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Regulators: Marijuana question needs lawmakers' views

Posted By [Tony Leys](#) On June 16, 2010 @ 2:40 pm In [Iowa Politics Insider](#), [News](#) | [No Comments](#)

The Iowa Pharmacy Board's top administrator complained to a leading legislator today that lawmakers are unrealistically asking the board to set up a medical-marijuana program.

The appointed board "cannot take the place of our elected officials who must determine what is appropriate for the citizens of Iowa," Executive Director Lloyd Jessen wrote in an e-mail to Senate President Jack Kibbie, D-Emmetsburg.

The pharmacy board voted unanimously in February to recommend that lawmakers reclassify marijuana in a way that would make it easier to use for legitimate medical purposes. At first, legislative leaders indicated that they would appoint a committee to study the idea and suggest legislation to be considered in 2011. But they dropped the committee plan this month, citing an [old piece of Iowa Code](#) ^[1] that already grants the pharmacy board authority to allow medical uses of marijuana.

Here is Jessen's e-mail, which he shared with the Register:

Dear Senator Kibbie,

I am writing on behalf of the members of the Iowa Board of Pharmacy to offer some comments on the situation with medical marijuana. This issue has been an onerous one for the Board and its staff. We have spent a significant amount of time on it and had hoped that the legislature would give it the consideration that it deserves, as has been done in 14 other states. The suggestion that the Board can implement a medical marijuana program entirely on its own is simply incorrect.

The Board does not currently have the jurisdiction or legal authority to address all the necessary issues by administrative rule. Those issues include complex matters such as the growing and distribution of marijuana, the physician's role in making it available to Iowa patients, qualifying medical conditions, program funding, criminal sanctions for violations of the program, legal protection for those who comply with the program, and a myriad of other related matters. All of these critical issues exceed the Board's statutory jurisdiction. The 1978 law which has been referred to is totally inadequate as a basis for Board action today. The administrative rule that was authorized and promulgated under the 1978 law would be completely inadequate and useless today. It allowed only for the investigational use of marijuana under a federal program which was in effect at that time but is no longer in existence. There seems to be a lot of confusion about the Board's role in all of this. The Board is supportive of a compassionate use program. It is not trying to avoid a responsibility; rather, it is trying to respond in a manner that is lawful and productive. The Board emphasizes, however, that it cannot take the place of our elected officials who must determine what is appropriate for the citizens of Iowa. Please let me know if I can provide you with any additional information or answer any questions you may have.

Sincerely,

Lloyd K. Jessen, R.Ph., J.D.

Executive Director

Iowa Board of Pharmacy

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URLs in this post:

[1] old piece of Iowa Code:

[http://search.legis.state.ia.us/NXT/gateway.dll/ic/2009codesupp/1/4586/4587/4785/4791?sq=\[field,%20folio-destination-name%20:%20sec_124_204%27\]\\$x=server#LPHit1](http://search.legis.state.ia.us/NXT/gateway.dll/ic/2009codesupp/1/4586/4587/4785/4791?sq=[field,%20folio-destination-name%20:%20sec_124_204%27]$x=server#LPHit1)