

Carl Olsen
130 E Aurora Ave
Des Moines, Iowa 50313-3654

September 25, 2023

Office of the Attorney General of Iowa
Hoover State Office Building
1305 E. Walnut Street
Des Moines IA 50319

Re: Senate File 69

Dear Attorney General Bird,

House File 2589 was enacted in 2020, 2020 Iowa Acts, ch. (Signed by Governor Reynolds on June 29, 2020). Section 31 requires the Iowa Department of Health to apply for federal funding guarantees to protect patients enrolled in Iowa's medical cannabis program.

The department of public health shall request guarantees from the agencies of the federal government providing funding to educational and long-term care facilities that facilities with policies allowing patients to possess medical cannabidiol on the grounds of the facilities consistent with chapter 124E or allowing facility staff to administer medical cannabidiol to a patient shall not lose eligibility for any federal funding due to such policies.

On September 4, 2020, the department presented its interpretation of HF 2589, Sec. 31, to the Iowa Medical Cannabidiol Board.

In their 2019 Annual Report, the Board recommended that IDPH seek protections for schools and facilities participating in our program and acting in compliance with Chapter 124E.

The General Assembly prescribed in HF2589 that IDPH “seek guarantees” that Federal funding to institutions and facilities acting in compliance with Chapter 124E not have their funding withheld due to participation in Iowa’s program.

The Department has determined that it will move forward with seeking an exception for cannabis as a schedule I substance in Iowa from the DEA, in attempt to minimize conflict between State and Federal Law.

The Department will seek this exception using Title 21 Code of Federal Regulations 1307.03.

On April 21, 2021, the department sent a request to the U.S. Drug Enforcement Administration (DEA) requesting federal funding guarantees. The letter from the department to the DEA is attached to this letter. You can see that letter is clearly not consistent with what the department said it would do in September of 2020. The department’s presentation to the board is also attached to this letter.

The department's letter is still sufficient to warrant a response from the DEA. It has been almost 2 1/2 years and the DEA hasn't bothered to respond to the department.

Senate File 69 would authorize a legal task force to study this issue and come up with a plan. It would be ideal if such a task force could be assembled by the Attorney General.

At any rate, I thought you should be informed as to what Senate File 69 is about. It passed unanimously in subcommittee this year, but was withdrawn by the Chair of the Iowa Senate Judiciary Committee, Senator Zaun, because of negative publicity in the Des Moines Register the day before the committee hearing on the bill. The board denied a petition to add raw cannabis to our medical cannabis program the day before the hearing and complained that the manufacturer was promoting cannabis as a lifestyle and abusing the THC limit waivers. Senate File 69 could not get a fair hearing under those circumstances.

Thank you!

Carl Olsen
515-343-9933
carl@carl-olsen.com

cc: Senator Brad Zaun

IDPH Strategy: Seeking DEA Exemption

- In their 2019 Annual Report, the Board recommended that IDPH seek protections for schools and facilities participating in our program and acting in compliance with Chapter 124E.
- The General Assembly prescribed in HF2589 that IDPH “seek guarantees” that Federal funding to institutions and facilities acting in compliance with Chapter 124E not have their funding withheld due to participation in Iowa’s program.

- The Department has determined that it will move forward with seeking an exception for cannabis as a schedule I substance in Iowa from the DEA, in attempt to minimize conflict between State and Federal Law.
- The Department will seek this exception using Title 21 Code of Federal Regulations 1307.03.

Sec. 31. PROTECTION OF FEDERAL FUNDING. The department of public health shall request guarantees from the agencies of the federal government providing funding to educational and long-term care facilities that facilities with policies allowing patients to possess medical cannabidiol on the grounds of the facilities consistent with chapter 124E or allowing facility staff to administer medical cannabidiol to a patient shall not lose eligibility for any federal funding due to such policies.

§1307.03 Exceptions to regulations.

Any person may apply for an exception to the application of any provision of this chapter by filing a written request with the Office of Diversion Control, Drug Enforcement Administration, stating the reasons for such exception. See the Table of DEA Mailing Addresses in **Sec. 1321.01** of this chapter for the current mailing address. The Administrator may grant an exception in his discretion, but in no case shall he/she be required to grant an exception to any person which is otherwise required by law or the regulations cited in this section.

[75 FR 10678, Mar. 9, 2010]



Protecting and Improving
the Health of Iowans

Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Kelly Garcia, Interim Director

April 23, 2021
United States Drug Enforcement Administration
8701 Morrissette Drive
Springfield, VA 22152

RE: Iowa - Seeking Guarantee

Dear U.S. Drug Enforcement Administration,

During the 2020 legislative session, the eighty-eighth Iowa General Assembly passed House File 2589. House File 2589 was signed into law by Governor Kim Reynolds on June 29, 2020.

Section 31 of House File 2589, Protection of Federal Funding requires the Iowa Department of Public Health to request guarantees from agencies of the federal government as follows:


"The department of public health shall request guarantees from the agencies of the federal government providing funding to educational and long-term care facilities that facilities with policies allowing patients to possess medical cannabidiol on the grounds of the facilities consistent with chapter 124E or allowing facility staff to administer medical cannabidiol to a patient shall not lose eligibility for any federal funding due to such policies."

The Iowa Department of Public Health hereby respectfully requests the guarantee as directed by the Iowa General Assembly. Questions about this communication can be directed to me by email at sarah.reisetter@idph.iowa.gov.

Thank you for your consideration.

Sincerely,

**Sarah G.
Reisetter**

 Digitally signed by Sarah G.
Reisetter
Date: 2021.04.22 15:04:22 -05'00'

Sarah G. Reisetter
Deputy Director
Iowa Department of Public Health

Cc: U.S. Food and Drug Administration
U.S. Centers for Medicare and Medicaid Services
U.S. Department of Education