

CALIFORNIA MEDICAL ASSOCIATION

INTERNAL MEMORANDUM

January 19, 1999

To: TAC on Medical Marijuana

From: Sandra Bressler

Re: Attorney General's Task Force on Medical Marijuana

CMA has been invited to participate in a task force on Proposition 215 by the new Attorney General, Bill Lockyear. Your TAC Chair, Jane Marmor, and CMA legal staff, Alice Mead, will be attending the first meeting on February 2. We may want to convene a conference call of the TAC following that meeting to discuss any new issues that may arise.

For your information, attached is a memorandum from Alice Mead raising some of the issues that may surface should a different attitude toward dispensing marijuana emerge from the AG's task force.

We will keep you posted.

cc: Jane Marmor, MD
Alice Mead
Elizabeth MacNeil
Joan Hall

bcc: Gail B. Jara, Executive Director ✓
California Society of Addiction Medicine

CALIFORNIA MEDICAL ASSOCIATION

MEMORANDUM

TO: Sandra Bressler **DATE:** January 11, 1999
FROM: Alice P. Mead *APM*
SUBJ: Possible TAC Consideration of Medical Marijuana Dispensaries in California

As we discussed, the new administration in California appears to have quite a different attitude toward Proposition 215. While former Attorney General Lungren was apparently antagonistic to the very concept of medical marijuana, Attorney General Lockyer has repeatedly voiced his support for the law. Indeed, Attorney General Lockyer has clearly stated that, while recognizing the importance of the cooperation of federal authorities, he intends to take whatever steps necessary to facilitate the implementation of Proposition 215 in California (see attachment). Accordingly, it is very possible that Lockyer may be willing to allow medical marijuana dispensaries to exist throughout California, so long as they are professionally operated and perhaps supervised by state or local governmental authorities.

As you know, CMA does not endorse the widespread distribution of medical marijuana to patients. However, CMA's most recent policy supports, among other things, efforts to create, and to obtain federal government approval for, a reliable and high-quality source of marijuana within California for the purposes of 1) facilitating research and 2) providing controlled distribution to appropriate patients, upon recommendation of their physician, through pharmacies or other closely regulated sources. While the medical marijuana dispensaries have not previously met the CMA standard of a "closely regulated source" akin to a pharmacy, it is possible that these dispensaries could be run in a manner that may satisfy CMA's concerns. For example, the state or a local governmental entity could arrange with a marijuana grower to produce a high-quality marijuana (plant or seed) of reliable and consistent composition that could be provided to the dispensaries. The dispensaries could be directly supervised in a variety of respects by the city or county government. Patients who were appropriate medical marijuana recipients could be identified by means of a county certification program, perhaps operated through the county department of health. In short, there may be a number of procedures or requirements that the TAC could consider to decide if any dispensary could theoretically qualify as a "closely regulated source" of medical marijuana.

To be sure, CMA policy still primarily supports further research into the possible benefits and risks of medical marijuana through appropriate controlled clinical trials. However, if some sort of medical marijuana distribution is likely in California, it seems to me that, in order to minimize any harm to patients and/or public health, CMA should actively participate in creating the structure under which such distribution takes place. CMA has created policy to achieve such "damage control" in other areas, such as needle exchange. The same type of proactive involvement may be appropriate here, especially in light of the fact that five other states have enacted marijuana initiatives similar to Proposition 215 and will be searching for the means to implement their new laws.

Alice P. Mead to Sandra Bressler

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Furthermore, there are a number of research efforts currently under way to test the medical efficacy of marijuana. In addition to Dr. Abrams' safety study, there is a pharmaceutical company in Great Britain that is planning a large-scale clinical trial. Therefore, more scientific data should be available very soon that may enable CMA to support the rescheduling of cannabis to Schedule II for widespread prescriptive use.

Please let me know if you think the TAC would benefit from any further information.

APM/pm

Attachment

cc: Steve Thompson
Carrie Fletcher Stover

sb011199-tac.wpd

From: "McWilliams Main" <peter@mcwilliams.com>
To: "Peter McWilliams" <peter@mcwilliams.com>
Date: Fri, Jan 8, 1999 7:23 PM
Subject: FW: Lockyer And Prop 215

Pubdate: 04. Jan 1999
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LOCKYER AND PROP 215

The new year grants a chance to clear the air of the haze of confusion hanging over Proposition 215, the medical marijuana initiative voters passed in 1996. And incoming Attorney Gen. Bill Lockyer has turned on the fans, signalling that a new view of the issue is being taken by the state's top law enforcement officer.

Under Mr. Lockyer's predecessor, Dan Lungren, virtually no leeway was given to local counties and cities in the implementation of the law. Mr. Lungren even called in federal drug enforcement officials to crack down on medical marijuana distributors.

Although the wording of Prop. 215 is not always clear, its intent is to allow a physician to give a permission slip (not a prescription) to suffering patients, who then should be able to legally obtain the medicine. Unfortunately, Prop. 215 doesn't specify how patients can get the medicine, which is still illegal to sell or buy. This policy disconnect has led to crackdowns on cannabis buyers' clubs, including at least one in Orange County.

Mr. Lockyer says he's going to implement the will of the voters. "That means cooperating with local communities if they have different approaches," he told the San Francisco Examiner last week. "So San Francisco would be different than Kern County. I think [Mr. Lungren] was overly zealous in continuing to oppose [Prop. 215] even after the people had adopted it. I joke that there are days when I thought Dan had a copy of 'Reefer Madness' at home."

That's good news for the many people suffering from glaucoma, leukemia, cancer or other ailments that seem to be aided by smoking the herb. During last year's political campaign, we twice met with Mr. Lockyer and were touched by his compassion for his mother and sister, both of whom died of leukemia. He wondered to us why suffering patients can be given morphine, but not marijuana, if that's what can ease their pain.

"I'm impressed and delighted with the vision and courage that Bill Lockyer has shown on this issue," Steve Kubby told us; he's co-author of Prop. 215, publisher of Alpine World and was last year's Libertarian Party candidate for governor. "In addition, his approach of doing it on a county-by-county basis, rather than on a statewide basis, is exactly what's needed right now. Lockyer said it best:

Lungren saw himself as the pinnacle of law enforcement, but Lockyer sees himself as a support for communica district attorneys and local law enforcement."

Mr. Kubby also was impressed with Mr. Lockyer's "private discussions with people like the Oakland Cannabis Buyers' Club. That's the first time an elected official I've heard of has gone right to the patients and asked them

for their views. So he has a track record with medical patients, and we respect him and appreciate him."

Mr. Lockyer's job won't be easy. He still has to deal with federal drug enforcement authorities, who insist that marijuana has no medicinal value and should not be recommended by doctors. A crackdown could include revoking a physician's federal license to prescribe medication.

But Mr. Lockyer, unlike Mr. Lungren, is a member of the same party as President Clinton, the Democrats.

And as the No. 2 elected official in the nation's largest state, Mr. Lockyer's voice will be heard in Washington on this issue - especially after last November's election, when five other states voted to allow medical marijuana.

Clearly, Americans want marijuana allowed as a medical treatment. In California, it's time to make Prop. 215 work.

Distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes.

MAP posted-by: Rich O'Grady