Buzz Kill

Feds say no to medical marijuana, but states answer: “dude, back off.”

September 1, 2005 By Suzy Martin

Battling nausea and pain, HIVer Phil Alden, 41, of Redwood City, California, takes the high road. Make that tokes. But he has never risked prosecution: California is one of 10 states allowing medical marijuana. “I haven’t used a drug dealer in five years,” says Alden, who scores pot for pain at a patient-run dispensary. On June 6, however, the Supreme Court scared med heads, ruling that states are subject to the Controlled Substance Act. All weed is now federally illegal regardless of state protections—though the ruling doesn’t overturn state laws. States have so far mostly ignored the federal prohibition, and veteran activists continue the push for legalization.

Indeed, two months after the decision, nine out of 10 states stood tall in their Mary Janes (Alaska may “re-examine” its policies). Rhode Island’s Senate even overrode the governor’s veto, en route to becoming the 11th med-pot state. Josiah Rich, MD, who treats Providence HIVers, says, “Patients shouldn’t live in fear of arrest.” Adds Marijuana Policy Project’s Bruce Mirken, “There’s been enough federal enforcement to make people nervous, but not an all-out assault.” So HIVers needing weed are safe—for now.

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