virginia, the ASA chapter being honored at this year's National Unity Conference, was formed by a group of Virginians who met at ASA's first Unity Conference in 2013. After getting to know each other at the conference, T.J. Thompson, Mohammed Mustafa, Rose Bono and Steven Doheny started a conversation about what could be done in Virginia. On October 20, 2013, that core group decided they were ready to start a chapter of Americans for Safe Access in the Commonwealth.

The first thing the chapter leaders did was get indoctrinated in Virginia politics, which can be very conservative and different from the rest of the country. A sympathetic state Delegate acted as a mentor, giving them a

2-1/2 hour crash course in the workings of the General Assembly, which has been in continuous operation since 1619.

The chapter Steering Committee created a strategy to work with the state legislature's compressed sessions of just 60 days on even-numbered years and 45 days on odd years. The first test of that strategy came when a state lawmaker attempted to repeal a 1979 law that allows prescriptions for cannabis as a treatment for cancer or glaucoma. That law has not afforded patients real protection, but the effort to repeal it gave Safe Access Virginia the chance to organize a response. With help from ASA Government Affairs Director Mike Liszewski, they lobbied lawmakers and had a big presence in the subcommittee hearing.

That effort helped show state lawmakers that safe access is an issue important to Virginians, prompting Delegate Dave Albow to introduce a more workable medical cannabis bill on behalf of constituents whose young daughter has intractable epilepsy. The result was HB 1445, signed last month, which provides an affirmative defense for cannabis extracts that are rich in CBD and THC-A, two of the non-psychoactive cannabinoids.

Safe Access Virginia is building on success that saw, in just 18 months, three medical cannabis bills pre-filed in the Assembly. At their state lobby day, they identified a few Republican lawmakers who said they might help with bills in the Assembly. For info, visit their page at facebook.com/SafeAccessVA or safeaccessnow.org/virginia_advocacy.

California Bill to End Transplant Denials

Even state-qualified patients can be denied critical organ transplants in California because they use cannabis, but that will end if a new bill becomes law. Last month, a bill sponsored by Americans for Safe Access (ASA), AB 258, the Medical Cannabis Organ Transplant Act, was introduced by Assembly member Marc Levine (D-San Rafael).

AB 258 would establish the same protections for medical cannabis patients that currently exist for transplant candidates with mental or physical disabilities. ASA has advocated for legislation to recognize the rights of medical marijuana patients such as Norman B. Smith. Smith died in 2012 after being denied a liver transplant at Cedars-

Sinai Medical Center in Los Angeles, despite having a valid recommendation for treating his cancer with cannabis.

The bill's introduction comes after the California Medical Association adopted a resolution stating that medical cannabis use should not be a reason for denying organ transplants.

ASA has reports of patients being denied organ transplants by the medical centers at UCLA, Stanford and UCSF. Cedars-Sinai also denied Toni Trujillo a kidney transplant after being on a waiting list for six years because her medical cannabis use was considered substance abuse.

STATES, continued from page 1

smoking cannabis would be forbidden. Distribution would be regulated by a Medical Cannabis Licensing Board. One of the primary cosponsors has said the bill should let patients and their doctors decide if cannabis is an appropriate treatment and permit vaporization. Recent polls show that Pennsylvanians overwhelmingly support safe access, and newly-elected Gov. Tom Wolf favors legalizing medical cannabis.

In **Utah**, a bill that would establish a more effective medical cannabis program gained approval from a legislative committee last month. SB259 would create regulations for the cultivation, processing, testing and dispensing of medical cannabis. Currently only CBD oil is legal, and there is no method for producing or obtaining it. The new measure would still prohibit combustion as a means of administration.

In **Georgia**, competing plans are making their way through the state legislature. Senate Bill 185 would create a limited four-year research trial program for treating pediatric seizures with CBD oils. Only children under 18 who were born in Georgia or lived in the state for at least two years would be eligible for the program. Gov. Nathan Deal has voiced support for clinical trials of cannabis oil. House Bill 1 has no age limits and would allow use of low-THC cannabis extracts for nine conditions, including cancer, MS and Parkinsonism.

In **Iowa**, a new bill would expand the qualifying conditions for the use of CBD cannabis extracts, create a production and distribution system, and possibly allow the use of other types of cannabis. Currently only patients with severe epilepsy are permitted to use CBD extracts, but there is no mechanism for obtaining it. A state Senator noted the law "is really not helping anyone."

ASA National Unity Conference Mar 27-31



Join ASA in Washington, D.C. this month for our annual Unity Conference, March 27-31. Hear about emerging trends, policy developments and new research from leading experts, then head to Capitol Hill for the Lobby Day to let your elected representatives know why they should take action now. Register today at nationalmedicalcannabisunityconference.org.

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