

Exhibit #40

From: [Witkowski, Terry \[IBPE\]](#)
To: [Carl Olsen](#); [Funk, Andrew \[IBPE\]](#)
Subject: RE: Open Records Request
Date: Wednesday, November 25, 2015 7:10:39 AM
Attachments: [Minutes 2-17-2010.pdf](#)
[Marijuana Recommendation 2015.pdf](#)
[2015 Recommendation 2a.docx](#)
[2015 Recommendation 1.docx](#)
[2015 Recommendation 2.docx](#)
[Medical Marijuana Recommendation 2-17-2010.doc](#)

Carl,

I apologize. I should have realized that the attachments would not follow the converted emails. I have attached the original attachments to the emails previously delivered. Some of these are duplicates but I wanted to make sure to provide all attachments as they were originally delivered.

Therese (Terry) Witkowski
Executive Officer
Iowa Board of Pharmacy
terry.witkowski@iowa.gov
515-281-6676

The Iowa Board of Pharmacy promotes, preserves, and protects the public health, safety, and welfare through the effective regulation of the practice of pharmacy and the licensing of pharmacies, pharmacists, and others engaged in the sale, delivery, or distribution of prescription drugs and devices. Iowa Code § 155A.2(1).

From: Carl Olsen [mailto:carl-olsen@mchsi.com]
Sent: Tuesday, November 24, 2015 5:50 PM
To: Witkowski, Terry [IBPE]; Funk, Andrew [IBPE]
Subject: RE: Open Records Request

Thank you, Terry!

It appears the 2010 recommendation was involved in these communications, which is good. That was a nice surprise.

It's hard to tell exactly what documents were attached to these emails. The attached documents are missing.

I've have two issues I am currently considering.

I have an appeal pending in the Iowa Supreme Court from the 2013 ruling I got from the board. I'm pro se and I made two technical errors that caused delays.

First, I thought that because I had filed the transcript of my district court hearing with the district court it would be part of the record in the supreme court. The Supreme Court wants a certified copy from the court reporter, so that caused a delay of two or three months. The supreme court did not send me a default notice. I just asked them what was taking so long.

Second, I did not order a certified copy of the entire record from the district court after I filed my final reply brief, so that caused another delay of two or three months.

My case will probably be decided sometime in the next six months, but it might have been decided already if I had not made those errors.

The other issue is that SF 484 and HF 567 both contain the board's 2010 recommendation as Senate amendments.

I have been planning to appeal from the January 2015 board ruling on my 2014 petition, but that might not make much sense if the legislature changes the schedule in the next few months. So, I'll probably just wait now and see what happens. The delays I caused may not be bad in the overall scheme of things.

I have been thinking the board has not been aggressive enough, but these communications and the ones Lloyd sent me in 2010 show that there is a lot of stuff that goes on behind the scenes that it's hard for me to know about. I can see the legislature is considering this matter, and I do see that 2010 recommendation was part of the communications earlier this year.

The Iowa Senate voted 44-0-6 to accept the board's 2010 recommendation on April 15, 2015, this year. But, then a lot of them voted against it when it was added to HF 567.

This is just hard to follow.

I've been having a discussion with Senator Grassley about this on the federal level. He seems to think cannabidiol will be approved soon and that rescheduling the plant might make sense if that happens. That was my reasoning in my 2014 petition which the board's subcommittee accepted in December of 2014, and then the board rejected in January of 2015. Cannabidiol comes from a plant. All of the other cannabinoids that are federally scheduled in schedule 2 or lower are made synthetically, so cannabis plants are not used to make them. That has always been the reason marijuana has stayed in schedule 1. As far as I'm concerned, that has led to the recent outbreak of poisonings from synthetic cannabidoids. I believe the Iowa Legislature would be doing the right thing to adopt the board's 2010 recommendation.

Carl Olsen
130 E Aurora Ave

Des Moines, Iowa 50313-3654
515-343-9933
carl-olsen@mchsi.com

From: Witkowski, Terry [IBPE] [<mailto:Terry.Witkowski@iowa.gov>]
Sent: Tuesday, November 24, 2015 5:10 PM
To: Carl Olsen <carl-olsen@mchsi.com>; Funk, Andrew [IBPE] <Andrew.Funk@iowa.gov>
Subject: RE: Open Records Request

Carl,

After a careful search of my email communications and Lloyd's email communications, I found the attached emails relative to your request. Regarding the email regarding Senator Sodder's request, the initial meeting was cancelled via telephone. A later meeting was held (notification/invitation via telephone) and I did attend and answer questions of the committee. There is no written record of that subsequent meeting.

It appears that the Board's recommendation may have been delivered to the Governor's Office and the Legislature in hard copy. I can find no communication regarding that delivery.

Therese (Terry) Witkowski
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From: Carl Olsen [<mailto:carl-olsen@mchsi.com>]
Sent: Sunday, November 15, 2015 8:12 PM
To: Funk, Andrew [IBPE]; Witkowski, Terry [IBPE]
Subject: Open Records Request

Dear Mr. Funk,

See the attached PDF file.

A hard copy is in the mail and you should receive it this week.

Thank you!

Carl Olsen
130 E Aurora Ave
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515-343-9933
carl-olsen@mchsi.com

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Exhibit #40-1

From: [Jessen, Lloyd \[IBPE\]](#)
To: [Engel, Catherine \[LEGIS\]](#)
Cc: [Tabor, Eric \[AG\]](#); [Sodders, Steve \[LEGIS\]](#); [Steffensmeier, Laura \[AG\]](#); [Witkowski, Terry \[IBPE\]](#)
Subject: RE: Senate Judiciary Meeting Senator Sodder bill - moving marijuana from schedule I to schedule II
Date: Friday, January 16, 2015 1:40:00 PM

Ms. Engel,

Thank you for your e-mail. I have also heard directly from Senator Sodders. Yes, I plan to attend the subcommittee meeting on January 20 at 4:00 p.m. and I look forward to providing the requested information. It will be helpful to have our assistant attorney general, Laura Steffensmeier, in attendance at the meeting as well.

Sincerely,

Lloyd

Lloyd K. Jessen, R.Ph., J.D.
Executive Director
Iowa Board of Pharmacy
515.281.8630 Direct Line
lloyd.jessen@iowa.gov

From: Engel, Cathy [LEGIS] [mailto:Cathy.Engel@legis.iowa.gov]
Sent: Friday, January 16, 2015 1:33 PM
To: Jessen, Lloyd [IBPE]
Cc: Tabor, Eric [AG]; Sodders, Steve [LEGIS]
Subject: Senate Judiciary Meeting Senator Sodder bill - moving marijuana from schedule I to schedule II

Executive Director Jessen,

I contacted your office today regarding an invitation from Senator Steve Sodders to attend his subcommittee meeting on [SSB 1005](#) relating to the reclassification of marijuana from Schedule I to Schedule II. There is an additional item in the bill, but he is only asking for your expertise relating to the reclassification piece. The subcommittee meeting is scheduled for this Tuesday, January 20th in Room 24 of the Capitol, behind the Senate Chamber at 4:00. You may have already been in contact with Senator Sodders. I also spoke with Eric Tabor. He wanted me to be sure to share with you that Laura Steffensmeier would be available to be at the meeting to provide any support you might need. The goal of this request is to insure that the subcommittee will receive a knowledgeable and accurate explanation regarding the implications of reclassifying marijuana. Thank you.

Cathy

Catherine H. Engel
Research Analyst
Senate Democratic Caucus
515.281.8688
Cathy.engel@legis.iowa.gov

Exhibit #40-2

From: comforms@LEGIS.IOWA.GOV
To: COM_S_JUD_EX@LISTSERV.LEGIS.IOWA.GOV
Subject: CANCELLED: SSB 1005 (Senate) Meeting 01/20/2015 4:00 PM
Date: Tuesday, January 20, 2015 10:03:04 AM
Attachments: [meeting.ics](#)

Cancellation of Subcommittee Meeting

Committee: Judiciary (Senate)

Subcommittee: [SSB 1005](#)

Bill Title: A study bill for an act relating to the reclassification of marijuana, including tetrahydrocannabinols, and the possession of marijuana, and providing a penalty. 1/13/15

Subcommittee: Sodders, Hogg, and Schneider

Members: Sodders-CH, Schneider, Hogg

Date: 01/20/2015 4:00 PM

Location: RM 24

Agenda:

DIscuss [SSB 1005](#)

This message was automatically generated. Please do not reply to it.

Exhibit #40-3

From: Witkowski, Terry [IBPE]
To: [Bronsink, Josh \[LEGIS\]](#)
Subject: Board of Pharmacy recommendations re marijuana
Date: Tuesday, April 07, 2015 11:58:00 AM
Attachments: [Marijuana Recommendation 2015.pdf](#)
[Medical Marijuana Recommendation 2-17-2010.doc](#)
[Minutes 2-17-2010.pdf](#)

Josh,

Attached are the minutes of the Board for February 17, 2010, when the Board made its initial recommendation regarding reclassification of marijuana. I have also attached the recommendation made by the Board at that time.

Also attached is the formal recommendation made to the Iowa Legislature earlier this year.

Please let me know if you have any questions or need anything further. I will also check to see if any other states have rescheduled marijuana and will let you know what I find.

Following is a link to S 683, the bill that is currently being considered in the U.S. Senate.

<https://www.congress.gov/bill/114th-congress/senate-bill/683>

Therese (Terry) Witkowski

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