

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

Assembly Joint Resolution

No. 13

Introduced by Assembly Member Leno

March 10, 2003

Assembly Joint Resolution No. 13—Relative to medical cannabis.

LEGISLATIVE COUNSEL'S DIGEST

AJR 13, as amended, Leno. Medical cannabis.

This measure would urge the President and Congress of the United States to take specified actions relating to the use of cannabis for medicinal purposes.

Fiscal committee: no.

- 1 WHEREAS, In 1970, Congress passed the Comprehensive
2 Drug Abuse Prevention and Control Act of 1970 (Chapter 13
3 (commencing with Section 801) of Title 21 of the United States
4 Code), classifying cannabis as a “Schedule I” controlled
5 substance, which means that the drug or other substance has a high
6 potential for abuse, the drug or other substance has no currently
7 accepted medicinal use in treatment in the United States, and there
8 is a lack of accepted safety for use of the drug or other substance
9 under medical supervision; and
10 WHEREAS, In the intervening 33 years since cannabis was
11 classified as a Schedule I controlled substance, studies have
12 indicated that cannabis is therapeutic in the treatment of a number
13 of serious ailments, and is less toxic and less costly than many
14 conventional medicines for which it may be substituted; and

1 WHEREAS, A well-established medicinal use of cannabis is as
2 an antinauseant for chemotherapy for cancer treatment for patients
3 who do not respond well to other antinausea medications; and

4 WHEREAS, A federally commissioned 1999 report by the
5 National Academy of Sciences determined that the active
6 components of cannabis are potentially effective in treating pain,
7 nausea, and AIDS wasting, as well as symptoms associated with
8 other conditions, including multiple sclerosis; and

9 WHEREAS, The use of cannabis alleviates nausea, vomiting,
10 and loss of appetite experienced by many AIDS patients, without
11 accelerating the rate at which persons who are HIV positive
12 develop clinical AIDS or other illnesses; and

13 WHEREAS, A 1982 report by the National Academy of
14 Sciences suggested that cannabis reduces interocular pressure in
15 patients suffering from glaucoma, which is the leading cause of
16 blindness in the United States; and

17 WHEREAS, Clinical evidence also points to the effectiveness
18 of cannabis as a therapeutic agent in the treatment of a variety of
19 spastic conditions, such as multiple sclerosis, paraplegia, epilepsy,
20 and quadriplegia; and

21 WHEREAS, The 1999 National Academy of Sciences report
22 noted that cannabis seems to alleviate muscle spasms associated
23 with multiple sclerosis; and

24 WHEREAS, Researchers from the University of San Francisco
25 have found that the use of cannabis modulates pain signals in much
26 the same way as morphine and other opiates, and the report from
27 the Institute of Medicine of the National Academy of Sciences
28 concluded that cannabis use can produce significant analgesic
29 effects; and

30 WHEREAS, The results of this research have led the Society for
31 Neuroscience to pronounce that cannabis could relieve the pain of
32 tens of millions of Americans each year; and

33 WHEREAS, Research indicates that cannabis compounds may
34 protect brain cells during a stroke, and researchers at the National
35 Institute of Mental Health have called compounds in cannabis
36 potent antioxidants, which are relied on by doctors to protect
37 stroke victims from toxic levels of a brain chemical called
38 glutamate; and

39 WHEREAS, Despite the legal prohibition against physicians
40 prescribing cannabis, many medical oncologists accept cannabis's



1 medical use in treatment and therefore recommend it to patients to
2 ease their pain and suffering; and

3 WHEREAS, The 1999 National Academy of Sciences report
4 concluded that cannabis is “promising for treating wasting
5 syndrome in AIDS patients,” and that for patients who are
6 undergoing chemotherapy and who suffer simultaneously from
7 severe pain, nausea, and appetite loss, “cannabinoid drugs might
8 offer broad-spectrum relief not found in any other single
9 medication,” and that “[t]here will likely always be a
10 subpopulation of patients who do not respond well to other
11 medications”; and

12 WHEREAS, Between 1978 and 1996, legislatures in 34 states
13 and the District of Columbia passed laws recognizing the
14 therapeutic value of cannabis, and 23 of those laws remain in effect
15 today; and

16 WHEREAS, Since 1996, nine states have accepted the medical
17 use of cannabis in treatment and have passed laws allowing a
18 seriously ill patient with a recommendation from his or her
19 physician to possess and use cannabis for medicinal purposes; and

20 WHEREAS, The eight states that have adopted compassionate
21 medical cannabis laws by voter initiative include California,
22 Alaska, Arizona, Colorado, Maine, Nevada, Oregon, and
23 Washington; and

24 WHEREAS, The Legislature of the State of Hawaii passed a
25 similar medical cannabis law; and

26 WHEREAS, On November 5, 1996, the people of the State of
27 California adopted the Compassionate Use Act of 1996
28 (Proposition 215), codified in Section 11362.5 of the Health and
29 Safety Code, in order to allow seriously ill residents of the state
30 who have the oral or written recommendation of a physician to use
31 cannabis for medicinal purposes without fear of criminal liability
32 under state law; and

33 WHEREAS, These laws do not legalize cannabis or alter
34 criminal penalties regarding the possession or cultivation of
35 cannabis for recreational use, they do not establish a legal supply
36 for patients to obtain the drug, and they do not authorize physicians
37 to prescribe cannabis, which remains classified as a Schedule I
38 drug under California law; and



1 WHEREAS, These laws merely provide a narrow exemption
2 from prosecution for patients who use cannabis for medicinal
3 purposes; and

4 WHEREAS, Although these laws protect patients and
5 physicians from state criminal penalties, they do not shield
6 patients or their physicians from federal prosecution; and

7 WHEREAS, Despite the adoption of this initiative in
8 California, a terminally ill patient may be prosecuted under federal
9 law for possessing cannabis for medicinal use; and

10 WHEREAS, A majority of Americans support legalizing the
11 medicinal use of cannabis for seriously ill patients, and the results
12 of a March 26, 1999, Gallup poll show that 73 percent of
13 Americans support making cannabis available to doctors so they
14 may prescribe it; and

15 WHEREAS, Compassion demands that we allow seriously ill
16 citizens of the United States to gain access to, possess, and use
17 cannabis to alleviate their pain and suffering; and

18 WHEREAS, Medical professionals in our society should not be
19 required to subject themselves to the threat of federal criminal
20 prosecution in order to treat patients with a substance that has been
21 widely accepted by their profession as an effective treatment for
22 certain symptoms or conditions; and

23 WHEREAS, The Los Angeles Cannabis Resource Center
24 (LACRC) operated, pursuant to a resolution of the City Council of
25 West Hollywood and in accordance with California law as a
26 patients' cooperative that provides medical cannabis to bona fide
27 patients, many of whom are too ill to grow cannabis themselves for
28 medical use; and

29 WHEREAS, The LACRC operated in cooperation and
30 conjunction with the duly elected Mayor and City Council of the
31 City of West Hollywood, and with the Los Angeles County
32 Sheriff's Department and its duly elected sheriff, in order to
33 provide seriously ill, bona fide patients with cannabis to be used
34 for medicinal purposes; and

35 WHEREAS, The United States Drug Enforcement
36 Administration, in violation of both the principle of states' rights
37 and the will of the California voters, entered the LACRC premises
38 on October 25, 2001, closed down the clinic, and seized property
39 and the confidential medical records of registered patients; and



1 WHEREAS, The United States Attorney subsequently
2 convened a grand jury to indict the patient-operators of the
3 LACRC, to the detriment of several hundred seriously ill
4 Californians who must now rely on unregulated black market
5 sources if they wish to access cannabis to treat their symptoms; and

6 WHEREAS, In July of 2002, Bryan Epis, who was associated
7 with the Chico Medical Marijuana Caregivers, was sentenced to 10
8 years in prison after a trial in which the federal court judge
9 excluded medical evidence, and Mr. Epis was convicted of
10 conspiracy to grow cannabis; and

11 WHEREAS, On September 5, 2002, armed agents of the United
12 States Drug Enforcement Administration entered onto the private
13 premises and home of Valerie and Mike Corral, threatening the
14 Corrals and other sleeping patients of the Wo/Men’s Alliance for
15 Medical Marijuana in Santa Cruz, California; and

16 WHEREAS, Federal agents arrested the Alliance directors,
17 handcuffed handicapped patients at gunpoint, and destroyed a
18 cannabis crop intended for the medical treatment of the
19 approximately 250 gravely ill patients of the nonprofit, patient-run
20 cooperative; and

21 WHEREAS, In February 2003, Edward Rosenthal was
22 convicted in a federal court in California, and thus he could be
23 sentenced to many years in federal prison for growing cannabis
24 starter plants for people who were too ill to start the plants
25 themselves, in violation of federal laws, by a jury whose members
26 have said subsequently that had the federal court allowed
27 discussion of state law and Mr. Rosenthal’s deputation by the City
28 of Oakland, they would not have convicted him; and

29 WHEREAS, There appears to be an ever-quickening pace of
30 arrest, intimidation, and harrassment of bona fide patients,
31 providers, physicians, and caregivers in our state, by the agents of
32 the federal government; and

33 WHEREAS, Federal authorities have already arrested,
34 detained, or confiscated the property of over 40 California
35 residents, many of whom were working in cooperation with local
36 elected leaders and law enforcement officials under rights given to
37 them under Proposition 215; and

38 WHEREAS, The federal attorneys and judges responsible for
39 prosecution of California residents and adjudication of medical
40 cannabis cases under federal law have kept from juries evidence



1 that the use of cannabis for medical purposes in certain cases has
2 been in accordance with state statutes and case law; and

3 WHEREAS, Members of juries comprised of California
4 residents have expressed outrage at the conduct of the federal
5 attorneys and judges, whom the jury members believe actively
6 mislead them, causing them to hand down inappropriate verdicts
7 against defendants who cultivated cannabis in accordance with
8 state laws and local ordinances; and

9 WHEREAS, This egregious conduct against California
10 residents has led to an undermining of confidence in the courts and
11 the American judicial system; now, therefore, be it

12 *Resolved by the Assembly and Senate of the State of California,*
13 *jointly,* That the Legislature of the State of California respectfully
14 urges the President and Congress of the United States to do all of
15 the following:

16 (a) Enact legislation that secures a state's right to regulate
17 medical cannabis, allows individual patients to possess and
18 consume medical cannabis, and allows individuals deputized by
19 states and localities to cultivate and distribute medical cannabis
20 appropriately.

21 (b) Amend the Comprehensive Drug Abuse Prevention and
22 Control Act of 1970 to allow for a medical necessity defense as
23 suggested by the United States Supreme Court in *United States v.*
24 *Oakland Cannabis Buyers' Coop.* (2001) 532 U.S. 483.

25 ~~(e) Cut budget allocations to the Drug Enforcement~~
26 ~~Administration, the United States Attorney's Office, and other~~
27 ~~branches of the federal government that are being used to harass;~~

28 (c) *Conduct oversight hearings on the use of Drug Enforcement*
29 *Administration funds that are being used to harass,* intimidate, and
30 prosecute Californians and others who are attempting to alleviate
31 suffering through the legal and appropriate use of medical
32 cannabis; and be it further

33 *Resolved,* That the Chief Clerk of the Assembly transmit copies
34 of this resolution to the President and Vice President of the United
35 States, to the Speaker of the United States House of
36 Representatives, to the United States Senate Majority Leader, and
37 to each Senator and Representative from California in the
38 Congress of the United States.

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