

Exhibit #4

January 20, 2019

Petitioner's Proposed Legislation creating a new Iowa Code §124E.12(10) stating that state authorized use of cannabis is exempt from federal scheduling.

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JANUARY 20, 2019 BY CARL OLSEN

Proposed State Legislation for 2019

Add the following section to Iowa Code §124E.12:

New Section 10

10. Notwithstanding federal administrative regulations, 21 C.F.R. §1308.11 Schedule I, (23) Marihuana, (31) Tetrahydrocannabinols, and (58) Marihuana Extract, Administration Controlled Substances Code Numbers 7360, 7370, and 7350, state authorized use of cannabis, tetrahydrocannabinols, and cannabis extracts, are exempt from federal regulations pursuant to the state's historic police power to define the accepted medical use of controlled substances. See *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"). This is also because Congress did not define the term "accepted medical use" in the Controlled Substances Act of 1970, Public Law 91-513, 84 Stat. 1236, October 27, 1970. See *Grinspoon v. DEA*, 881 F.2d 877, 886 (1987) ("Congress did not intend 'accepted medical use in treatment in the United States' to require a finding of recognized medical use in every state or, as the Administrator contends, approval for interstate marketing of the substance"); and *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'"). See, for example, 14 C.F.R. §91.19(b) ("this section does not apply to ... marihuana ... authorized by or under any ... State statute or by any ... State agency").

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