

Carl Olsen  
130 NE Aurora Avenue  
Des Moines, IA 50313

January 16, 2021

Office of the Governor  
Iowa State Capitol  
1007 East Grand Avenue  
Des Moines, IA 50319

Re: 2020 Iowa Acts Chapter 1116, HF 2589, Section 31

Dear Governor Reynolds,

2014 Iowa Acts Chapter 1125, SF 2360, authorized possession of cannabidiol products in Iowa.<sup>1</sup> In Governor Branstad's transmittal letter of May 14, 2014, Governor Branstad said nothing about authorizing violations of federal drug law.<sup>2</sup> Cannabidiol is a Schedule I controlled substance under both state and federal drug law.<sup>3</sup>

2017 Iowa Acts Chapter 162, HF 524, authorized production and sale (as of December 1, 2018) of cannabis products in Iowa.<sup>4</sup> In Governor Branstad's transmittal letter of May 12, 2017, Governor Branstad points out a number of deficiencies in the act, but violation of federal drug law was not one of those deficiencies.<sup>5</sup> Cannabidiol is a Schedule I controlled substance under both state and federal drug law.<sup>6</sup>

Immediately before and after the enactment of HF 524, then House Speaker Linda Upmeyer made public statements saying that HF 524 authorizes violation of federal drug law. On January 29, 2017, Speaker Upmeyer said, "I don't know where we'll land. We are breaking federal law no matter what we do."<sup>7</sup> On March 27, Speaker Upmeyer said, "they are already anticipating doing this bill with the possibility of breaking two federal laws."<sup>8</sup> On September 10, Speaker Upmeyer said, "no matter what the Legislature had decided, the state still would have been in violation of federal law."<sup>9</sup>

---

<sup>1</sup> <https://www.legis.iowa.gov/docs/publications/iactc/85.2/CH1125.pdf>

<sup>2</sup> <https://www.legis.iowa.gov/legislation/BillBook?ba=SF2360&ga=85>

<sup>3</sup> Iowa Code 124.204, 21 U.S.C. 812

<sup>4</sup> <https://www.legis.iowa.gov/docs/publications/iactc/87.1/CH0162.pdf>

<sup>5</sup> <https://www.legis.iowa.gov/legislation/BillBook?ba=HF524&ga=87>

<sup>6</sup> See footnote 3

<sup>7</sup> *Families wait as lawmakers consider future of Iowa's medical marijuana program*, Quad City Times, Sunday, January 29, 2017

<sup>8</sup> *Upmeyer Says Legislators Working On Medical Marijuana Issue*, KGLO Radio, Mason City, March 27, 2017

<sup>9</sup> *AG tells agency to halt part of Iowa's medical marijuana law*, Des Moines Register, September 10, 2017

So, on February 1, 2019, during the Medical Cannabidiol Board meeting public comment period, I asked whether HF 524 authorizes violation of federal drug law.<sup>10</sup>

And, on August 2, 2019, the Medical Cannabidiol Board recommended the Iowa Department of Public Health (IDPH) obtain an exemption from federal drug law pursuant to 21 C.F.R. §1307.03.<sup>11</sup>

In its annual report on January 1, 2020, the Medical Cannabidiol Board recommended the Iowa legislature obtain an exemption from federal drug law.<sup>12</sup>

The legislature responded, and on June 29, 2020, you approved 2020 Iowa Acts Chapter 1116, HF 2589.<sup>13</sup> HF 2589 instructs IDPH to obtain federal funding guarantees for state authorized actions that are perceived to be in violation of federal drug law.<sup>14</sup>

On September 4, 2020, IDPH determined that the only clear path forward is an exemption from federal drug law pursuant to 21 C.F.R. §1307.03.<sup>15</sup>

However, in its annual report on January 1, 2021, the Medical Cannabidiol Board reported that IDPH is still evaluating the best way to proceed.<sup>16</sup>

On January 8, 2021, I spoke with the department by phone and was told IDPH can't move forward because the Governor has not yet given the department authority to move forward with 21 C.F.R. §1307.03.

Can you give me any update on when you will authorize the department to proceed?

Thank you very much!

---

Carl Olsen

carl@carl-olsen.com

---

<sup>10</sup> <https://idph.iowa.gov/Portals/1/Meetings/MeetingFiles/135/Minutes/5c09494a-f7c7-4d0d-9193-0e7efac5418a.pdf>

<sup>11</sup> <https://iowamedicalmarijuana.org/pdfs/2019-11-01/mcab-minutes-2019-08-02.pdf>

<sup>12</sup> <https://www.legis.iowa.gov/docs/publications/DF/1126149.pdf>

<sup>13</sup> <https://www.legis.iowa.gov/docs/publications/iactc/88.2/CH1116.pdf>

<sup>14</sup> <https://www.legis.iowa.gov/legislation/BillBook?ba=HF2589&ga=88>

<sup>15</sup> <https://idph.iowa.gov/Portals/1/Meetings/MeetingFiles/OtherFiles/135/d27d36f9-107f-4688-881c-e61f554be069.pdf>

<sup>16</sup> <https://www.legis.iowa.gov/docs/publications/DF/1208281.pdf>