

## Polk County judge rules against medical marijuana activist in lawsuit against pharmacy board

A Polk County judge last week ruled against a marijuana activist who sued the Iowa Board of Pharmacy alleging the group should have pushed legislators to ease regulations on the drug.

Des Moines activist Carl Olsen sued the pharmacy board in April of last year after the board denied his request that it recommend to state legislators removing the “schedule I” classification of marijuana from state law. The law change could set Iowa on a path toward legalizing marijuana to treat pain, nausea and for other medical purposes.

Olsen said this morning he plans to appeal the judge’s ruling against him.

Iowa lawmakers have repeatedly balked at medical marijuana legalization efforts, including in 2010 when the pharmacy board first recommended a plan to legalize the drug for medical purposes. A bill brought forward in the Iowa Senate last week was declared dead on arrival by its Democratic sponsor due to a lack of Republican support.

Olsen filed the lawsuit, arguing that the pharmacy board didn’t have evidence to back up a 2012 decision not to recommend a law change during the 2013 legislative session. In August 2012, Olsen filed a petition asking the board to make the recommendation; the board declined after a November hearing.

Olsen argued the pharmacy board had a responsibility to suggest to lawmakers reclassifying marijuana from a “schedule I” drug. If the board determines that a drug is in the wrong category, under law it is required to recommend a new classification, Olsen argued.

Iowa law classifies “schedule I” drugs as having no medical purpose, though 20 states and the District of Columbia currently allow medical uses of the drug. The pharmacy board’s 2010 proposal clearly shows board members believe marijuana has medicinal purposes and the board needs to keep the recommendation in front of the legislature, Olsen said in an interview this morning.

“We felt like in 2013 the legislators needed to see it again and the board said no, we don’t need to do it again, we already did that,” he said. “I said, ‘Yeah, but you can’t just let it fade into the background.’”

In its ruling, the pharmacy board noted that lawmakers chose not to act on their previous proposal in 2010. Olsen brought forth no new arguments that convinced the board that lawmakers would act any differently, the board’s ruling said.

“The Board concluded that the supporting documentation did not contain, sufficient, new scientific information to warrant recommending the reclassification of marijuana this year,” the board’s ruling said.

While Iowa law does require the board to make recommendations about changes to drug classification, the board can decide which recommendations to make and is not bound by past decisions, said Meghan Gavin, an assistant Iowa attorney general.



Polk County District Court Judge Scott Rosenberg in a ruling last week agreed with the board. Olsen showed no evidence of wrongdoing by the board in his complaint, the judge said.

The medical marijuana issue found its way into Iowa headlines again last week through a [bill brought forward by state Sen. Joe Bolkcom, D-Iowa City, and championed by West Des Moines mayor Steve Gaer](#). The proposal died because Bolkcom couldn't find Republican support for the bill, he told The Des Moines Register.

Gaer and his wife, both Republicans, became advocates of medical marijuana in the last year after learning about a strain of the drug that reportedly can relieve seizures in patients with epilepsy. The Gaer's daughter, Margaret Gaer, suffers from Dravet syndrome, a rare form of epilepsy.

Olsen has been a prominent advocate for easing restrictions on marijuana, but his history with the drug has been criticized by the pharmacy board. In a 2009 ruling the board spent three pages detailing Olsen's arrests in the 1970s and 80s on marijuana charges.