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#### In The Courts | Advocacy Group Sues Federal Agencies Over Statements About Medical Marijuana, Including Benefits for HIV-Positive People

[Feb 22, 2007]

The Oakland, Calif.-based advocacy group [Americans for Safe Access](#) on Wednesday filed suit in Oakland federal court against [HHS](#) and [FDA](#) over statements the organizations have made about medical marijuana, citing several studies that found the drug might benefit HIV-positive people, the [Los Angeles Times](#) reports (Bailey, *Los Angeles Times*, 2/22). The lawsuit was filed following a study published in the Feb. 13 issue of the journal *Neurology* finding that medical marijuana might reduce pain from peripheral neuropathy, a type of nerve damage, among people living with HIV/AIDS. For the study, Donald Abrams of the [University of California-San Francisco](#) and colleagues examined the effects of smoking medicinal marijuana among people living with HIV/AIDS during a two-year period beginning in May 2003. The study found that after the first cigarette on the first day, at least 50% of participants who received active marijuana reported a 72% reduction in pain. Over five days, the median reduction in pain reported by the active marijuana smokers was 34%, compared with 17% in the placebo group, the study found. The researchers took steps to ensure that the marijuana in the study -- which was grown on the government's official marijuana farm in Mississippi and stored in a locked freezer -- was not used for recreational purposes ([Kaiser Daily HIV/AIDS Report](#), 2/13). ASA also cited studies that found medical marijuana might be effective for AIDS wasting, muscle spasticity and chronic pain (*Los Angeles Times*, 2/22).

#### Lawsuit

ASA filed the suit under the federal Administrative Procedure Act, which allows judicial review and reversal of any federal agency decision seen as subjective or capricious, according to ASA attorney

Joe Elford, the *Oakland Tribune* reports (Richman, *Oakland Tribune*, 2/22). According to the group, the lawsuit says that HHS and FDA have publicly released "false and misleading statements" about the benefits of medical marijuana, the *New York Times* reports. The group is calling on the agencies to retract and correct statements that ASA says are "incorrect, dishonest and a flagrant violation of laws," the *Times* reports (Marshall, *New York Times*, 2/22). HHS spokesperson Christina Pearson would not comment on the suit. She cited an April 2006 statement that federal evaluations have found "no sound scientific studies supported medical use of marijuana," the *San Francisco Chronicle* reports (Egelko, *San Francisco Chronicle*, 2/22). Pearson added that "no animal or human data supported the safety or efficacy" of medical marijuana (*New York Times*, 2/22). "We aimed to file this lawsuit at a time when the country was talking about the science," ASA Executive Director Steph Sherer said, adding, "The federal government has had enough information in front of it for years to break the gridlock of this issue. We're suing to demand that the FDA stop holding science hostage to politics." ASA in 2004 petitioned HHS and FDA under the Data Quality Act, a 2000 law that requires information circulated by federal agencies to be objective, fair and meet specific quality guidelines. The act also allows citizens to challenge government information they believe to be inaccurate or based on poor data. ASA's 2004 petition said that the government ignored studies and the consensus of the medical community about the efficacy of medical marijuana. HHS in 2005 denied the petition and also denied an appeal in 2006 (*Oakland Tribune*, 2/22). According to suit filed on Wednesday, HHS' decisions concerning the petition did not address the scientific evidence about medical marijuana (*San Francisco Chronicle*, 2/22).

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