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Friday, February 23, 2007

## Lawsuit seeks retraction of US government statements on medical marijuana

Joe Shaulis at 6:30 AM ET



[JURIST] A group that advocates the therapeutic use of **marijuana** [JURIST news archive] is suing the US **Food and Drug Administration** and the **Department of Health and Human Services** [official websites] for their statements that the drug has no medical value. According to a **complaint** [PDF text] filed Wednesday in US District Court in

San Francisco, **Americans for Safe Access** (ASA) [advocacy website] 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) [text; OMB **materials**; ASA **backgrounder**], which President Bush signed in 2001 to ensure "the quality, objectivity, utility, and integrity of information" disseminated by federal agencies. 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** [text].

ASA asserts that scientific research, including a **new study involving AIDS patients** [abstract] and a 1999 Institute of Medicine **report** [text], has shown that marijuana is effective in treating some illnesses. The lawsuit seeks a permanent injunction barring the agencies from disseminating **statements** [text] 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** [JURIST report] 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

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case **backgrounder**] validated Congress's power to criminalize the growth and personal use of marijuana for medical purposes.

*This report was prepared in partnership with the **Pittsburgh Journal of Environmental and Public Health Law.***

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