

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

CLIMBING KITES LLC, and FIELD DAY)	Case No. 4:24-cv-00202-SMR-SBJ
BREWING COMPANY LLC,)	
)	
Plaintiffs,)	ORDER DENYING MOTION FOR
)	PRELIMINARY INJUNCTION
v.)	
)	
STATE OF IOWA, IOWA DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES,)	
and KELLY GARCIA, in her official)	
capacity as the Director of the Iowa)	
Department of Health and Human Services,)	
)	
Defendants.)	

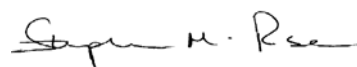
On June 17, 2024, the above-captioned Plaintiffs filed a Motion for Preliminary Injunction seeking an order prohibiting the enforcement of House File 2605 prior to its effective date of July 1, 2024. On an expedited briefing schedule, Defendants resisted the Motion. A hearing on the matter was held on June 28, 2024, where counsel for Plaintiffs and Defendants presented their respective positions on the Motion. During the course of the hearing, the Court expressed serious concerns whether HF 2605 was unconstitutionally vague based on a provision of the law limiting the potency of THC permissible in a single serving of a product. Because the statute does not define a serving, it is unclear how this provision would be enforced. This potentially raises due process concerns surrounding a statute with potential criminal penalties.

In this case however, Plaintiffs’ primary challenge to HF 2605 is that the law is preempted by the Food, Drug, and Cosmetic Act (“FDCA”). After considering the parties’ briefs and arguments presented at the hearing, the Court concludes that HF 2605 is not preempted by the FDCA, meaning it does not violate the Supremacy Clause of Article IV of the United States

Constitution. Plaintiffs' remaining bases for relief—the doctrine of primary jurisdiction and a challenge under Iowa Code Chapter 17A—also fail. Accordingly, Plaintiffs' Motion for Preliminary Injunction is DENIED without prejudice to a renewed motion challenging the law on other constitutional grounds. [ECF No. 2]. A more extensive discussion of the Court's analysis will be filed shortly.

IT IS SO ORDERED.

Dated this 28th day of June, 2024.



STEPHANIE M. ROSE, CHIEF JUDGE
UNITED STATES DISTRICT COURT