Support the Daines-Merkley 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 Veterans Health Administration directive 2011-004 regarding “Access to clinical programs for veterans participating in State-approved marijuana programs”.

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 marijuana programs. The current VHA policy on medical marijuana, VHA Directive 2011-004, not only prohibits VHA physicians from writing state medical marijuana recommendation forms, it forbids them from even offering opinions on whether a veteran patient could benefit or harm their health by participating in a state medical marijuana program. Moreover, this policy denies veterans equal access to state-authorized medical marijuana 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:
- Being reintroduced by Senators Jeff Merkley (D-OR) and Steve Daines (R-MT) amendment would provide that VA physicians would no longer be denied the ability to provide a written recommendation to veteran patients in their care who they believe would benefit from medical marijuana therapy; passed 18-12 in senate but was narrowly defeated in the House, 210-213.
- The amendment would provide that Veterans would no longer be forced outside of the VA system – at their own expense – to seek a simple recommendation for treatment for a debilitating condition that is granted to them by state law
- 40 States along with the District of Columbia and Guan have some form of medical cannabis law
- 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 morbidity rate over 4x lower than patients not using THC²

What the Amendment does not do:
- The amendment does not require V.A. physicians to violate federal law, as recommending the therapeutic use of marijuana 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 marijuana for any purposes on federal property

Vote YES on the Daines-Merkley Veterans Equal Access Amendment!

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