Lawsuit seeks retraction of US government statements on medical marijuana
Joe Shaulis at 6:30 AM ET

A group that advocates the therapeutic use of marijuana is suing the US Food and Drug Administration and the Department of Health and Human Services for their statements that the drug has no medical value. According to a complaint filed Wednesday in US District Court in San Francisco, Americans for Safe Access (ASA) alleges that the government's statements "deter sick and dying persons from seeking to obtain medicine that could provide them with needed, and often life-saving, relief." ASA's lawsuit invokes the Data Quality Act (DQA) for official websites for their statements that the drug has no medical value. The statute allows citizens to seek correction of flawed information. "The FDA position on medical cannabis is incorrect, dishonest and a flagrant violation of laws requiring the government to base policy on sound science," ASA chief counsel Joe Elford said in a press release.

ASA asserts that scientific research, including a new study involving AIDS patients and a 1999 Institute of Medicine report, has shown that marijuana is effective in treating some illnesses. The lawsuit seeks a permanent injunction barring the agencies from disseminating statements that marijuana "has no currently accepted medical use" and ordering them to correct the statements. The New York Times has more. The San Francisco Chronicle has local coverage.

About a dozen US states permit the use of medical marijuana. Rhode Island joined that list last year, when legislators overrode the governor's veto of a bill allowing patients to use marijuana under a physician's supervision. However, the US Supreme Court's 2005 decision in Gonzales v. Raich [opinion text; Duke Law Chronicle] has local coverage.
case **backgrounder** validated Congress's power to criminalize the growth and personal use of marijuana for medical purposes.

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