

DRUG ENFORCEMENT ADMINISTRATION
Diversion Control Division/DC
8701 Morrissette Drive
Springfield, VA 22152

Supplemental Brief)	PETITION TO EXEMPT
Pursuant to 21 C.F.R. § 1307.03)	THE STATE-AUTHORIZED USE
)	OF MEDICAL CANNABIS

COMES NOW Petitioner, pursuant to [21 C.F.R. § 1307.03 \(2019\)](#), and to supplement the Petition to Exempt the State-Authorized Use of Medical Cannabis states:

1. The Petitioner’s original Petition, attached as [Exhibit #1](#) was mailed to the Drug Enforcement Administration on January 28, 2019, by certified mail.
2. The certified mail receipt, attached as [Exhibit #2](#) was returned to the Petitioner signed by Robert Greeley for the DEA on February 4, 2019.
3. On February 1, 2019, the Petitioner presented this question to the state board that regulates Iowa’s medical cannabis program, “Is everything authorized by 124E a federal crime?” The minutes from the February 1, 2019 meeting are attached as [Exhibit #3](#) (page 2).
4. On August 2, 2019, the Petitioner asked the state board that regulates Iowa’s medical cannabis program to recommend asking the DEA to recognize Iowa’s medical cannabis program as exempt from federal drug law. In a unanimous, roll call vote, the board voted to make the recommendation requested by the Petitioner. The minutes from the August 2, 2019 meeting are attached as [Exhibit #4](#) (pages 6-7).
5. On December 31, 2019, the board that regulates Iowa’s medical cannabis program recommended that the Iowa legislature seek exemption for Iowa’s program from federal drug laws. The annual recommendations from the board to the legislature on December 31, 2019 are attached as [Exhibit #5](#) (page 7).

SUPPLEMENTAL ARGUMENT

The failure of the state to seek an exemption using the application procedure in 21 C.F.R. §1307.03 for the state authorized use of cannabis puts everyone participating in the program at risk without justification.

On September 23, 2019, the Iowa Attorney General said it, “poses a serious threat to public safety.” See attached [Exhibit #6](#).

On August 11, 2019, an editorial in the Cedar Rapids Gazette said, “marijuana companies ... do not qualify for certain federal tax deductions and credits ... that effectively equates to a 70 percent tax penalty ... those costs are passed on to people who purchase the medicine through the state authorized businesses.” See attached [Exhibit #7](#).

On May 10, 2020, an article in the Sun Journal, Portland, Maine, said, “Because Maine allows the medical use of marijuana by students, the federal government is cutting off \$3.3 million in already approved funding to support mental health programs for youngsters.” See attached [Exhibit #8](#).

Failure to seek federal exemption for state authorized use of cannabis is negligent.

Once the state applies for the exemption, denying the application would make the Drug Enforcement Administration responsible for creating a conflict between state and federal drug laws. The DEA has no authority to create a conflict if there is a way to resolve it. The way to resolve it is 21 C.F.R. §1307.03.

The Petitioner realizes this petition is coming from a private citizen and not from state officials, but the Petitioner has obtained support from state officials tasked with regulating the program. The DEA should not lightly dismiss the petition without asking the state if there is any reason it would not want an exemption from federal drug laws for state authorized use of cannabis.

WHEREFORE, Petitioner respectfully requests the Drug Enforcement Administration codify an exemption for Iowa’s medical cannabis program.

Dated this 27th day of August, 2020.

Carl Olsen
PO Box 41381
Des Moines, Iowa 50311-0507
T: (515) 343-9933
carl@carl-olsen.com