



Officials bicker over medicinal marijuana laws

DES MOINES — The future of medical marijuana in Iowa is uncertain after a legislative leader and the state's pharmacy board said it is up to the other to move forward on the issue.

The pharmacy board voted unanimously in February to recommend marijuana be allowed in Iowa for medicinal use. In its recommendation, the board also asked the Legislature to create a study committee to look at how the use of medical marijuana could be implemented.

Now, both sides have decided they've done all they can do, leaving it up to others to take the next step.

House Majority Leader Kevin McCarthy, D-Des Moines, said after the board's recommendation he discovered what apparently was a long-forgotten law on the Iowa books that allowed the pharmacy board to authorize the use of marijuana for medicinal purposes.

"We were operating under the paradigm that it was against the law because of a statute," McCarthy said.

McCarthy said no study is needed and that because of the existing law the pharmacy board has the authority to treat marijuana like any other schedule II drug that requires a prescription.

"No change is needed," McCarthy said.

Lloyd Jessen, the board's executive director, disputes the idea that lawmakers don't need to act.

"They want us to do what they need to do and that's to implement a program, and we don't have the authority to do that," Jessen said. "It's not a simple issue."

Jessen said the board cannot establish a distribution system for medical marijuana, create a list of medical conditions that marijuana could be prescribed for, set criminal penalties for violating the law, or put in place a quality control system without legislative action.

"The Legislature needs to understand we are limited," he said. "We are here to regulate pharmacies and pharmacists. These are all things the board can't do by making a rule for this. This requires legislation that is signed by the governor."

Jessen accused the Legislature of trying to sidestep the issue and leave tough questions to a regulatory agency.

Medical marijuana is legal in 14 states plus the District of Columbia. Nine of them legalized medical marijuana in public votes, and five others were legalized by legislative action, said Mike Meno, spokesman for the Washington D.C.-based Marijuana Policy Project, which works to increase public support for marijuana policy reform.

"There are 15 models around the country that show how to implement a law, and they don't need to reinvent the wheel here," Meno said.

Polls have indicated support in Iowa for legalizing marijuana for medicinal use. The latest, by KCCI-TV earlier this month, showed 62 percent support for medical marijuana.

McCarthy insists the pharmacy board has the authority to implement a program.

"What they have asked us to do is already law," he said. "It should work like any other scheduled drug. We don't micromanage that — what the distribution stream is or how doctors prescribe it."

Jessen disagreed and said a lot has changed since the law was passed in the mid-1970s.

"This is a broad society issue that needs input from everybody involved, including law enforcement and the medical community," he said.

Jessen also questioned why the governor-appointed board would take action that is in opposition to what the governor supports.

"The governor's own office of drug control policy is on record opposing medicinal marijuana," he said. "Why would the board implement a policy that is in direct conflict with the governor?"

Carl Olsen, a proponent of medicinal marijuana who spearheaded the petition drive that led to the pharmacy board's recommendation to legalize medical marijuana, said people who could benefit from the drug are suffering while officials bicker.

"What we have is a law that everybody claims they don't understand," Olsen said. "Then they expect people to be arrested and go to prison for using medicine while they argue about what it means."