

# United States Senate

WASHINGTON, DC 20510

January 21, 2016

The Honorable Robert McDonald  
Secretary  
Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

Dear Secretary McDonald,

We write today to bring your attention to recent Congressional efforts to improve the relationship between Department of Veterans Affairs (VA) doctors and their patients, with respect to medicinal use of cannabis, also known as marijuana. We understand that VHA Directive 2011-004, regarding “access to clinical programs for veterans participating in state-approved marijuana programs” will expire on January 31, 2016. We ask that, upon the directive’s expiration, any new directive remove barriers that would interfere with the doctor-patient relationship in states that have chosen to legalize marijuana for medical purposes.

According to the current directive, VA providers are prohibited from completing forms seeking recommendations or opinions regarding a veteran’s participation in a state-sanctioned marijuana program. This policy disincentivizes doctors and patients from being honest with each other. Since many medical marijuana states require that a doctor fill out a form certifying that a patient is suffering from a qualifying condition in order to allow them to gain access to medical marijuana through state-regulated dispensaries, this policy only encourages those VA patients who are seeking treatment to go outside of the VA system and seek a recommendation from a physician likely far less familiar with their symptoms and medical history. It is not in the veterans’ best interest for the VA to interfere with the doctor-patient relationship. It is important for veterans to be able to discuss all treatment options with their VA physicians and for their physicians to be aware of all drugs they are taking.

Since the issuance of the VHA Directive 2011-004 in 2011, there has been a sea change in the legal framework surrounding marijuana in the United States. Currently, 23 states and the District of Columbia have legalized medical marijuana, and another 17 states allow the use of CBD, one of the active compounds found in marijuana, for therapeutic uses. Recognizing this, Congress has begun to act. Earlier this year, the Senate Committee on Appropriations approved an amendment to the 2016 Military Construction-Veterans Affairs appropriations bill that would have allowed VA physicians to discuss medical marijuana treatment with, and make necessary recommendations for their patients, in accordance with state law. The amendment also explicitly prevented VA from taking any action that would interfere with a veteran’s ability to participate in a State-approved medicinal marijuana program or deny any services to a veteran participating in such a program, including losing access to prescription drugs. The final bill, including the amendment, passed the Senate on November 10 with a vote of 93-0. Bipartisan companion legislation—the Veterans Equal Access Act—has also been introduced in the House.

We have worked to ensure that our veterans have the care they have earned and deserve. That means allowing veterans to have full and frank discussions with their doctors without the fear of losing benefits. It also means allowing VA doctors to provide opinions and recommendations to their patients in states where medical marijuana is legal. Congress has taken initial steps to alleviate this conflict in law and we will continue to work toward this goal. However, you are in a position to make this change when the current VHA directive expires at the end of this month. We ask that you act to ensure that our veterans' access to care is not compromised and that doctors and patients are allowed to have honest discussions about treatment options. We look forward to your prompt attention to this issue.

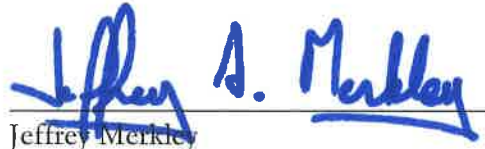
Sincerely,



Kirsten Gillibrand  
United States Senator



Steve Daines  
United States Senator



Jeffrey Merkley  
United States Senator



Cory Booker  
United States Senator



Barbara Boxer  
United States Senator



Patty Murray  
United States Senator



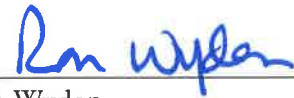
Brian Schatz  
United States Senator



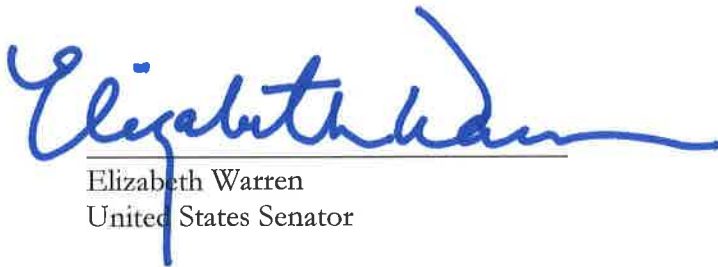
Tammy Baldwin  
United States Senator



Michael F. Bennet  
United States Senator



Ron Wyden  
United States Senator



Elizabeth Warren  
United States Senator



Earl Blumenauer  
United States Congressman



Dina Titus  
United States Congresswoman



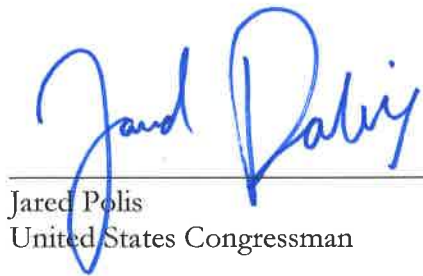
Dana Rohrabacher  
United States Congressman



Joe Heck, D.O.  
United States Congressman



Sam Farr  
United States Congressman



Jared Polis  
United States Congressman



Chellie Pingree  
United States Congresswoman



Steve Cohen  
United States Congressman



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Justin Amash  
United States Congressman



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Mark Pocan  
United States Congressman