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Panel will study medical marijuana

By TONY LEYS • tleys@dmreg.com • February 24, 2010

Iowa legislators plan to keep the medical marijuana issue moving forward, a leading lawmaker said Tuesday.

House Majority Leader Kevin McCarthy said the Legislature intends to set up a committee of experts to consider how marijuana could safely be allowed for patients with legitimate medical needs. If that committee comes up with a workable plan, he said, legislators will give the matter serious discussion in their 2011 session.

Last week, the Iowa Board of Pharmacy unanimously recommended legislators reclassify the drug in a way that could make it legal for medical purposes. The board also recommended the state set up an expert task force, including patients, health care professionals, state regulators and law enforcement representatives, to design a system.

McCarthy, D-Des Moines, called the pharmacy board's recommendation "a game-changer." He said the board's recommendation means the issue deserves in-depth consideration.

McCarthy said any move to legalize medical marijuana would need bipartisan support. Democrats would not be willing to do it on their own, he said, even though they control both houses of the Legislature.

Fourteen states have legalized medical marijuana, with reports of abuse in some states.

Two medical marijuana bills died without debate in the Iowa Legislature this session. McCarthy said Tuesday that legislators would not delve deeply into the issue this year. "For a whole bunch of reasons, it's probably a heavy lift with just about five weeks left in the session," he said.

Supporters of medical marijuana say it can provide relief for pain, nausea and other symptoms of diseases such as cancer and AIDS. Detractors see the campaign as a backdoor way to make marijuana easier to obtain for people wanting to get high.

An Iowa Poll published in The Des Moines Register

this month showed that 64 percent of Iowans support allowing patients to use marijuana if their doctors approve. Only 28 percent support legalizing the drug for recreational use, the poll found.

House Minority Leader Craig Paulsen, R-Hiawatha, said Tuesday that he would have no objection to setting up an interim commission on the idea. He said he's no fan of legalizing marijuana, but if medical leaders say the drug could be useful, legislators should listen.

The pharmacy board's recommendation "leads me to take this with a level of seriousness," he said of the issue. But he added the Legislature needs to focus on the economy and jobs. "I don't see how this fits into that," he said.

A spokesman for Gov. Chet Culver, a Democrat, expressed continuing skepticism about the idea. "This isn't on the governor's agenda," the spokesman said in an e-mail. "However, his position has not changed. He will not support legalizing medical marijuana in Iowa."

Sen. Joe Bolkcom, an Iowa City Democrat who is one of the idea's main legislative proponents, hailed word of the likely medical marijuana commission. "I think it's an appropriate way to take time to study the issue," he said, adding that there's no guarantee the panel's work would lead to a legislative debate.

Pharmacy board Chairman Vernon Benjamin said Tuesday that he was glad to hear lawmakers had taken up the suggestion.

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He said the panel should take a hard look at what's happened in states that have legalized marijuana for medical purposes. Some, including California and Colorado, implemented relatively open systems, which led to complaints of abuses. Others, including New Mexico, have tighter systems. If some states have ideas that work, "it'd be senseless for us to reinvent the wheel," said Benjamin, a Fort Madison pharmacist.

The pharmacy board held public hearings and made its recommendations after a judge ordered it last year to consider the issue. The judge's ruling came in a lawsuit that claims the state illegally classified marijuana as a Schedule I drug, meaning it is banned for virtually any purpose.

Carl Olsen of Des Moines, a pro-marijuana activist who helped press the lawsuit, said he plans to continue pushing the legal matter before the Iowa Supreme Court.

Olsen said he was pleased that legislators plan to put the issue before a new commission. "But I intend to continue to carry this big stick," he said of the lawsuit.

The American Civil Liberties Union of Iowa, which helped file the lawsuit, said last week that it probably would drop out of the legal fight in light of the pharmacy board's decision.

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