

## Carl Olsen

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**From:** Woolery, Dale [ODCP] <DALE.WOOLERY@iowa.gov>  
**Sent:** Tuesday, January 03, 2012 6:58 AM  
**To:** Carl Olsen  
**Subject:** RE: Pre-filed legislation

Carl, In response to your question, please see the FDA statement below. Dale

## U.S. Food & Drug Administration

**FOR IMMEDIATE RELEASE**

April 20, 2006

**Media Inquiries:**

FDA, 301-827-6242

**Consumer Inquiries:**

888-INFO-FDA

### Inter-Agency Advisory Regarding Claims That Smoked Marijuana Is a Medicine

Claims have been advanced asserting smoked marijuana has a value in treating various medical conditions. Some have argued that herbal marijuana is a safe and effective medication and that it should be made available to people who suffer from a number of ailments upon a doctor's recommendation, even though it is not an approved drug.

Marijuana is listed in schedule I of the Controlled Substances Act (CSA), the most restrictive schedule. The Drug Enforcement Administration (DEA), which administers the CSA, continues to support that placement and FDA concurred because marijuana met the three criteria for placement in Schedule I under 21 U.S.C. 812(b)(1) (e.g., marijuana has a high potential for abuse, has no currently accepted medical use in treatment in the United States, and has a lack of accepted safety for use under medical supervision). Furthermore, there is currently sound evidence that smoked marijuana is harmful. A past evaluation by several Department of Health and Human Services (HHS) agencies, including the Food and Drug Administration (FDA), Substance Abuse and Mental Health Services Administration (SAMHSA) and National Institute for Drug Abuse (NIDA), concluded that no sound scientific studies supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medical use. There are alternative FDA-approved medications in existence for treatment of many of the proposed uses of smoked marijuana.

FDA is the sole Federal agency that approves drug products as safe and effective for intended indications. The Federal Food, Drug, and Cosmetic (FD&C) Act requires that new drugs be shown to be safe and effective for their intended use before being marketed in this country. FDA's drug approval process requires well-controlled clinical trials that provide the necessary scientific data upon which FDA makes its approval and labeling decisions. If a drug product is to be marketed, disciplined, systematic, scientifically conducted trials are the best means to obtain data to ensure that drug is safe and effective when used as indicated. Efforts that seek to bypass the FDA drug approval process would not serve the interests of public health because they might expose patients to unsafe and ineffective drug products. FDA has not approved smoked marijuana for any condition or disease indication.

A growing number of states have passed voter referenda (or legislative actions) making smoked marijuana available for a variety of medical conditions upon a doctor's recommendation. These measures are inconsistent

with efforts to ensure that medications undergo the rigorous scientific scrutiny of the FDA approval process and are proven safe and effective under the standards of the FD&C Act. Accordingly, FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, DEA as the federal agency charged with enforcing the CSA, and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes.

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**From:** Carl Olsen [<mailto:carl-olsen@mchsi.com>]

**Sent:** Friday, December 30, 2011 8:35 AM

**To:** Woolery, Dale [ODCP]

**Subject:** Pre-filed legislation

Hi Dale,

I'm reading your bill and the explanation says:

A schedule I controlled substance is a highly addictive substance that has no accepted medical use in the United States and a schedule II controlled substance is a highly addictive substance that has an accepted medical use in the United States.

One thing I know for an absolute fact is that marijuana has accepted medical use in 16 states.

What is your interpretation of the term "accepted medical use in the United States" in this bill you are proposing?

Carl Olsen  
130 E. Aurora Ave.  
Des Moines, IA 50313-3654  
515-288-5798 home phone  
515-343-9933 cell phone

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S OFFICE  
OF DRUG CONTROL POLICY  
BILL)

**A BILL FOR**

1 An Act relating to the controlled substance of marijuana,  
2 including an effective date provision, and providing a  
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 124.204, subsection 4, paragraph m, Code  
2 Supplement 2011, is amended to read as follows:

3 ~~m. Marijuana, except as otherwise provided by rules of the~~  
4 ~~board for medicinal purposes.~~

5 Sec. 2. Section 124.204, subsection 4, paragraph u,  
6 unnumbered paragraph 1, Code Supplement 2011, is amended to  
7 read as follows:

8 ~~Tetrahydrocannabinols, except as otherwise provided~~  
9 ~~by rules of the board for medicinal purposes,~~ meaning  
10 tetrahydrocannabinols naturally contained in a plant of  
11 the genus Cannabis (Cannabis plant) as well as synthetic  
12 equivalents of the substances contained in the Cannabis plant,  
13 or in the resinous extractives of such plant, and synthetic  
14 substances, derivatives, and their isomers with similar  
15 chemical structure and pharmacological activity to those  
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code Supplement  
18 2011, is amended by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2011, is amended  
20 to read as follows:

21 7. *Hallucinogenic substances.* Unless specifically excepted  
22 or unless listed in another schedule, any material, compound,  
23 mixture, or preparation which contains any quantity of ~~the~~  
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~  
26 ~~rules of the board.~~

27 ~~b. Nabilone nabilone [another name for nabilone:~~  
28 (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-  
29 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

30 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill relates to the control of marijuana.

34 Under the bill, all types of marijuana and  
35 tetrahydrocannabinols are classified as schedule I controlled

1 substances. The bill eliminates a provision classifying  
2 marijuana used for medicinal purposes, pursuant to rules of the  
3 board of pharmacy, as a schedule II controlled substance.

4 The bill strikes references to the authority of the board  
5 to establish rules relating to the medicinal use of marijuana  
6 including tetrahydrocannabinols naturally contained in a  
7 cannabis plant.

8 A schedule I controlled substance is a highly addictive  
9 substance that has no accepted medical use in the United States  
10 and a schedule II controlled substance is a highly addictive  
11 substance that has an accepted medical use in the United  
12 States.

13 The penalties for possessing, manufacturing, delivering,  
14 or possessing with intent to deliver marijuana including  
15 tetrahydrocannabinols range from a serious misdemeanor to a  
16 50-year class "B" felony depending on the amount of marijuana  
17 or tetrahydrocannabinols involved in the offense.

18 A serious misdemeanor is punishable by confinement for no  
19 more than one year and a fine of at least \$315 but not more than  
20 \$1,875. An aggravated misdemeanor is punishable by confinement  
21 for no more than two years and a fine of at least \$625 but  
22 not more than \$6,250. A class "D" felony is punishable by  
23 confinement for no more than five years and a fine of at  
24 least \$750 but not more than \$7,500. A class "C" felony is  
25 punishable by confinement for no more than 10 years and a fine  
26 of at least \$1,000 but not more than \$10,000. A class "B"  
27 felony is normally punishable by confinement for no more than  
28 25 years. A 50-year class "B" felony or sometimes referred to  
29 as a "super B" felony is punishable by confinement for no more  
30 than 50 years.

31 The bill takes effect upon enactment.

**House File 183 - Introduced**

HOUSE FILE 183

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 4)

**A BILL FOR**

1 An Act relating to the control of marijuana, including an

2 effective date provision, and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.204, subsection 4, paragraph m, Code  
2 2011, is amended to read as follows:

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6 unnumbered paragraph 1, Code 2011, is amended to read as  
7 follows:

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9 ~~by rules of the board for medicinal purposes,~~ meaning  
10 tetrahydrocannabinols naturally contained in a plant of  
11 the genus Cannabis (Cannabis plant) as well as synthetic  
12 equivalents of the substances contained in the Cannabis plant,  
13 or in the resinous extractives of such plant, and synthetic  
14 substances, derivatives, and their isomers with similar  
15 chemical structure and pharmacological activity to those  
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code 2011, is amended  
18 by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2011, is amended  
20 to read as follows:

21 7. *Hallucinogenic substances.* Unless specifically excepted  
22 or unless listed in another schedule, any material, compound,  
23 mixture, or preparation which contains any quantity of ~~the~~  
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~  
26 ~~rules of the board.~~

27 ~~b. Nabilone nabilone [another name for nabilone:~~  
28 (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-  
29 hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

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33 This bill relates to the control of marijuana.

34 Under the bill, all types of marijuana and  
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1 substances. The bill eliminates a provision classifying  
2 marijuana used for medicinal purposes, pursuant to rules of the  
3 board of pharmacy, as a schedule II controlled substance.

4 The bill strikes references to the authority of the board  
5 to establish rules relating to the medicinal use of marijuana  
6 including tetrahydrocannabinols naturally contained in a  
7 cannabis plant.

8 A schedule I controlled substance is a highly addictive  
9 substance that has no accepted medical use in the United States  
10 and a schedule II controlled substance is a highly addictive  
11 substance that has an accepted medical use in the United  
12 States.

13 The penalties for possessing, manufacturing, delivering,  
14 or possessing with intent to deliver marijuana, including  
15 tetrahydrocannabinols, range from a six-month serious  
16 misdemeanor to a 50-year class "B" felony depending on the  
17 amount of marijuana or tetrahydrocannabinols involved in the  
18 offense.

19 A first marijuana possession offense is classified as a  
20 serious misdemeanor but is punishable by confinement for no  
21 more than six months and a fine of no more than \$1,000. A  
22 second marijuana possession offense is punishable in the same  
23 manner as other serious misdemeanor offenses.

24 A serious misdemeanor is punishable by confinement for no  
25 more than one year and a fine of at least \$315 but not more than  
26 \$1,875. An aggravated misdemeanor is punishable by confinement  
27 for no more than two years and a fine of at least \$625 but  
28 not more than \$6,250. A class "D" felony is punishable by  
29 confinement for no more than five years and a fine of at  
30 least \$750 but not more than \$7,500. A class "C" felony is  
31 punishable by confinement for no more than 10 years and a fine  
32 of at least \$1,000 but not more than \$10,000. A class "B"  
33 felony is normally punishable by confinement for no more than  
34 25 years. A 50-year class "B" felony, sometimes referred to as  
35 a "super B" felony, is punishable by confinement for no more

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1 than 50 years.

2 The bill takes effect upon enactment.

**House Study Bill 4 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

**A BILL FOR**

1 An Act relating to the control of marijuana, including an  
2 effective date provision, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.204, subsection 4, paragraph m, Code  
2 2011, is amended to read as follows:

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7 follows:

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9 ~~by rules of the board for medicinal purposes,~~ meaning  
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11 the genus Cannabis (Cannabis plant) as well as synthetic  
12 equivalents of the substances contained in the Cannabis plant,  
13 or in the resinous extractives of such plant, and synthetic  
14 substances, derivatives, and their isomers with similar  
15 chemical structure and pharmacological activity to those  
16 substances contained in the plant, such as the following:

17 Sec. 3. Section 124.204, subsection 7, Code 2011, is amended  
18 by striking the subsection.

19 Sec. 4. Section 124.206, subsection 7, Code 2011, is amended  
20 to read as follows:

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22 or unless listed in another schedule, any material, compound,  
23 mixture, or preparation which contains any quantity of ~~the~~  
24 ~~following substances:~~

25 ~~a. Marijuana when used for medicinal purposes pursuant to~~  
26 ~~rules of the board.~~

27 ~~b. Nabilone nabilone [another name for nabilone:~~  
28 (+-) - trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-  
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16 50-year class "B" felony depending on the amount of marijuana  
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28 25 years. A 50-year class "B" felony or sometimes referred to  
29 as a "super B" felony is punishable by confinement for no more  
30 than 50 years.

31 The bill takes effect upon enactment.

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S OFFICE  
OF DRUG CONTROL POLICY  
BILL)

**A BILL FOR**

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2 penalties, and including an effective date provision.  
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23 confinement for no more than five years and a fine of at  
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25 punishable by confinement for no more than 10 years and a fine  
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27 felony is normally punishable by confinement for no more than  
28 25 years. A 50-year class "B" felony or sometimes referred to  
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