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James and Lisa Masters were getting ready to take their daughters fishing on the morning of Aug. 2, 2006, when two social workers and two police officers knocked on their door.

We were just finishing folding laundry, getting ready for the day, says James, and we had just recently medicated.

They had picked a bad time to take their medicine. The Masters are both medical marijuana patients, whose doctors recommend they get high to treat various physical and neurological illnesses.

The social workers raised allegations of child abuse and neglect toward their daughters, ages 4 and 6. The police officers, who the Masters were told came along in case the parents got violent - maybe in a fit of reefer madness - smelled the weed.

Inside, the Masters had 18 marijuana plant clones and an imminent harvest of 12 two-foot-high, bud-laden plants, which they say was for people suffering from glaucoma, cancer, HIV, multiple sclerosis and other crippling diseases.

The Masters home was serving as the county chapter of the Colorado Compassion Club, a statewide network that provides quality weed for medical marijuana patients, including themselves. Despite having doctors recommendations for the medicinal crop as allowed through a state constitutional amendment, the Larimer County Drug Task Force snagged the pot - and child protection services snagged the Masters daughters, who were separated from their parents for nearly two months.

They came here with the understanding that we were medical [marijuana] patients, says James. There s no reason that two happy, well-adjusted girls should ever be taken away from their family because of cannabis.

James and Lisa, now reunited with their daughters, are facing criminal charges for distributing a controlled substance. The bust raises all of the usual questions about the misplaced priorities of the War on Drugs. But, even more, the Masters upcoming trial, scheduled for June 4 at the Larimer County Courthouse, is being called a test case for the rights of medical marijuana patients and caregivers.

The outcome could affect how Colorado regulates the cultivation, distribution and sale of the drug for medicinal use. Ultimately, the Masters trial could lead to an expansion of the state s medical marijuana program and a wider acceptance of pot as a healing remedy instead of just another way to get stoned.

The Compassion Club

James doesn t know exactly what s wrong with his body. He might have porphyria - an enzyme abnormality - or an overstock supply of hepatitis antibodies, although he s never had the disease or a vaccination. What the Fort Collins native does know is that, since the age of 23, I ve been throwing up every day, he says.

He suffers from constant nausea, stomach cramps, muscle spasms and swelling. James is 29 years old and walks with a cane. In the first year of his illness, he fell into a coma. Later, incontinence kept him from holding down jobs or attending college, and he suffered from depression, unable to provide for his young family. The doctors prescribed him a lineup of pharmaceutical narcotics, including diazepam, hydromorphone and antidepressant

and antipsychotic drugs.

For the first three or four years of my marriage, I had a living corpse on my floor, says Lisa. They had him on 11 medications at one point.

Lisa, 31, has her own list of physical maladies. Three protruding discs in her neck, two of which are possibly herniated. Joint swelling and muscle spasms. Carpal tunnel syndrome in both wrists. Bursitis in both ankles.

Marijuana, the Masters say, provides relief from their sicknesses, numbing muscle and nerve pain and nausea.

Symptomatically, I noticed I had less episodes when I was smoking, says James, but, at that point [in 2001], I had kids and I couldn't afford marijuana.

In 2000, James remembers when the state passed a medical marijuana law, but he says it meant absolutely nothing at the time because there was so little information about the program. When he asked his family physician to refer him, the doctor refused to help and even failed to tell James about the state health department website for potential patients.

Colorado voters passed Amendment 20 in 2000, which allows doctor-recommended patients with debilitating diseases to smoke pot and hold up to two ounces, or six plants (with three or fewer being mature, flowering plants), of marijuana. Under the constitutional amendment, medical marijuana users are supposed to register with the state.

In January 2006, citizens in Gunnison County decided in favor of medical marijuana user Ryan Margenau. The jury held that, according to Amendment 20, a patient doesn't need to be registered, but does require a recommendation from a Colorado doctor.

Patients don't have to go through every single step to be legal. They can just have a doctor's recommendation, and it's worth noting that the doctor's recommendation can be oral or written, says Brian Vicente, one of two attorneys representing the Masters and executive director of Sensible Colorado, a nonprofit group that works on behalf of medical marijuana users and supports pot decriminalization.

The staff of Colorado's Medical Marijuana Registry approves applications but does not issue licenses or permits. The state won't connect potential patients with doctors who will recommend pot for treatment, does not share information on how to acquire or grow weed, and does not recognize patients who have been approved for medical marijuana use in other states.

Through another friend, the Masters met Thomas and Larisa Lawrence, a Denver couple, in 2003. Thomas Lawrence is a registered medical marijuana user, and he and his wife had begun serving as caregivers, maintaining a garden of high-quality pot for other patients. They shared information about doctors who would consider recommending people for treatment. The Lawrences eventually created the Colorado Compassion Club in 2004 to run a marijuana dispensary for patients, who donated money for pot, seeds or clippings.

The Masters first received doctors' recommendations in the summer of 2004, and they began coordinating with the Lawrences to help distribute pot to patients in Northern Colorado. Lisa cooks and bakes with ganja, providing meals for patients with throat illnesses or those who have never smoked. (She says her daughters know the couple smokes and grows pot for other sick people, but claims they never smoke in front of the girls and they've kept their plants and drugs in a locked study.)

Last May, James began organizing weekly gatherings to spread the word about how to enroll for medical marijuana privileges, ultimately opening the Larimer County chapter of the Compassion Club.

I started holding meetings, says James, and what I heard over and over again from people with cancer, HIV, full-blown AIDS, was, Where do I get medicine?

The Masters started their own garden for Compassion Club patients last summer. Their first homegrown crop consisted of the 12 mature plants the county drug task force confiscated in the August 2006 bust of their home.

Growing by the rules

Lt. Craig Dodd of the Larimer County Drug Task Force says his unit has handled eight to 10 cases in the past two years in which they were called

into a home due to suspicion of drug possession only to find a registered medical marijuana user.

We don't know until we actually do a search warrant if someone has a valid certificate, says Dodd. But they have to be within the confines of the law.

The Masters weren't, according to the police, the district attorney's office and a county judge, who refused to throw out the charges. They had too many plants, including the clones, and they weren't registered as caregivers for other patients. (Fort Collins police refused to release a report, claiming confidentiality in an alleged child-neglect case.)

We had enough plants for four patients [based on the restrictions of Amendment 20], James responds. We were treating 30.

In their defense, the Masters plan to call the patients to the stand during their trial to vouch that they were receiving medicine from the couple.

What we explain [to patients], says state registry administrator Debra Tuenge, if it's green, law enforcement is probably going to count it as a plant.

Patients are supposed to name their caregivers on their state registration. But the Masters weren't registered as caregivers for 30 people; the state wouldn't have allowed them to do so.

A registry policy, not stipulated by Amendment 20, is to limit caregivers to only five patients, says Tuenge. She declines to say why.

If patients or caregivers are charged with exceeding the limits for the amount of pot allowable under the law, Tuenge says, they can explain why in court and avoid prosecution.

We definitely encounter cases where people have more than the number of plants that are allowed, adds Dodd. That's not a rarity at all. And if they're growing 30 plants, instead of the legal limit of six, that's a pretty good indicator that it's not just for personal use for medical patients.

Only two registered patients have been convicted on illegal drug charges, implying that most people are growing and smoking according to the conditions of the law.

I don't feel anyone is abusing the registry, or the limits either, says Tuenge.

To the Masters and their lawyers, the technicalities and loopholes of Amendment 20 have blocked regional dispensaries, like the branches of the Colorado Compassion Club, from getting medicine to patients in need.

The law does not mention a five-person cap [for caregivers], says Vicente. It's another example of the government arbitrarily making a decision about medical marijuana that is negatively affecting patients.

Vicente finds optimism and maybe a precedent in the Margenau decision. Just as that case proved that a patient doesn't necessarily need to register to avoid prosecution, he hopes the Masters case will establish that a caregiver shouldn't need to officially document each patient.

It could be an impact case, says Vicente. It could set a precedent to allow safe access to medical marijuana.

Details, including caregiver-patient ratios, definitions of plants, limits of plants per patient, eligible medical conditions and the right to compensation, might all be addressed during the Masters trial.

At the end of the day, sick people should not be prosecuted for providing care for other sick people, Vicente says, and caregivers should be allowed to be compensated for providing medical marijuana. What other medicine is given away free?

Yeah, I want to be compensated for the work, but I don't want to get rich, adds James Masters. I don't have stars in my eyes.

Dr. cannabis

Whether the issues are legal or logistical, medical marijuana advocates say the system isn't achieving its potential.

Patients need high-quality stuff, and [many of them] can't grow it themselves, says Dr. Robert Melamede. Then, we don't have enough dispensaries.

Melamede is a retired biology professor at the University of Colorado, Colorado Springs, and calls himself a nationally known pro-cannabis scientist. He still teaches Biology 408, Endocannabinoids and Medical Marijuana, at UCCS.

What endocannabinoids - that is, cannabis chemicals produced by our bodies - do is help protect us from free-radical damage, which in general is responsible for aging. They literally regulate everything in our bodies, says Melamede. There are huge medicinal benefits to cannabinoids, both endo- and exo-.

Melamede has written peer-reviewed scientific research that shows pot doesn't just quell nausea and muscle pain but can actually remedy biochemical imbalances, including effectively treating high or low blood pressure and depression. Melamede argues that it can even kill cancer cells. Never mind that the federal government says pot sizzles your brain cells like a fried egg; Melamede says cannabis actually protects them.

There are many uses that have not been officially recognized, he says. His website even hints that weed could help reduce the lethal degree of bird flu, should it one day spread to humans.

Currently, there are 1,026 medical marijuana patients in Colorado, including 95 in Larimer County.

We think there's at least 45,000 patients - unrealized - in the state, says Scott Carr, the Colorado regional manager of The Hemp and Cannabis (THC) Foundation, based in Wheat Ridge. The THC Foundation works in four of the 11 states with medical marijuana laws, operating health clinics that consider patients for recommended medicinal use of marijuana. The group just set up shop in Colorado in April 2006, and Carr says it will eventually offer mobile clinics, traveling to Fort Collins and other cities by appointment to evaluate potential patients.

There are way too many doctors who should be [recommending marijuana] but don't, adds Melamede. The doctors are not up to date with the science, and they're intimidated by the federal Nazis.

Matt Schnur, a Fort Collins medical marijuana user who serves as a reference for potential patients, says he knows of only two doctors in Larimer County who will recommend pot as treatment. They don't advertise the service for fear of ostracism from the medical community.

Schnur hopes to become a court expert for medical marijuana and wants to write the first-ever board-certified medical marijuana textbook. By the end of January, he will have moved from Fort Collins to Colorado Springs to research with Dr. Melamede. Schnur plans to finish his studies in cell and molecular biology and to use recombinant DNA technology to develop chewing gum, patches and even energy drinks loaded with the powers of cannabinoids.

My ultimate project - I can't get into the specific organism - but one problem we've had with patients is [that] six plants are not enough, Schnur says.

I've developed a way people can provide themselves as much medicine as people need without growing a plant.

Copernicus, Galileo - they were all mocked in their time, says Schnur, by way of comparison. I've dedicated my life to medical marijuana, and I'll defend it to the death.

The weed smoker's WorkEnder

Schnur's overly-ambitious-for-a-stoner passion partly stems from getting busted for pot himself.

In May 2005, a SWAT team descended upon Schnur's south Fort Collins home, presumably after a handyman tipped off police that marijuana plants were growing underneath the floors of the house. He was arrested for cultivation and intent to distribute. His girlfriend and another roommate were also charged for drug possession and paraphernalia.

Schnur, 25, has suffered from diabetes since he was 4 years old, and he developed neuropathy a few years ago, after moving from Illinois to attend Colorado State University. Neuropathy is a degenerative nerve condition that causes nausea, severe pain and, in Schnur's case, swelling in his right foot.

I'd say a third of the meals I eat I throw up, when I don't smoke, says Schnur, sitting at a dining room table inside his home. I had smoked recreationally, but not regularly [before developing neuropathy], but once when my foot was swelling and I smoked, I noticed it helped.

Schnur had a doctor's recommendation for the medical use of pot at the time of the bust, but the doctor was from Illinois. Colorado doesn't recognize notes from out-of-state doctors, leaving Schnur in the legal wrong.

Following a plea in April 2006, Schnur opted for 40 days in the county's WorkEnder weekend-service program instead of a 20-day jail sentence. But his doctors advised the judge that he wasn't able to participate because of his medical condition, which prevents him from being on his feet for more than four hours. The judge refused to change his ruling - says Schnur, he didn't want me on home detention because he didn't want me smoking pot all day - so Schnur started the WorkEnder program toward the end of the summer.

While in the program, Schnur had a diabetic seizure. He also experienced foot swelling after one weekend. He says officials kicked him out of the program, but the judge still refused to offer him options other than finishing the WorkEnder stint or serving hard time.

Schnur showed up for his 20-day jail sentence on Dec. 4, spending his time in the suicide ward so nurses could regularly administer his insulin. He was let out after 14 days, but still has 300 hours of community service. He also must check in for regular tests to monitor his marijuana intake, even though he's allowed to smoke for his conditions.

A noble path

Ordeals like those experienced by Schnur and the Masters show the law enforcement and criminal justice systems not yet ready to assimilate or accept a medical use for cannabis. While marijuana advocacy groups try to couch the discussion in terms of compassion, police, D.A.s and judges still treat medical marijuana patients like potheads and drug dealers. Whatever the outcome of the Masters trial, society is sliding toward compassion.

Last November, 41 percent of Colorado voters chose to decriminalize the possession of up to an ounce of marijuana in the state. While that kind of defeat is considered a spanking in electoral terms, supporters say the numbers are encouraging: Four out of 10 people don't see pot as a harmful or dangerous drug.

There are definitely some drawbacks of marijuana, says James Masters, I do have some memory problems, but he says those are minor compared to the blackouts he suffered from the slew of narcotics and other pharmaceuticals he once took. Today, marijuana is the only medicine James regularly uses, and he credits it for allowing him to go back to college and have a relationship with his wife and kids.

If the THC Foundation enrolls 45,000 medical marijuana patients in Colorado, one in every 100 citizens will be able to smoke pot legally - if there's pot for them to smoke.

There are so many other families that could go through this if somebody doesn't step up, if somebody doesn't carry through, says James, of the sickness and the inability of patients to get medical marijuana. With every fiber of my being, I believe it's a noble path.

About the Author

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