



Rob McKenna

# ATTORNEY GENERAL OF WASHINGTON

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December 30, 2008

Carl E. Olsen  
Iowans for Medical Marijuana  
P.O. Box 4091  
Des Moines, Iowa 50333

Dear Mr. Olsen,

Thank you for your letter to Attorney General Rob McKenna, asking if the State of Washington has corresponded with the DEA about the scheduling of marijuana as a Schedule 1 controlled substance. Your letter was forwarded to me for a reply, as I serve as counsel to the State of Washington Department of Health, which recently adopted rules related to Washington's medical marijuana law, chapter 69.51A RCW.

Washington's medical marijuana law was adopted as a citizen's initiative in 1998. Under that initiative, individuals with certain terminal or debilitating conditions could qualify for a sixty day supply of medical marijuana if they obtained valid documentation from their physicians. The initiative is clear that Washington's medical marijuana law serves as an affirmative defense from prosecution only for criminal charges under the state controlled substances act.

The State of Washington has not corresponded with the DEA about the scheduling of marijuana as a Schedule 1 controlled substance. Marijuana continues to be a Schedule 1 controlled substance in the Washington controlled substance act.

Thank you for sending a copy of your motion for an injunction filed in the United States District Court for the Southern District of Iowa, Central Division. The State of Washington will not be joining your civil action for declaratory and injunctive relief.

Sincerely,

JOYCE A. ROPER  
Senior Counsel  
Agriculture & Health Division  
(360) 664-4968

JAR:sc