

Section 538 of the Consolidated and Further Continuing Appropriations Act of 2015, Pub. L. 113-235, 128 Stat. 2130 (2014) ("2015 Appropriations Act") (prohibits the Department of Justice from expending any funds in connection with the enforcement of any law that interferes with a state's ability to "implement its own State law that authorizes the use, distribution, possession, or cultivation of medical marijuana."). Section 538 was reauthorized for 2016 by Congress in mid-December 2015.

In 2010 the Iowa Board of Pharmacy recommended that the cannabis plant be transferred to schedule 2.

In May of 2014 Iowa enacted the Medical Cannabidiol Act which allows children with a neurological disorder (epilepsy) to possess an extract from marijuana. Iowa, SF2360, May 30 2014, 2014 Iowa Acts Chapter 1125.

In December of 2014, the American Academy of Neurology recommended that the cannabis plant be transferred to schedule 2.

In January of 2015, the American Academy of Pediatrics recommended that the cannabis plant be transferred to schedule 2.

Grinspoon v. DEA, 828 F.2d 881, 886 (1st Cir. 1987):

We add, moreover, that the Administrator's clever argument conveniently omits any reference to the fact that the pertinent phrase in section 812(b)(1)(B) reads "*in the United States*," (emphasis supplied). We find this language to be further evidence that the Congress did not intend "accepted medical use in treatment in the United States" to require a finding of recognized medical use in every state or, as the Administrator contends, approval for interstate marketing of the substance.

Grinspoon v. DEA, 828 F.2d 881, 887 (1st Cir. 1987):

Unlike the CSA scheduling restrictions, the FDCA interstate marketing provisions do not apply to drugs manufactured and marketed wholly intrastate. Compare 21 U.S.C. § 801(5) with 21 U.S.C. § 321 (b), 331, 355(a). Thus, it is possible that a substance may have both an accepted medical use and safety for use under medical supervision, even though no one has deemed it necessary to seek approval for interstate marketing.

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