First Proposed Amendment to SF 2405

AN AMENDMENT TO SF 2405

Section 124E.1, Code 2018, is amended by adding the following new subsection and renumbering the remaining subsections:

NEW SECTION. **124E.2 Legislative purpose and intent.**

The purpose and intent of this chapter is all of the following:

1. The framers of the United States Constitution, recognizing state sovereignty, secured its protection in the Tenth Amendment to the United States Constitution.

2. Beginning with California in 1996, a total of forty-six states have now enacted laws defining marijuana or extracts of marijuana as medicine.

3. Congress did not intend the term "accepted medical use in treatment in the United States" to require a finding of recognized medical use in every state, Grinspoon v. Drug Enforcement Administration, 828 F.3d 881, 886 (1st Cir. 1987).

4. Congress did not define the term "currently accepted medical use" anywhere in the federal Controlled Substances Act, Alliance for Cannabis Therapeutics v. Drug Enforcement Administration, 930 F.2d 936, 939 (D.C. Cir. 1991).

5. In Gonzales v. Oregon, 546 U.S. 243 (2006), the Supreme Court of the United States acknowledged the decision-making authority to accept the medical use of controlled substances is a police power historically reserved to the states.

6. The state and federal classification of marijuana as a substance without accepted medical use in treatment in the United States does not apply to the accepted medical use of marijuana in the state of Iowa.