

Home » [Headline, News](#)

Medical Marijuana In HIV/AIDS – Part 1: Legal Support For Medical Marijuana Use Gains Steam

By [Stephen Gardner](#) and [Shruti Kalra](#)
Published: Jun 29, 2010 12:10 pm

No Comment



This article is the first in a two-part series and will explore the current legal environment for medical marijuana. Part 2 will discuss the results of scientific studies examining medical marijuana use in people with HIV.

Legal support for the use of medical marijuana, including by people with HIV/AIDS, has been growing nationwide. Laws are not uniform and have often been the source of contentious debate; however, an increasing number of states have passed or are considering laws to legalize the drug for medical purposes.

The most recent advance on the medical marijuana front is in Washington, D.C., whose city council voted last month in favor of legislation to legalize medical marijuana in the district. The bill will allow access to the drug for those with serious illnesses, including HIV infection.

Mayor Adrian Fenty signed the bill on May 21, sending it to Congress for a mandatory review period (expected to end July 23) before becoming law.

Advocates celebrated the bill's passage, arguing that the shift toward legalizing marijuana for medical purposes is long overdue.

Expansion Of Medical Marijuana Laws

If the proposal in Washington, D.C. becomes law, the city will join 14 states that have already legalized the drug: Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey (see related [AIDS Beacon](#) news), New Mexico, Oregon, Rhode Island, Vermont, and Washington.

According to [MedicalMarijuanaProCon.org](#), 11 other states – which include Alabama, Arizona, Delaware, Illinois, Massachusetts, Missouri, New York, North Carolina, Ohio, Pennsylvania, and South Dakota – have legislation pending to legalize medical marijuana.

Most of the laws legalize the use, possession, and cultivation of marijuana by patients with serious medical conditions, including HIV/AIDS, who have received written approval from their doctors.

The laws governing medical marijuana, however, are not uniform across states.

Amounts of marijuana allowed in possession vary widely: in Montana and Nevada, which have the strictest laws, patients may only carry one ounce of usable marijuana, while residents of Washington state are allowed up to 24 ounces.

Most states also allow users to grow at least six marijuana plants, although New Jersey does not – medical marijuana users must obtain the drug from authorized dispensaries, which have not yet been established.

Users usually must register with the state and obtain an ID card stating they are certified to receive medical marijuana. The exceptions are Washington state and Maine, which have no registries. New Jersey, which only recently legalized the drug, has not yet established its registry.

In addition, several states with older medical marijuana laws have been tightening restrictions recently.

An ordinance in Los Angeles took effect this month that limits the location of medical marijuana dispensaries. Dispensaries registered before 2007 that meet the new requirements will most likely remain; an estimated 400 unregistered dispensaries, opened after a 2007 moratorium, will be shut down.

On June 7, Colorado governor Bill Ritter Jr. signed two bills that tightened Colorado's medical marijuana laws. The bills allow local governments to ban dispensaries and require doctors to conduct a full medical exam before authorizing medical marijuana for a patient.

Federal Government Continues To Look The Other Way

While states are taking action on medical marijuana, federal law enforcement has adopted something of a laissez-faire attitude toward the issue.

In 2009, Attorney General Eric Holder sent a memorandum to federal prosecutors in the 14 states with medical marijuana laws on the books.

While the memorandum reiterated the Obama administration's commitment to the war on drugs, Holder stated that it would be a poor allocation of resources "to prosecute patients with serious illnesses or their caregivers who are complying with state laws on medical marijuana." (See the related [New York Times](#)

News

POPULAR RECENT MOST COMMENTED

- [AIDS Denialism Under Fire From Researchers](#)
- [New Laws For The New Year – Part 1: Medical Marijuana In New Jersey](#)
- [After The Earthquake: Battling HIV And AIDS In Haiti](#)
- [CDC Issues Recommendations For HIV Infected Individuals About H1N1 Swine Flu](#)
- [CDC Releases Updated H1N1 Swine Flu Recommendations For HIV-Infected Patients](#)

Resources

POPULAR RECENT MOST COMMENTED

- [HIV And Dating](#)
- [AIDS And Adoption – Part 1: Can I Adopt If I Am HIV-Positive?](#)
- [The H1N1 Swine Flu And HIV/AIDS: A Comprehensive Review](#)
- [HIV-Positive Individuals May Face Challenges With Employment And Health Insurance](#)
- [Diagnosis](#)

Links

POPULAR RECENT MOST COMMENTED

- [Isentress.com: Information for Patients](#)
- [Abbott Patient Assistance Program](#)
- [Centers for Disease Control \(CDC\) – HIV Information](#)
- [CellScience.com – List of AIDS Support Groups](#)
- [National Association of People with AIDS \(NAPWA\)](#)

Recent Comments

- [Forah:](#) I'm so proud of you!! Just how far you've come and to have crossed so many hurdles and...
- [RF:](#) To Ms Courtney McQueen, Congratulations for your outstanding work today.
- [Courtney McQueen:](#) One last piece of additional information from Dr. Janak Patel, the Director of Pediatric...
- [Courtney McQueen:](#) Hi, Ms. Mudd. We have heard back from a representative from the Texas DSHS HIV/STD program. They...
- [Courtney McQueen:](#) Hi, Ms. Mudd. We are currently looking into this question for you. It looks as though you need a...

Subscribe

- [Get Beacon News by Email](#)
- [Subscribe to our News RSS feed](#)
- [Become our fan on Facebook!](#)
- [Follow us on Twitter!](#)

News Archives

- ▼ 2010 (87)
 - ▶ June (14)
 - ▶ May (14)
 - ▶ April (15)
 - ▶ March (14)
 - ▶ February (16)
 - ▶ January (14)
- ▶ 2009 (142)

article.)

Holder also stated that such prosecutions "will not be a priority" for the administration.

Kris Hermes, Media Specialist for Americans for Safe Access (ASA), an organization that promotes safe and legal access to medical marijuana, believes that a federal medical marijuana policy is inevitable.

According to Hermes, 80 percent of Americans support legalization of medical marijuana.

However, Hermes believes the stigma associated with marijuana use may deter politicians from legalizing the drug, for fear the laws will not be supported in their districts.

The temperature of the debate can run high, especially among those who feel that ceding ground on medical marijuana is a major setback in the war on drugs.

In May, two medical marijuana storefronts in Billings, Montana were firebombed. The city council was considering additional regulations on medical marijuana at the time.

Despite such negative responses, Hermes encourages the HIV-positive community to reach out to their government.

"Contact the Obama administration and strongly convey why you need medical marijuana, and urge the administration to develop a federal policy, so that nobody is left without access to this important medication," Hermes said in an interview with The AIDS Beacon.

Signing of the Washington, D.C. medical marijuana bill by Major Adrian Fenty was first reported by MedicalMarijuanaProCon.org, which also has information on medical marijuana legal requirements and pending medical marijuana bills available on its website.

Photo by Psychonaught on Wikipedia – some rights reserved.

Tags: [AIDS](#), [HIV](#), [Medical Marijuana](#)



Related Articles:

- [New Laws For The New Year – Part 1: Medical Marijuana In New Jersey](#)
- [New Laws For The New Year – Part 2: Mandatory Prenatal HIV Testing In Texas And Affordable Housing For AIDS Patients In New York](#)
- [Beacon NewsFlashes – November 14, 2009](#)
- [AIDS Drug Assistance Programs Face Budget Problems And Cutbacks](#)
- [Beacon NewsFlashes – September 17, 2009](#)

No Comment »

Trackbacks / Pingbacks:

- [Medical Marijuana Momentum | The 420 Times](#)

Leave a comment

Add your comment below, or [trackback](#) from your own site. You can also [subscribe to these comments](#) via RSS.

Name (required)

Email (required, will not be published)

Web site (optional)

