

ENDING DISCRIMINATION AGAINST LEGAL MEDICAL CANNABIS PATIENTS

ASSEMBLY & SENATE

AUTHOR NEEDED

Medical cannabis has been legal in California since 1996, when voters approved the Compassionate Use Act (Proposition 215). That initiative protects qualified patients and primary caregivers from criminal persecution but contains no civil protections. Decades of stigma and misinformation about cannabis and cannabis users continues to fuel pervasive discrimination against legal medical cannabis patients in employment, housing, equal access to health care, and parental rights.

We have seen tremendous progress in expanding safe and legal access for medical cannabis patients in California. Last year, the state legislature adopted the Medical Marijuana Regulation and Safety Act (MMRSA), a trio of bills to license and regulate commercial medical cannabis activity. Cities and counties all over the state have responded with local licensing ordinances. Voters are likely to approve an initiative in November that will legalize cannabis for non-medical use by adults over the age of twenty-one.

Despite this progress, legal medical cannabis patients still face pervasive discrimination in employment, housing, parental rights, and access to health care – especially discrimination regarding prescription pain killers and other medication. This is harmful and unnecessary. No law-abiding Californian should face discrimination for using legal, doctor-recommended medical cannabis.

Americans for Safe Access (ASA), the nation's leading medical cannabis patients' advocacy organization, is seeking an author for legislation in 2017 that would protect legal medical cannabis patients and their primary caregivers from discrimination.

ASA surveyed 176 members in California regarding the prevalence of discrimination. The results indicate widespread discrimination in employment, housing, and equal access to health care. Smaller numbers of patients faced discrimination in parental rights, but the consequences of that discrimination for families are severe.

Denied employment for medical cannabis use	24.70%
Terminated for medical cannabis use	9.76%
Denied housing for medical cannabis use	18.95%
Evicted for medical cannabis use	4.58%
Denied prescription medication for medical cannabis use	18.92%
Denied an organ transplant for medical cannabis use	2.68%
Denied custody for medical cannabis use	4.03%
Children removed by CPS for medical cannabis use	2.72%

Source: CA medical Cannabis Discrimination Survey, Americans for Safe Access, 2015

Efforts to address discrimination in the courts have so far proved unsuccessful. The California Supreme Court ruled in *Ross v. Ragingwire Telecommunications* (174 P. 3d 200 - Cal: Supreme Court

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2008) that “nothing in the text or history of the Compassionate Use Act suggests the voters intended the measure to address the respective rights and obligations of employers and employees.” In September of 2008, the magazine *California Lawyer* called that one of the worst decisions of the year. Nevertheless, it remains an obstacle for patients seeking relief from discrimination in court.

Laws in other states include explicit protections for patients who use medical cannabis.

- Seven states protect patients from employment discrimination (AZ, DE, IL, MN, NH, RI, and WA).
- Eight states protect patients from discrimination in housing (AR, CT, DE, IL, ME, MN, NY, and RI).
- Seven states protect patients who need organ transplants (AZ, CA, DE, IL, MN, NH, and WA).
- Eleven states protect patients in child custody disputes (AL, AZ, DE, IL, ME, MI, NM, MS, NH, NJ, and WA).

ASA calls on California lawmakers to provide medical cannabis patients and their primary caregivers with legal protection from discrimination that is unfair and harmful for patients, their families, and communities. Ending discrimination will help protect jobs, expand options for housing, keep families together, prevent unnecessary suffering, and even save lives.

It is unreasonable to believe voters intended that patients would be subject to unfair discrimination if they legally use medical cannabis under California law. Preventing this kind of discrimination is the unfinished business of California medical cannabis law and should be a priority for legislators in 2017.

Contact ASA California Director Don Duncan at don@safeaccessnow.org or (916) 449-3975 for more information about medical cannabis and discrimination in California.

Constituent Comments on Discrimination

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