

US considers medical role for marijuana

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The US Supreme Court has opened hearings on whether the distribution of marijuana for medicinal purposes should become legal under federal law. The case has been prompted by legalisation in California in 1996 allowing marijuana to be used for medical purposes in California.

In California, cannabis clubs (marijuana pharmacies) have sprung up to provide marijuana to those with a doctor's prescription for it. After California's initiative, eight other states—Arizona, Alaska, Oregon, Hawaii, Maine, Nevada, Colorado, and Washington—passed similar laws. An additional 30 states have similar legislation on the horizon. In Maine, Nevada, and New Mexico, lawmakers are considering bills that would establish state sanctioned distribution centres.

In the present current proceedings, the US Department of Justice is asking the Supreme Court to reverse the decision of 13 September 1999 by the US Ninth Circuit Court of Appeals, which permits cannabis clubs to distribute marijuana if they can prove that their clients are seriously ill and have a legitimate medical need. The landmark Supreme Court case will be closely watched across the nation, not least by constitutional experts.

The case pits the states' rights to legislate and enforce their own statutes against federal law and thus challenges the very foundation of the democratic system in the United States. Both the federal government and the Drug Enforcement Agency consider marijuana to be an illegal drug and controlled substance. Also at issue is whether there is really is such a thing as a medical need for marijuana. Advocates point out that tetrahydrocannabinol (THC), the active ingredient in marijuana, is useful as an antiemetic and appetite stimulant and also has mood enhancing properties. Patients with cachexia or those with wasting syndromes secondary to AIDS, cancer and multiple sclerosis claim particular benefit from it.

Marijuana can also lower intraocular pressure and may be useful in glaucoma. Although these medicinal properties are known, legal alternatives to marijuana, including marinol, a synthetic version of THC, are already on the market for pharmaceutical use. From the initial remarks made by Supreme Court judges, advocates of the medical use of marijuana may have their work cut out for them.

Justice Antonin Scalia pointedly challenged the "medical necessity" defence being argued by lawyers for the cannabis clubs: "I thought the medical necessity defence was for an individual... You would extend it to the person prescribing the drug and even to opening a business. That's a vast expansion beyond any necessity defence I've ever heard of." □



A woman in Cedar Crest, New Mexico, adds a scoop of marijuana flour to her cooking for medical purposes