



December 4, 2014

California Medical Association
1201 J St STE 200
Sacramento, CA 95814

RE: Resolution regarding medical marijuana (cannabis) and organ transplants

Dear CMA Delegates,

I am writing to urge you to support a resolution in defense of the right of legal medical cannabis patients in California to receive an anatomical gift. As you may know, it is currently a common practice to deny legal medical cannabis patients a place on the United Network for Organ Sharing (UNOS) waiting list or to remove them if they test positive for doctor-recommended medical cannabis. This can cause unnecessary suffering and hardship, and in some cases, has already resulted in death.

No Legal or Scientific Basis

This widespread policy is not based on any state or federal regulations. There is no statute or regulation that would prevent a legal medical cannabis patient from receiving an anatomical gift, and neither UNOS or the Organ Procurement and Transplantation Network (OPTN) have guidelines or policies to that effect. Medical cannabis patients are most commonly denied for testing positive for using a drug of abuse. That policy predates the emerging science about the medical use of cannabis and its legalization in thirty-four states and the District of Columbia.

The policy of denying anatomical gifts to legal medical cannabis patients is also not based on science. Clinical research shows that medical cannabis and compounds in medical cannabis have beneficial immune-suppressive and anti-inflammatory effects.ⁱ Compounds in medical cannabis may prolong graft survival in transplant patients,ⁱⁱ and there is no association between cannabis use and lower survival rates.ⁱⁱⁱ Furthermore, hypothetical concerns about the harmful effects of contaminants can be easily addressed by an emerging industry aimed at testing commercially available medical cannabis for molds, mildew, pesticides, etc.

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Real Victims

Research shows that 1.4 million Californians have used medical cannabis, and ninety-two percent report relief from a serious medical condition – chronic pain, arthritis, cancer, HIV/AIDS, and more.^{iv} If the population needing organ transplants is using cannabis at approximately the same rate, there are almost two hundred patients in danger of being unnecessarily denied an anatomical gift in California every year.

Americans for Safe Access (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 called “substance abuse.” Yami Bolanos, 59, an eighteen-year liver transplant survivor, was warned that she would be ineligible for an anticipated second transplant by a doctor at UCLA – despite the fact that her doctor recommended 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 the outdated policies barring medical cannabis use for recipients of anatomical gifts. ASA cannot intervene in every case individually, and tragically, many victims may be suffering or dying in anonymity. Timely action is required to prevent unnecessary suffering or another tragedy.

New Policies, Regulations, and Laws Needed

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 consequences for denying organ transplants

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can be severe or lethal, ASA strongly believes that policies, regulations, and laws should prevent discrimination against medical cannabis patients in determining the recipient of an anatomical gift.

I urge you to support a resolution that will help legal medical cannabis patients achieve equal access to health care and increase the number of organ transplant survivors.

Sincerely,



Don Duncan
California Director

ⁱ Rom, S., & Persidsky, Y. (2013). Cannabinoid Receptor 2: Potential Role in Immunomodulation and Neuroinflammation. *Journal of Neuroimmune Pharmacology*. doi:10.1007/s11481-013-9445-9

ⁱⁱ Robinson, R. H., Meissler, J. J., Breslow-Deckman, J. M., Gaughan, J., Adler, M. W., & Eisenstein, T. K. (2013). Cannabinoids inhibit T-cells via cannabinoid receptor 2 in an in vitro assay for graft rejection, the mixed lymphocyte reaction. *Journal of Neuroimmune Pharmacology*, 8(5), 1239–1250. doi:10.1007/s11481-013-9485-1

ⁱⁱⁱ Ranney, D. N., Acker, W. B., Holou, A., S. N., Ehrlichman, L., Lee, D. S., Lewin, S. A., et al. (2009). Marijuana Use in Potential Liver Transplant Candidates. *American Journal of Transplantation*, 9(2), 280–285. doi:10.1111/j.1600-6143.2008.02468.x

^{iv} Suzanne Ryan-Ibarra, et al., "Prevalence of Medical Cannabis Use in California, 2012," *Drug and Alcohol Review*, DOI: 10.1111/dar. 12207)

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