

Exhibit #26

OFFICE OF DRUG CONTROL POLICY

CORRECTION TO ERRONEOUS) **PETITION FOR**
INTERPRETATION OF LAW) **RECONSIDERATION**

Mr. Lukan's response to my December 8, 2014 Petition for Agency Action, attached hereto as **Exhibit #1**, does not address the issue I raised, which is the unlawful interpretation of schedule 2 of the Iowa Uniform Controlled Substances Act by the Office of Drug Control Policy. Interpretation of the meaning of the schedules of controlled substances is clearly vested in another state administrative agency, the Iowa Board of Pharmacy, not the Office of Drug Control Policy.

An Iowa district court has specifically rejected the argument that transferring marijuana from schedule 1 to schedule 2 sends a message that marijuana is relatively safe. See *McMahon v. Iowa Board of Pharmacy*, Polk County No. CV 7415, Ruling on Petition for Judicial Review, April 21, 2009, a copy of which was attached to the Petition for Agency Action.

In avoiding this issue entirely, Mr. Lukan's response characterizes my Petition for Agency Action as a request to withdraw Mr. Woolery's entire written statement, when, in reality, my Petition for Agency Action requests only the correction of a single statement made by Mr. Woolery. Mr. Woolery's statement that down scheduling marijuana sends a message that marijuana is relatively safe is legally false. The abuse potential for schedule 1 substances and schedule 2 substances is identical, both in the language used in Iowa Code § 124.203 and Iowa Code § 124.205, and according to the court order in *McMahon v. Iowa Board of Pharmacy*.

Mr. Lukan cites three authorities, but none of those authorities has ever made a statement that transferring marijuana from schedule 1 to schedule 2 sends a message that marijuana is relatively safe.

In fact, Dr. Nora Volkow had this to say in response to this exact question from National Geographic:

Office of Drug Control Policy, December 26, 2014

<http://news.nationalgeographic.com/news/2014/03/140304-marijuana-legalized-medical-marijuana-thc-francis-collins-nora-volkow--science/>

Recently there have been calls to rethink marijuana's classification as a Schedule I drug. Is it time to consider rescheduling it?

Well, that's for another agency to decide. At NIDA, we do the research and provide the evidence that other agencies use to make their policy decisions. My view is that the cannabinoids are one of the most fascinating targets we have for the development of medicines. It's an extremely important area of research. As research starts to emerge showing the possible health benefits of specific compounds within marijuana, like 9-THC or cannabidiol, one could ask if it's appropriate. I think that ultimately the data will determine whether it should be reconsidered or not.

Dr. Volkow clearly states that her agency, the National Institute on Drug Abuse does not suggest that substances in schedule 2 are relatively safe, which is the whole point of my Petition for Agency Action. The Office of Drug Control Policy is not authorized by law to make scheduling decisions in Iowa and another agency, the Iowa Board of Pharmacy, is clearly vested with that authority.

To be absolutely clear, the Office of Drug Control Policy can oppose transferring marijuana from schedule 1 to schedule 2, if it has a valid reasons for doing so. But, lying about schedule 2, saying that schedule 2 sends a message that schedule 2 substances are relatively safe, in the face of a court order rejecting that exact argument is unethical and is prohibited by law. Please correct this error immediately.

Respectfully Submitted:

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STATE OF IOWA

TERRY E. BRANSTAD
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OFFICE OF DRUG CONTROL POLICY
STEVEN F. LUKAN, DIRECTOR

December 17, 2014

Carl Olsen
130 East Aurora Avenue
Des Moines, Iowa 50313-3654

Dear Mr. Olsen:

Thank you for your recent correspondence. I am in receipt of your December 8, 2014 Petition for Agency Action, regarding comments made by Dale Woolery, at the invitation of the Iowa Pharmacy Board, to a board committee.

After reviewing your submission, I find no grounds for corrective action.

The comments submitted by Mr. Woolery are consistent with research-based findings by nationally renowned professionals in the field of substance abuse. These include: Dr. Nora Volkow, Director of the National Institutes of Health's National Institute on Drug Abuse; Dr. Lloyd Johnston, principal investigator of the University of Michigan's Monitoring the Future study; and Michael Botticelli, Acting Director of the White House Office of National Drug Control Policy.

I appreciate your feedback. If you have concerns about my response to you in this matter, please feel free to contact the Governor's Office at 515-281-5111.

Sincerely,

Steven F. Lukan
Director