

Public Comment - July 24, 2026

After the last board meeting, the federal government moved state “medical marijuana” to Schedule 3 consistent with international treaty provisions pursuant to [21 U.S.C. § 811\(d\)](#).^{[1][2]} Non-medical marijuana remains in Schedule 1 while the federal government continues moving it to Schedule 3 pursuant to [21 U.S.C. § 811\(a\)](#).

This decision to bypass formal rulemaking procedures is currently being challenged in the U.S. Court of Appeals.^[3] MedPharm Iowa, LLC, d/b/a Bud & Mary’s has moved to intervene.^{[4][5]}

Not one state has authorized “medical marijuana” by rescheduling it. In Iowa, for example, there is no mention of [Chapter 124E](#) in the schedules of [Chapter 124](#). There is a short exemption for “medical marijuana” in the enforcement section, [Iowa Code § 124.401\(5\)\(c\)](#).

Considering the new federal rules were adopted without formal rulemaking and haven’t been thoroughly vetted yet, I would ask the board to continue recommending a legal task force to explore federal exemption under [21 U.S.C. § 822\(d\)](#), which is also consistent with international treaty provisions.^{[6][7]}

Even if this new federal rule is invalid, all of marijuana could still end up in schedule 3 before the midterm elections. The board can revisit this question again in November. For now, please keep recommending a legal task force to work on federal exemption.

Thank you!

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^[1] New definition of “prescription”, [21 C.F.R. § 1301.13\(k\)\(5\)](#), [91 FR 22721](#), Apr. 28, 2026.

^[2] New Schedule 3 for “state medical marijuana”, [21 C.F.R. § 1308.13\(g\)](#), [91 FR 22722](#), Apr. 28, 2026.

^[3] [United States Court of Appeals for the District of Columbia Circuit](#), SAM, Inc. v. Department of Justice, 26-1106, 26-1130, 26-1136

^[4] MedPharm Iowa, LLC, [Motion to Intervene](#), June 29, 2026

[5] MedPharm Iowa, LLC, [Reply in Support of Motion to Intervene](#), July 17, 2026

[6] Exception for “constitutional limitations ... legal system and domestic law”, Article 36, [Single Convention on Narcotic Drugs](#), 18 U.S.T. 1407, 520 U.N.T.S. 151

[7] Exception for “constitutional limitations ... legal system and domestic law”, Article 22, [Convention on Psychotropic Substances](#), 32 U.S.T. 543, 1019 U.N.T.S. 175