

BOARD OF PHARMACY EXAMINERS

Petition by Carl Olsen and others
for immediate action
relating to the medical use of marijuana.

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EMERGENCY PETITION
FOR IMMEDIATE ACTION

This is a petition for immediate action pursuant to Iowa Code §§ 124.201, 124.203, and 124.205, Iowa Administrative Code 657 Chapter 26, and Iowa Code chapters 17A and 21.

THE ACTION BEING PROPOSED
657 IAC § 26.1(1)

Petitioners hereby petition the Iowa Board of Pharmacy to recommend that the Iowa Legislature reject House File 183 (HF 183), formerly House Study Bill 4 (HSB 4), currently pending in the Iowa House of Representatives Committee on Public Safety.

CITATION TO RELEVANT LAW
657 IAC § 26.1(2)

Iowa Code §§ 124.201, 124.203, and 124.205, impose a mandatory duty on the Iowa Board of Pharmacy Examiners to recommend changes in scheduling to the Iowa Legislature.

BRIEF SUMMARY OF ARGUMENT
657 IAC § 26.1(3)

Pursuant to Iowa Code § 124.201, the Iowa Board of Pharmacy has an affirmative duty to recommend changes in the schedules of controlled substances enumerated in Iowa Code §§ 124.204, 124.206, 124.208, 124.210, and 124.212.

On February 17, 2010, the Iowa Board of Pharmacy voted unanimously in open session to recommend that the Iowa Legislature remove marijuana from Schedule I, Iowa Code § 124.204, and place it in Schedule II, Iowa Code § 124.206.

On November 24, 2010, the Iowa Board of Pharmacy voted unanimously in open session to pre-file legislation with the Iowa Legislature to remove marijuana from Schedule I, Iowa Code § 124.204, and place it in Schedule II, Iowa Code § 124.206.

On January 14, 2011, the Iowa Board of Pharmacy voted secretly in closed session to remain neutral regarding a bill currently pending in the Iowa House of Representatives Committee on Public Safety which would remove from Schedule II, Iowa Code § 124.206, and place it in Schedule I, Iowa Code § 124.204, in violation of the board's duty to support the recommendation it made in open sessions on February 17, 2010, and November 24, 2010.

**BRIEF SUMMARY OF DATA SUPPORTING PETITION
657 IAC § 26.1(4)**

Data supporting this petition is attached to the memorandum supporting this petition which is attached to this petition.

**NAMES AND ADDRESSES OF OTHER PERSONS AFFECTED
657 IAC § 26.1(5)**

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**REQUEST FOR MEETING PROVIDED BY RULE 26.4(17A)
657 IAC § 26.1(6)**

Petitioner requests a meeting with a representative of the Iowa Board of Pharmacy to discuss the action being proposed in this petition.

**ORIGINAL SIGNATURE OF PETITIONER AND DATE SIGNED
657 IAC § 26.1(7)**

Dated this 6th day of February, 2011.

Carl Olsen

February 6, 2011, Emergency Petition for Immediate Action

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Attachment:

Petitioner's memorandum in support of action urged in the petition: IAC 657 – 26.2(17a).