

**Congress of the United States**  
Washington, DC 20510

April 15, 2020

The Honorable Robert Wilkie  
Secretary of Veterans Affairs  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, D.C. 20420

Dear Secretary Wilkie:

We write to request that the Department of Veterans Affairs (VA or the Department) issue a directive authorizing VA clinical staff to offer verbal recommendations to veterans, and advise them on paperwork related to, the use of medical marijuana<sup>1</sup> in state-approved medical marijuana programs for the duration of the national emergency concerning the coronavirus disease 2019 (COVID-19) pandemic.<sup>2</sup> Currently, recreational marijuana stores are closed in Massachusetts, but stores are open to patients who use marijuana for medical purposes and are registered with the Commonwealth's Medical Use of Marijuana Program.<sup>3</sup> As this global pandemic continues to adversely affect veterans' behavioral and physical health conditions, we believe that veterans who legally use cannabis in the Commonwealth to treat their ailments deserve to receive more robust assistance from qualified medical personnel at their local VA. Upon the end of this public health emergency, we also urge VA to consider making this directive the official policy of the Department going forward.

Although current VA policy allows its medical personnel to "discuss marijuana use with any veterans requesting information about marijuana," that same policy also prohibits VA health care providers "from recommending, making referrals to or completing paperwork for veteran participation in State marijuana programs."<sup>4</sup> While veterans are not supposed to be denied

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<sup>1</sup> Commonwealth of Massachusetts, "Medical Use of Marijuana laws, regulations, forms, and guidance," <https://www.mass.gov/lists/medical-use-of-marijuana-laws-regulations-forms-and-guidance>.

<sup>2</sup> The White House, "Proclamation Declaring National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," March 13, 2020, <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

<sup>3</sup> Boston Globe, "Medical marijuana registrations spike as adult-use stores close in Mass.," Colin A. Young, April 7, 2020, <https://www.bostonglobe.com/2020/04/07/marijuana/medical-marijuana-registrations-spike-adult-use-stores-close-mass/>; WGBH, "With Recreational Pot Shops Closed, Cannabis Control Commission Seeks Ways To Keep Business Afloat," Joe Mathieu, April 6, 2020, <https://www.wgbh.org/news/local-news/2020/04/06/with-recreational-pot-shops-closed-cannabis-control-commission-seeks-ways-to-keep-businesses-afloat>; NBC News, "Cannabis users, shops suffer high anxiety after Massachusetts shuts down recreational sales," Mansee Khurana, April 1, 2020, <https://www.nbcnews.com/politics/politics-news/cannabis-users-shops-suffer-high-anxiety-after-massachusetts-shuts-down-n1169886>.

<sup>4</sup> U.S. Department of Veterans Affairs, "VA and Marijuana – What Veterans need to know," <https://www.publichealth.va.gov/marijuana.asp>; U.S. Department of Veterans Affairs, "Access to VHA Clinical

benefits only because they participate in a state-approved marijuana program,<sup>5</sup> some veterans may be reluctant to seek medical marijuana, in part, because they are concerned that it could threaten their veteran status and their access to other federal benefits due to marijuana remaining prohibited under federal law.<sup>6</sup> In addition, medical marijuana-related purchases and visits are not covered by VA health care or by private insurance.<sup>7</sup> While it is legal to sell and consume marijuana for recreational and medical purposes in Massachusetts, the stores that sell recreational marijuana are temporarily closed in the Commonwealth during the public health emergency because they were declared non-essential businesses.<sup>8</sup> Under these circumstances, the demand for medical marijuana has increased.<sup>9</sup>

Veterans in Massachusetts use medical marijuana to treat a variety of ailments, including post-traumatic stress disorder (PTSD), anxiety, chronic pain, and others.<sup>10</sup> According to *Worcester Telegram and Gazette*, a recent nationwide study on veterans' health and medical cannabis was conducted by a group of public health researchers and cannabis advocates, which included over 200 veterans in Massachusetts.<sup>11</sup> That study found, "Ninety-one percent of respondents reported using medical marijuana," "a large majority of veterans who responded to the survey reported that cannabis provided relief for their major medical troubles," and "77% reported actively trying to reduce the use of over-the-counter or prescription medications with medical cannabis."<sup>12</sup>

For many veterans in Massachusetts, medical marijuana works in treating their health conditions, which can be exacerbated by the coronavirus pandemic.<sup>13</sup> VA providers can at least

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Programs for Veterans Participating in State-Approved Marijuana Programs," December 8, 2017, [https://www.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=5711](https://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=5711).

<sup>5</sup> *Id.*

<sup>6</sup> CBS Boston, "Veterans Urge Mass. To Declare Marijuana Shops Essential During Coronavirus, Baker Calls It 'Non-Starter,'" April 1, 2020, <https://boston.cbslocal.com/2020/04/01/coronavirus-massachusetts-essential-businesses-marijuana-charlie-baker/>; U.S. Drug Enforcement Administration, "Drug Scheduling," <https://www.dea.gov/drug-scheduling>; U.S. Department of Veterans Affairs, "VA and Marijuana – What Veterans need to know," <https://www.publichealth.va.gov/marijuana.asp>.

<sup>7</sup> CommonWealth, "Marijuana consumers flock to medical market," Shira Schoenberg, April 3, 2020, <https://commonwealthmagazine.org/drug-addiction/drugs/marijuana-consumers-flock-to-medical-market/>.

<sup>8</sup> Boston Globe, "Medical marijuana registrations spike as adult-use stores close in Mass.," Colin A. Young, April 7, 2020, <https://www.bostonglobe.com/2020/04/07/marijuana/medical-marijuana-registrations-spike-adult-use-stores-close-mass/>; WGBH, "With Recreational Pot Shops Closed, Cannabis Control Commission Seeks Ways To Keep Business Afloat," Joe Mathieu, April 6, 2020, <https://www.wgbh.org/news/local-news/2020/04/06/with-recreational-pot-shops-closed-cannabis-control-commission-seeks-ways-to-keep-businesses-afloat>; NBC News, "Cannabis users, shops suffer high anxiety after Massachusetts shuts down recreational sales," Mansee Khurana, April 1, 2020, <https://www.nbcnews.com/politics/politics-news/cannabis-users-shops-suffer-high-anxiety-after-massachusetts-shuts-down-n1169886>.

<sup>9</sup> *Id.*

<sup>10</sup> Worcester Telegram & Gazette, "Pot is a top treatment for veterans' pain, PTSD; but cost is barrier," Susan Spencer, February 8, 2020, <https://www.southcoasttoday.com/news/20200208/pot-is-top-treatment-for-veterans-pain-ptsd-but-cost-is-barrier>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Centers for Disease Control and Prevention, "Stress and Coping," [https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fmanaging-stress-anxiety.html](https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fmanaging-stress-anxiety.html).

“discuss” marijuana use with veterans, and veterans are “encouraged” by the VA to raise the topic as part of their overall care planning.<sup>14</sup> Therefore, during this unprecedented public health emergency, VA should issue a directive explicitly authorizing its health care providers to make sensible, clinically sound verbal recommendations to veterans related to participation in state-approved medical marijuana programs and services and to provide advice to veterans as they complete forms and other paperwork reflecting those recommendations. When veterans request advice on paperwork related to participating in a state-approved marijuana program, VA clinicians should be advised that they can make verbal referrals to knowledgeable non-VA providers who are registered with a state-approved program and can offer feasible options that minimize, or completely waive, the cost to the veteran.

Furthermore, VA clinicians who provide this temporary, limited assistance to veterans should be clearly advised by the VA that they will not be subject to disciplinary action. We also urge the VA to work with the Justice Department to formally advise VA providers who conduct these clinical activities that they will not face criminal prosecution under federal marijuana laws. By authorizing these tailored, temporary actions, the VA could help Massachusetts veterans who use, or are interested in using, medical marijuana receive more comprehensive clinical advice from their VA providers, reduce opioid addiction and substance use disorders, and achieve better health outcomes. Finally, when this public health emergency ends, we urge VA to consider making this directive the official policy of the Department going forward.

Sincerely,

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Elizabeth Warren  
United States Senator

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Edward J. Markey  
United States Senator

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Katherine Clark  
Member of Congress

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James P. McGovern  
Member of Congress

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Seth Moulton  
Member of Congress

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Ayanna Pressley  
Member of Congress

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Joseph P. Kennedy, III  
Member of Congress

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<sup>14</sup> U.S. Department of Veterans Affairs, “VA and Marijuana – What Veterans need to know,” <https://www.publichealth.va.gov/marijuana.asp>.