

# Exhibit #3

October 13, 2017

Petitioner's Comments on Proposed Amendments to  
641 Iowa Administrative Code 154.15 to 154.65  
thanking the department for precision in drafting  
the "Owner Certification" form.

## **Recognition of Extraordinary Work**

### **641 Iowa Administrative Code 154**

#### **Rules 641–154.15(124E) to 641–154.65(124E)**

October 13, 2017

I would like to compliment the Iowa Department of Public Health for the extraordinarily good work it is doing implementing the Medical Cannabidiol Act. 2017 Iowa Acts 451, Chapter 162 (H.F. 524), Iowa Code § 124E (2017).

As I stated in my comments on September 15, 2017, something should be added to the Iowa statutes or the Iowa regulations (or both) regarding compliance with the existing federal Controlled Substances Act. Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public law 91-513, 84 Stat. 1236, 1242, 21 U.S.C. ch. 13 §§ 801 et seq.

The U.S. Court of Appeals has clarified that the federal act does not define the term “medical use,” *Alliance for Cannabis Therapeutics v. DEA*, 930 F.2d 936, 939 (D.C. Cir. 1991) (“neither the statute nor its legislative history precisely defines the term ‘currently accepted medical use’”), and the U.S. Supreme Court has clarified that the term “medical use” under the federal act is defined by state statute. *Gonzales v. Oregon*, 546 U.S. 243, 258 (2006):

The Attorney General has rulemaking power to fulfill his duties under the CSA. The specific respects in which he is authorized to make rules, however, instruct us that he is not authorized to make a rule declaring illegitimate a medical standard for care and treatment of patients that is specifically authorized under state law.

The Iowa Department of Public Health has flawlessly interpreted state and federal law by including the following statement on the “Owner Certification” form that all Iowa medical cannabidiol manufacturers and dispensaries must sign:

I further acknowledge I have actual notice that, notwithstanding any state law, *Cannabis* is a prohibited Schedule I controlled substance under Federal law; any activity not sanctioned by Iowa Code chapter 124E and proposed administrative rules may be a violation of state or federal law and could result in arrest,

prosecution, conviction, or incarceration and that the \$7,500 license application fee is non-refundable.

<http://drive.google.com/file/d/oB-cZdbYdPoLGSnZRQWtBUnFTd2c/view?usp=sharing>

This is an extremely important detail. This topic has come up again and again regarding federal law and state medical marijuana programs. Other states have failed to address it. We are clearly not authorizing federal criminal activity in Iowa.

After submitting my comments on September 15, 2017, I became aware of a federal transportation regulation from 1973 that makes this abundantly clear.

§91.19 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

[https://www.ecfr.gov/cgi-bin/text-idx?SID=2f570630a822fec80462ab1f3f4dc714&mc=true&node=se14.2.91\\_119&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=2f570630a822fec80462ab1f3f4dc714&mc=true&node=se14.2.91_119&rgn=div8)

Originally, §91.12. Federal Register, Vol. 38, No. 126, Monday, July 2, 1973, p. 17493 (a copy is attached hereto).

Thank you for your prompt attention to this matter.

Carl Olsen, Executive Director  
Iowans for Medical Marijuana, Iowa Business No. 334412  
Post Office Box 41381, Des Moines, Iowa 50311-0507  
<http://www.iowamedicalmarijuana.org/>

**§ 65.12 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.**

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

**PART 91—GENERAL OPERATING AND FLIGHT RULES**

3. Part 91 is amended by revising § 91.12 and by adding new § 91.84 to read as follows:

**§ 91.12** Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

**§ 91.84** Flights between Mexico or Canada and the United States.

Unless otherwise authorized by ATC, no person may operate a civil aircraft between Mexico or Canada and the United States without filing an IFR or VFR flight plan, as appropriate.

**PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS**

4. Part 133 is amended by adding a new § 133.14 to read as follows:

**§ 133.14** Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

**PART 137—AGRICULTURAL AIRCRAFT OPERATIONS**

5. Part 137 is amended by adding a new § 137.23 to read as follows:

**§ 137.23** Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

**PART 141—PILOT SCHOOLS**

6. Part 141 is amended by adding a new § 141.6 to read as follows:

**§ 141.6** Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

Issued in Washington, D.C., on June 19, 1973.

ALEXANDER P. BUTTERFIELD,  
*Administrator.*

[FR Doc.73-13261 Filed 6-29-73;8:45 am]

**Title 15—Commerce and Foreign Trade  
SUBTITLE B—REGULATIONS RELATING TO  
COMMERCE AND FOREIGN TRADE**

**CHAPTER II—NATIONAL BUREAU OF  
STANDARDS, DEPARTMENT OF COM-  
MERCE**

**PART 200—POLICIES, SERVICES,  
PROCEDURES, AND FEES**

**Services for Foreign Entities**

In view of the enactment of Public Law 92-317, June 22, 1972, amending 15 U.S.C. 273 to authorize providing services to international and foreign entities under certain circumstances, § 200.103 is amended to delete former limitations in this regard. Accordingly, paragraph (f) is revised to read as follows:

**§ 200.103** Types of calibration and test services.

(f) NBS reserves the right to decline any request for services if the work would interfere with other activities deemed by the Director to be of greater importance. In general, measurement services are not provided when widely available from commercial laboratories.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Applies sec. 3, 86 Stat. 236; 15 U.S.C. 273)

*Effective date.* This amendment shall become effective July 2, 1972.

Date: June 26, 1973.

RICHARD W. ROBERTS,  
*Director.*

[FR Doc.73-13316 Filed 6-29-73;8:45 am]

**CHAPTER III—DOMESTIC AND INTERNA-  
TIONAL BUSINESS ADMINISTRATION,  
DEPARTMENT OF COMMERCE**

**SUBCHAPTER B—EXPORT REGULATIONS**

[13th Gen Rev., Export Regs.; Amdt. 57]

**PART 376—SPECIAL COMMODITY  
POLICIES AND PROVISIONS**

**Reporting Requirement for Certain  
Commodities and Foodstuffs**

Section 376.3 and Supplement No. 1 to Part 376 are amended to read as set forth below.

*Effective date:* June 28, 1973

RAUER H. MEYER,  
*Director,*  
*Office of Export Control.*

On June 13, 1973, a reporting requirement was established for exports and anticipated exports of certain grains, oilseeds, and oilseed products. This reporting requirement was described in full detail on page 15772 of the FEDERAL REGISTER dated June 15, 1973. In view of the validated license requirement announced in the FEDERAL REGISTER dated June 28, 1973 on exports of soybeans, cottonseeds, and various meal and oil products thereof, it is necessary to add certain of these controlled products to the reporting requirement. The commodities added to the reporting requirement are:

<i>Schedule B Number</i>	<i>Commodity Description</i>
<b>GROUP VIII</b>	
421.2010	Soybean oil, crude, including degummed
421.2020	Soybean oil, once refined
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing, or winterizing
431.2010	Soybean oil, hydrogenated
431.2030	Fats and oils, hydrogenated, <i>the following only:</i> Cottonseed and soybean oil mixture
<b>GROUP XI</b>	
421.3010	Cottonseed oil, crude
421.3020	Cottonseed oil, once refined
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing
431.2020	Cottonseed oil, hydrogenated

These commodities are to be reported in accordance with all the terms and conditions contained in § 376.3 of the Regulations, except that the initial report of unfilled orders shall be filed no later than July 2, 1973, to include therein all anticipated exports of these commodities as of 5:00 p.m. EDT, June 27, 1973.