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Our View - Don't pass the buck on medical marijuana

JUNE 23, 2010

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If you're looking up a definition for political cowardice in an Iowan dictionary right now, you just might find a photo of House Majority Leader Kevin McCarthy.

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That's the only way we can make sense of McCarthy's recent comments about whether the Legislature should take action to recognize that marijuana has at least some medicinal value -- a recognition that, according to a recent KCCI poll, 62 percent of Iowans already have made.

Much of McCarthy's Democratic base is included in that 62 percent, of course, which means that the issue needs to be addressed in some way. But perhaps McCarthy is afraid that even talking about having the Legislature take action on medicinal marijuana could be enough to galvanize the remaining 38 percent into a voting bloc that would work to end the Democrats' state government trifecta.

According to The Associated Press, McCarthy recently told the Iowa Board of Pharmacy -- which voted unanimously to ask the Legislature to reclassify marijuana -- that there exists an obscure law that somehow has escaped their notice. That law gives the pharmacy board the authority to reclassify marijuana and, if the board wants to, treat medical marijuana like it would any other prescription drug. That means -- in McCarthy's rationalization -- neither the Legislature nor the governor needs to be involved at all.

Like last year's Iowa Supreme Court ruling on marriage equity, that would enact a long-overdue

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progressive change in state policy, but in a way that can't be blamed on either the Legislature or the governor. (Then, if necessary, Democratic legislators from conservative districts could campaign against the change and blame it on a rogue government agency enacting policy without the Legislature's consent.)

We can't read McCarthy's mind to see if that, in fact, is the reason behind his statements. But if it is, even a little, then it sounds like a good definition for political cowardice to us.

Luckily for Iowans, the pharmacy board has no interest in regulating marijuana in the same way it does any other drug. Instead, it has been doing a commendable job bringing a level of maturity, substance and political astuteness to this controversial topic. Ever since a judge ordered the board to hold hearings to evaluate whether marijuana should be classified as something other than a Schedule I drug -- a drug that supposedly has no medical value -- the board has hosted a series of informative, interactive and engaging forums across the state.

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The anecdotal and statistical information provided in those forums has shown that marijuana already is serving a medicinal purpose for many people suffering from glaucoma, fibromyalgia and many other chronic illnesses. But those forums also have shown that the state needs to be very careful in how it regulates the production and distribution of medical marijuana.

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If the system is too lax, then Iowa will become another California -- filled with shady distribution centers and awash in off-the-grid grow-houses. If the system is too restrictive, then the people suffering from some chronic illnesses won't have safe and ready access to a drug that can help them live more productively.

So we're glad the pharmacy board understands how this issue goes beyond its limited scope. As the board executive director, Lloyd Jessen, explained to The Associated Press, the board has no way on its own of:

- Establishing a distribution system for medical marijuana.
- Creating a list of medical conditions that marijuana could be prescribed for.
- Setting criminal penalties for violating the law.
- Putting in place a quality control system.

And the board also recognizes that if it were to exercise independently the authority that McCarthy said it has, then it would cause a host of unintended negative consequences for the state.

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Moving this issue forward now requires Legislature-level discussions that gather input from health care providers, pharmacists, law enforcement, prosecutors and many other groups.

"The Legislature needs to understand we are limited," Jessen 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."

The board now is asking that state legislators show some political courage and maturity by continuing to discuss this controversial issue, by looking at the successes and failures among the 14 other states that have medicinal marijuana programs and by coming up with a workable program for Iowa.

Unfortunately, on this issue, when we look under political courage in an Iowa dictionary, we haven't found many pictures of legislative leaders just yet.

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