



MEDICAL CANNABIS UPDATE

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LEGISLATIVE: Frank Introduces Patient Protection Act Bill Would Allow Prescription of Cannabis throughout US

A bill that would allow physicians to prescribe cannabis under federal law and end interference in state medical marijuana programs is pending in the House of Representatives.

Rep. Barney Frank (D-MA), along with 13 bi-partisan co-sponsors, introduced the Medical Marijuana Patient Protection Act (HR 2835) in June. The measure would reschedule cannabis as a Schedule II drug and eliminate federal authority to prosecute medical marijuana patients or providers in states where it is legal for medical use.

Similar legislation has been offered by Rep. Frank each of the last two years but no hearings were held and the bills were never voted on.

Nonetheless, more state lawmakers are considering enacting or expanding medical marijuana laws.



Rep. Frank

With strong public support and a more sympathetic occupant of the White House, medical marijuana advocates are pushing Congress to codify a policy that allows states to establish mechanisms for patients to receive the medicine their doctors recommend.

"A more sensible and humane policy on medical (continued page 2)

NATIONAL: Federal Raids Continue House Wants Answers from Obama Administration

August saw increased federal enforcement actions against state-qualified medical marijuana patients and providers, and Congress wants to know why.

The House of Representatives, as part of the Commerce-Justice-State appropriations, has told the Department of Justice it has 60 days from the bill's signing to provide clarification of the new policy on medical marijuana. Among the actions

causing Congressional concern were raids in California and Colorado.

In northern California, federal agents arrested five people in connection with a small collective garden of medical marijuana. In southern California, federal agents using helicopters, riot gear, and assault weapons staged paramilitary raids on two (continued page 2)

NATIONAL: Federal Agency Solicits Proposals for Cannabis Cultivation, Cigarette Production

Just seven months after the DEA again rejected a judge's recommendation that a university be granted a license to grow research cannabis, a federal "Request for Proposals" was issued for the production and distribution of cannabis.

The RFP from the federal Department of Health and Human Services is seeking applicants to not only "grow, harvest, analyze, store and distribute" cannabis but also "extract cannabis to obtain purified phytocannabinoids," which would include THC. The RFP is similar to solicitations issued every five years by HHS; proposals are due by October 9.

For more than 40 years, the University of Mississippi has had an exclusive contract with the National Institute on Drug Abuse (NIDA) to produce cannabis. The pre-rolled cannabis cigarettes they produce are used by both American researchers and the four remaining patients who receive free federal cannabis as part of an Investigational New Drug program started in 1978 and closed to new participants in 1991.

Many of those researchers and patients have been critical of the quality of the cannabis produced at Ole Miss, and activists are concerned that superior

NATIONAL: SCOTUS Refuses Challenge to Medical Marijuana Law

A California county's attempt to overturn the state's medical marijuana law ended for good this spring when the U.S. Supreme Court refused to review the case.

Beginning in 2006, San Diego county officials had argued that federal prohibition of marijuana prevented them from implementing provisions of California's medical marijuana law. That federal pre-emption argument was rejected first by a superior court, then a state appeals court, and finally by the California Supreme Court. By refusing to hear the case, the U.S. Supreme Court



Joe Elford

ended the challenge, leaving San Diego compelled to follow the direction of voters and the state legislature.

"No longer will local officials be able to hide behind federal law and resist upholding California's medical marijuana law," said Joe Elford, Chief Counsel with ASA, which represented patients in the suit. "The courts have made clear that federal law does not preempt California's medical marijuana law

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proposals will not get a fair hearing.

"The government has a stranglehold on cannabis research in this country," said Caren Woodson, Government Affairs Director with Americans for Safe Access. "The bidding process is not as com- (continued page 2)

and that local officials must comply with that law."

San Diego officials had been refusing to issue state ID cards to medical cannabis patients. Since the state Supreme Court upheld the validity of the state law, ASA has given notice to the handful of counties that had yet to implement the program, which was mandated by the legislature in 2003.

ASA worked with the ACLU Drug Law Reform Project in arguing the case, along with the California Attorney General's office.

STATE UPDATES: California Senate Passes Resolution on Medical Marijuana Policy

Urges New Federal Approach to Research, Enforcement



The California Senate approved a resolution that calls for big changes in federal policy on medical marijuana. The resolution, which is sponsored by ASA, urges federal lawmakers to both end federal interference in state medical cannabis laws and establish a comprehensive national plan to provide safe access for all patients.

The state Senate's 23-15 vote comes in the wake of recent federal enforcement activity in the state, including multiple raids and the arrests of five individuals. The California Assembly will take up Senate Joint Resolution 14, which was introduced by State Senator Mark Leno (D-San Francisco), when it returns for a January session.

The Obama Administration has promised to end interference in state medical marijuana programs, and the President has signed a memorandum that says government policies should be based on sound science. But numerous federal raids since January have California lawmakers concerned.

"Patients and providers in California remain at risk of arrest and prosecution by federal law enforcement and legally established medical marijuana cooperatives continue to be the subjects of federal raids," said Sen. Leno in a statement. SJR 14 urges President Obama and Congress to "move quickly to end federal raids, intimidation, and interference with state medical marijuana law."

Federal agents have been recently involved in three raids on medical marijuana dispensaries, as well as a raid on a rural patient garden. These fol-

low at least a half-dozen other federal actions targeting medical marijuana providers that have occurred since President Obama took office.

"Federal interference in state medical marijuana laws is unnecessary, unwelcome, and harmful," said Don Duncan, ASA's California Director. "Patients will benefit from a national policy that protects safe access; law enforcement will benefit from clearer federal guidelines; and taxpayers will benefit from better use of federal resources."



Sen. Leno

The resolution also asks Congress to establish "an affirmative defense to medical marijuana charges in federal court and establish federal legal protection for individuals authorized by state and local law." Currently, federal medical marijuana defendants are prevented from using any defense that involves medical necessity or their compliance with state law.

"More than two dozen medical marijuana defendants are currently being prosecuted on federal charges," said Duncan. "A change in federal policy can keep these people from serving many years in prison."

The resolution additionally addresses the need to expand research into the medical benefits of cannabis, a primary recommendation of the 1999 Institute of Medicine report, which was commissioned by the White House.

Both heavily armed federal agents and local law enforcement officers were involved in the raids in Los Angeles that included two marijuana dispensaries, as well as the home of the owner.

Agents from the DEA, FBI and IRS were joined by officers from the Los Angeles County Sheriff's Department, Los Angeles Police Department, Torrance Police Department and Culver City Police Department.

Patients on the scene report that federal agents and police in riot gear entered with weapons drawn as helicopters circled overhead. Officials seized cash and property but not before destroying the walls of one of the dispensaries with sledgehammers.

The owner of the two dispensaries, whose dog was shot in the raid, was arrested and now faces state charges of felony marijuana possession. Two other individuals are facing federal charges.

CULTIVATION, continued from page 1

petitive as they would have us believe. They even rejected an alternative proposal their own judge recommended."

The DEA has repeatedly denied the application of a UMass Amherst researcher, Lyle Craker, to provide cannabis for federally approved research studies. Craker and others have pursued years-long appeals. In 2007, the DEA's administrative law judge ruled that the application should be granted because expanded medical marijuana research is "in the public interest." The DEA judge also concluded that the quantity and quality of cannabis supplied by Ole Miss was inadequate.

FRANK BILL, continued from page 1

marijuana is what this Administration has promised," said Caren Woodson, Government Affairs Director for Americans for Safe Access. "Congress has an historic opportunity to affirm marijuana's medical efficacy and develop a comprehensive plan that provides access and protection for all Americans who can benefit from its therapeutic use."

If the bill succeeds in moving marijuana to Schedule II, doctors could prescribe it and their patients could legally possess and use it in all 50 states, just like morphine and other Schedule II drugs.

The bill would also prohibit the federal government from interfering in current or future state programs that provide regulated access to marijuana for patients whose doctors have advised them to use it. Currently, 13 states have laws that protect qualified patients from prosecution under state law. But patients and their providers in Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, New Mexico, Nevada, Oregon, Rhode Island, Vermont and Washington all remain vulnerable to federal prosecution.

In California alone, nearly 100 individuals are currently facing federal prosecution on charges related to medical marijuana, with two more sealed indictments filed in the past month.

The Medical Marijuana Patient Protection Act of 2009, currently before the House Committee on Energy and Commerce, now has 29 co-sponsors:

Rep. Tammy Baldwin [D, WI-2], Rep. Earl Blumenauer [D, OR-3], Rep. Lois Capps [D, CA-23], Rep. Yvette Clarke [D, NY-11], Rep. Steve Cohen [D, TN-9], Rep. Peter DeFazio [D, OR-4], Rep. Keith Ellison [D, MN-5], Rep. Sam Farr [D, CA-17], Rep. Bob Filner [D, CA-51], Rep. Raul Grijalva [D, AZ-7], Rep. Maurice Hinchey [D, NY-22], Rep. Michael Honda [D, CA-15], Rep. Dennis Kucinich [D, OH-10], Rep. Zoe Lofgren [D, CA-16], Rep. James McDermott [D, WA-7], Rep. James McGovern [D, MA-3], Rep. George Miller [D, CA-7], Rep. James Moran [D, VA-8], Rep. John Olver [D, MA-1], Rep. Ronald Paul [R, TX-14], Rep. Jared Polis [D, CO-2], Rep. Dana Rohrabacher [R, CA-46], Rep. Steven Rothman [D, NJ-9], Rep. Janice Schakowsky [D, IL-9], Rep. Brad Sherman [D, CA-27], Rep. Fortney Stark [D, CA-13], Rep. C. Thompson [D, CA-1], Rep. Robert Wexler [D, FL-19], and Rep. Lynn Woolsey [D, CA-6].

RAIDS, continued from page 1

medical cannabis dispensaries. A Colorado dispensary was also raided and closed, though federal officials claim that action was unrelated to the distribution of cannabis.

"These federal actions against medical marijuana patients and providers emphasize the need for a new national approach," said Don Duncan, California Director of Americans for Safe Access. "We're seeing progress, but Washington needs to take action on a comprehensive, compassionate policy."

The northern California arrests apparently involved a collective garden of 154 The federal indictments of the five individuals are under seal, so no information on the charges or evidence is publicly available. The wife of one of the five people arrested told the media that the plants were all for authorized patients.

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STATE UPDATES: Colorado Board of Health Rejects Distribution Limits



Under pressure from patients and advocates, the Colorado Board of Health rejected a proposal that would have sharply restricted the ability of the state's citizens to access medical marijuana, in favor of allowing patients to obtain their medicine through retail dispensaries.

The 12-hour board hearing was attended by nearly 1,000 medical cannabis patients and supporters -- including lawyers, doctors, care providers, veterans, and numerous health-care and religious organizations.

Nearly 200 supporters of safe access testified, thanks to months of coordinated efforts by Sensible Colorado, an ASA affiliate.

The proposal the board rejected would have limited caregivers to assisting no more than five patients. The proposal would have also required medical marijuana providers to assist patients in ways that would be impractical for many—including providing food, transportation, and house-keeping services.

In addition to organizing patients and advocates to appear at the hearing, Sensible Colorado's



Colorado Board of Health meeting

director, Brian Vicente, also convinced organizations such as the Northern Colorado AIDS Project, the ACLU of Colorado and the Colorado Criminal Defense Bar to publicly oppose the changes, and he persuaded one of the state's Congressional delegation, Rep. Jared Polis, to write a personal letter of opposition to the board.

The Board of Health decision helps clarify how the state's qualified patients are to obtain their medicine. The embrace of the regulated dispensary model is a growing trend.

While only one state addressed the issue initially, since 2003 the legislatures of California, Washington and Oregon have amended their laws to establish rules for distributing marijuana to patients.



Brian Vicente

In March, the New Mexico Department of Health issued its first license for non-profit medical marijuana production.

In June, Rhode Island changed its law to allow three "Compassion Centers" to provide medical marijuana to patients.

This November, voters in Maine will have the chance to approve a ballot initiative that would implement a distribution mechanism for patients.

RHODE ISLAND: Veto Override OKs Medical Cannabis Dispensaries



Overriding their governor's veto with a near-unanimous vote, Rhode Island legislators have expanded their state's medical marijuana law to ensure safe access for qualified patients.

By a vote of 102 to 3, members of the state General Assembly again passed the 2009 Medical Marijuana Act, which establishes licenses and regulations for dispensaries to distribute medical marijuana to citizens who have been authorized by their physicians to use it.

The new law, which takes effect immediately, is similar to action taken earlier this year by the New Mexico legislature when it authorized the licensing of non-profit dispensaries for medicinal cannabis.

HAWAII: Medical Marijuana Task Force Established, Despite Veto



Lawmakers in Hawaii overrode a veto by their governor to establish a study committee to review the state's medical marijuana program. By a vote of 38 to 9, state legislators overturned Gov. Linda Lingle's veto of Senate Bill 1058. The bill creates a committee to consider options for providing medical cannabis to Hawaiians who are authorized by existing state law to use it.

The first state to establish access to medical cannabis through legislative action, Hawaii currently has over 3,000 registered patients who may legally possess and cultivate it.

But health officials and patient advocates are concerned that the nearly 10-year-old law does not provide an adequate mechanism for the most seriously ill to get access to their medicine.

STATE UPDATES: Maryland Cases Show Medical Cannabis Law's Flaws, Activists Say



Maryland's medical marijuana law worked as intended in two cases this month, but activists say the cases expose the law's limitations and have vowed to press for changes.

Each of the cases involved a seriously ill patient -- including one who is a founding member of the local chapter of Americans for Safe Access -- who received \$100 fines and misdemeanor convictions after demonstrating that their doctors had recommended cannabis for their conditions.

"ASA-Maryland is more committed than ever to changing our state's medical marijuana law," said Tony Bowles, the chapter's spokesperson. "We should not be wasting our state's limited resources on multi-day trials that result in a \$100 fine. The law should provide better protection for patients and direction for law enforcement."

In the two unrelated cases, each patient had been charged with felony possession with intent to distribute. Maryland law still classifies medical use of marijuana as a criminal offense, but limits the punishment to misdemeanor possession with a fine of \$100.

One case involved a young woman who uses cannabis to control her epilepsy, the other a man who suffers from a condition that causes episodes of severe vomiting that require hospitalization.

The woman's attorney told reporters that he was unaware of Maryland's medical marijuana law prior to taking the case, but nonetheless successfully argued in court that she should be covered by presenting medical studies showing that epilepsy can be controlled with cannabis.

In the other case, the judge refused to allow a medical necessity defense or any mention of the patient's condition at trial, though the cannabis seized by police was clearly labeled "For Medicinal Use Only," and the man has written recommendations from two physicians, including one from a gastro-intestinal specialist who noted that no other medication is effective.



Caren Woodson

That medical evidence was allowed at a sentencing hearing, and ASA's Director of Government Affairs, Caren Woodson, also testified to the defendant's long-standing activism on behalf of medical cannabis patients.

"ASA is happy that patients are able to get reduced sentences in Maryland," said Woodson. "But no one who uses cannabis in accordance with a physician's recommendation should be treated as a criminal by law enforcement or subjected to fines or any other penalties."

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INTERNATIONAL

ISRAEL: Growing Number of Medical Marijuana Patients

From exactly two authorized medical cannabis patients in 2000, the number in Israel has now grown to about 700, with the number expected to surpass 1,000 by the end of the year.

Patients are prescribed cannabis for multiple sclerosis, chronic pain, Tourette syndrome, cancer and other debilitating conditions.

Patients may possess 200 grams and grow up to ten plants. They can also receive free cannabis.

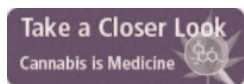
CROATIA: Court OKs Medical Cannabis for PTSD in Veterans

A Croatian veteran has successfully established a right to use cannabis to treat his post-traumatic stress disorder (PTSD). The high court of Croatia overturned his conviction for growing cannabis in his backyard and threw out the one-year prison sentence a lower court imposed.

The efficacy of cannabis in treating PTSD is still subject to debate, but many veterans and physicians have reported significant success. Among the symptoms of PTSD are depression, personality changes and self-mutilation.

In Croatia, an estimated 18,000 veterans suffer from stress disorders and 1,700 have committed suicide since the end of the war with Yugoslavia.

RESEARCH: More Studies on MS and Cannabinoids



Results of two clinical trials of a cannabis derivative on multiple sclerosis were present-

ed in Europe to great acclaim. Both studies of Sativex, a sublingual cannabis spray developed by GW Pharmaceuticals in Great Britain, found that it yielded significant improvement in spasticity. Researchers noted that "Sativex demonstrated a statistically significant and clinically relevant improvement in spasticity and was well tolerated in MS patients."

In separate research, scientists in England discovered that persons with multiple sclerosis have increased levels of endocannabinoids in their blood. The researchers noted that the endocannabinoid system is altered in multiple sclerosis, and that it "may be dynamically modulated depending on the subtype of the disease."

Results of long-term Sativex use in clinical trials suggest that the progression of multiple sclerosis may be slowed by the drug.

RESEARCH UPDATES: 33 Studies Find Cannabis Effective

A review of 33 controlled clinical studies over a 38-year period found that cannabis is a safe, effective medicine.

The review, whose lead author is ASA Advisory Board member Sunil Aggarawal, found that "nearly all of the 33 published controlled clinical trials conducted in the United States have shown significant and measurable benefits in subjects receiving the treatment."

The controlled clinical studies the authors analyzed show cannabis has broad efficacy and remarkable

safety. The review also notes that more than 15,000 peer-reviewed articles on the chemistry and pharmacology of cannabis and cannabinoids have been published, as well as more than 2,000 articles on the body's natural endocannabinoids. The authors conclude cannabis has applications for chronic pain, spasticity and other conditions.

As of 2008, roughly 7,000 American physicians are estimated to have recommended cannabis to approximately 400,000 patients in states that allow for its therapeutic use.

Cannabis May Treat, Not Trigger, Schizophrenia

Contrary to previous reports, three very different studies published recently indicate that cannabis is not implicated in schizophrenia onset and actually improves symptoms in some patients.

A ten-year UK study considered 600,000 diagnosed cases of schizophrenia each year found no increase. A previous review concluded cannabis use trends meant schizophrenia would increase.

A brain-imaging clinical study on 13 subjects showed cannabis use does not stimulate

dopamine in a manner consistent with the development of schizophrenia, a finding that "challenges current models of ... cannabis as risk factor for schizophrenia."

In an 8-week trial, New York researchers found daily doses of THC significantly improved symptoms of schizophrenia in 6 patients. "Four of the six patients improved to a clinically significant extent," researchers reported, and three of them "chang[ed] from being gravely ill to being functioning individuals able to be discharged."

Cannabinoids Fight Cancer, More Studies Show

New research not only confirms the tumor-fighting potential of cannabinoids but shows that cannabis users enjoy significant protection against certain types of cancer.

Large-scale studies of head, throat and neck cancers found, in one case, no correlation between occasional use and cancer and, in the other, that 10-20 years of cannabis use significantly reduced the incidence of such cancers. Even those long-term cannabis users who also used tobacco and alcohol, two well-established risk factors for the cancers, showed a decreased incidence.

In laboratory research, an international team of researchers has published a study of the mechanisms by which the primary active components of cannabis inhibit tumor growth and kill off malignant cells. Findings indicate that drugs that target cannabinoid receptors have a role in treatment.

Scientists in New Zealand have published a review of recent studies that focus on the role of cannabinoids and cannabinoid receptors in the treatment of breast cancer. They note that cannabinoids have been shown in laboratory models to be effective in fighting many other types of cancer tumors.

Cannabis Effective in HIV Self-Care

An international group of nursing researchers has determined from a longitudinal, multi-country, multi-site, randomized control clinical trial that cannabis can manage the symptoms of HIV/AIDS.

The study found that a significant percentage of those with HIV/AIDS use cannabis to manage symptoms of the six common symptoms of

HIV/AIDS—anxiety, depression, fatigue, diarrhea, nausea, and peripheral neuropathy. Researchers note that "those who did use marijuana rate it as effective as prescribed or over the counter medicines for the majority of common symptoms, once again raising the issue that therapeutic marijuana use merits further study and consideration among policy makers."

Cannabis Shields Brain from Alcohol Damage

The neuroprotective qualities of cannabinoids have been well established by laboratory research. But a new study of adolescent drinkers shows that cannabis use may protect against the brain damage caused by alcohol.

A brain imaging study of 42 adolescents aged 16

to 19 found that those who were heavy marijuana users showed less brain damage from heavy drinking than those binge drinkers who did not use marijuana. The imaging found differences between drinkers and non-drinkers in eight sectors of the brain, but found less difference in those who also used cannabis.

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