

Medical Marijuana

This IPRO report examines scientific research concerning marijuana's medicinal uses and summarizes state and federal action on the legalization of medical marijuana.

Definition and Overview

Medical marijuana is defined as cannabis used for therapeutic purposes. The terms "medical marijuana" and "medicinal marijuana" are used interchangeably throughout this report.

The active component in marijuana is tetrahydrocannabinol (THC), which induces psychoactive effects in the user and provides the drug's medicinal benefits. Marijuana has been shown both anecdotally¹ and in studies to have numerous health benefits, including pain relief, alleviation of nausea and vomiting, and increasing appetite.² THC has also been shown to impede the formation of Alzheimer's disease.³

Marijuana can be inhaled or ingested orally. In addition to the conventional smoking of the substance, marijuana can also be inhaled after being vaporized. The vaporization process is designed to limit the toxins associated with smoking the substance. While cannabinoid vapors are released in the process of heating the marijuana, the temperature is not sufficiently elevated to induce the smoke and toxins. A 2006 study found that the "final pulmonary uptake of THC is comparable to the smoking of cannabis, while avoiding the respiratory disadvantages of smoking."⁴

Oral ingestion of the drug can also take various forms, whether it is through food infused with marijuana or in the form of a pill. Marinol, in which the active ingredient is synthetic THC, is a Federal Drug Administration-approved drug used to treat nausea, vomiting, and loss of appetite. It is administered when conventional treatments prove inadequate.⁵ The efficacy of Marinol compared to smoked marijuana is contested, with some claiming that the synthetic THC contained in Marinol sufficiently delivers the intended medical benefits. Proponents of legalization claim smoking cannabis delivers benefits that are intrinsic to the plant and are not present in synthetic THC.⁶

¹ Moran, Mark. "Medical Marijuana Verdict Elusive Despite Study, Debate." *Psychiatric News*. 20 March 2009. 14 Nov. 2009. <<http://pn.psychiatryonline.org/cgi/content/full/44/6/10>>.

² Benson, John, Janet Joy, and Stanley Watson. "Marijuana and Medicine: Assessing the Science Base." *Institute of Medicine*. 2009. 14 Nov. 2009. <http://medicalmarijuana.procon.org/sourcefiles/IOM_Report.pdf>.

³ The Srips Research Institute. "Marijuana's Active Ingredient Shown to Inhibit Primary Marker of Alzheimer's Disease." 9 Aug. 2006. 14 Nov. 2009. <<http://www.scripps.edu/news/press/080906.html>>.

⁴ Hazekamp, Arno, Renee Ruhaak, Lineke Zuurman, Joop van Gerven, and Rob Verpoorte. "Evaluation of a vaporizing device (Volcano) for the pulmonary administration of tetrahydrocannabinol." *Journal of Pharmaceutical Sciences*. 24 April 2006. 30 Nov. 2009. <<http://www3.interscience.wiley.com/cgi-bin/fulltext/112597268/HTMLSTART>>.

⁵ Solvay Pharmaceuticals, Inc. "MARINOL174." 20 Oct. 2009. 14 Nov. 2009. <<http://www.solvaypharmaceuticals-us.com/products/productgroups/productdetails/0,,8944-2-0,00.htm>>.

⁶ ProCon.org. "Is Marinol better than marijuana?" 2 Sept. 2009. 29 Nov. 2009. <<http://medicalmarijuana.procon.org/viewanswers.asp?questionID=000090>>.

Federal Law

Under federal law, marijuana is a Schedule I controlled substance. Other Schedule I substances include heroin and PCP, and such a classification indicates the substance has “no accepted medical use.”⁷ Because marijuana is a controlled substance under federal law, possessing it is illegal, whether it is intended for medicinal or recreational use.

Despite federal statute, 13 states have passed laws legalizing medical marijuana, and 14 additional states have pending bills or ballot measures that would legalize the drug for medicinal use.⁸ Because the substance remains illegal under federal law, however, the federal Drug Enforcement Administration retains the authority to arrest people who are using marijuana for medicinal purposes. In a shift in policy, the U.S. Justice Department announced in October 2009 that it would not prosecute medicinal marijuana users and distributors that abide by state laws.⁹

The Debate Over Medical Marijuana

Supporters of legalizing medicinal marijuana point to the drug’s therapeutic uses. They claim that while marijuana may have adverse side effects, the substance is safer than a myriad of harmful drugs approved by the FDA.¹⁰ For example, a report by the nonprofit site ProCon.org found that 17 FDA-approved drugs were either the primary suspect of death or contributed to the deaths of more than 11,600 people between January 1, 1997 and June 30, 2005. In that same time period, marijuana contributed to just 279 deaths.¹¹ Twelve of the selected drugs are regularly prescribed instead of medical marijuana; the remaining five* are widely used drugs that were randomly selected.¹² Proponents also argue that it is immoral to deny medical relief to those suffering from illnesses or symptoms that are not effectively assuaged by conventional medicines.

Opponents of medical marijuana legalization object to the inherently varied nature of different strains of marijuana and worry about the adequacy of quality regulation. Many skeptics also point to the negative effects smoking marijuana has on the lungs, questioning the intelligence of inhaling when medicine derived from marijuana in the form of a pill may suffice.^{13,14} Still others

⁷ Office of Diversion Control. “Controlled Substances Schedule.” *U.S. Department of Justice, Drug Enforcement Administration*. 2009. 6 Nov. 2009. <<http://www.deadiversion.usdoj.gov/schedules/schedules.htm>>.

⁸ ProCon.org. “13 Legal Medical Marijuana States.” 5 August 2009. 6 Nov. 2009. <<http://medicalmarijuana.procon.org/viewresource.asp?resourceID=000881>>.

⁹ Stout, David, and Solomon Moore. “U.S. Won’t Prosecute in States That Allow Medical Marijuana.” *The New York Times*. 19 Oct. 2009. 8 Nov. 2009.

<http://www.nytimes.com/2009/10/20/us/20cannabis.html?_r=1&scp=8&sq=medical%20marijuana&st=cse>.

¹⁰ Elders, Jocelyn. “Myths about medical marijuana.” *The Providence Journal*. 26 March 2004. 14 Nov. 2009. <http://www.projo.com/opinion/contributors/content/projo_20040326_26ctelder.22fed4.html>.

¹¹ ProCon.org. “Deaths from Marijuana v. 17 FDA-Approved Drugs.” 8 July 2009. 14 Nov. 2009. <<http://medicalmarijuana.procon.org/viewresource.asp?resourceID=000145>>.

* Ritalin, Wellbutrin, Adderall, Viagra, Vioxx

¹² ProCon.org. “Deaths from Marijuana v. 17 FDA-Approved Drugs.” 8 July 2009. 14 Nov. 2009. <<http://medicalmarijuana.procon.org/viewresource.asp?resourceID=000145>>.

¹³ Miller, Henry. “Crackpot Legislation.” *The New York Times*. 17 June 2007. 14 Nov. 2009.

<<http://www.nytimes.com/2007/06/17/opinion/nyregionopinions/17Cimiller.html?scp=5&sq=henry%20miller%20marijuana&t=cse>>.

assert legalizing medicinal marijuana is a slippery slope toward full legalization. Other opponents worry about prescribed medical marijuana getting into the hands of non-qualified users.¹⁵

Iowa Action on Medical Marijuana

Medical marijuana is not legal in Iowa. Over the last decade, however, at least five bills were introduced in the Iowa Legislature that would have legalized medical marijuana.¹⁶ One additional pro-medical marijuana bill, Senate File 293, is still active and sponsored by Senator Joe Bolckom, an Iowa City Democrat. The measure would legalize marijuana for “therapeutic purposes” and would establish state-regulated “compassion centers.” The bill defines a compassion center as a “not-for-profit organization registered by the [Department of Public Health] that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses marijuana or related supplies and educational materials to qualifying patients, designated caregivers, and compassion center staff who possess a valid registry identification card.”¹⁷

Under the bill, the state Department of Public Health would be given implementation authority and would be tasked with crafting additional rules and fees and issuing identification cards to qualified patients. Qualified patients could legally possess up to 12 marijuana plants and 2.5 ounces of usable marijuana. The measure includes a list of ailments and symptoms medical marijuana could legally be used to treat and accords individuals the right to appeal for the inclusion of additional acceptable sicknesses. Qualified patients are defined as those diagnosed with one of the conditions listed in the bill. The legislation would also establish the title of “designated caregivers.” Such caregivers would be empowered to assist up to five qualified patients with the medicinal use of marijuana.¹⁸

The Iowa Board of Pharmacy held four hearings around the state in fall 2009 in an attempt to spur discourse about the pros and cons of medicinal marijuana. They are slated to make a non-binding recommendation in winter 2009 on whether to legalize the substance for medicinal purposes.¹⁹

¹⁴ Glaucoma Research Foundation. “Medical Marijuana.” 2009. 14 Nov. 2009.

<http://www.glaucoma.org/treating/medical_marijua.php>.

¹⁵ Moran, Mark. “Medical Marijuana Verdict Elusive Despite Study, Debate.” *Psychiatric News*. 20 March 2009. 14 Nov. 2009.

<<http://pn.psychiatryonline.org/cgi/content/full/44/6/10>>.

¹⁶ Iowa Legislature. “Advanced Search.” 2009. 8 Nov. 2009.

<http://search.legis.state.ia.us/NXT/gateway.dll?qt=&f=templates&xhitlist_q=medical+marijuana&fn=default.htm&xhitlist_d=current-legislation>.

¹⁷ Iowa Legislature. “Senate File 293.” 2008. 8 Nov. 2009. <<http://coolice.legis.state.ia.us/CoolICE/default.asp?Category=billinfo&Service=Billbook&menu=false&hbill=SF293>>.

¹⁸ *Ibid.*

¹⁹ Iowa Board of Pharmacy. “Medical Marijuana Hearings.” *State of Iowa*. 2009. 6 Nov. 2009.

<http://www.state.ia.us/ibpe/marijuana_hearings.html>.

State Action on Medical Marijuana

Table 1 lists the individual states that have legalized medical marijuana, as well as the specific stipulations for each law and the year it was passed. Stipulations listed include the identification card fee, possession limit for each state, and the legality of medical marijuana dispensaries.

The identification card fee pertains to a state's medical marijuana registration program, in which qualified patients are required to sign up with the state agency responsible for administering the program. As shown below, some states do not charge patients a fee for acquiring the identification card, while others reduce the fee based on admission in governmental programs for low-income, blind, disabled, or elderly individuals. Washington is the only state that does not require patients to have a state-administered identification card. Qualified patients need only carry a written recommendation from their doctor.²⁰

The possession limits vary across states, and some states restrict the number of mature and immature plants patients can legally possess. Oregon's law is the least restrictive, allowing users to legally possess 24 ounces of the final product and 24 plants.²¹ Specific definitions differ,^{22, 23, 24} but a mature marijuana plant is generally defined as one producing a usable form of marijuana.

Five states allow for the establishment of non-profit medical marijuana dispensaries.²⁵ Medical marijuana patients in non-dispensary states rely on cooperatives and collectives comprised of patients and assisters.

²⁰ Washington State Department of Health. "Medical Marijuana Frequently Asked Questions." 30 Oct. 2009. 14 Nov. 2009. <<http://www.doh.wa.gov/hsqa/medical-marijuana>>.

²¹ Oregon Department of Human Services. "ors.pdf." 2009. 14 Nov. 2009. <<http://www.oregon.gov/DHS/ph/ommp/docs/ors.pdf>>.

²² Ibid.

²³ Michie's Legal Resources. "Constitution of the State of Colorado." 2009. 14 Nov. 2009. <<http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp=>>.

²⁴ Vermont Legislature. "The Vermont Statutes Online." 2009. 14 Nov. 2009. <<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=18&Chapter=086>>.

²⁵ Canfield, Clarke. "Maine becomes 5th state to allow pot dispensaries." *Associated Press*. 4 Nov. 2009. 29 Nov. 2009. <http://www.google.com/hostednews/ap/article/ALeqM5i9mnrkJu2S7Mly9xuWs4p9_TRkdwD9BOV3184>.

Table 1- States That Have Legalized Medical Marijuana²⁶

State	Year Passed	ID Card Fee	Possession Limit	Medical marijuana dispensaries?
Alaska	1998	\$25 new application, \$20 renewal	1 oz. usable; 6 plants	No
California	1996	\$66 for non-Medi-Cal* patients, \$33 for Medi-Cal patients, plus various county fees	8 oz. usable; 18 plants (6 mature, 12 immature)	Yes
Colorado	2000	\$90	2 oz. usable; 6 plants (3 mature, 3 immature)	Yes
Hawaii	2000	\$25	3 oz. usable; 7 plants (3 mature, 4 immature)	No
Maine ²⁷	1999	**	2.5 oz. usable; 6 plants (3 mature; 3 immature)	No
Michigan	2008	\$100 for non-Medicaid patients, \$25 for Medicaid patients	2.5 oz. usable; 12 plants	No
Montana	2004	\$50	1 oz. usable; 6 plants	No
Nevada	2000	\$150, plus \$15-\$42 in additional costs	1 oz. usable; 7 plants (3 mature, 4 immature)	No
New Mexico	2007	Free	6 oz. usable; 16 plants (4 mature; 12 immature)	Yes
Oregon	1998	\$100, \$20 for those enrolled in the Oregon Health Plan or receive federal Supplementary Social Security Income or monthly food stamp benefits	24 oz. usable; 24 plants (6 mature, 18 immature)	No
Rhode Island	2006	\$75, \$10 for applicants on Medicaid or Supplemental Social Security Income	2.5 oz. usable; 12 plants	Yes
Vermont	2004	\$50	2 oz. usable; 9 plants (2 mature, 7 immature)	No
Washington	1998	No state registration program	24 oz. usable; 15 plants	No

²⁶ ProCon.org. "13 Legal Medical Marijuana States." 5 Aug. 2009. 14 Nov. 2009.

<<http://medicalmarijuana.procon.org/viewresource.asp?resourceID=000881>>.

* Med-Cal is the name for California's Medicaid program, which provides health-insurance coverage for the poor.

²⁷ State of Maine. "Medical Marijuana Act." 2009. 14 Nov. 2009.

<<http://www.maine.gov/sos/cec/elec/medicalmarijuanaact.pdf>>.

** Pursuant to the state's "Question 5" ballot measure passed in November, the state Department of Health and Human Services is charged with establishing application and renewal fees that, at the time of writing, were not yet established.