

AMERICANS FOR SAFE ACCESS

# CALIFORNIA MEDICAL MARIJUANA ORGAN TRANSPLANT ACT

*Americans for Safe Access is seeking an author for a bill to ensure equal access to life-saving health care for legal medical cannabis patients.*

**PROPOSED BILL**



**BACKGROUND:** Voters in California adopted the Compassionate Use Act (CUA), known as Proposition 215, in 1996. The initiative removed criminal penalties for cannabis-related crimes for people with a recommendation for medical cannabis use from a doctor. However, according to California Supreme Court case law, the CUA does not protect legal patients from civil liabilities or discrimination based on their medical cannabis use. California patients face pervasive discrimination in employment, housing, parental rights, and access to health care. One of the most tragic examples of this discrimination is seen in cases where patients lawfully using medical cannabis under a doctor's recommendation are removed from the waiting list for an organ transplant. This can cause unnecessary suffering and hardship, and in some cases, has already resulted in death.

Americans for Safe Access (ASA) is the nation's leading medical cannabis patients' advocacy organization. We hold that denying a patient access to an anatomical gift based solely on his or her status as a medical cannabis patient is harmful and unfair. Law-abiding medical cannabis patients should enjoy the same standard of care and access to health care services as everyone else. Because the consequence for denying organ transplants can be severe or lethal, ASA strongly believes that California law should prevent discrimination against medical cannabis patients in determining the recipient of an anatomical gift.

**GOAL:** Our goals are to find an author for Medical Marijuana Organ Transplant Act (MMOTA) and get it adopted in 2015. The MMOTA would add Section 7151.36 to the California Health and Safety Code to prevent anyone involved in the organ transplant process from using a potential recipient's status as a medical cannabis patient to deny an anatomical gift, unless medical cannabis use is clinically significant to that decision. The MMOTA has already been vetted by California Legislative Council and is consistent with existing state law regarding anatomical gifts. Section 7151.35 of the Health and Safety Code already prevents anyone in the organ transplant process from denying an anatomical gift based on the potential recipient's mental or physical disability, unless that disability is clinically significant to the decision.

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Click on "Text of the MMOTA" to download a draft of the bill from Legislative Counsel at: [AmericansForSafeAccess.org/the\\_medical\\_marijuana\\_organ\\_transplant\\_act](http://AmericansForSafeAccess.org/the_medical_marijuana_organ_transplant_act).

**VICTIMS:** ASA member **Norman Smith** lawfully used medical cannabis as part of his treatment for liver cancer. He was removed from the wait list by Cedars-Sinai Medical Center in Los Angeles after testing positive for medical cannabis use in 2011. Program policies required that he test negative for medical cannabis for six months before requesting a new place on the list. Sadly, Mr. Smith died before he could be placed back on the list, a tragic and avoidable loss of life.

Unfortunately, Mr. Smith is not alone. **Toni Trujillo** was denied a life-saving kidney transplant at Cedars-Sinai the following year based on her cannabis use, which the transplant center deemed "substance abuse." **Yami Bolanos, 58**, an eighteen-year liver transplant survivor, was warned that she would be ineligible for an anticipated second transplant by the same UCSF doctor who recommended her medical cannabis use. **Richard Hawthorne**, another patient in need of a liver, was denied a transplant by Stanford Medical School this year, despite a friend offering to be a donor.

It is difficult to determine how many other potential recipients have already suffered needlessly or even died as a result of outdated policies barring medical cannabis use for recipients of anatomical gifts. We cannot intervene in every case individually, and, tragically, many victims may be suffering or dying in anonymity. Prompt legislative action is required to prevent unnecessary suffering or another tragedy.

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Headquarters 1806 Vernon Street NW Suite 300 | Washington, DC 20009  
California Office 770 L Street, Suite 950 | Sacramento, CA 95814  
888-929-4367  
[www.AmericansForSafeAccess.org](http://www.AmericansForSafeAccess.org)