

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 stated 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 Guam 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 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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