

# Exhibit #34

To the Iowa Board of Pharmacy:

We are facing a crisis of constitutional magnitude – in 2013 when I filed a petition with this board, there were 19 states that had accepted the medical use of marijuana – when I filed a petition with this board in 2014 there were 34 states that had accepted the medical use of marijuana. Our law says marijuana cannot be in state schedule 1 if it has accepted medical use in the United States. How can this board ignore the fact that 34 states have accepted the medical use of marijuana?

Last year, the Iowa Poll showed 58% of Iowans supported the medical use of marijuana. This year, that same poll is showing that 70% of Iowans now support the medical use of marijuana.

This has gotten so broken here in Iowa that our governor is suggesting that Iowans go to Illinois to obtain marijuana products that are not legal under current federal regulations and Illinois law does not allow non-residents to obtain these products.

Congress did not authorize federal administrative agencies to keep marijuana locked in federal schedule 1 forever. Recognizing that circumstances can change, Congress created schedules and ordered the federal administrative agencies to make adjustments when the need arises. The federal administrative agencies now act like they are paralyzed and can't deal with the situation because marijuana is a plant and not a pharmaceutical drug.

Some states have filed a petition for federal reclassification, but those same states have marijuana classified in their own state schedule 1, which means they are telling the federal administrative agencies that they believe marijuana should be in schedule 1. There is no logic in it. Why would the federal administrative agencies listen to such an inconsistent argument?

Unlike the federal administrative agencies, which are authorized by Congress to change the federal classification of marijuana, this board has simply been given the task of making a recommendation to our legislature, relieving this board of the ultimate decision on whether to reclassify marijuana in Iowa. Iowa should reclassify marijuana, and this board should advise the legislature to do so.

We cannot simply throw up our hands and tell everyone to violate state and federal law. Iowa law makes it clear this board should weigh in on this matter.

Carl Olsen, March 9, 2015

Iowa Board of Pharmacy, March 9, 2015

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March 9, 2015

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Re: Marijuana Scheduling  
Petition for Reconsideration

Dear Board Members:

This is a request for a recommendation from the board to the Iowa legislature. I am requesting this board recommend marijuana be removed from schedule 1 of the Iowa Uniform Controlled Substances Act because marijuana currently has accepted medical use in treatment in the United States. A recommendation from the board for reclassification of marijuana is not legally binding on the Iowa legislature. Recommendations on the scheduling of controlled substances in Iowa is not formal rule making.

I would like to address the concerns this board has previously raised:

At this board's November 19, 2014, hearing on my petition, the issue of hydrocodone's classification was raised by a member of the board.

**FEDERAL RECLASSIFICATION OF HYDROCODONE COMBINATION PRODUCTS.**

On August 22, 2014, the DEA reclassified hydrocodone combination products from federal schedule 3 to federal schedule 2. Persons handling these products were required to implement the required changes within 45 days, by October 6, 2014. The board compared my petition to a hypothetical petition to leave hydrocodone combination products in Iowa schedule 3 where they are currently located as of Monday, March 9, 2015. This board has not filed any

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recommendation with the Iowa legislature to reclassify hydrocodone combination products from Iowa schedule 3 to Iowa schedule 2. No legislation was filed this year that would make this change. No one can file a petition to keep hydrocodone combination products in Iowa schedule 3, because those products currently are in Iowa schedule 3. No action has been taken by this board to change the classification of hydrocodone combination products in Iowa. The board currently has a notice about the change in federal classification of hydrocodone combination products on the home page of the board's website as of Monday, March 9, 2015.

At this board's January 5, 2015, hearing on my petition, the issue of opium's classification was raised by a member of the board.

#### **FEDERAL AND STATE CLASSIFICATION OF OPIUM.**

Opium has been in schedule 2 at both the state and federal level since 1971. Marijuana has been in schedule 1 at both the state and federal level since 1971. There has been no change in the classification of either of these two plants since 1971. The board compared marijuana to opium, saying that plants from which medicines are made are in schedule 1 and the pharmaceutical products made from those plants are in the lower schedules. The board was incorrect. The board said marijuana should be in the same classification as opium, but opium is in schedule 2, not schedule 1. The rationale for placing marijuana in the same classification as opium has been clearly articulated by the American Academy of Neurology (AAN) on December 17, 2014, and the American Academy of Pediatrics (AAP) on January 20, 2015. The board has already agreed with the rationale given by AAN and AAP, but failed to properly identify the correct schedule that opium is in.

At this board's January 5, 2015, hearing on my petition, the issue of cannabidiol's classification was raised by a member of the board.

#### **FEDERAL AND STATE CLASSIFICATION OF CANNABIDIOL**

Cannabidiol is in federal and state schedule 1. "DEA Form 225 - New Application for Registration" says that cannabidiol is in federal schedule 1 with a federal DEA Drug Code Number of 7372 (Marihuana is 7360 and Tetrahydrocannabinols is 7370). The definition of Marijuana in the Iowa Uniform Controlled Substances

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Act includes cannabidiol and Marijuana is a schedule 1 controlled substance in Iowa. On January 5, 2015, this board recommended the legislature reclassify cannabidiol, which the board has the right and the duty to do, but this is inconsistent with federal scheduling.

**CURRENT STATE LEGISLATION UNDER CONSIDERATION IN 2015**

Finally, there have been several bills in the Iowa Legislature this year dealing with the classification of marijuana, SSB 1005, SSB 1205, and SF 282, all of which would have reclassified marijuana as a schedule 2 substance in Iowa. Although these bills died in the legislative funnel on March 6, 2015, they could still become law if they are attached as amendments to legislation that is still being considered. SSB 1243 is still an active bill which would expand the Medical Cannabidiol Act enacted into law last year in Iowa. This is the first year since the board recommended reclassifying marijuana to Iowa schedule 2 in 2010 that the Governor's Office of Drug Control Policy has not filed opposing legislation to keep marijuana in Iowa schedule 1. The Legislative Services Agency continues to say that reclassifying marijuana to schedule 2 would make it a prescription medicine in Iowa, which is false. Opium is not a prescription medicine in Iowa and opium is in Iowa schedule 2. The position statements of the American Academy of Neurology and the American Academy of Pediatrics make it clear that reclassifying marijuana to schedule 2 is for the purpose of removing the obstacles to research and finding safer methods of production and delivery.

Thank you!



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