



Written by [Jack Kenny](#) on March 11, 2015

Senate Bill Would Rein in Feds on Medical Marijuana Laws

A bipartisan trio of U.S. senators is  [sponsoring a bill](#) to block the federal government from prosecuting medical marijuana use in states where it is legal. Republican Rand Paul (Ky.) and Democrats Kristen Gillebrand (N.Y.) and Corey Booker (N.J.) announced the proposed legislation at a Washington press conference Tuesday, where they stood alongside patients, family members and advocates of marijuana law reform who said access to medical marijuana in states where it is legal is impeded by fear of federal prosecution. Medical marijuana is legal in 23 states and the District of Columbia.

□ "For far too long, the government has enforced unnecessary laws that have restricted the ability of the medical community to determine the medicinal value of marijuana and have prohibited Americans from receiving essential care that would alleviate their chronic pain and suffering," said Paul, a likely contender for the GOP presidential nomination in 2016. Patients can realize "real medical benefits if this treatment option is brought out of the shadows," Booker said. "Doctors and patients deserve federal laws that are fair and compassionate, and states should be able to set their own medical marijuana policies without federal interference."

The Compassionate Access, Research, Expansion, and Respect States (CARERS) Act, offered as an amendment to the federal Controlled Substances Act, would also change the classification of marijuana from a Schedule I drug — a category that includes heroin and other highly addictive drugs with no medical value — to Schedule II, which includes medicines with a high abuse potential, including morphine, cocaine, and methamphetamine. Schedule II substances may be used in drugs prescribed by doctors in all states, subject to the approval of the Federal Drug Administration. The bill would also open the way to further research on marijuana by eliminating an extra layer of review by the U.S. Public Health Service, required under current law, and by requiring the Drug Enforcement Administration to license three sources of cannabis for research in addition to the National Institute on Drug Abuse, an agency given a monopoly for conducting marijuana research.

"Though federal law limits the opportunities for research, studies have shown that medical marijuana is an effective treatment for a variety of illnesses," according to a statement released by the three senators. "The Institute of Medicine of the National Academy of Sciences conducted a two-year review of data and found widespread agreement that medical marijuana can treat nausea, pain and anxiety," the statement continued. "A conclusion from another study through the University of California found evidence that medical cannabis can treat certain types of pain syndromes caused by injury or diseases of the nervous system, and possibly for painful muscle spasticity due to multiple sclerosis."

The bill goes beyond the amendment Rohrabacher-Farr amendment, signed into law as part of a spending bill last December, that prohibits the use of Justice Department funds to prosecute state-



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approved medical marijuana programs. The CARERS Act would also revoke a ban prohibiting doctors at Veterans Administration facilities from prescribing marijuana for medical use, even in states where it's legal. Booker emphasized the need for veterans, especially those with post-traumatic stress disorder, to have access to the drug. "These laws must change," he said. "The government has overstepped."

The bill would also eliminate federal penalties imposed on financial institutions for serving "marijuana-related legitimate businesses," along with the requirement under federal banking laws to file "suspicious activity reports" on transactions by legal medical marijuana enterprises. Though medical marijuana is legal in the District of Columbia, a grower of marijuana who supplies dispensaries in the district spoke at the senators' press conference of the dangers of having to operate entirely in cash because of the federal banking laws.

The legislation would further expand access to cannabis-derived medicine by changing the definition of marijuana in federal law to exclude cannabidiol (CBD), described in the senators' statement as "a nonpsychoactive compound that shows promise as a treatment for epilepsy and other conditions." Some states have approved use of CBD as a medicine, but still ban the growing of the plant. The CARERS Act would allow transportation of CBD from states that allow its production to states that allow its use. Kate Hintz, a resident of New York where medical marijuana use is legal, said many families, upon hearing the benefits of high-CBD marijuana for patients with drug-resistant epilepsy, "instantly packed up their belongings and headed to Colorado," where "they are known as 'marijuana refugees.'" Hintz, whose four-year-old daughter suffers from a severe form of epilepsy known as Dravet Syndrome, said other families have been transporting the medicine across state lines at the risk of being apprehended and charged with a federal felony.

"Current federal law turns its back on families in need of this medicine, which doctors want to prescribe to ease pain and suffering," said Gillibrand. "The CARERS Act will no longer put politicians between doctors and patients. It will let doctors do their job and give parents every available option to comfort their children."□

Ever since California in 1996 became the first state to legalize marijuana for medical use, the conflict between state and federal law on the subject have left marijuana use in a legal limbo. In the state of Washington, one of four states where marijuana is legal even for recreational use, federal prosecutors recently won convictions against four members of a family, known as the Kettle Falls Five, for growing between 50 and 100 marijuana plants on their property near Kettle Falls. A sentencing hearing for three of the defendants is scheduled for June 10, while a fourth will have his hearing a week later, the *Spokesman-Review* of Spokane [reported](#) Tuesday. Charges against Larry Harvey, the patriarch of the family, were dismissed after he was diagnosed with terminal pancreatic cancer.

Reform advocates from Marijuana Policy Project, the Drug Policy Alliance and Americans for Safe Access, helped shape the CARERS Act, *Time* magazine reported, while Allen St. Pierre, executive director of the National Organization for the Reform of Marijuana Laws (NORML), told *Time* the bill may be "DOA" because of Republican opposition to marijuana in general. But while a Reuters/Ipsos poll shows 58 percent of Republicans opposing full legalization and the same percentage of Democrats supporting it, support for legalizing medical marijuana has been bipartisan and growing in swing states like Iowa, where next year's caucuses will be the first hurdle for presidential candidates to clear. A *Des Moines Register* poll released 10 days ago showed 70 percent of Iowa adults in favor of marijuana legalized for medical use, up from 59 percent just one year ago. Iowa legislators last spring passed a bill allowing the high-CBD extract for people with severe epilepsy, but patient advocates have called the



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law useless, since it doesn't legalize distribution of the medication. They are pushing for a broadening of the law that would allow marijuana distribution and use for a variety of afflictions.

Perhaps it's no coincidence that polls showing increased support for legalizing medical marijuana have come out at roughly the same time that likely Republican presidential candidates have been emphasizing states' rights on marijuana laws. At the recent Conservative Political Action Forum, *Time* noted, Senator Ted Cruz (R-Texas) spoke of Colorado's legalization in terms of federalism, which he called a "great embodiment" of states acting as "laboratories of democracy."

Among likely presidential candidates, Reuters listed Paul, Cruz, former Texas Governor Rick Perry, Florida Senator Marco Rubio, and former Florida Governor Jeb Bush as having said states should have the right to determine their own marijuana laws.

"Talking about reducing the role of government interference in our personal lives and enhancing personal freedom and autonomy, reducing government spending — those are all conservative talking points," noted Dan Riffe of the Marijuana Policy Project. Concerning the marijuana legislation, "It's nice to see that Senator Paul is actually doing something about it," Riffe said.

Photo of (from the left) Senators Kristen Gillebrand, Rand Paul, and Corey Booker: AP Images



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