

December 31, 2020

Carl Olsen
130 NE Aurora Ave
Des Moines, IA 50313-3654

Senator Joni Ernst
730 Hart Senate Office Building
Washington, DC 20510

Dear Senator Ernst,

Thank you for co-sponsoring S. 2032, the “Cannabidiol and Marihuana Research Expansion Act,” along with Senator Grassley. Research has been lacking and sorely needed for quite a long time!

As you know, Iowa is just one of 47 states that authorize the “medical” use of marihuana.

The “Consolidated Appropriations Act, 2021,” HR. 133, also protects that same “medical” use of marijuana.

The final version of the appropriations bill, signed by President Trump last Sunday, includes the same provision for the protection of state authorized medical use of marijuana that has been in federal appropriations bills continuously since 2014. Section 531, provides:

SEC. 531. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

<https://www.ncsl.org/ncsl-in-dc/publications-and-resources/fy-2021-omnibus-appropriations-bill.aspx>

However, the DEA does not recognize “any” medical use of marihuana. We are asking the DEA to have a little common sense, and would appreciate any assistance your office can provide.

DEA has the authority to create an exception to federal drug laws for substances in federal schedule I. DEA regulations contain a broad exemption for the religious use of the schedule I controlled substance, peyote. See, 21 C.F.R. §1307.31.

If a church can be exempt, how can DEA deny that same protection to states? States created the federal government. States gave the federal government authority to make exceptions for churches. Without states, churches would not have any federal protection. Churches did not create the federal government, states did.

DEA regulations also contain an application for exemption. See, 21 C.F.R. §1307.03.

DEA has everything it needs to recognize an exception for state authorized use of marijuana, without requiring any further federal legislation. DEA does not have to decide whether this use of marijuana is accepted by the states. States make that decision.

We have asked DEA to grant an immediate exemption to the state of Iowa, and to make a new rule to be codified as a new regulation, 21 C.F.R. §1307.32, giving that same protection to all the states. We would appreciate it if your office would support our application under 21 C.F.R. 1307.03 and 21 C.F.R. 1308.43, as well as asking the DEA to respond immediately. I've included a link to our application and links to recent media coverage of this issue.

<https://iowamedicalmarijuana.org/pdfs/DEA-AmendedPetition-2020.pdf>

<https://www.thegazette.com/subject/opinion/staff-columnist/iowas-chuck-grassley-advances-a-boon-for-medical-marijuana-20201219>

<https://www.marijuanamoment.net/dea-denies-request-to-protect-iowa-medical-marijuana-program-but-state-still-considering-action/>

<https://www.thegazette.com/subject/opinion/staff-columnist/iowa-medical-cannabis-federal-schedule-i-dea-exemption-carl-olsen-20200910>

<https://www.marijuanamoment.net/iowa-officials-to-seek-federal-marijuana-exemption-from-dea/>

Thank you!

Sincerely,

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