

# Carl Olsen

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**From:** Jessen, Lloyd [IBPE] [Lloyd.Jessen@ibpe.state.ia.us]  
**Sent:** Monday, November 23, 2009 11:20 AM  
**To:** 'Carl Olsen'  
**Cc:** Jorgenson, Debbie [IBPE]; Witkowski, Terry [IBPE]; Galenbeck, Scott [AG]  
**Subject:** Sacramental Use of Marijuana

Dear Mr. Olsen,

I am writing in response to your letter dated October 27, 2009, regarding the sacramental use of marijuana in Iowa. The Iowa Board of Pharmacy has no authority to allow or approve the sacramental use of marijuana for the following reasons:

1. The peyote exemption in the Iowa Code says nothing about marijuana. Making a claim of religious activity doesn't make all laws inapplicable.
2. The Iowa Code is very specific regarding peyote – exempting (from controlled substance regulation only) peyote use in “bona fide religious ceremonies of the Native American Church.” Peyote use has been subjected to the scrutiny of the legislature and found deserving of a statutory exemption. See Iowa Code section 124.204(8) (2009).
3. The Pharmacy Board is not empowered by statute to determine what is or is not a sacrament nor is the Board empowered to determine that a marijuana sacrament is equivalent to a peyote sacrament.
4. The Board has no authority to apply the peyote exemption to marijuana use. The Board cannot grant such an exemption; only the legislature can – through statute writing.
5. There is no provision in the Iowa Code for the Pharmacy Board to declare that persons are in compliance with Iowa controlled substance laws.

Sincerely,

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