

Support the Blumenauer *Veterans Equal Access Amendment* to the FY2017 MilConVA Appropriations bill

Amendment Text:

None of the funds made available by this Act may be used to implement, administer, or enforce Veterans Health Administration directive 2011-004 (or directive of the same substance) with respect to the prohibition 5 on “VA providers from completing forms seeking recommendations or opinions regarding a Veteran’s participation in a State marijuana program”.

Current Policy – the reason why veterans are being denied equal access:

Veterans who are reliant on the VHA for their healthcare are denied equal access to state medical cannabis (marijuana) programs. The current VHA policy on medical cannabis, *VHA Directive 2011-004*, not only prohibits VHA physicians from writing state medical marijuana recommendation forms, it forbids them from even offering discussing the potential benefits of medical cannabis therapy. As a result, this policy denies veterans equal access to state-authorized medical cannabis programs that other patients in these states are able to utilize.

Although VHA 2011-004 was set to expire on January 31, 2016, the VHA has state that the policy remains in effect. Notably, the VHA has said that it is waiting to enact a new policy because it anticipates that Congress will be delivering a new policy:

VHA’s Directive entitled “Access to Clinical Programs for Veterans Participating in State-Approved Marijuana Programs” is currently on hold in anticipation of potential legislative changes which would clarify VA providers’ roles to assist Veterans who wish to participate in state approved programs.¹

What the Amendment does:

- Reintroduced by Rep. Earl Blumenauer, the amendment all VA physicians (1) discuss the potential benefits of medical cannabis therapy with veteran patients; and (2) fill out “recommendation” forms for veteran patients to participate in state regulated medical cannabis programs.
- The amendment would provide that Veterans would no longer be forced outside of the VA system – at their own expense – to seek a simple discuss medical cannabis therapy and obtain a recommendation to participate in a state regulated medical cannabis program
- 41 States (24 comprehensive, 17 “CBD only”), the District of Columbia, Guam and Puerto Rico have some form of medical cannabis law to provide for regulated access and/or legal protections for registered patients
- American Chronic Pain Association has estimated that 25 million US veterans are living with chronic pain
- Approximately 22 veterans per day are committing suicide, many as a result of PTSD
- Traumatic Brain Injury patients using THC had a mortality rate over 4x lower than patients not using THC²
- Similar amendment was pass by the Senate Appropriations Committee with bipartisan support in April, 20-10

What the Amendment does not do:

- The amendment does not require V.A. physicians to violate federal law, as recommending the therapeutic use of cannabis is protected speech under ruling in *Conant v. Walters*, (9th Cir. 2002) 309 F.3d 629.
- The amendment does not authorize the possession or use of cannabis for any purposes on federal property

Vote YES on the Veterans Equal Access Amendment!

¹ Email to ASA from Rebecca Mimmall, Department of Veterans Affairs, Management Analyst, Office of Research and Development, February 9, 2016.

² Nguyen B., et al., *Effect of marijuana use on outcomes in traumatic brain injury*, Am Surg. 2014 Oct;80(10):979-83. available at: www.ncbi.nlm.nih.gov/pubmed/25264643.

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