



THOMAS J. MILLER
ATTORNEY GENERAL

Department of Justice

July 25, 2006

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515/281-5184
FACSIMILE: 515/281-4209

The Honorable Ed Fallon
State Representative
1321 8th Street
Des Moines, Iowa 50319

Dear Representative Fallon:

Our office is in receipt of your recent request for an opinion of the Attorney General. You enclose two pages of legal research from a constituent, Carl Olsen, and ask that our office address the matter he raises related to the religious use of marijuana. The enclosure asks that the specific threats to public health and safety posed by the Ethiopian Zion Coptic Church in growing, distributing, or using marijuana be identified. Unfortunately, we are unable to assist you in this way.

Ordinarily, we do not issue opinions on general legal issues, but require that the request pose "a concise question of state law of general significance." 61 Iowa Admin. Code 1.5(3)(d). Further, it would be inappropriate for our office to use the opinion process to assess the circumstances under which "growing, distributing, or using marijuana" would be actionable under state or federal law. Questions about the enforcement of laws regarding marijuana should be resolved by the charging authorities in "other formal proceeding provided by law for resolution of the issue" and not through an opinion of the Attorney General." 61 Iowa Admin. Code 1.5(3)(a).

We regret that we cannot be of further assistance to you in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Julie F. Pottorff".

JULIE F. POTTORFF
Deputy Attorney General