

January 28, 2017
130 E Aurora Ave
Des Moines, Iowa 50313-3654

Jeff Sessions
326 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Sessions,

I have been corresponding with Senator Grassley regarding plans to create a medical marijuana program in the state of Iowa. I have not seen our bill yet, but it will be a Republican bill. Republican leadership (my senator was elected President of the Iowa Senate on January 10, 2017) tells me it is still a go as of the 11th of January, 2017. The election of President Trump does not appear to have changed these plans. From Iowa news stories¹ last November, it appears that Iowa will license private growers to grow marijuana for the purpose of making a cannabis extract which contains cannabidiol (CBD) and not more than .3% tetrahydrocannabinol (THC). As you know, 100% THC is already approved in capsule form and is currently in both schedule 3 of the federal controlled substances act and schedule 3 of the Iowa controlled substances act. The .3% restriction was added for the purpose of making the extracts. I assume because the extracts are not approved by the FDA, the THC limit has been set 333 times lower than the FDA approved product. I'm not sure I follow the logic there, but it is what it is.

In Senator Grassley's correspondence of January 18, he says he is still waiting for an official position from the Trump administration on state medical marijuana programs. Is there any chance I could help with that? I would love to speak with you about it before you are confirmed, or after you are confirmed. I thought now is a good time if you are still formulating your thoughts on it.

¹ <http://www.kcci.com/article/legislators-change-of-heart-may-expand-medical-marijuana-use/8374478>;
<http://www.desmoinesregister.com/story/news/politics/2016/11/27/medical-cannabis-could-see-movement-in-iowa/94345340/>

Just for example, here is what the state of Hawaii is considering this year, SB1093².

medical use as defined in section 329-121 in the State is accepted medical use in treatment in the United States.

See, *Grinspoon v. DEA*, 828 F.2d 881, 886 (1st Cir. 1987) ("Congress did not intend 'accepted medical use in treatment in the United States' to require a finding of recognized medical use in every state or, as the Administrator contends, approval for interstate marketing of the substance.")

the current federal classification of marijuana does not apply to state medical use of marijuana programs.

See, *Gonzales v. Oregon*, 546 U.S. 243, 258 (2006) ("The Attorney General has rulemaking power to fulfill his duties under the CSA. The specific respects in which he is authorized to make rules, however, instruct us that he is not authorized to make a rule declaring illegitimate a medical standard for care and treatment of patients that is specifically authorized under state law.")

Thank you!

Sincerely,

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² http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1093&year=2017