

Carl Olsen's Opening Statement **Iowa Board of Pharmacy, November 7, 2023**

Although Iowa's "[Uniform Controlled Substances Act](#)" says it is uniform with the federal act, the department does not have rulemaking to request reclassification or exception. [Iowa Code §§ 124.601, 124.602](#).

The federal "[Controlled Substances Act](#)" is implemented by regulations allowing anyone to petition for rulemaking or exceptions. [21 C.F.R. § 1308.43](#) is rulemaking to reclassify, and [21 C.F.R. § 1307.03](#) is for exceptions.

As an example, the federal exemption for religious use of peyote by the Native American Church is a regulation created by formal rulemaking, [21 C.F.R. § 1307.31](#).

In contrast to the federal act, the exception for the religious use of peyote found in Iowa's statutory list for Schedule 1. [Iowa Code § 124.204\(8\)](#).

Compare this with how the Iowa legislature created an initial list of qualifying conditions for its Medical Cannabidiol program by statute, followed by rulemaking for adding additional conditions. [Iowa Code Chapter 124E](#).

The department should create rulemaking for "other" traditional uses of non-prescription plants and fungi. In order to be uniform with federal drug law, Iowa should consider applications from "other" persons to determine if they are equally "qualified".

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