

Post Office Box 4091  
Des Moines, Iowa 50333  
September 6, 1992

Robert C. Bonner, Administrator  
Drug Enforcement Administration  
Washington, D.C 20537

Re: Request for Rescheduling of Marijuana

Dear Mr. Bonner:

Carl Eric Olsen hereby petitions the Administrator to reschedule marijuana from Schedule I to Schedule II of the Controlled Substances Act (CSA) pursuant to Section 201 of the CSA, Public Law 91-513, 21 U.S.C. § 811 and 21 C.F.R. § 1307.03.

Attached hereto and constituting a part of this petition is a statement of the grounds upon which the petitioner relies for the proposed rescheduling.

Five copies of this petition are provided pursuant to 21 C.F.R. § 1308.44(b).

All notices regarding this petition should be addressed to:

Carl Eric Olsen  
Post Office Box 4091  
Des Moines, Iowa 50333  
(515) 243-7351

Sincerely yours,

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Carl Eric Olsen  
(515) 243-7351

## **PETITIONER'S STATEMENT OF GROUNDS FOR RESCHEDULING**

The Controlled Substances Act (CSA), 21 U.S.C. §§ 801 et seq., contains five schedules, the first of which (Schedule I) contains substances which have no medical use in treatment in the United States, and the final four of which (Schedules II through V) contain substances which have medical use in treatment in the United States but which are available only by a physician's prescription. Marijuana is currently in Schedule I of the CSA.

On March 26, 1992, the Administrator made a final decision in a marijuana rescheduling petition, DEA No. 86-22, rejecting the finding of an administrative law judge that marijuana has medical use in treatment in the United States, and rejecting the administrative law judge's recommendation that marijuana be moved to Schedule II of the CSA. 57 FR 10499.

The essence of the decision was that marijuana is a plant and not a drug. The Administrator argued that the chemistry of the marijuana plant is complex, varies from plant to plant, and is incapable of reproduction in standardized dosages (attributes common to all plants), and that a drug is a scientifically established chemical compound capable of reproduction in standardized dosages.

The Administrator's decision has been appealed to the United States Court of Appeals for the District of Columbia by several parties seeking medical access to marijuana plants.

According to the Administrator, "the petition to reschedule marijuana did not involve the scheduling of any medically useful compound to be extracted from the plant material." The Administrator went on to say, "the petition involved unsupported claims for medical use of smoked marijuana." See Exhibit A.

As for other plants in Schedule II, the Administrator said, "In placing coca leaves and opium plant material in Schedule II, Congress was very much aware that these plant materials have historically been recognized as the source for a variety of accepted and useful medications." The Administrator went on to say, "Neither of these plants are used medicinally as plant material." See Exhibit A.

It must follow from the Administrator's explanation that marijuana need not have an accepted medical use in treatment in the United States in order to be rescheduled from Schedule I to Schedule II of the CSA, it only needs to be shown that marijuana is a source for an accepted and useful medication.

On October 11, 1985, the Administrator proposed to reschedule dronabinol to Schedule II of the CSA. 50 FR 42186 (October 18, 1985); 21 C.F.R. § 1308.12(f)(1) (1991). Dronabinol is the synthetic equivalent of the isomer of delta-9-tetrahydrocannabinol which is the principle psychoactive substance present in *Cannabis Sativa L.*, marijuana. 50 FR 42186 (October 18, 1985).

Dronabinol is the U.S. Adopted Name (USAN) for the substance (6*aR-trans*)-6*a*,7,8,10*a*-tetrahydro-6,6,9-trimethyl-3-pentyl-6*H*-dibenzo [*b,d*] pyran-1-ol or (-)-delta-9-(*trans*)-tetrahydrocannabinol, the principle psychoactive substance in *Cannabis sativa L.*, marijuana. 50 FR 42186 (October 18, 1985). It has the empirical formula C<sub>21</sub>H<sub>30</sub>O<sub>2</sub> with molecular weight of 314.45. 1989 Physician's Desk Reference, page 1859.

On May 24, 1991, the United Nations Economic and Social Council (ESCOR) rescheduled delta-9-tetrahydrocannabinol from Schedule I to Schedule II of the 1971 Convention on Psychotropic Substances. U.N. Doc. E/CN.7/1991/26. Report of the Commission on Narcotic Drugs on its thirty-fourth session, U.N. Doc. E/1991/24, Supp. No. 4. The United States is a party to that international convention pursuant to the Psychotropic Substances Act of 1978 (Pub. L. 95-633, November 10, 1978). 50 FR 42186 (October 18, 1985).

Since marijuana is now a source for an accepted and useful medication, it must now be moved from Schedule I to Schedule II of the CSA.

Respectfully submitted,

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