

LGBTQ+ & Marijuana in USA & Canada

Overview

The modern era of marijuana legalization began as a movement for queer health. US and Canadian histories seem interlinked as there is little information online about how it became such a big issue in Canada. I covered it as best I could and believe the two are linked.

Key Dates

- 1978, Proposition W [USA]
- 1991, Proposition P in San Francisco [USA]
- 1991, Peron co-founded SF Cannabis Buyers Club, first public cannabis dispensary [USA]
- 1996, California Proposition 215 (Compassionate Use Act of 1996) [USA]
- 1999, Jim Wakeford, Section 56 [Canada]
- 30 July 2001, the Marihuana Medical Access Regulations (MMAR) [Canada]

Brief History of terms: Pink Dollar/ Dorothy Dollar in US & Canada

- Pink Dollar, also known as Dorothy Dollar, is used to describe the purchasing power of the gay community - coined in 1990s as a result of the increasing affluence of many gay couples since they had less discrimination/ more access to better jobs and were DINKs (double-income no kids).
- Though it's not certain where the term Dorothy Dollar comes from, rumour has it is either because of a line used in the sequel *The Wonderful Wizard of Oz* where Dorothy is told she has some "queer friends" and she replies "the queerness doesn't matter so long as they're friends" or b) because Judy Garland, who stars as the main character in the *Wizard of Oz*, is a gay icon.
 - Side note: Really interesting Wikipedia page on this about using the term Dorothy to denote gay.¹

USA In-depth

Historic use of marijuana by the LGBT community

- Marijuana criminalisation stems for its association with LGBTQ community. The 'continued cultural association of addiction with femininity shaped the perception of addiction throughout society and influenced the decision of men to incorporate drug use into their rejection of conventional male role' – thus became particularly used by 'fairies' (the term for gay men) in the 1920s. As time went on, 'drugs continued to appeal to people disaffected with conventional society, including gay men like William Burroughs and Allen Ginsberg. Even though the hustling junkie now seems more masculine than feminine, William Burroughs was queer, and it was through his infamous addiction, as well as his sexual preference, that he communicated his rejection of mainstream masculinity.'²

Medical Marijuana before AIDS

- If you wanted medical weed, options slim. Black market mainly. Small federal program known as the Compassionate Use Investigational New Drug (IND) program – restricted to

¹ https://en.wikipedia.org/wiki/Friend_of_Dorothy

² Dr Mara Keire, 'Dope Fiends & Degenerates: The Gendering of Addiction in the Early Twentieth Century', *Journal of Social History*, Vol. 31, Issue 4, Summer 1998, pp.809-822.

patients with certain cancers, glaucoma, or rare illnesses – even at its peak, only ever supplied 30 active patients [at one time]... helped combat a cancer-wasting syndrome in which people lost 10% of their body weight in addition to having diarrhoea, weakness and/ or fever for 30 days or more³

California, Marijuana, and the LGBTQ community before AIDS

- In 1975, Harvey Milk became first openly homosexual elected official in US history when he was elected as City Supervisor in SF. Campaigned on platform for the legalization of marijuana. Assassinated while in office. According to Dennis Peron, he encouraged residents to protect California's cannabis laws through civil disobedience: "They can't bust us all".⁴
- 1978 campaign for **Proposition W**, non-binding policy statement that called on SF's DA & police chief to stop arresting and prosecuting people who cultivate, traffic, or possess marijuana. With Milk's help, 63% of SFs approved the proposition, sent message they wanted serious reform. Unfortunately, local officials chose not to act on public opinion, but his activist work lived on in the efforts of Dennis Peron.⁵

AIDS Epidemic & Push

- Initial push for state medicinal marijuana legalization started in California by LGBTQ activists in response to AIDS epidemic. Those with aids were 'not just any gay men; they were men fresh from the first decade of agitations for gay rights – men with political experience...only 3 years after 1979 White Night riots in SF that followed lenient sentencing of ex-cop and ex-supervisor Dan White for the assassination of openly gay SF Board of Supervisors member Harvey Milk' just 3 years prior... sparked the fervent community activism machine that would eventually mobilize local funds for AIDS care and research and agitate for California-wide medical cannabis... make lifelong activists.⁶
- Why marijuana?
 - 'Between the weight loss brought on by AIDS-related diseases and the nausea/ loss of appetite caused by early HIV medication [antiretroviral] AZT, everyone was emaciated. For a lot of people, the munchies were a godsend.'⁷
 - "Marijuana was just part of the treatment... it helped alleviate some of the symptoms of AIDS and the horrible cocktails they put them on initially, which were almost proving as deadly as the virus was'.⁸
 - 'Doctors who often had close relationships with AIDS patients... began to advocate for patient usage to fight AIDS' wasting syndrome.'⁹
 - In the Washington Post, 1990: 'Some people with AIDS have a motto: "Die high". All over America, AIDS patients are smoking marijuana to suppress their nausea and regain weight. "People are using marijuana to try to stay alive... but they figure if they are going to die of AIDS, why not die high?"...There is another reason for smoking pot, the same reason he began smoking it in 1968: "Marijuana seems to

³ <https://prohbtd.com/a-queer-origin-how-medical-marijuanas-roots-grew-from-aids-activism>

⁴ <https://www.civilized.life/articles/harvey-milk-marijuana/>

⁵ <https://www.civilized.life/articles/harvey-milk-marijuana/>

⁶ <https://prohbtd.com/a-queer-origin-how-medical-marijuanas-roots-grew-from-aids-activism>

⁷ <https://www.them.us/story/buck-angel-cannabis-company>

⁸ <https://www.them.us/story/buck-angel-cannabis-company>

⁹ <https://prohbtd.com/a-queer-origin-how-medical-marijuanas-roots-grew-from-aids-activism>

yank me out of those dark places your mind tends to go. It shines new light on your and you realize things aren't as bad as you think".¹⁰

- Who/ How?
 - **KEY EVENT, [Note, not LGBT as they contracted AIDS through blood transfusion, but their fight for legalized marijuana in wake of their death was largely fought for by LGBTQ community as they were the ones suffering from high rate of AIDS]:** People tested the waters, 1990 – Barbara Jenks, 24, states in court “I’ve got to smoke marijuana, I’ve got to, or I’ll die”, ‘during a trial in August in Panama City, Fla. She and her husband Kenny Jenks were charged with possessing and cultivating marijuana.... Proponents of allowing marijuana for medical purposes say the Jenkses’ case is important to AIDS patients nationwide’ hoping it would ‘force the government to make marijuana more available.’ “I don’t do it to get high”, said a 37-year-old Miami man with AIDS. “I never used marijuana before. I use it to get rid of my headaches”. There is one known case in the US where an AIDS patient received permission from the federal government to use marijuana... he fought the charge and received permission to use the drug legally – 10 days before he died.’¹¹
 - **KEY EVENT 1991, Proposition P in San Francisco:**
 - *Leading up to:* Dennis Peron worked with City Hall, got the DA of San Francisco (SF) involved, and got the ball rolling. Peron sold weed to men with HIV.¹²
 - *Event:* Prop P was a non-binding ballot measure expressing support for medical use of cannabis. It passed with 79% of the vote. City board of supervisors soon followed with Resolution 141-92, which urged law enforcement not to prosecute individuals using cannabis under a doctor’s care (as proven by a letter from the treating physician).
 - *Impact?* Peron co-founded SF Cannabis Buyers Club, first public cannabis dispensary for AIDS patients.¹³ Led to other clubs popping up around California.¹⁴ ‘More than just increasingly availability, Peron set a tone for the future of medical weed’, patient-to-patient communication within his club allowed users to work out, in absence of official tests/ documentation, what strain works best for each condition for example.¹⁵
 - *Pushback?* Californian elected officials sympathised with ballot, but despite public support, then-Governor Pete Wilson vetoed it.
 - **KEY EVENT 1996, California Proposition 215 (Compassionate Use Act):**

¹⁰ https://www.washingtonpost.com/archive/lifestyle/wellness/1990/11/20/medical-necessity-and-marijuana-use/d53fc776-5112-4ce4-9d6e-cc6215f0f7eb/?utm_term=.a2e43b63955f

¹¹ https://www.washingtonpost.com/archive/lifestyle/wellness/1990/11/20/medical-necessity-and-marijuana-use/d53fc776-5112-4ce4-9d6e-cc6215f0f7eb/?utm_term=.a2e43b63955f

¹² <https://www.washingtonblade.com/2019/04/17/lgbtq-and-cannabis-activists-say-histories-long-intertwined/>

¹³ <https://www.washingtonblade.com/2019/04/17/lgbtq-and-cannabis-activists-say-histories-long-intertwined/>

¹⁴ Boire, Richard Glen; Feeney, Kevin (January 26, 2007). *Medical Marijuana Law*. Ronin Publishing.

¹⁵ <https://prohbtd.com/a-queer-origin-how-medical-marijuanas-roots-grew-from-aids-activism>

- **Leading up to:**
 - Evidence shows many Cali residents supported medical use of marijuana – LA Daily News in 1992, for example, ‘showed a ballot measure passed in the city of Santa Cruz stated police officials should look the other way with seriously ill persons possessing marijuana. It was the third California county to do so.’¹⁶
 - Commercials/ advertising material played on the “compassionate use” theme.
 - ‘Campaign in support of Prop 215 was aided unintentionally by Attorney General Dan Lungren, In August of 1996, Lungren authorized a raid of Peron’s Cannabis Buyers Club. On October 11, 1996, less than a month before the election, Peron and others at the club were arrested for possession and transporting of marijuana... many viewers perceived the raid as an abuse of power improperly brought against a person trying to serve the needs of the seriously ill.’¹⁷
 - Lynette Shaw, an AIDS activist who worked for Peron’s Cannabis Buyers Club, helped out the chief of police when he came to her seeking help for the officers that were losing vast amounts of weight due to AIDS. Helped changed his opinion on the proposition.¹⁸
 - In absence of progress on federal front, advocates took to state-level. Peron spearheaded a drive to legalize marijuana by bringing the issue directly to state voters in the 1996 election. Citizens/ organizations can put initiatives on state-wide ballots for a yes or no vote. Needed 433,000 signatures to get it on the ballot – long/ expensive process. Peron & allies formed a PAC, ‘Californians for Compassionate Use’ – ended up getting 850,000 signatures! By the time Prop 215 came to a vote, Peron and allies out-organized/ outspend opposition, raising nearly \$2.5m.^{19,20}
- **Event:** The measure passed with 56% of the vote and allowed the use, possession, and cultivation of cannabis by patients with a physician's recommendation, for treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or "any other illness for which

¹⁶ LA Daily News, Nov. 8 1992 at N1, cites by Michael Vitiello in ‘Proposition 215: De Facto Legalization of Pot and the Shortcomings of Direct Democracy’, *McGeorge School of Law Scholarly Articles*

[<https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1093&context=facultyarticles>]

¹⁷<https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1093&context=facultyarticles>

¹⁸ <https://www.outfrontmagazine.com/inthemag/front-lines-queer-cannabis-fueled-legacy-dennis-peron-lynette-shaw/>

¹⁹ <https://hopes.stanford.edu/medical-marijuana-policy-in-the-united-states/>

²⁰ Read more about who contributed to the fund on page 715 of this scholarly article:

<https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1093&context=facultyarticles>

marijuana provides relief". The law also allowed patient caregivers to cultivate cannabis, and urged lawmakers to facilitate the "safe and affordable distribution of marijuana".²¹

- **Impact?** Prop 215 defied federal law showed people at the grassroots level could use states' rights to get this done. The passage of Proposition 215 was followed by the approval of five more medical cannabis ballot initiatives in 1998 (Washington, Oregon, Alaska, Nevada, and the District of Columbia). Maine followed in 1999, along with Nevada (for a second time) and Colorado in 2000. Also, in 2000, Hawaii became the first state to legalize medical cannabis through an act of state legislature.²²
- **Pushback?** Worth noting, Clinton initially pushed back and wanted to punish physicians that recommended marijuana to their patients. However, in Sept. 2000, 'the US District Court for Northern California (a federal judiciary), issued a ruling that limited the ability of federal officials to punish physicians who prescribed medical marijuana under the guidelines of Prop 215.'²³
 - Gets a bit complicated w/ legal challenges after this but more to do with states' rights vs federal gov and less about LGBT. Follow the link just cited if you need more about that.

Today

- 'Queer rights and cannabis legalization are progressing as parallel socio-political movements, gaining national acceptance that would have been unthinkable earlier.'²⁴
 - I've noticed people use gay marriage to talk about marijuana legalization – several articles on Google about it. 'Both are controversial social issues about which public opinion has changed dramatically in the past few years; on both issues, polls show the public closely divided but tipping toward legalization.'²⁵ Seen as a learning point from which to launch marijuana legalization policies.
- Trans porn star, Buck Angel, starts angel cannabis company as wants to bring weed back to LGBT community – "It's going to become an all-white male corporate out there, and the queer community that's been in on it forever and started this whole thing will be left out." For their weed delivery centre, only hires queer, female or non-white drivers. The company donates a dollar for every product sold to help homeless seniors through the elderly services department at the LA LGBT Centre and he is committed to spreading the message about how cannabis can help with LGBTQ -specific health problems inc. mental health problems and substance abuse.²⁶
- Limited still – 'In 2018, just as in 1988, the best medical advice involving marijuana, queer health care, or both, passes from friend to friend, through community centres and group

²¹ <https://medicalmarijuana.procon.org/sourcefiles/california-proposition-215.pdf>

²² Eddy, Mark (April 2, 2010), *Medical Marijuana: Review and Analysis of Federal and State Policies*(PDF), Congressional Research Service

²³ <https://hopes.stanford.edu/medical-marijuana-policy-in-the-united-states/>

²⁴ <https://www.them.us/story/buck-angel-cannabis-company>

²⁵ https://www.washingtonpost.com/opinions/marijuana-and-same-sex-marriage-a-common-path-to-legalization/2013/04/04/41a055d6-9ca3-11e2-9a79-eb5280c81c63_story.html?utm_term=.2c407df890c4

²⁶ <https://www.them.us/story/buck-angel-cannabis-company>

chats and informal networks that typically lack the luxury of formal research and expertise.²⁷

Canada

- 1979, First AIDS case in Canada diagnosed (retrospectively) in Montreal.
- 'By the 1990s, the pressure to revisit marijuana's health uses was building. Surveys found that 80% of Canadians favoured legalizing marijuana use for medical reasons. Non-profit groups, often called compassion clubs – sprang up across Canada to facilitate the distribution of marijuana to members who said the drug provided them relief from a variety of health complaints that no other medication could match.'
- Largely follows stories of the US – clearly linked timeline wise as soon after California legalized medical marijuana, there seemed to be Canadians now fighting the law too.
- **Hilary Black** opened the first storefront Compassion Club [targeting AIDS/HIV] in Vancouver in 1997, and cannabis influence seeped into the political scene thanks to **Marc Boris St Maurice** with a Quebec provincial party, the Bloc Pot (1997), and a federal party, The Marijuana Party.²⁸ [*Not in the LGBTQ+ community, but again, wanted to help out*].
- E.g. **Chris Clay** – in 1997 sentenced to 3 years' probation for marijuana possession and trafficking. Purposefully sold plants with the intention of challenging the constitutionality of marijuana laws. "I'm also concerned about the thousands of Canadians who have criminal records just from marijuana possession." 'Clay said he plans to move to Vancouver and assist a group that helps AIDS, cancer, and MS victims obtain medical marijuana'.²⁹

2001: Marijuana Medical Access Regulations (MMAR) Introduced

- *Leading Up To:*
 - o In 1999, Health Canada initiated a centralized federal medicinal cannabis program in response to 1998 court case focused on **Jim Wakeford**, living with HIV/AIDS who faced cannabis possession and cultivation charges for attempting to grow a supply of medical cannabis to treat symptoms of his condition. The Ontario Superior Court recognised his legal right to access cannabis without fear of arrest, and instructed Health Canada to create a process allowing for legal access to this medicine.³⁰
 - Health Canada responded by pointing to existing legislation – section 56 of the *Controlled Drugs and Substances Act* that would grant qualified applications a federal exemption.
 - o In 2000, major court case *R v Parker* (2000), dealing with epilepsy, struck down Section 56 as unconstitutional as it was not subject to regulatory oversight but instead at the total discretion of the Health Minister. Overall – ruled prohibition on cannabis unconstitutional as it did not contain any exceptions for medical use.³¹

²⁷ <https://www.them.us/story/buck-angel-cannabis-company>

²⁸ <http://canevolve.ca/some-history-of-cannabis-activism-in-canada/>

²⁹ <http://ndsn.org/sep0ct97/canada.html>

³⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2267789/>

³¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2267789/>

- *Main event:* On 30 July 2001, the Marihuana Medical Access Regulations (MMAR) came into force to replace Section 56 thanks to research conducted by Health Canada. The government stated, 'these regulations replace the current exemption process with a formal and more transparent process... access to marihuana will be granted under these Regulations in special medical circumstances only: serious medical conditions, including terminal diseases, where conventional treatments may not provide adequate symptomatic relief... Category 1 is for patients who have terminal illnesses with a prognosis of death within 12 months... category 2 is for patients who suffer from specific symptoms associated with some serious medical conditions (examples include weight loss in patients with AIDS/HIV in a non-terminal situation)'. Note, under 'therapeutic claims and uses', it states it's for 'nausea and vomiting associated with cancer and AIDS therapies' and 'wasting syndrome: to stimulate appetite and produce weight gain in AIDS and cancer patients.'³²

More Recent Times

- 2007 study found 'as many as one-third of people living with HIV/AIDS self-medicate with cannabis for relief of physical and stress-related symptoms. Although cannabis remains a controlled substance in Canada, legal access has been granted to people with HIV/ AIDS and other serious illnesses under the Marihuana Medical Access Regulations (MMAR) since 2001. Several years into the programme, however, few Canadians (approx. 1400) have obtained MMAR approval, suggesting obstacles still remain... most (87% of respondents) who reported using cannabis as a medicine continue to rely on illegal sources for their supply.'³³
- In 2014, Canadian for Fair Access to Medical Marijuana established to protect/ improve the rights of medical cannabis patients.³⁴
- In 2016, patients who used cannabis for medical purposes, particularly those from the Canadian AIDS society, directly addresses the federal government Task Force on Marijuana Legalization and Regulation about their issues and concerns... Focused on 4 main topics: access to sources, affordability, variety of products, and research/ information needs.³⁵

Other reasons LGBTQ Community push for legalization of marijuana:

- LGBT community has: 1) Higher levels of stress & anxiety (weed helps treat it) 2) High rates of depression (depends on strain/ usage, but weed may help) 3) Higher rates of substance abuse (marijuana legalization may help road to recovery)³⁶
- Mass-incarceration - Criminalisation also disproportionately affects LGBTQ people because:
 - A: Drugs used by LGBTQ more than by other groups – at least twice as likely than heterosexual peers to use illegal drugs - 'stressors faced by LGBTQ teens, such as

³² <http://gazette.gc.ca/rp-pr/p2/2001/2001-07-04/pdf/g2-13514.pdf>

³³ <https://www.ncbi.nlm.nih.gov/pubmed/17453590>

³⁴ <https://www.cdnaids.ca/patients-who-use-cannabis-for-medical-purposes-speak-to-the-task-force-on-marijuana-legalization-and-regulation/>

³⁵ <https://www.cdnaids.ca/patients-who-use-cannabis-for-medical-purposes-speak-to-the-task-force-on-marijuana-legalization-and-regulation/>

³⁶ <https://cannabis.net/blog/opinion/how-is-cannabis-legalization-benefiting-the-lgbt-community>

stigma and isolation, “may make drugs foolishly appear more attractive as a coping mechanism”, study’s author said.³⁷

- B: “any prohibition on civil liberties tends to impact marginalized community the most... if you’re a cisgender white male, you’re less likely to be stopped... if you’re a POC who is trans, you are more likely to be stopped, more likely to do time, and the time will be longer”.³⁸ Would help stop increasing level of mass-incarceration.

KEY ARTICLE FOR A REALLY IN-DEPTH OVERVIEW: <https://www.cannabis-med.org/iacm/data/pdf/2001-03-04-2.pdf>

³⁷ <https://www.nbcnews.com/feature/nbc-out/gay-teens-least-twice-likely-use-illegal-drugs-study-suggests-n898671>

³⁸ <https://www.washingtonblade.com/2019/04/17/lgbtq-and-cannabis-activists-say-histories-long-intertwined/>