

Patients fight on, from local courts to CA High Court

Contributed by Rebecca Saltzman

Americans for Safe Access is a patient advocacy group that is on the forefront of the legal battle for California patients' medical rights. Here are some recent highlights of its activities.

State High Court to hear job discrimination case

On Sept. 7, 2005, the Court of Appeal for the Third Appellate District issued a published decision denying a qualified medical marijuana patient any remedy for being terminated from his employment simply for testing positive for marijuana.

In *Ross v. Ragingwire Telecommunications, Inc.*, the court relied on federal law to defeat Gary Ross's state law causes of action for wrongful termination in violation of public policy and employment discrimination under of California's Fair Employment and Housing Act.

The plaintiff, Gary Ross, 43, is a US Air Force veteran and the father of two children, who suffered a January 1983 back injury while in the Air Force.

Americans for Safe Access joined as co-counsel in the case, and was granted review by the state Supreme Court on Nov. 30, 2005. ASA will be arguing that the Compassionate Use Act expressly declares that it is the public policy of the state to ensure the legal right of seriously ill Californians to obtain and use cannabis medicinally.

No federal law mandates that Gary Ross be fired for exercising this right in the privacy of his own home. The Court brief, filed by ASA on Feb. 7, includes important issues of federalism and argues vehemently against employment discrimination.

Quadriplegic patient victorious in Central Valley

Aaron Paradiso, a quadriplegic medical marijuana patient, won a victory in Stockton in February, when the district attorney quietly dropped felony drug charges against him.

Aaron and his mother Debra, also his caregiver, were arrested in August 2003 when sheriff's deputies found 52 cannabis plants at his house, and they were charged with felony cultivation and possession for sales. Charges were dropped against Debra, and Aaron's case was dismissed on a technicality in December 2004. The district attorney immediately reinstated the charges against Aaron and his mother.

Throughout the hearings, ASA and other local groups organized grassroots and media support for his case. At one of his preliminary

hearings, more than two-dozen patients and advocates packed the courtroom, including carpools of patients that had traveled to Stockton from the Bay Area and Sacramento. This support and successful press outreach by ASA staff led to several positive media stories in the local press.

Aaron recently thanked ASA, "Your support was crucial to my victory. One of the conditions of my plea bargain was that I would stop the medical cannabis rallies, and that there would be no demonstrators, banners, or tee-shirts present at my pleadings."

ASA Announces Medical Advisory Board

Americans for Safe Access formed its Medical Advisory Board in early 2006. Members of this board will help ASA outreach to important medical, scientific, and condition-based organizations in an effort to influence organizational positions on medical marijuana.

The board's initial advisory members include Rick Doblin, PhD, the founder and director of the Multidisciplinary Association for Psychedelic Studies (MAPS), an organization helping to end the federal government's monopoly on the production of cannabis for research purposes. Others include Sara Henuber, PA-C, a licensed Physician Assistant and member of the International Association for Cannabis as Medicine currently working in a private medical practice specializing in the use of cannabis therapy; Claudia Little, RN, MPH, a retired nurse practitioner who became aware of cannabis use for pain control through local patient support groups and who previously worked with a biopharmaceutical company that launched a monoclonal antibody therapy for Crohn's Disease and rheumatoid arthritis; and Philippe Lucas, the founder of the Vancouver Island Compassion Society, and Vice-Chair of the Victoria Downtown Advisory Committee. Rounding out the group are Robert Melamede, PhD, associate professor of Biology for the University of Colorado; and Jahan Marcu, a cannabinoid researcher at the California Pacific Medical Center currently studying the phenomenon of "synergy" among various cannabinoid compounds.

ASA launched its medical campaign a few years ago in order to provide patients and medical personnel current medical and scientific information about the medical value of botanical cannabis. Since then ASA has produced and distributed a series of medical marijuana condition-based pamphlets, and facilitated the formation of patients' unions as a vehicle for lobbying and public education.

For more information on any of these or any of ASA's other activities, go to www.safeaccessnow.org.