

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

CARL ERIC OLSEN,

Petitioner,

No. 94-1605

-vs-

DRUG ENFORCEMENT ADMINISTRATION,

Respondent.

PETITIONER'S STATEMENT
OF THE ISSUES

The Petitioner raises the following issues to be decided by the Court:

1. Whether the Drug Enforcement Administration (DEA) Administrator erred in ruling that the DEA may only move marijuana from Schedule I to Schedule II of the Controlled Substances Act (CSA) if there is a finding of "currently accepted medical use in treatment in the United States."

2. Whether this court's ruling in *Alliance for Cannabis Therapeutics v. DEA*, 930 F.2d 936 (D.C. Cir. 1991) (upholding the DEA's decision not to move marijuana from Schedule I to Schedule II of the CSA, based on the lack of marijuana's "currently accepted medical use in treatment in the United States"), effectively overruled this court's prior ruling in *National Organization for the Reform of Marijuana Laws v. DEA*, 559 F.2d 735 (D.C. Cir. 1977) (finding that marijuana could be moved to Schedule II without having a "currently accepted medical use in treatment in the United States").

3. Whether the Administrator of the DEA erred in ruling that the principle psychoactive ingredient in *Cannabis sativa*, L.

(marijuana), the (-) delta-9-trans-THC isomer of delta-9-THC (dronabinol), 21 C.F.R. § 1308.12(f)(1), remains in Schedule I, while the identical substance becomes a Schedule II substance when it is contained in a Food and Drug Administration (FDA) approved drug product (Marinol) "in sesame oil and encapsulated in a soft gelatin capsule."

4. Whether the Administrator of the DEA erred in ruling that the regulation of chemicals and their plant material sources are distinct from, and have no relationship to, each other.

5. Whether the Administrator of the DEA erred in ruling that the placement of marijuana in the CSA has no relationship to the scheduling of delta-9-THC, contrary to this court's ruling in *United States v. Watson*, 514 F.2d 201 (D.C. Cir. 1975).

6. Whether the Administrator of the DEA erred in ruling that plant materials are not treated consistently in the CSA.

Respectfully submitted,

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