

# VICS Newsletter



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## News and information on medical cannabis

### Medical Cannabis News:

#### Canada - Legal Medical Cannabis Grow Busted

A legal medical marijuana user under the Health Canada (HC) Medical Marijuana Access Regulations (MMAR) program is questioning why police have shut down the Abbotsford, BC location he used to grow cannabis.

Brian Carlisle, who was the victim of a home invasion in Chilliwack in September, had been growing his medicine at local marijuana advocate Tim Felger's property since the fall. On the morning of Jan. 6, Abbotsford police converged on the well-known property and arrested two men. Police said 2,090 plants were at the property.

"Apparently, there was more than what my licence was for," Carlisle said, adding he's heard other medical marijuana users were growing at Felger's property.

A HC spokesperson said up to three people can grow medical marijuana for three separate licensed cannabis users at one location. The number of plants allowed to each licensed person varies according to their medical requirements, but the number of allowable plants falls below the total number of plants grown at Felger's property.

What irks Carlisle is that he said has registered the pot-growing location with HC and police. "Why didn't they call me and check?" he asked. "I'm a little bit upset. They (police) breached the secrecy of where I grow..... now what do I do with my medication? What does it take for a person in this country to maintain their health? I'm trying to follow the rules."

On the evening of Jan. 6, Carlisle said police drove him to the location and allowed him to extract 25 plants, but not his equipment. He was also told that he would not be allowed to continue to grow there, because a new municipal bylaw states the power must be cut off after the discovery of a marijuana grow-op.

Carlisle said he doesn't know now where he is going to get his medicine, as he can't get it through HC or a pharmacy, and doesn't want to grow at home after the violent home invasion his family suffered.

Source: Abbotsford News, Jan. 8, 2005,  
<http://www.mapinc.org/drugnews/v05/n044/a05.html>



#### UK - THC Improves Spasticity In MS In Long-term Study

First results of a follow-up study of the largest ever conducted clinical study of THC and cannabis in multiple sclerosis, known as the British CAMS study (Cannabinoids in Multiple Sclerosis), were published. The results of the 15-week-trial with eligible 630 patients had been published in Nov. 2003 in the Lancet. 80% of the original study population participated in a 12 months follow-up study.

While in the short-term study there was no significant effect of cannabinoids on objective spasticity scores according to the Ashworth scale, the long-term study showed significant effects on this parameter in the THC group. As in the short-term study there was no significant objective improvement of spasticity in the cannabis group compared to placebo. In the 15-week-study 657 patients with stable MS and muscle spasticity received either a cap-sulated cannabis extract, THC or a placebo. They received a maximum daily dose of 10-25 mg THC. 630 patients were eligible for statistical analysis. Although there was no objective evidence that cannabis relieved spasticity, or muscle stiffness, caused by the disease, patients reported subjective improvements in pain and spasticity. Mobility was improved as well. Study results caused different conclusions by experts with regard to the therapeutic benefits of cannabinoids in MS.

Until now only preliminary information on the 12-months-study is available. It is unclear why THC and not cannabis had effects on the Ashworth scale.

Authors concluded from their data: "Initial results suggest that there may be more benefit over the longer-term than we found over the first part of the study."

Sources: Press release of Cannabinoids in Multiple Sclerosis Trial of 9 October 2004; Zajicek J. The cannabinoids in MS study - final results from 12 months follow-up. *Mult.Scler* 2004;10 (suppl 2): 115.

#### US - DEA Rejects Request By University To Grow Cannabis

A request to grow cannabis at the University of Massachusetts so it can be tested in clinical studies has been turned down by the Drug Enforcement Administration (DEA). The decision was faxed to the university on Dec. 10, 2004.

A spokeswoman for the DEA said the agency would have no comment beyond its order, which gave the university 30 days to appeal. In its order, the drug agency said the only government-licensed marijuana farm, operated by the University of Mississippi, grew enough for researchers. It said that 18 medical studies using the drug had been approved since 2000. But Dr. Lyle E. Craker, the professor of plant biology at the University of Massachusetts who applied for the license three years ago, said researchers complained that the government's marijuana was weak and that it was hard to get permission to use it.

Source: Dec. 14, 2004, New York Times

### CONGRATULATIONS FROM THE VICS

Talk about instant family. Sarah and Paul of The Sacred Herb on Johnston St. are pleased to announce the arrival of their newborn twin boys, Saul and Sam, born January 17, 2005.

The VICS wishes this new family all the best.

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### **Effects of THC and CBD on memory -**

The effects of cannabis extracts rich in THC and rich in CBD on working and short-term memory were investigated in rats. The cannabis extract rich in THC impaired both working and short-term memory while the CBD rich extract had no effect. CBD dose dependently antagonized the effects of THC on memory.

Source: Fadda P, et al. *Neuropharmacology* 2004;47(8):1170-9

### **Adherence to antiretroviral therapy -**

U.S. researchers investigated the effects of cannabis use on continuation of antiretroviral therapy (ART) in HIV positive patients. 252 patients completed the interview, 175 (69 per cent) were on ART and 168 (67 per cent) provided ART adherence data. 41 of these 168 (24 per cent) used cannabis. There was no association between ART adherence and cannabis use. However, among HIV positives who suffered from nausea those who used cannabis were three times more likely to continue their ART therapy than non-users.

Source: De Jong BC, et al. *J Acquir Immune Defic Syndr* 2005;38(1):43-46.)

### **Inflammation of the brain -**

Basic research with brain cells shows that cannabinoids inhibit the generation of inflammatory mediators. A number of inflammatory mediators plays a role in brain damage, among them nitric oxide (a free radical), cytokines, and chemokines.

Researchers investigated the effect of a synthetic cannabinoid on the production of several key inflammatory mediators by astrocytes. Astrocytes are type of glia cells, that fill the space between the nerve cells of the brain. The cannabinoid which works similar to THC inhibited the production of nitric oxide and of several chemokines (CXCL10, CCL2 and CCL5). Researchers concluded that "comparable agents may have therapeutic potential for the management of brain inflammation."

Source: Sheng WS, et al. *Glia* 2005;49(2):211-9

## **Homeless Count in Victoria, BC:**

The Victoria homeless count found 696 people, including more than 100 children, without permanent housing. Conducted in Victoria and parts of Saanich and Esquimalt during the wee hours of the morning of Jan. 15, the count also found that most homeless live within Greater Victoria's core. Since homeless don't wear placards saying they're homeless, the count is considered low.

Victoria Cool Aid Society CEO Carol Finnie said the numbers offer a clearer picture of who is homeless and why. "They need housing that is stable enough to help them move on to the next stage of their life. And they need employment opportunities," said Finnie, whose organization works full-time with homeless people or those-at-risk of becoming homeless. "What we've discovered is that there are a lot of people who just can't move forward because they're stuck."

More than 400 of the 696 persons counted were staying in homeless shelters that evening. Sixty-eight were found sleeping outdoors with numerous abandoned camps discovered, most likely due to the colder-than-normal evening - an estimated 168 sleep outdoors when warmer.

While it is important to have a better idea how many people are out there, a crucial part of the process was involving local municipal and provincial politicians - the people who lobby government for more social program funding - as volunteer counters, Finnie said.

Source: "Most homeless found in core", *Victoria News*, Jan. 19, 2005.

## **Know Your Rights - Search and Seizure:**

Without trying to create alarm, as if to suggest that something is going down (well, inevitably something will), we felt it was useful for our members to review the rules on 'Search and Seizure' courtesy of John Conroy QC, as posted on the Canadian Cannabis Coalition website in March 2004. Four important things (of many) according to Mr. Conroy:

"1. The first question involves the reason for the stop. If it is for no reason then it is arbitrary and a section 9 Charter right violation. If you are stopped for speeding or driving in the HOV lane,

etc. then the stop is not arbitrary. The police are quite good at making up reasons and therefore some trials take up some time trying to establish the arbitrariness of the stop. A road-block is an exception that to this rule but the police are supposed to confine them to motor vehicle issues and not go on a fishing expedition;

2. Once detained, which is a condition short of arrest, the police are required to tell you you're right to instruct counsel without delay and to give you an opportunity to do so. Frequently they will not do so until they have cajoled you into letting them search your car or person or getting you to admit that you have a little personal on you. The best thing is to know your rights but don't be too quick to insist on them

because it is their failure to tell you and give you the opportunity to that is the breach that we can take advantage of later. A failure to tell you is another charter breach - section 10;

3. Section 8 of the Charter protects you against unreasonable search and seizure. At present, in BC, the police do not have the right to search for evidence on detention short of arrest. They can do a pat down for officers' safety but are not supposed to go further without reasonable grounds to arrest. The Bertoli case, and Lam from the BCCA are the authorities on this. The issue is on its way to the Supreme Court of Canada. On arrest they can search your person and your immediate surroundings including your car and maybe your house for officer safety reasons, to preserve evidence and to locate evidence. If you offer up your small personal amount hoping that they will leave you alone and not find the pounds in the car you will in fact give them grounds to arrest and search you and your vehicle thereby making things worse. An unreasonable search and seizure is another Charter breach;

4. Finally, having hopefully established one or more charter breaches, the next step is to convince the court that to admit the pot found or seized into evidence would tend to bring the administration of justice into disrepute under section 24 (2), usually because of police misconduct in stopping you arbitrarily, not telling you your rights, conscripting you against yourself, and conducting an unreasonable search and seizure, among other things. The more breaches the better as that will show a pattern of disregard for Charter rights.

And don't forget that you have the right to remain silent under section 7 and that anything you say or do will be used against you not for you. On the highway you have to give them your name and license, etc but just don't say or do anything that incriminates you no matter how strongly you feel you can or need to talk your way out. The only time to make a brief statement is if you have an alibi.

The penalty for failing to follow this advice will usually result, among other things, in having to pay an expensive lawyer. So remember section 7, 8, 9 and 10 of your Charter."



## Hepatitis C Threatens to Reach Crisis Levels:

The prevalence of hepatitis C in New York City is growing city-wide and could spawn an epidemic of staggering proportions unless steps are taken now, health experts said Jan. 7, 2005. Doctors, researchers, community activists and people with the infection testified in Manhattan before members of two state Assembly committees asking legislators to take action to prevent an unprecedented increase in the blood-borne disease within a decade. The infection can cause irrevocable liver damage.

Experts say hepatitis C is being diagnosed with increasing frequency, and is the No. 1 opportunistic infection causing death in people with AIDS throughout the city. An epidemic could overwhelm public and private health systems and overload waiting lists for transplantable livers. An estimated 200,000 to 300,000 people in the city may be infected, experts said, and many may be unaware because of the disorder's long latency. Symptoms can take up to 20 years to manifest.

"There is potential for a crisis in the city and the state," said Dr. Isaac Weisfuse, deputy commissioner of infectious disease control of the New York City Department of Health and Mental Hygiene. Weisfuse attributed the growing problem to an increasing use of the street-drug crystal methamphetamine. Sharing needles and other drug paraphernalia is spreading the virus at an alarming rate, he said.

Experts Friday argued that, statewide, hundreds of thousands of other cases of hepatitis C are probably going undiagnosed, and that legislators should put strong outreach plans in place to provide drug counseling and treatment. The infection can be effectively controlled with medications when caught early.

Weisfuse said the rising number of cases in New York mirrors a national trend. The Centers for Disease Control and Prevention estimates within a decade there will be a 279% increase in the incidence of liver damage nationwide due to hepatitis C, a 528% increase in the need for transplantation, and a 223% increase in the liver-related death rate.

Hepatitis C is one in a family of infectious viruses that attack the liver. Hepatitis A and B, whose prevalence also is rising in New York, are preventable through vaccines. All three can be transmitted through blood, e.g. by sharing needles. Hepatitis B and C also can be transmitted sexually. Hepatitis A is noteworthy as a contaminant of food and water.

Source: New York City Newsday Jan. 8, 2005,  
<http://www.mapinc.org/drugnews/v05/n048/a04.html>

## Poverty Statistics Capital Regional District 2004:

It doesn't look good. It's barely improving. And this is Victoria, BC in the 21st century. A joint publication by the Quality of Life CHALLENGE and the Community Council has dedicated its January 2005 issue of "The Indicator" to answer the question "Who can afford to live in BC's Capital Region?".

The short answer is that roughly one in five persons in the CRD is, by simple definition, living in poverty, one in every four children live in poverty and one in four households in the City of Victoria is in core housing need. For more information call (250) 383-6166, or visit [www.communitycouncil.ca](http://www.communitycouncil.ca) or [www.qolchallenge.ca](http://www.qolchallenge.ca).

### \*\* CLARIFICATION \*\*

It may be semantics, but it's important to be as clear as possible. The full name of one of the new Victoria resource organizations listed in last issue (Vol. 2, Issue 5) is the **Vancouver Island PHA (Persons Having Aids or Infected with HIV) Caucus**. Apologies for any misunderstandings.



( Thanks again Raeside )

## BC Election in May 2005 (Lest We Forget)

Even if we forgot that there is a provincial election in May, all the recent 'good' news and budget 'surplus' announcements should be a clear indicator that an (important) election is afoot.

We urge our members to ask their respective member of parliament what positive actions the ruling Liberal government has taken about issues that affect them directly, such as health care, disability issues, poverty issues, re-education, job-training, day care, affordable housing, food, environmental issues, transportation.... Challenge your local politician to spend a month in a wheelchair in Victoria with only the monthly basic disability pension payout to spend. Not fun. (and all because one is ill?)

There are many internet sites that can show us the government's track record over the last four years - we suggest that people take a look for themselves. One such site, BC Facts.org ([www.bcfacts.org](http://www.bcfacts.org)) has tracked the government's legislation and other actions as they relate to environmental issues, and the news is not encouraging, especially for the long term.

If you want to affect change, get out and vote on May 17.

## Definitions:

**behaviour, \*ior** *n.* deportment, manners; way of conducting oneself. (be on one's good or best ~); moral conduct, treatment shown to or towards others; way in which ship, machine, substance, etc., acts or works; (Psychology) response to stimulus (~therapy, treatment of neurotic condition by gradual training to react normally); hence ~AL *a.* (~al science, study of human behaviour). [from behave after *demeanour* and obsolete *haviour* from *have*]

(The Concise Oxford Dictionary, 7th ed., 1983)

**depersonalize, -ise** *v.t.* deprive of personality; make impersonal; hence depersonaliz-ATION *n.* (especially Psychology) morbid loss of sense of identity. [from DE-+PERSONAL+IZE ] (ibid.)

**hypocrisy** *n.* simulation of virtue or goodness; dissimulation, pretence. [Middle English from Old French *ypocrise* from Ecclesiastical Latin from Greek *hupokrisis* acting of a part, pretence (*hupokrinomai* from *hupo-* HYPO-+*krino* decide, judge)] (ibid.)

## Cannabis News:

### Canada - Ted Smith Convicted On Two Separate Charges

Ted Smith, founder of the Cannabis Buyer's Club in Victoria, was convicted Jan. 7 of drug trafficking. Provincial court Judge L. Jeanne Harvey convicted Smith on a charge of possession for the purpose of trafficking in cannabis resin, following two days of evidence. He was handed a nine-month conditional discharge.

Sometimes referred to as a compassion club, members of the Cannabis Buyer's Club gain access to dried cannabis or other preparations by proof of medical condition.

The charge against Smith arose from a March 21, 2002, search of the club's Johnson Street offices. Police seized cannabis, cannabis cookies, massage oils, salves and oil-filled capsules called Ryanol. The cookies, oils and salves were tested by Health Canada and shown to include cannabis resin, a prohibited substance under the law. The federal government has not declared cannabis resin to be legal as medicine.

"There is no right to possess cannabis resin according to the law. There is no right, there is no exemption," Judge Harvey said. As she delivered her sentence the judge rejected calls from the Crown for a conditional sentence, which automatically would have given him a record. If Smith abides by his conditions, his record will be clear.

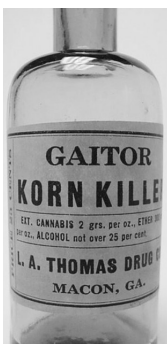
Harvey made a point of not putting any conditions that would forbid Smith from contact or activity with the club. The only condition on his discharge is the standard one declaring he is "to keep the peace and be of good behaviour."

However, Mr. Smith had another trial later in the month which also found him guilty of trafficking, this time for when he passed out joints at a pro-marijuana rally at the University of Victoria in November 2000. On Jan. 20, Provincial Court Judge Judith Kay handed down the verdict after systematically rejecting every single point or argument in Smith's case. Kay, meanwhile, stayed a charge of possession for the purpose of trafficking.

Seeking a conditional discharge at the sentencing hearing on Feb. 2, Smith received a \$500 fine with no probation, and a record. Smith has one more trial scheduled to face a final trafficking charge for passing out cookies at the Victoria Library in 2000.

Phil Lucas of the VICS and Canadians For Safe Access (CSA) stated that Mr. Smith's conviction sets a "poor precedent" considering that he is the second cannabis activist to have been convicted of trafficking within the last year (Marc Emery was the other).

Source: Times Colonist, Jan. 8 and 21, and Victoria News, Jan. 26, 2005



### UK - Drug Arrests Drop

Since cannabis was downgraded to a Class C drug in the UK, arrests for possession of cannabis have fallen by a third in the first year since it was, official Home Office figures show. An estimated 199,000 police hours were saved, according to data from 26 of the 42 English and Welsh police forces.

Minister Caroline Flint said new crime survey figures also showed that fears for a rise in cannabis use among young people were "wholly unfounded."

"One year on, the picture is encouraging, with significant savings in police time which can now be used to drive more serious drugs off our streets and make our communities safer."

Based on the feedback from the 26 police forces, there were an estimated 43,750 arrests in the last 12 months compared with 68,625 in the previous period - a fall of 36%, according to the Home Office.

"The figures show that young people's cannabis use has remained stable since reclassification and is still significantly down from 1998 levels," she added.

British Crime Survey figures published this January show that 24.8% of 16 to 24-year-old respondents reported using cannabis in the last year. This compared with 25.8% the previous year and 28.2% in 1998.

Source: Jan.28, 2005, BBC News,  
<http://www.mapinc.org/drugnews/v05/n168/a03.html>

### US - Cannabis And Oregon Workplace

The Oregon Court of Appeals ruled on Jan. 12 that the federal Drug-Free Workplace Act does not prohibit workers in Oregon from using cannabis for medical purposes. It said that a positive drug test based on a urine sample does not prove that a worker used or possessed marijuana at work.

Source: Associated Press, Jan.13, 2005

### AFTERWORD:

We probably should say thanks more often, and we at the VICS are blessed to know some great people. So, a huge thanks goes to Deb Harper and Matt Elrod, two folks who keep information flowing. Thanks also to Andrew Garret, a fellow who maintains an archive that allows us to use the photos you see scattered about the newsletter. And thanks again to everyone who has helped out during our time of stress as we deal with our own legal problems. We would also like to say a final goodbye to Ed Lapierre. PEACE

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#### **MS Society**

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#### **V.P.W.A.**

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#### **Law Centre**

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#### **Sacred Herb**

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<http://www.sacredherb.com>

#### **John W. Conroy, Q.C.**

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<http://www.johnconroy.com>

#### **BCCCS**

Vancouver, 604-875-0448

<http://thecompassionclub.org>

#### **Action Committee of People**

**with Disabilities**

383-4105

#### **Canadians for Safe Access**

<http://www.safeaccess.ca>

#### **Canadian Cannabis Coalition**

<http://www.cannabiscoalition.ca>

#### **Canada Medical Marihuana**

<http://www.medicalmarihuana.ca>

#### **Media Awareness Project**

<http://www.mapinc.org>

#### **DrugSense**

<http://www.drugsense.org>

#### **Health Canada**

<http://www.hc-sc.gc.ca/hecs-sesc/ocma/>

1-866-337-7705

#### **Norml Canada**

<http://www.normlcanada.org>

#### **Cannabis Health**

<http://www.cannabishealth.com>

#### **Cannabis Research Institute**

<http://www.cannabisresearchinstituteinc.com>

**"Peace we want because there is another war to fight against poverty, disease and ignorance."**

**-- Indira Gandhi**