

Medical Marijuana

Stories like Charlotte Figi's, a child who has had her life changed by the use of medical marijuana, have caused thousands of families to seek access to Charlotte's Web, an oil created from a branded strain of cannabis named for its first patient. Ms. Figi spent the first five years of her life enduring hundreds of seizures weekly. Now, she only has a few seizures per month. Currently, there are thousands of people on the Charlotte's Web wait list through the Realm of Caring, as well as millions of U.S. patients seeking access to this same cannabidiol (CBD).ⁱ

44 states already provide some level of access to medical marijuana to people with complex medical support needs, particularly children with severe seizure disorders. Families of children with seizure disorders are some of the more effective advocates, as the level of improvement associated with the drug's use is so drastic. Texas has not considered the issue in a serious way, but it is expected to be addressed during the 2015 session.

Federal Perspective

At the federal level, marijuana remains classified as a Schedule I substance, meaning that it is considered to have a high potential for dependency and no accepted medical use. Distribution of marijuana is a federal offense. In October 2009, the president sent a memo to federal prosecutors encouraging them not to prosecute people who distribute marijuana for medical purposes in accordance with state law.

In late August 2013, the U.S. Department of Justice (DOJ) announced an update to their marijuana enforcement policy. It said that while marijuana remains illegal, the DOJ expects states like Colorado and Washington (states that have legalized marijuana for "recreational use") to create "strong, state-based enforcement efforts...and will defer the right to challenge their legalization laws at this time." The department also reserves the right to challenge the states at any time they feel it is necessary.

Federal Legislation

A bipartisan bill introduced by Rep. Scott Perry (R-PA) in the U.S. House of Representatives on July 28, 2014, would legalize a compound in marijuana used to treat severe epilepsy. The legislation, called the "Charlotte's Web Medical Hemp Act of 2014," would exclude therapeutic hemp and cannabidiol, or CBD, from the definition of marijuana in the Controlled Substances Act.

Comprehensive Medical Marijuana (Whole Plant)

A total of 23 states and the District of Columbia now allow for comprehensive public medical marijuana and cannabis programs.ⁱⁱ The National Conference of State Legislatures (NCSL) uses the following criteria to define a program as "comprehensive":

1. Protection from criminal penalties for using marijuana for a medical purpose.
2. Access to marijuana through home cultivation, dispensaries or some other system that is likely to be implemented.
3. It must allow a variety of strains.
4. It must allow either smoking or vaporization of some kind of marijuana products, plant material or extract.

Families of children with seizure disorders believe that the success of a comprehensive medical marijuana proposal is unlikely and have chosen to narrow their focus.

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Cannabidiol Access (Charlotte's Web)

Eleven states allow use of low THC,ⁱⁱⁱ high cannabidiol (CBD) products for medical reasons in limited situations or as a legal defense.^{iv} These programs are not considered to be comprehensive medical marijuana programs. The psychoactive properties that many find objectionable are minimal in the low THC products, making its accessibility more palatable in conservative states.

Children with seizures make a relatively small percentage of the total licensed patients in states that provide access to the whole plant and they are the most likely to garner support of elected officials who would not normally wade into such a controversial issue.

Something In Between?

Some families are feeling left behind. Low-THC products are not effective in treating many of the conditions for which medical marijuana has been shown to be beneficial, including *adults and children* with seizure disorders who may need the higher THC levels as they transition off of traditional pharmaceuticals currently being used.

Like those advocating for the cannabidiol, those families want a well written medical law with protections and safeguards to control the quality of the products, and point to states like Minnesota that include qualifying conditions like cancer, Tourette's, ALS, Crohn's disease, as well as patients with terminal illnesses if they have severe pain, nausea or wasting as examples of a positive approach.

What's Next?

Though proposals for a comprehensive public medical marijuana and cannabis program and a Charlotte's Web style program are anticipated during the upcoming session, determining the likelihood of passage of either measure is purely speculative. HB 594 (2013) relating to medical marijuana was heard by the House Public Health Committee last session. Public testimony lasted for two hours and included veterans, criminal justice advocates, and others with positive experiences. There was no testimony in opposition to the measure.

What we do know is that should these measures receive hearings during the 2015 session, families of children with disabilities will be central to the discussion.

ⁱ CBD is the chemical shorthand for cannabidiol, the chemical in cannabis which is not psychoactive ("will not get you high").

ⁱⁱ AK, AZ, CA, CO, CT, DE, HI, IL, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NM, NY, OR, RI, VT, WA

ⁱⁱⁱ Tetrahydrocannabinol (THC) is the psychoactive compound in cannabis.

^{iv} AL, FL, IA, KY, MS, MO, NC, SC, TN, UT, WI