

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

GEORGE MCMAHON and BARBARA DOUGLASS,

Plaintiff,

vs.

THE IOWA BOARD OF PHARMACY,

Defendant.

Case No. CV 7415

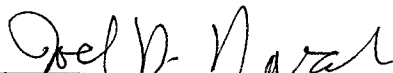
RULING ON MOTION TO EXPAND RULING

On November 10, 2009 Petitioners filed a Motion to Expand Ruling as it relates to the court's prior ruling October 30, 2009. After reviewing Petitioner's Motion to Expand Ruling the court rules as follows:

As to Petitioner's request found in A. of Petitioner's Motion to Expand the court rules does not find the Board's action contrary to statute or the prior determination of this court.

As to paragraph B of the Motion to Expand the court rules the Board of Pharmacy did not act irrationally, arbitrarily or contrary to law in the manner and grounds upon which it decided the issue of whether marijuana continued to meet the essential criteria for listing in Schedule I.

As to paragraph C this court rules that it does not believe that it can determine as a matter of law that marijuana does have "accepted medical use and treatment in the United States" based upon the medical use of marijuana in thirteen states and therefore fails to satisfy the criteria for listing in Schedule I of Iowa's Controlled Substance Act.

  
JOEL D. NOVAK, JUDGE  
Fifth Judicial District of Iowa

FILED  
POLK COUNTY, IA.  
2009 NOV 25 PM 2:45  
CLERK DISTRICT COURT

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~~E-File~~

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TO THE FOLLOWING:  
PLTF. ATTY:  PLTF.   
DEFT. ATTY:  DEFT.

*Intawener* ✓

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