

Drug Enforcement Administration

PETITION FOR EXEMPTION

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**Exhibit #7**

<https://www.thegazette.com/subject/opinion/staff-columnist/marijuana-remains-illegal-under-federal-law-x2014-that-harms-iowa-patients-20190811>

## **Marijuana remains illegal under federal law - that harms Iowa patients**

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Law-abiding Iowans may be disturbed to learn our trusty state government is breaking the law.

In fact, most state governments are in violation of federal law. Statehouse leaders across the country are authorizing and regulating the production of medical cannabis products, even as marijuana remains on the federal government's list of super-duper illegal substances.

One Iowan is offering a novel solution to rectify the situation.

[Carl Olsen](#) of [Des Moines](#) is a longtime public policy advocate and one of the state's most knowledgeable figures on marijuana laws. As [Iowa](#) has slowly joined the medical marijuana movement, Olsen has urged state lawmakers and regulators to square the medical cannabidiol program with federal law.

Olsen earned a preliminary but significant victory this month when the [Iowa Medical Cannabidiol Board](#) advanced his proposal to claim an exemption from federal law for Iowa's medical cannabis program, something no other state has tried.

To understand the latest development, it's helpful to have some background knowledge about the [United States](#)' ridiculous drug laws.

The federal government lists hundreds of drugs as controlled

substances, each assigned to one of five categories, or schedules, based on medical value and potential for abuse.

The classifications range from schedule V — relatively safe drugs, such as medicine with a small amount of codeine — to the very bad, no good schedule I — substances with no accepted medical use and a high potential for abuse.

Marijuana is a schedule I drug, even though there are documented medical benefits and it's much safer than some less-restricted drugs.

Astoundingly, the federal government lists cocaine, methamphetamine and fentanyl as schedule II drugs, signaling they are safer than marijuana. Those substances have legitimate uses and I don't mean to fearmonger or demonize them, but I doubt anyone honestly believes marijuana is more dangerous than cocaine.

The best and simplest way to rationalize American marijuana laws would be to reschedule marijuana to a more sensible level. [Congress](#) could do that by passing a law, or the [Drug Enforcement Administration](#) could do it with no legislative action at all.

While there is growing interest among politicians and bureaucrats to reclassify marijuana, by no means is it imminent. Short of rescheduling, there is at least one alternative route for Iowa and other medical cannabis states might take.

Olsen is asking the [Iowa Department of Public Health](#) to request acknowledgment from the federal government that Iowa's medical cannabidiol program is exempt from controlled substance restrictions.

The template for that exemption proposal comes from peyote, a psychoactive cactus that's used as a sacrament by some indigenous Americans. While peyote is a schedule I substance like marijuana, federal regulatory code provides a religious exemption for members of the [Native American Church](#) to use it.

Olsen wonders if marijuana could be recognized with a similar exemption.

"If a church or a religion is entitled to have a broad exemption like that, certainly a state government has that right," Olsen said at the Aug. 2 Medical Cannabidiol Board meeting.

According to Olsen's research, no other state has pursued such a strategy.

This is not motivated by some moral imperative to honor federalism and the rule of law, or even by a fear that federal law enforcement agents might physically intervene in state marijuana programs. Rather, it stems from the recognition that federal marijuana prohibition has tangible and urgent consequences for Iowans.

Marijuana companies — including Iowa's licensed medical cannabidiol producers and dispensaries — do not qualify for certain federal tax deductions and credits because their business is not recognized by the federal government.

By some estimates, that effectively equates to a 70 percent tax penalty. Inevitably, those costs are passed on to people who purchase medicine through the state-authorized businesses.

"That's an absurdly high amount. ... That directly impacts patients," [Lucas Nelson](#), general manager of MedPharm Iowa, told me recently.

Following the Cannabidiol Board's vote this month, state lawyers will review the proposal for a federal exemption and determine next steps.

It's entirely plausible this project will run into unforeseen legal barriers, but Iowa leaders have a responsibility to at least try to comply with federal law.

"The idea that we're running a program that's illegal is like something only the mafia could appreciate. It's bizarre," Olsen said.

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