

## **Medical Marijuana and New York An Overview**

Thousands of New York's seriously ill are counting on their state to enact a compassionate law to allow them to relieve their symptoms with marijuana, with their doctors' advice. The state Assembly has twice passed a medical marijuana bill, in June 2007 and June 2008.

### **Marijuana's Medical Value**

- Studies show that many patients suffering from HIV/AIDS, glaucoma, cancer, multiple sclerosis, epilepsy, and other debilitating illnesses find that marijuana provides relief from their symptoms.
- Available prescription drugs often come with far more serious side effects than marijuana, and many patients who find relief from marijuana simply do not respond to prescription medications. Administering marijuana by smoking or a smoke-free vaporizer are much more effective delivery methods than pills for many patients, especially those suffering from severe nausea.
- Cocaine, morphine, and methamphetamine may all be legally administered to patients — so why not marijuana, which has a far lower rate of dependency and on which no one has ever overdosed?

### **Thirteen State Laws Are Protecting Patients**

- These 13 states allow the doctor-advised, medical use of marijuana: Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Rhode Island, Washington, and Vermont.
- The 13 laws remove the state's criminal penalties for the possession and cultivation of limited amounts of marijuana by patients. They also allow a caregiver to cultivate marijuana for the patient, since many are too sick to do so.
- These laws are working well, enjoy strong popular support, and are protecting patients. Data have shown that concerns about these laws increasing youth marijuana use are unfounded: All 11 of the medical marijuana states that have produced before-and-after data have reported overall decreases in teen marijuana use — exceeding 50% in some age groups.

### **The Issue of Federal Law**

- Nothing in the Constitution or federal law prohibits states from having penalties that differ from federal law.
- Because 99% of all marijuana arrests are at the state and local level, state medical marijuana laws provide nearly complete protection to patients. Pres. Barack Obama and Attorney General Eric Holder have said the federal government will not prosecute patients and providers in compliance with state medical marijuana laws.
- A federal appellate court ruled that the federal government cannot punish — or even investigate — physicians for discussing or recommending the medical use of marijuana with patients.

### **The New York Proposal**

- The medical marijuana legislation proposed by Assembly Health Chair Richard Gottfried and Senate Health Committee Chair Tom Duane is narrowly crafted to protect the seriously ill: Patients would only qualify if their physician recommends medical marijuana and certifies that the patient has a life-threatening or severe, debilitating medical condition. They would need a state-issued ID card to be protected. Like the other 13 medical marijuana states, it allows patients or a caregiver to cultivate an adequate supply of medicine for personal medical use.

### **Popular Support**

- 76% of New Yorkers believe patients should have medically-supervised access to marijuana (Siena Research Institute).

### **Supportive New York and National Medical Organizations (partial list)**

American Academy of HIV Medicine	American Nurses Association
American Public Health Association	Associated Medical Schools of New York
Leukemia & Lymphoma Society	Lymphoma Foundation of America
Medical Society of the State of New York	Rochester Breast Cancer Coalition
Hospice and Palliative Care Association of NYS	NYS Nurses Association

### **Editorial Endorsements**

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