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An American woman whose doctor has told her that marijuana is the only drug keeping her alive, has been denied the right to use it by a federal court. She could face prosecution on drug charges.

Angel Raich, a 41-year old mother of two from Oakland, California, sought an injunction to stop the government prosecuting her. She suffers from several serious medical conditions, including an inoperable brain tumour, a weight-loss disorder, seizures, chronic nausea and scoliosis (a spine deformity).

Raich takes marijuana every few hours, under her doctor's advice, to control pain and give her an appetite. Her doctor has said without it she would "starve to death".

According to a Supreme Court ruling against Raich two years ago, users and suppliers of medical marijuana face prosecution, even if they live in a state that allows them to use the drug as a medicine. California, where Raich is a resident, is such a state. The conflict between federal and state law on the issue of medicinal marijuana has been highlighted by this case.

11 American states allow the use of marijuana as a medicine. New Mexico is expected to be the 12th very soon.

The 9th US Circuit Court of Appeals considered the situation as a right to life issue - should Raich have the right to use marijuana to keep her alive when no other drug is available. Their decision was quoted in the press, "Federal law does not recognize a fundamental right to use medical marijuana prescribed by a licensed physician to alleviate excruciating pain and human suffering."

When she heard the decision Raich began sobbing but said she would continue to use the drug even if it meant going to jail.

In the United States, marijuana is listed in schedule I of the Controlled Substances Act (CSA), the most restrictive schedule.

On April 20th last year, the Food and Drug Administration issued an inter-agency advisory notice about claims that smoked marijuana is a medicine. The notice says that marijuana is not an approved drug, despite the claims that it is effective and safe and has been taken under doctors' recommendations.

The notice goes on to summarize the rigorous clinical trials that drugs must undergo before they can come before the FDA for approval and says that the "voter referenda (or legislative actions) making smoked marijuana available for a variety of medical conditions upon a doctor's recommendation" passed by many states is inconsistent with this approach.

The notice concludes with "FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, DEA as the federal agency charged with enforcing the CSA, and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes".

The FDA says that "There are alternative FDA-approved medications in existence for treatment of many of the proposed uses of smoked marijuana."

According to the California Cannabis Research Medical Group (CCRMG), there are three types of doctor who approve cannabis for medicinal use by patients. (1) Willing specialists, eg those treating patients with cancer and AIDS, (2) Willing general practitioners who recommend the drug for gravely ill patients that other drugs fail to help, and (3) Cannabis specialists, who "are convinced of its relative benignity, and keep abreast of the

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