

Massachusetts Patient Advocacy Alliance

P0 Box 302242
Jamaica Plain, MA 02130
compassionforpatients.com

Advocating for safe access to medical marijuana.

House Bill 2065 2015-2016 Legislative Session

“An Act to protect patients approved by physicians and certified by the department of public health to access medical marijuana”

There is a subpopulation of patients suffering from cancer, HIV/AIDS, ALS, chronic pain and other debilitating illnesses for whom existing medications are ineffective or cause dangerous side effects. For many of these patients, medical marijuana can provide a superior treatment alternative.

In 2012, Massachusetts voters passed the Act for the Humanitarian Medical Use of Marijuana by over 63%. But patients still do not have safe access to their medicine because of delays in implementation at the state level. Dispensaries are slated to open soon but as of January 2015 only a few have been authorized to plant seeds.

HB 2065 reinstates the personal cultivation system as an alternative to the dispensary system that is not yet operational. It addresses issues that the law is silent on, such as discrimination and reciprocity with other states. It also clarifies ambiguities that have caused unintended difficulties for patients.



I was a neuropsychologist at the Beth Israel Medical Center and member of the Harvard Medical School faculty from 1991 to 2000. Shortly after leaving those positions, I suffered a severe injury that left me in constant, often severe pain. Despite many types of treatment and therapies, I continued to have severe pain. Eventually, I developed allodynia, a type of nerve pain in which light touch and changes in temperature cause pain which is often severe. Now a gentle breeze across my face is deeply painful; air-conditioning burns; and sitting is often impossible. I spend many hours each day lying on a waterbed covered in blankets managing the pain. I wear multiple layers of stretch clothing covering as much of my right side as possible including a glove, socks, and a cap at all times. I was surprised to find, after doing my own research, how safe and effective marijuana has proven to be for conditions such as nausea, muscle spasticity, inflammation, and pain. I was astounded at how it helped me. With medical marijuana, I am much more likely to be able to prepare a meal, sit down with my family for dinner, and to join in other everyday activities.

- Peter Hayashi, Newton

BILL SUMMARY

SECTION 1

Problem: Patients in assisted living facilities and nursing homes have reported that in some cases, staff are reluctant to help patients administer their medical marijuana even though this activity is protected under existing law.

Solution: Clarify that employees of hospice providers, nursing or medical facilities and others would not need to register with the state in order to assist with their patients' medical use of marijuana.

SECTION 2

Problem: Current definitions in the law and regulations could allow law enforcement to count unusable marijuana towards the amount allotted for patient's medical use.

Solution: In addition to usable medicine and plants, allow patients to possess leaves and cuttings that are in a stage of preparation for use.

SECTION 3/ SECTION 7

Problem: Unlike prescriptions that are honored across state lines, the medical marijuana law in Massachusetts only protects residents.

Solution: Allow reciprocity for patients who are registered in other states.

SECTION 4

Problem: Medical marijuana patients face discrimination despite protections from criminal penalties established under the existing law.

Solution: Clarify that patients may not be denied professional licensure, organ transplant, housing, enrollment in a school or university or employment solely for their status as a medical marijuana patient. Protect parents from actions by child welfare agencies solely for their status as a medical marijuana patient.

SECTION 5

Problem: Patients permitted to cultivate should not have to wait several months for seeds to grow before they can access it.

Solution: Allows dispensaries to sell seedlings to patients.

SECTION 6

Problem: The personal cultivation system, which allows patients to appoint a caregiver to grow for them, is currently not functional due to the 1:1 caregiver ratio issued in regulations.

Solution: Fix the caregiver system by allowing caregivers to cultivate for up to 10 patients.

SECTION 8

Problem: Currently, it is virtually impossible for pediatric patients to enroll in the program because they need two doctors to write medical marijuana recommendations, and many larger medical institutions have put policies in place that forbid their employees from doing so.

Solution: Still require pediatric patients to receive a serious diagnosis from two physicians, but require only one to sign the medical marijuana recommendation.

SECTION 9

Problem: Patients suffering with debilitating illnesses often face financial distress. Taxing medicine will increase its cost to the vulnerable population trying to access it.

Solution: Make medical marijuana tax-exempt like prescription medications.