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Leno to Introduce Medical Cannabis Patient Rights Bill in Wake of CA Supreme Court Decision in Ross v. Raging Wire

SACRAMENTO, CA— In response to today’s California Supreme Court ruling in *Ross v. Raging Wire*, Assemblyman Mark Leno (D-San Francisco) today announced his plan to introduce legislation protecting medical cannabis patients’ right to employment.

“Today’s California Supreme Court ruling strikes a serious blow to patients’ rights,” stated Leno. “In the coming weeks I will introduce legislation that secures a medical cannabis patient’s right to use their doctor recommended medication outside the workplace. Through the passage of Proposition 215 in 1996 and SB 420 in 2004, the people of California did not intend that patients be unemployed in order to use medical marijuana.”

In September 2001, Gary Ross, a 45 year old disabled veteran, was fired for failing an employer-mandated drug test despite informing his employer in advance that he was using medical cannabis outside the workplace under his doctor’s recommendation.

“All I am asking is to be a productive member of society,” said plaintiff Gary Ross. “I was not fired for poor work performance, but for an antiquated policy on medical marijuana. This practice allows employers to undermine state law and the protections provided to patients.”

In 2006, Assemblyman Leno and the other legislative co-authors of SB 420 filed an amicus brief with the Court in support of Ross and underscored that the legislature’s intent was to permit the use of medical cannabis outside the workplace and that the Fair Employment and Housing Act “generally requires accommodation of medical cannabis use by disabled persons with medical conditions.”

The Leno bill to be introduced will be sponsored by Americans for Safe Access (ASA), the largest national member-based organization of patients, medical professionals, scientists, and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research. Joe Elford is the Chief Counsel for ASA who argued the case. “We are grateful that Assemblyman Leno has come to the aid of patients by introducing a bill to prevent the kind of employment discrimination condoned by today’s ruling.”

The 2006 amicus brief can be found at: http://www.safeaccessnow.org/downloads/ross_legislative.pdf

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