



Medical marijuana debate heats up in Iowa

Charlotte Eby | Posted: Saturday, August 1, 2009 8:50 pm

DES MOINES - Diagnosed with multiple sclerosis, 53-year-old Barbara Douglass can no longer walk and uses a scooter. But she has found one way to cope with a condition she calls "ungodly and terrible" and to steady her shaking hands - smoking marijuana.

"It doesn't make it better, but it makes it easier," said Douglass, who also is legally blind.

Douglass, of Lakeside is one of two Iowans who are part of a federal program that allows them to smoke marijuana legally for their medical conditions. Each month, Douglass gets a can of prerolled marijuana cigarettes from her doctor. She finds she is more active after smoking it.

Douglass has a message for Iowa policymakers who are about to start analyzing the issue: Marijuana is medicine.

Advocates of legalizing the medical use of marijuana are optimistic that a series of public hearings on the issue could open the door to Iowa becoming the 14th state to effectively allow it.

The Iowa Board of Pharmacy is holding four hearings beginning this month on the pros and cons of the medical use of marijuana and could decide to make a recommendation to state

lawmakers based on their findings.

Carl Olsen of Iowans for Medical Marijuana said he has been working since about 1990 to get the state of Iowa to recognize the potential medical benefits of the drug.

Olsen unsuccessfully petitioned the pharmacy board to recognize that marijuana has accepted medical uses and remove it from Schedule I, the most restrictive class of drugs. He is planning to appeal the decision and is organizing supporters of a medical marijuana law to turn out at the board's hearings, which begin Aug. 19 in Des Moines.

"I want to nail this thing now while I've got the momentum on my side," Olsen said.

The pharmacy board will accept comments from the public at the hearings but is especially looking for scientific evidence on the use of marijuana for medical purposes.

Ultimately, the decision will be in the hands of Iowa lawmakers.

Any change in Iowa's classification of marijuana would have to be made by the Legislature, said Scott Galenbeck, an assistant Iowa attorney general who handles legal matters for the pharmacy board.

Legislature will be key

An attempt to make marijuana legal for medical use could face an uphill battle in the Iowa Legislature. A bill that would have allowed the use of medical marijuana stalled in the Iowa Senate last session.

House Speaker Pat Murphy, D-Dubuque, does not think support exists among majority Democrats in the House. But he said if the pharmacy board makes a recommendation to allow medical marijuana, it would lend credibility to having a debate.

"I do think it gets to the point then where you'll see other legislators that may introduce bills in the House, and you might start some public conversation about this," Murphy said.

Sen. Merlin Bartz, a Republican from Grafton, said under that bill considered last session "even a veterinarian could have prescribed medical marijuana."

Bartz had reservations about that particular piece of legislation, but is open to allowing marijuana for medical purposes if it is prescribed by a doctor and has scientifically proven benefits. He believes lawmakers should take a look at the pharmacy board's findings even if for some legislators it is a "political hot potato."

"I've always said that good public policy is good politics, but this frankly may be one of those where people don't want to ... let the facts confuse them," Bartz said.

Despite supporting medical marijuana, Bartz said some of its advocates appear to be "a little disingenuous" and simply want to legalize marijuana, an idea Bartz opposes.

One lawmaker staunchly against allowing medical marijuana use is Rep. Clel Baudler, a Republican and retired state trooper from Greenfield.

"I would fight that totally," Baudler said.

Baudler fears allowing the medical use of marijuana would mean a step toward legalizing marijuana in Iowa, pointing to legalization efforts in California.

"It's just another step in ruining our society as we know it, and ruining our nation. I will never, ever support this," Baudler said.

State laws at odds with federal

Even if Iowa were to change its law allowing for the medical use of marijuana, it is still illegal under federal law.

Dan Bernath, a spokesman for the Marijuana Policy Project, said the 13 states that have medical marijuana laws have protected most patients from the threat of arrest.

He said federal policy has changed to be even more tolerant of states' medical marijuana laws.

"The truth is that most states have written their laws so even the federal government at its most hostile hasn't had any reason to want to go in and interfere with those medical marijuana laws," Bernath said.

Marijuana Policy Project believes any effective state medical marijuana law has to be clearly written so law enforcement officials and patients know whether someone is obeying it.

"The law has to be easy to understand, easy to follow and truly protect patients from the threat of arrest from state, local and federal law enforcement," Bernath said.

Bernath said it also is important that the law allows a way for patients to obtain marijuana. Every state that now has an effective medical marijuana law also has a way for patients to grow marijuana for their personal use or designate somebody to grow it for them, he said.

Three states' laws allow for distribution centers - California, Rhode Island and New Mexico, according to Bernath.

Douglass, the Lakeside woman who smokes marijuana for her MS, has been enrolled in the federal medical marijuana program since 1991 and is one of only a handful of people still in it.

She hopes other Iowans would have a chance to use marijuana legally if it would ease symptoms for their medical conditions.

"Marijuana helps - it helps a lot of things for me," Douglass said.