

NOV 06 2023

COMMISSIONER'S OFFICE
ANCHORAGE

UNITED STATES DISTRICT COURT

for the

District of Alaska



Alaska Industrial Hemp Association, Inc. (see
attached)

Plaintiff

v.

Alaska Department of Natural Resources, (see
attached)

Defendant

Civil Action No. 3:23;-cv-00253-SLG

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* John C. Boyle III
550 W. 7th. Avenue, Ste 1400,
Anchorage, AK 99501

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher V. Hoke
Hoke Law
2825 Rose St. #202
Anchorage, AK 99508
chris@hoke-law.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 11/3/23

Signature of Clerk or Deputy Clerk



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

AK Industrial Hemp Association Inc., et al

(b) County of Residence of First Listed Plaintiff MATSU Borough
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Christopher V. Hoke 2825 Rose St, Ste 202, Anchorage,
AK 99508**DEFENDANTS**

Alaska Department of Natural Resources, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 2201

Brief description of cause:

TRO and Injunctive Relief from enforcement of state statutes due to constitutional violations

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

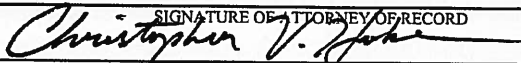
JUDGE

DOCKET NUMBER

DATE

11/02/2023

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Christopher V. Hoke, (Atty. #1211098)
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(907)331-0437
chris@hoke-law.com
Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association,
Inc., Primo Farms North LLC d/b/a
Primo, GD Sales LLC d/b/a
Hempire-Co., McDonough Corp Inc.,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a Alaska
Gummies

Plaintiff(s),

v.

Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural Resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nacy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

RELATED CASES

Case No.

COMPLAINT

SECTION VIII. RELATED CASES

The following are related cases:

1. C.Y. Wholesale Inc. et al v. Holcomb – 1:19-cv-2659-SEB (S.D. Indiana)
2. AK Futures LLC v. Distro, LLC – 8:21-v-1027 (Cen.D. Cal.)
3. BIO GEN, LLC et al. v. Sanders – 4:23-cv-718-BRW (E.D. Ark.)
4. Sky Marketing Corp. v. Texas Dep't of State Health and Servs. – Case: 03-21-00571-

CV (Tex. App. 2021);

5. Maryland Hemp Coalition et al. v. Moore et al. – Case: C-21-CV-23-348 (Wash.Cir. Md).
6. Kentucky Hemp Association, et al. v. Quarles et al. - Case: 21-CI-836 (Boone Cir. Div. 1, Kentucky)

Dated November 2, 2023.

Hoke Law
Attorney for Plaintiffs

A handwritten signature in black ink, reading "Christopher V. Hoke". The signature is fluid and cursive, with the first name "Christopher" and last name "Hoke" clearly legible. The middle initial "V." is written in a smaller, more compact script.

Christopher V. Hoke,
Alaska Bar No. 1211098

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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
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AK Industrial Hemp Association,
Inc., Primo Farms North LLC d/b/a
Primo, GD Sales LLC d/b/a
Hempire-Co., McDonough Corp Inc.,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a Alaska
Gummies

Plaintiff(s),

v.

Alaska Department of Natural
Resources,

John C. Boyle III (Commissioner
Alaska Department Natural
resources),

Alaska Division of Agriculture,

Bryan Scoresby (Director Division of
Agriculture),

State of Alaska,

Nancy Dahlstrom (Alaska Lieutenant
Governor),

Defendant(s)

COMPLAINT

Case No. 3:23-cv-_____

COMPLAINT

Plaintiffs, Alaska Industrial Hemp Association, Inc., Primo Farms North LLC d/b/a Primo, GD Sales LLC d/b/a Hempire-Co., McDonough Corp Inc., d/b/a Frontier CBDs, ALASKA EDIBLES LLC, d/b/a Alaska Gummies (collectively "Plaintiffs") hereby come before this court bringing their complaint against Defendants Alaska Department of Natural Resources, John C. Boyle III (Commissioner of the Department of Natural Resources) Alaska Division of Agriculture, Bryan Scoresby (Director Division of Agriculture), State of Alaska, and Nancy Dahlstrom (Alaska Lieutenant Governor), seeking declaratory and injunctive relief challenging the constitutionality of amendments to regulations 11 AAC 40.010-910, by the Alaska Department of Natural Resources, which have the effect of destroying the Alaska Industrial Hemp Pilot Program -- a Federally approved program authorizing Alaska to regulate hemp production in the state by the United State Department of Agriculture; the secondary, if not primary purpose of amendments are to protect and insulate the state's (Federally illegal) marijuana industry while discriminating against the Federally legal hemp industry in its infancy.

Introductory Statement

The amended regulatory scheme has been heavily affected by the state's Alcohol and Marijuana Control Board, which regulates production, cultivation, processing, manufacturing, testing, and commercial sale of marijuana. Hemp, is the significantly less intoxicating, and as of 2018 no-longer-Federally controlled

substance, sharing the same chemical makeup of marijuana. Hemp and marijuana, grown from the exact same plant genus species *Cannabis Sativa L.*, is processed to create some of the exact same commercial products, potentially containing the exact same quantities of “tetrahydrocannabinols”, commonly known as “THC.” Delta-9-THC, simply put, the psychoactive compound in marijuana that is known to get one ‘high’.

The 2018 Federal legislation that legalized hemp, the Agricultural Improvement Act of 2018, Pub. L. 115-334 (the “2018 Farm Bill”), is not silent to this scientific fact that hemp and marijuana are from the same plant. The 2018 Farm Bill defined hemp, limiting the amount of THC that hemp may contain to “no more than 0.3% delta-9-THC”. This requires that hemp be produced differently than marijuana, and often processed to decrease the amount of Delta-9-THC in products.

Where hemp must limit the amounts of Delta-9-THC in products, marijuana is often marketed to consumers heavily leaning on THC amounts contained in products, regularly over 20% and in-fact over 30% THC in some cases. Effectively, the strongest marijuana products at 30% or higher contain 9,900% more Delta-9-THC per unit than the strongest possible hemp products. The best parallel for intoxication in this context is that there is 7,900% difference in strength between the 0.5% maximum alcohol by volume defined by the F.D.A. for ‘non-alcoholic beverages’ and common spirits contain 40% alcohol by volume.

The amended regulations by the Department of Natural Resources, Division of Agriculture (hereinafter “DNR” and “DoAg”, respectively) have a clear protectionist affect on the State’s marijuana businesses and the state’s marijuana tax regime. The amendments state that the DoAg may declare any cannabis product for human consumption as a “public nuisance injurious to the public interest,” and grants the DoAg the right to destroy the products once declare a public nuisance. Additionally, the DoAg will no longer endorse any industrial hemp product that contains Delta-9-THC, which a significant portion of the final product, and depending on when tested for THC, all hemp products. Thus, the processing and manufacturing of cannabis products contain no more than 0.3% Delta-9-THC will be left entirely to the marijuana industry, which has lesser testing requirements than hemp.

What will remain is a system where citizens will venture into marijuana retailers to purchase products used for recreation, but for pain relief, relaxation and stress relief, sleep support, reduction in joint inflammation and muscle recovery. Studies have shown CDB oils to have positive affects on individuals with PTSD and caused reductions in convulsive seizures in people suffering from epilepsy. It is not difficult to imagine a scenario where a person wanting to be sold a hemp product purchases a marijuana product, being told that the two products are the exact same. While that may be the case, one product is Federally legal and the other is not; using one product may affect eligibility for Federal programs or affect one’s ability to purchase a firearm and the other does not; using one product may

jeopardize a person's ability to be granted Federal clearance and the other does not.

For all of these reasons Plaintiffs seek declaratory and injunctive relief as the amended regulations will destroy Alaska's hemp industry, remove any incentive for future agricultural development or investment in the industry, cost companies which invested in the Federally legal industry significant sums of money, put their employees out of work, and make it impossible to for citizens to purchase their Federally hemp products locally, many using these products for medicinal and health purposes – forcing them to order products from outside of Alaska. While the 2018 Farm Bill states in Sec. 10114 that hemp is not prohibited from interstate commerce and that "(b) "No state...shall prohibit the transportation or shipment of hemp or hemp products [produced under Federal authority or state regulation approved by the USDA]," commerce shall be affected as immediately as the DoAg begins to implement the regulations.¹ The regulatory effect of the amendments is contrary to the purpose of the Alaska Industrial Hemp Pilot Program, and is contrary the Commissioner of the DNR's statutory mandate to grow agricultural industry, and the regulations have already created significant amounts of confusion moving forward to those registered with the pilot program to sell products and citizens using the products. For these reasons, plaintiffs seek that the State be

¹ Exhibit 1 – USDA Executive Summary of Hemp Authorities (5/28/2019).

immediately enjoined from enforcement of the regulations that go into effect November 3, 2023.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1343.
2. Venue is proper in this district is pursuant to 28 U.S.C. § 1391.
3. Declaratory relief is authorized by Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201, 2202.
4. This action is also brought pursuant to 42 U.S.C. § 1983 to redress the deprivation of, under color of state law, of rights secured by the Constitution of the United States.

PARTIES

5. Plaintiff, Alaska Industrial Hemp Association is a 501(c)(3) non-profit organization with its principle place of business in Alaska. Its members are mostly registered hemp producers with the State of Alaska DoAg.
6. Plaintiff, Primo Farms North LLC is a limited liability company with its principal place of business located in Anchorage, Alaska.
7. Plaintiff, GD Sales, LLC is a limited liability company with its principal place of business located in Wasilla, Alaska.
8. Plaintiff, McDonough Corporation Inc. is an Alaska Corporation with its principal place of business located in Anchorage, Alaska.

9. Plaintiff, Alaska Edibles LLC is a limited liability company with its principal place of business located in Wasilla, Alaska.

10. Defendant the Alaska Department of Natural Resources is the executive agency in charge of the enforcement of the regulations that control the Alaska Industrial Hemp Pilot Program, through its control and oversight of the Division of Agriculture.

11. Defendant John C. Boyle III is the Commissioner of the Department of Natural Resources in charge of the Department of Natural Resources responsible for the amended regulations at issue, and is sued in his official capacity due to having signed the Order amending the regulations in question. Mr. Boyle III holds a supervisory role over the employees within the Department and the Division of Agriculture whom will be responsible for enforcing the amended statutes.

12. Defendant the Alaska Department of Natural Resources, Division of Agriculture, directly controls the Industrial Hemp Pilot Program and the enforcement of the regulations and amendments at issue in this lawsuit.

13. Defendant Bryan Scoresby is the Director of the Department of Natural Resources Division of Agriculture and directly supervising the Industrial Hemp Pilot Program and the enforcement of the regulations and amendments at issue in this lawsuit.

14. The State of Alaska and its executive branch are in charge of enforcement of agency regulations and adoption of new regulations.

15. Defendant Nancy Dahlstrom is the Lieutenant Governor who supervises the Office of the Lieutenant Governor whose office signed the Order certifying the regulations to take effect November 3, 2023.

GENERAL ALLEGATIONS

16. This is a lawsuit challenging the constitutionality of amendments to 11 AAC 40.020-910, regulations adopted by the Alaska Department of Natural Resources ("DNR"), Division of Agriculture ("DoAg") that take effect November 3, 2023.

17. In 2018, the Congress passed legislation, signed into law titled Agricultural Improvement Act of 2018, Pub. L. 115-334 (the "2018 Farm Bill") that legalized the production of "hemp" for commercial purposes under certain circumstances, defining it separately from marijuana (the 'higher-THC' containing version of the same plant that grows hemp), and importantly carved out an exemption for hemp-based "tetracannabinols" amending the Controlled Substances Act effectively removing hemp from the Schedule I list of controlled substances.

18. The 2018 Farm Bill, Sec. 10113 adopted the definition of "hemp" using the exact same language as used to define "hemp" in the Agricultural Marketing Act of 1946 Sec 297A [7 U.S.C. § 1639o] as:

The term 'hemp' means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

19. Alaska received authorize to regulate the production of hemp in Alaska after submission a plan to the U.S. Department of Agriculture to regulate “hemp” production in accordance with the 2018 Farm Bill, and the U.S.D.A. approved Alaska’s plan.

20. Alaska’s legislature enacted statutes regarding hemp, namely AS 03.05.010(a)(7) et seq and AS 03.05.076-079, all under Title 3 of the Alaska Statutes relating to Agriculture, Animals and Food.

21. The Commissioner of Natural Resources, a political appointee, John C. Boyle III, was appointed December 16, 2022.

22. The Alaska legislature in AS 03.05.010(a)(1) tasks that the Commissioner of the Department of Natural Resources “shall direct, administer and supervise . . . agricultural projects for the purpose of promoting and developing commercial and noncommercial agricultural industry in the state...”

23. Upon applying to the USDA for approval to initiate its Industrial Hemp Pilot Program and having that program approved, the Commissioner, assumed the duties delegated to the Department by the Alaska legislature.

24. The DNR DoAg and the Commissioner notifies and works with the Alcohol and Marijuana Control Office to the extent necessary when issuing stop orders to registered or non-registered hemp growers in accordance with AS 03.05.010(c).

25. On September 23, 2023, the Commissioner of the DNR, John C. Boyle III signed the “Order adopting changes to regulations of the Department of Natural Resources” under his authority granted in AS 03.05.²

26. On October 4, 2023, April Simpson for Lieutenant Governor Nancy Dalhstrom, in her official capacity, signed the Filing Certification under the Order signed by John C. Boyle III.³

27. The Order adopted amendments to, new subsections added, and the repeal of certain regulations pertaining to the regulation of Alaska’s Industrial Hemp Pilot Program approved by the USDA.

28. On September 29, 2023, the Alaska Department of Law drafted and published a letter stating in-part “The [amended DNR] regulations prohibit the Division of Agriculture from endorsing for sale products containing psychoactive chemicals. . . . anticipat[ing] a decrease in participants in the industrial hemp market due to the prohibition on trace psychoactive chemicals.”⁴

29. On October 5, 2023, the DNR published a press release confirming the opinion of the Department of Law, stating the changes “Make[] it illegal for growers, manufactures and retailers in Alaska to sell industrial hemp products containing delta-9-THC intended for human or animal consumption.”⁵

² See Exhibit 2 – Amended Regulations Dep’t Nat. Resources (9/23/2023) at pg 4.

³ Id.

⁴ See Exhibit 2 – Amended Regulations Dep’t Nat. Resources (9/23/2023) at pg 2.

⁵ Exhibit 3 – Dep’t Nat. Res. – Press Release (10/5/2023)

30. The DNR press release also confirmed that “the Division of Agriculture will not endorse any industrial hemp product containing delta-9-THC.”

31. The press release also states that the “revised industrial hemp rules increase safety for Alaskan children and protections for the regulated cannabis industry in our state, said DNR Commissioner John Boyle. The Industrial Hemp Program was never intended to allow intoxicating products, which are rightfully regulated for the recreational market in Alaska by the Alcohol & Marijuana Control Office.⁶

32. The amended regulations removed from the Federal definition of “hemp” the requirement that hemp be derived from the plant *Cannabis sativa L.* when defining “industrial hemp product” and “hemp product” at 11 AAC 40.910(30).

33. The amended regulations redefined hemp at 11 AAC 40.910(9)(a)-(b) defining CBD requiring that it be “naturally occurring” and “not synthetic”, contrary to recent 9th Cir. precedent. See AK Futures LLC v. Boyd St. Distro, LLC, 35 F.4th 682, 695 (9th Cir. 2022).

34. “CBD” is an acronym for cannabidiol.

35. Both growers of marijuana and growers of hemp are growing the same plant, *Cannabis sativa L.*

⁶ Id.

36. Whether growing hemp or marijuana, both plants naturally contain THC and CBD.

37. In order to process hemp to be in compliance with Federal and State law to contain no more than 0.3% delta-9-THC, hemp producers often must process the products in order to lower the delta-9-THC levels.

38. By Federal law, hemp requires testing at a DEA testing facility which tests for heavy metals, pesticides, microbes, and mycotoxins, and all Alaska hemp producers have their products tested for Delta-9-THC levels as well.

39. Alaska marijuana requires testing delta-9-THC, but currently is testing for marijuana is less extensive than for hemp.

40. Many marijuana products contain Delta-9-THC levels in excess of 20% and some over 30%.

41. All endorsed hemp products contain Delta-9-THC levels of 0.3%, as required by Federal law.

42. The Alaska DoAg publishes both its lists of currently registered hemp producers and sellers⁷, and its currently endorsed products.⁸

43. There are currently approximately 217 registrants in the Industrial Hemp Program, several listed multiple times with multiple d/b/a businesses.

⁷ Exhibit 4 – spreadsheet of current AK hemp program registrants
[https://plants.alaska.gov/hemp/pdf/resources/AIH%20Registrants TODAY.pdf](https://plants.alaska.gov/hemp/pdf/resources/AIH%20Registrants%20TODAY.pdf)
(10/24/2023)

⁸ Exhibit 5 – Spreadsheet of DoAg's endorsed hemp products
[https://plants.alaska.gov/hemp/pdf/resources/AIH%20Endorsed%20Products%20 TODAY.pdf](https://plants.alaska.gov/hemp/pdf/resources/AIH%20Endorsed%20Products%20TODAY.pdf)
(10/24/2023)

44. Currently there are approximately 700 products endorsed for sale by the Industrial Hemp Program.

45. The amended regulations at 11 AAC 40.800(5) declares any cannabis product for human consumption with delta-9-THC to be a public nuisance injurious to public interest.

46. 11 AAC 40.800(6) works in tandem with 800(5) such that any “industrial hemp product for human consumption declared to be a public nuisance”, may be ordered destroyed by the DoAg.

47. Having expressed the DoAg amended regulations ‘make it illegal to sell industrial hemp products in their final form that contain delta-9-THC’, the DoAg will surely no longer endorse any industrial hemp products that contain any delta-9-THC.

48. It is unclear exactly how many different hemp products are currently endorsed by the DoAg because the Division endorses entire product lines under a single endorsement.

49. Plaintiffs stand to lose over \$2,000,000 in products that the DoAg could be ordered destroyed on or after November 3, 2023.

50. Amongst the other current registrants with the DoAg Industrial Hemp Pilot Program, based upon the amounts of stock held by the plaintiffs, there may very well be in excess of \$80,000,000 worth of retail hemp and CBD products derived from hemp that contain delta-9-THC.

51. The types of products for human consumption ranges from hemp based CBD oils, to gels, to gummies, to hemp based CBD-infused ice cream, all containing no more than 0.3% delta-9-THC.

52. The amended DoAg regulations provide no guidance as to whether the registrants whom only have endorsed product which contain delta-9-THC for human consumption will continue to be registrants with the program after the regulations go into effect.⁹

53. If human consumption follows the broad definition of consumption in 11 AAC 40.910(13), then virtually hemp products will be prohibited and all endorsements removed, and the DNR will claim the authority to destroy all hemp products.

54. The amended DoAg regulations provide no guidance as to whether registrants will be provided any window of time after the regulations go into effect to have their registry with the Program long enough to sell their products to a state in which they can be sold.¹⁰

55. The amended DoAg regulations provide no guidance as to whether products previous endorsed shall remain endorsed for the period of time until their endorsements end.

⁹ See generally Exhibit 6 – Public Notice of Dep’t Nat. Res. Amended Regs (published 6/8/2023)

¹⁰ Exhibit 6 – Public Notice of Dep’t Nat. Res. Amended Regs (published 6/8/2023)

56. The amended DoAg regulations provide no guidance as to how the Department of Public Safety and the Alaska State Troopers will treat the possession of endorsed or previously endorsed products, whether or not the program's registrant was suspended or has their registry revoked, after the regulations take effect.¹¹

57. Specifically, the amended DoAg regulations provide no guidance as to any interplay with *Alaska Statutes 11.71 et seq* (pertaining to Misconduct Involving Controlled Substances).

58. DoAg has no internal enforcement agents.

59. Alaska's Alcohol and Marijuana Control Office has hired enforcement agents and under the enforcement section the DoAg regulations regarding hemp 11 AAC 40.800(10) states that the DoAg may "cooperate and communicate with the Marijuana Control Board, the Department of Public Safety, or any other peace officers."

60. The amended DoAg regulations provide no guidance as to how or when any endorsed hemp products which contain delta-9-THC may be reconditioned or sold to marijuana related companies regulated by AMCO as the two regimes differ.

61. Current registrants of the Industrial Hemp Program have not been advised by the DoAg regarding what the DoAg intends to have happen in any

¹¹ Id.

manner than can be used to plan for the futures of their business or whether they can continue sale of their currently endorsed Federally legal hemp-derived products after November 3, 2023.

62. The DoAg has not defined whether any endorsed items that contain only trace amounts of delta-9-THC, less than 0.1% THC will remain endorsed for sale or considered a public nuisance.

63. Because all hemp plants naturally have delta-9-THC, there will naturally be trace amounts of delta-9-THC in almost every product.

64. The DoAg, but the regulations do not clarify if the threshold is 0.04%THC rounding down to 0.00% or if 0.00000001% rounds up to be an impermissible amount of THC for human consumption.

65. If some miniscule or trace amount of delta-9-THC remains in an endorsed hemp product to be sold for human consumption, the amended DoAg regulations do not clarify the threshold above which those trace amounts are un-endorsable or create a public nuisance.

66. It takes significant costs and efforts to completely remove all delta-9-THC from a hemp or marijuana product.

67. Many if not all of the same products that are endorsed and hemp-derived are manufactured or could be manufactured to be created with marijuana, although they would fall outside of the definition of Federally legal hemp as the products are not derived from hemp, or contain more than 0.3% delta-9-THC if initially derived from hemp.

68. For these reasons, plaintiffs seek expedited consideration by motion that this court grant a Temporary Restraining Order and preliminary injunctive relief enjoining this court from enforcing the DNR, the DoAg, its leadership or the State of Alaska from enforcing the amended regulations to 11 AAC 40.010-910 aimed to take effect November 3, 2023.

CAUSES OF ACTION

COUNT I – Declaratory Judgment for Violations of the 2018 Farm Bill

69. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

70. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding the lawfulness of hemp products.

71. The Alaska Department of Natural Resources and its commissioner have a duty mandated by the Alaska legislature “to grow agricultural industry.”

72. The Alaska DNR Commissioner’s duty extended to grow the hemp industry upon approval of the DoAg’s application to the USDA’s Industrial Hemp Pilot Program.

73. Regulations adopted by the DNR DoAg must follow the goals of the 2018 Farm Bill which provided intelligible guidance for determining violations that require enforcement.

74. “A violation of a State or Tribal plan approved...shall be subject to enforcement solely in accordance with [7 U.S.C. § 1639p(e)], specifically

violations pertaining to hemp not falling within the Federal definition of hemp, containing more than 0.3% delta-9-THC.

75. The Alaska DNR DoAg amended regulations were not submitted to the USDA with its original application, specifically pertaining to declaring Federally legal hemp products a “public nuisance injurious to public interest.” See 11 AAC 40.800(5)-(6).

76. In declaring such Alaska grown hemp-products a public nuisance injurious to public interest, the State of Alaska DNR is sending clear signals to consumers that shall have effects on interstate commerce, namely qualifying a state belief that Federally legal products are harmful – without a finding that the hemp product falls outside of the Federal definition.

77. Alaska hemp products are producing hemp products for human consumption that are Federally legal or containing more than 0.3% delta-9-THC.

78. The 2018 Farm Bill prohibited states from interfering with the transport and shipment of hemp or hemp products through interstate commerce.

79. Defendants, by declaring hemp products that are intended for human consumption that contain delta-9-THC a public nuisance are negatively affecting interstate commerce as producers of hemp in other states, namely wholesalers, will be unable to sell to Alaskans because their products can no longer be endorsed for sale – having a cumulative affect of the regulations will burden interstate commerce.

80. Pursuant to 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal

Rules of Civil Procedure, Plaintiffs request a declaration that the DNR's regulatory amendments to 11 AAC 40.010-910 violate the 2018 Farm Bill and are preempted by Federal law and violate the commerce clause.

81. The DNR's definition of hemp products for human consumption containing delta-9-THC is re-definition of hemp is impermissibly in conflict with the Federal definition in the 2018 Farm Bill, despite Congress's declaration that states are not permitted to modify the definition of hemp.

82. Additionally, the DNR's regulatory amendments to 11 AAC 40.010-910 regarding the definition of CBD conflict with recent 9th Circuit interpretation of the 2018 Farm Bill whereas synthetic cannabidiols, specifically delta-8-THC and products that contain delta-8-THC, were declared lawful by the plain text of the 2018 Farm Act in AK Futures LLC v. Boyd St. Distro, LLC, 35 F. 4th 682, 695 (9th Cir. 2022).

83. In accordance with the 9th Circuit's decision in AK Futures that the plain text of the 2018 Farm Bill's only defining characteristics of hemp are it is derived from the plant *Cannabis sativa L.* and that it contain no more than 0.3% delta-9-THC, the DNR's amendment to 11 AAC 40.910(9) redefining "CBD" such that (B) it does not include synthetic cannabidiol, all conflicts with Federal law.

84. The criminalization of any hemp derivatives such as delta-8-THC and potentially other cannabidiols as the DNR amendments attempted to further by redefining 'CBD' conflicts with the plain text of the 2018 Farm Bill.

85. The Supremacy Clause unambiguously provides that if there is any

conflict between federal and state law, federal law shall prevail.

86. The DNR's regulatory amendments are in conflict with the 2018 Farm Bill pursuant to the Supremacy Clause of the Constitution of the United States and conflicts of laws principles. US. Const. Art. VI, cl.2.

87. Moreover, DNR's new regulatory scheme, if permitted to take effect, cannot be enforced without impairing Federal oversight of the transportation of hemp, and also creating an inconsistency between the State and Federal definitions of "hemp" for the State's regulatory purposes which do not align with the 2018 Farm Bill.

88. Plaintiffs have been and will be harmed if the DNR's regulatory amendments.

89. Plaintiffs have no adequate remedy at law to correct or redress the deprivation of their rights by Defendants.

90. An actual controversy exists between Plaintiffs and Defendants regarding the constitutionality of the DNR's regulatory amendments for which plaintiff's request a declaratory judgment.

COUNT II – Declaratory Judgment for Violation of the Dormant Commerce Clause

91. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

92. All hemp is Federally lawful to possess, and hemp that fits the

Federal definition may not be interfered with as it flows through interstate commerce.

93. The DNR in its October 5, 2023 press release, expressly states that the purposes for the amended regulatory scheme are: (1)“protections for the regulated cannabis industry” and (2) “the Industrial Hemp Program was never intended to allow intoxicating products, which are rightfully regulated for the recreational market in Alaska by the Alcohol & Marijuana Control Office”. Exhibit 4 - Dep’t Natural Resources Press Release (10/5/2023)

94. While the press release also states a goal is “to increase public safety for Alaska children,” providing no support for that goal, the state has decided to discriminate against interstate commerce.

95. Defendants are blatantly and expressly taking actions in violation of the dormant commerce clause.

96. 11 AAC 40.400(d) declares that the DNR may not endorse any hemp product that contains delta-9-THC, and may not endorse any non-naturally occurring cannabinoid modified beyond its original form; thus the DNR will no longer endorse any hemp product as all hemp contains at least some trace amounts delta-9-THC, and the Alaska Department of Law anticipates a decrease in participants in the hemp market due to the prohibition on trace psychoactive chemical. Exhibit 3 - Letter from Dep’t of Law to Lieutenant Gov. Nancy Dahlstrom (9/29/2023).

97. The amended DNR Regulations fundamentally altered 11 AAC 40.800(5)-(6) such that (5) the division may declare as a public nuisance injurious to public health (B) any cannabis produced for human consumption (which includes any hemp products); and (6) that the DNR Division of Agriculture may direct the movement and destruction of any cannabis product for human consumption declared to be a public nuisance.

98. Previously cannabis products for human consumption containing delta-9-THC below the Federal 0.3% limit were not declared a public nuisance.

99. The DNR creates a substantial and protectionist burden on interstate commerce in violation of the Dormant Commerce Clause as all cannabis products whose regulation falls to the DNR for hemp are declared a public nuisance injurious to public interest.

100. Meanwhile Alaska's regulated cannabis industry sells products for human consumption with 10,000% more delta-9-THC than exists in hemp products to be declared a public nuisance by the DNR.

101. Thus, the reason to declare hems products a public nuisance is not that hemp products for human consumption contain any amount of delta-9-THC, it is that the sale of hemp products negatively affects the Alaska cannabis industry.

102. Generally speaking, it is markedly cheaper to make hemp products than marijuana products – therein lies the problem and the reason Alaska needs to protect the Federal illegal market.

103. While Hemp products remain Federally legal and the 2018 Farm Bill restricts the State's ability to stop the flow of hemp products in interstate commerce, defendants aim to remove from interstate commerce millions of dollars worth of hemp products produced by Alaskan companies, and to declare the products a public nuisance for regulatory destruction.

104. The DNR's scheme of regulatory amendments is expressly protectionist of the State's federally illegal marijuana industry, discriminating against the hemp industry which places Federally legal hemp products into interstate commerce as hemp products are both purchased from other states and Alaska grown hemp products are sold to consumers in other states.

105. The amendments will cause regulatory removal of DoAg endorsements for of Alaska hemp products is discriminatory against interstate commerce, benefitting Alaska's marijuana industry

106. Plaintiffs seek declaratory relief that the DNR's adoption of its amended regulations are in violation of the Dormant Commerce Clause and therefore unconstitutional.

COUNT III:REGULATORY TAKING

107. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

108. Anticipating that the amended DNR regulations are unconstitutional and in violation of dormant commerce challenges and the DNR acts on its

statements to prohibit all hemp products for human consumption, the destruction of currently endorsed hemp products amounts to a regulatory taking.

109. Defendants' intent is clear, to prohibit all hemp products containing any amount of delta-9-THC for human consumption.

110. If human consumption follows the broad definition of consumption in 11 AAC 40.910(3), then virtually all hemp products will be prohibited and all endorsements removed, and amended regulations allow DNR to destroy all hemp products as they are all intended for human consumption and contain at least trace amounts of Delta-9-THC.

111. The problem with the regulatory scheme is that the new amendments, coupled with statement of the DNR's intent, make clear the unconstitutional nature of the amendments which amounts to an impermissible regulatory taking because it effectively creates a total ban of hemp products containing any amount of delta-9-THC, without any language regarding just compensation.

112. Plaintiffs and registrants in Alaska's Industrial Hemp Program have made significant investments in their businesses based on the Federal government's 2018 Farm Bill and Alaska's approved plan by the USDA.

113. The USDA would never have approved a plan which stated that the sale of any hemp product containing any amount of delta-9-THC is prohibited.

114. Permitting Alaska to regulate hemp production, knowing that it would prohibit the existence of an industrial hemp industry is not rational.

115. Such a plan would have been denied and the USDA would have regulated hemp production in accordance with 2018 Farm Bill.

116. In accordance with 7 U.S.C. § 1639q, where there is no State or Tribal approved plan to regulate hemp production, the production of hemp in that State or the territory of that Indian tribe shall be subject to a plan established by the Secretary to monitor and regulate that production in accordance with paragraph (2).

117. The DNR's amended regulatory scheme shows that Alaska, by prohibiting the sale of all or virtually all hemp products is no longer interested in the regulation of the hemp industry consistent with its previous application to the USDA.

118. The DNR's regulatory scheme and complete prohibition of the sale of hemp products that contain delta-9-THC infringes upon the investment-backed expectations and industries in which plaintiff, Alaskan citizens and consumers have come to rely, and employees having built their livelihoods. For this reason, the amended regulatory scheme amounts to a deprivation of all, or substantially all, beneficial economic use of plaintiff's hemp-derived products, lines of business, and goodwill created with the consumers of the State of Alaska.

119. As statements from the Alaska DNR clarify its intent to prohibit the sale of all hemp products and there will be no Federally authorized manner in which hemp products can be sold inside or out of the State of Alaska as the products shall immediately lose their endorsements, the DNR is executing a

regulatory taking, burdening plaintiff and taking any and all value of their property without just compensation.

COUNT IV: VOID FOR VAGUENESS

120. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

121. The Due Process Clause of the Fifth and Fourteenth Amendments to the U.S. Constitution prohibit criminal enforcement of statutory and regulatory requirements that are unconstitutionally vague and do not give fair warning of their requirements. U.S. Const. Amend. V, XIV.

122. DNR's regulatory amendments (11 AAC 40.020 – 11 AAC 40.910), when coupled with *AS 11.71 et seq.* (Alaska criminal statutes for Misconduct Involving Controlled Substances), and clarified the DNR's press release that it is illegal for growers, manufacturers and retailers to sell industrial hemp that contains any delta-9-THC for human or animal consumption, make clear that currently Federally legal hemp producers and users and possessors of hemp products may suffer criminal charges, specifically for possession for controlled substances once endorsements and protections of hemp products are removed.

123. The intention of the DoAg is to no longer endorse and remove all endorsement for all products containing delta-9-THC for human consumption.

124. The amount of product endorsements to be immediately revoked is significant, after which possession of such products loses Federal protection, and risks the State of Alaska determining that possession is in violation of Alaska

criminal statutes.

125. A cursory review of the DoAg's 700+ endorsements¹² for Federally legal hemp products will show that hundreds of products risk having their endorsement immediately revoked on November 3, 2023.

126. The removal of these endorsements will leave tens of millions of dollars worth of investments made into the hemp industry valueless, and leave hemp producers currently in possession of in many cases in excess of \$100,000 worth of hemp to have criminal liability.

127. 11 AAC 40.800(5)-(6) as stated in previous paragraphs work in tandem to declare every hemp product a public nuisance injurious to public health and permitting the DoAg to order destroyed millions of dollars' worth of retail products.

128. The likelihood of the DoAg taking immediate action to destroy property owned by currently registrants with the State's Hemp program is real and not hypothetical, never specified in public notice or within the regulations themselves, and based upon DNR's October 5, 2023 press release attached, is clear – it is illegal to sell hemp products that contain delta-9-THC intended for human or animal consumption.

¹² Exhibit 6 – Spreadsheet of DoAg's endorsed hemp products
<https://plants.alaska.gov/hemp/pdf/resources/AIH%20Endorsed%20Products%20TODAY.pdf> (10/24/2023)

129. 11 AAC 40.910(13) defines "consumption" broadly to mean "any method of ingestion of or application to the body, including eating, drinking, inhaling, absorbing, or injecting"; thus all currently endorsed hemp products shall become illegal to sell.

130. The DNR alludes that it shall permit the sale of hemp paper, rope and linens, but the DoAg endorsement list of hemp based products includes no ropes or linens or textiles.

131. The DNR's lack of self-awareness about its own industry is a farce.

132. The currently endorsed products are all for human consumption and virtually all contain at least some trace amounts delta-9-THC; a cursory review of the endorsed products list shows this.¹³

133. If permitted to become effective, current registrants of the Alaska Industrial Hemp Program could very well face criminal charges as they will no longer be in possession of a Federally legal substance when their hemp licenses are revoked.

134. The regulatory amendments are silent and provide registrants and the public zero guidance with regard to the criminality of hemp possession after the regulations go into effect.

¹³ Exhibit 6 – spreadsheet of current endorsed hemp products
<https://plants.alaska.gov/hemp/pdf/resources/AIH%20Endorsed%20Products%20TODAY.pdf>

135. The Public Notice¹⁴ and the regulatory scheme was intentionally ambiguous as to whether or not the DoAg regulations were a prohibition of all hemp products containing delta-9-THC, or would be left to discretion.

136. Statements from the DNR make clear that the DNR and DoAg intend to prohibit endorsement of all hemp products containing any amount of delta-9-THC, which is virtually all products.

137. The public notice and the amended regulations are ambiguous as to potential criminality of possessors of hemp, as the products were not created in accordance with the AMCO regulations.

138. While public notice took place for the prescribed amount of time, neither Public Notice,¹⁵ nor the regulations were clear that the DoAg's intent was to remove endorsement of all hemp products.

139. As the public comment and amended regulations made no efforts to plainly state their goals, leaving average citizens in a state of having to completely guess their meaning, leaving plaintiffs and members of the public to suffer unknown criminal liability, and as the statements and opinions after-the-fact by the DNR through its press release, establish the true intent of the regulations to include "protections for the regulated cannabis industry" stating the position of the State of Alaska that "the Industrial Hemp Program was never intended to allow intoxicating

¹⁴ See generally Exhibit 6 – Public Notice of Dep't Nat. Res. Amended Regs (published 6/8/2023)

¹⁵ Id.

products, which are rightfully regulated for the recreational market in Alaska by the Alcohol & Marijuana Control Office,” plaintiffs request this court find the regulations constitutionally void for vagueness.

COUNT V – INJUNCTIVE RELIEF

140. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

141. Plaintiffs are likely to succeed on the merits of their challenge as the DNR openly violates the dormant commerce clause expressly stating the reasons for its regulations are purely protectionist of Alaska’s Federally illegal marijuana industry which aims to sell and tax products sold currently by Federally legal hemp producers, claiming all hemp products for human consumption to be a public nuisance injurious to public interest while the marijuana industry sells the same products – except they will be Federally illegal marijuana-based products.

142. Enjoining the protectionist regulatory scheme is in the public interest for multiple reasons, namely because stopping unconstitutional acts is always in the public interest.

143. Secondly, Alaskans have come to use Federally legal hemp products for reasons apart from recreation, mostly medicinal, and Alaskans will have to go to marijuana retailers to purchase similar products, that will inevitably be marijuana-based and Federally illegal.

144. Alaskan businesses will suffer irreparable harm if the amended regulations are not enjoined from going into effect, causing millions of dollars of

lost investments; the regulations also aim to completely kill a budding Federally legal industry.

145. If Alaska wished to stop regulating the production and sale of hemp, it should have resigned its application to the USDA; instead it takes protectionist actions contrary to the purposes of the 2018 Farm Bill and aims to remove from interstate commerce millions of dollars worth of federally legal products.

146. The State offers two reasons for its action, only after public comment on the amended regulations ended (1) protection of the children and (2) protection of the federally illegal marijuana industry – all the while providing no evidence to support either goal.

147. When harm to the plaintiffs outweighs the benefits to the State from its purported goals.

148. For these reasons and all reasons alleged, plaintiff request the court grant immediate temporary restraining order in accordance with the civil rules followed by a permanent injunction.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request that the court:

- (a) Set this matter for a prompt hearing on plaintiffs' request for a temporary restraining order;
- (b) Enter a judgment in their favor and against defendants;
- (c) Declare the DNR's amended regulations void in their entirety and declare all hemp-derived products that comply with the federal definition of hemp as

legal under federal law, and that Alaska's efforts to define hemp products as a public nuisance and prohibit their free flow in interstate commerce outside of the State of Alaska unconstitutionally preempts federal law;

(d) Declare that the DNR's amended regulations are in violation of the dormant commerce clause;

(e) Issue a temporary restraining order or preliminary injunction, later to be made permanent, enjoining defendants (including all persons in concert or participations with them, including but not limited to law enforcement personnel and prosecutors' offices) from enforcing the amended regulations ordered by the DNR to take effect November 3, 2023 and from taking any steps to criminalize the sale, possession, manufacture, financing, distribution, or transportation of hemp-derived cannabinoids that do not exceed 0.3% delta-9-THC on a dry weight basis;

(f) Award the plaintiffs their costs and attorneys' fees incurred bringing this action; and

(g) Award plaintiffs all other just and proper relief.

Dated: November 2, 2023.

Respectfully submitted,

A handwritten signature in black ink, reading "Christopher V. Hoke". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Christopher V. Hoke (1211098)
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Exhibit List - Complaint

- Exhibit 1 – USDA Exec. Summary of New Hemp Authorities (5/28/2019)
- Exhibit 2 - Amended DNR Regulations 11 AAC 40.010-910 (9/23/2023)
- Exhibit 3 – Dep’t of Law – Letter to L. Gov. Nancy Dahlstrom (9/29/2023)
- Exhibit 4 – DNR Press Release (10/5/2023)
- Exhibit 5 – Spreadsheet of most recent Hemp Program Registrants (10/24/2023)
- Exhibit 6 – Spreadsheet of Hemp Program “Endorsed Products” (10/23/2023)
- Exhibit 7 – Public Notice (6/8/2023)

Affidavits

- Affidavit 1 – Joey Bressor
- Affidavit 2 – David Smith
- Affidavit 3 - Anthony Dellpietro
- Affidavit 4 - Danny Ferguson (anticipated to supplement asap)
- Affidavit 5 – Shawn McDonough (anticipated to supplement asap)

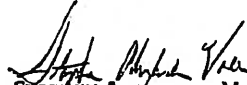
Exhibits
1-7



United States
Department of
Agriculture

Office of the
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D.C.
20250-1400


STEPHEN ALEXANDER VADEN
GENERAL COUNSEL

May 28, 2019

MEMORANDUM

SUBJECT: EXECUTIVE SUMMARY OF NEW HEMP AUTHORITIES

On December 20, 2018, President Trump signed into law the Agriculture Improvement Act of 2018, Pub. L. 115-334 (2018 Farm Bill). The 2018 Farm Bill legalized hemp production for all purposes within the parameters laid out in the statute.

The Office of the General Counsel (OGC) has issued the attached legal opinion to address questions regarding several of the hemp-related provisions of the 2018 Farm Bill, including: a phase-out of the industrial hemp pilot authority in the Agricultural Act of 2014 (2014 Farm Bill) (**Section 7605**); an amendment to the Agricultural Marketing Act of 1946 to allow States and Indian tribes to regulate hemp production or follow a Department of Agriculture (USDA) plan regulating hemp production (**Section 10113**); a provision ensuring the free flow of hemp in interstate commerce (**Section 10114**); and the removal of hemp from the Controlled Substances Act (**Section 12619**).

The key conclusions of the OGC legal opinion are the following:

1. As of the enactment of the 2018 Farm Bill on December 20, 2018, hemp has been removed from schedule I of the Controlled Substances Act and is no longer a controlled substance.
2. After USDA publishes regulations implementing the new hemp production provisions of the 2018 Farm Bill contained in the Agricultural Marketing Act of 1946, States and Indian tribes may not prohibit the interstate transportation or shipment of hemp lawfully produced under a State or Tribal plan or under a license issued under the USDA plan.
3. States and Indian tribes also may not prohibit the interstate transportation or shipment of hemp lawfully produced under the 2014 Farm Bill.
4. A person with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on producing hemp under the Agricultural Marketing Act of 1946. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill **before December 20, 2018**, and whose conviction also occurred before that date.

MEMORANDUM

May 28, 2019

Page 2

With the enactment of the 2018 Farm Bill, hemp may be grown only (1) with a valid USDA-issued license, (2) under a USDA-approved State or Tribal plan, or (3) under the 2014 Farm Bill industrial hemp pilot authority. That pilot authority will expire one year after USDA establishes a plan for issuing USDA licenses under the provisions of the 2018 Farm Bill.

It is important for the public to recognize that the 2018 Farm Bill preserves the authority of States and Indian tribes to enact and enforce laws regulating the **production** of hemp that are more stringent than Federal law. Thus, while a State or an Indian tribe cannot block the shipment of hemp through that State or Tribal territory, it may continue to enforce State or Tribal laws prohibiting the growing of hemp in that State or Tribal territory.

It is also important to emphasize that the 2018 Farm Bill does not affect or modify the authority of the Secretary of Health and Human Services or Commissioner of Food and Drugs to regulate hemp under applicable U.S. Food and Drug Administration (FDA) laws.

USDA expects to issue regulations implementing the new hemp production authorities in 2019.

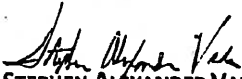
Attachment



United States
Department of
Agriculture

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STEPHEN ALEXANDER VADEN
GENERAL COUNSEL

May 28, 2019

MEMORANDUM FOR SONNY PERDUE
SECRETARY OF AGRICULTURE

SUBJECT: LEGAL OPINION ON CERTAIN PROVISIONS OF THE
AGRICULTURE IMPROVEMENT ACT OF 2018 RELATING TO
HEMP

This memorandum provides my legal opinion on certain provisions of the Agriculture Improvement Act of 2018 ("2018 Farm Bill"), Pub. L. No. 115-334, relating to hemp.

As explained below, this memorandum concludes the following:

1. As of the enactment of the 2018 Farm Bill on December 20, 2018, hemp has been removed from schedule I of the Controlled Substances Act ("CSA") and is no longer a controlled substance. Hemp is defined under the 2018 Farm Bill to include any cannabis plant, or derivative thereof, that contains not more than 0.3 percent delta-9 tetrahydrocannabinol ("THC") on a dry-weight basis.
2. After the Department of Agriculture ("USDA" or "Department") publishes regulations implementing the hemp production provisions of the 2018 Farm Bill contained in subtitle G of the Agricultural Marketing Act of 1946 ("AMA"), States and Indian tribes may not prohibit the interstate transportation or shipment of hemp lawfully produced under a State or Tribal plan or under a license issued under the Departmental plan.
3. States and Indian tribes may not prohibit the interstate transportation or shipment of hemp lawfully produced under the Agricultural Act of 2014 ("2014 Farm Bill").
4. A person with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on producing hemp under subtitle G of the AMA. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE

May 28, 2019

Page 2

This memorandum also emphasizes two important aspects of the 2018 Farm Bill provisions relating to hemp. First, the 2018 Farm Bill preserves the authority of States and Indian tribes to enact and enforce laws regulating the **production** (but not the interstate transportation or shipment) of hemp that are more stringent than Federal law. For example, a State law prohibiting the growth or cultivation of hemp may continue to be enforced by that State. Second, the 2018 Farm Bill does not affect or modify the authority of the Secretary of Health and Human Services or Commissioner of Food and Drugs under applicable U.S. Food and Drug Administration laws.

I. BACKGROUND

The 2018 Farm Bill, Pub. L. No. 115-334, enacted on December 20, 2018, includes several provisions relating to hemp.¹ This legal opinion focuses on sections 7605, 10113, 10114, and 12619, summarized below.

- **Section 7605** amends section 7606 of the 2014 Farm Bill (7 U.S.C. § 5940), which authorizes institutions of higher education or State departments of agriculture to grow or cultivate industrial hemp under certain conditions — namely, if the hemp is grown or cultivated for research purposes in a State that allows hemp production. Among other things, section 7605 amends 2014 Farm Bill § 7606 to require the Secretary of Agriculture (“Secretary”) to conduct a study of these hemp research programs and submit a report to Congress. Section 7605 also repeals 2014 Farm Bill § 7606, effective one year after the date on which the Secretary establishes a plan under section 297C of the AMA.²
- **Section 10113** amends the AMA by adding a new subtitle G (sections 297A through 297E) (7 U.S.C. §§ 1639o – 1639s) relating to hemp production. Under this new authority, a State or Indian tribe that wishes to have primary regulatory authority over the production of hemp in that State or territory of that Indian tribe may submit, for the approval of the Secretary, a plan concerning the monitoring and regulation of such hemp production. *See* AMA § 297B. For States or Indian tribes that do not have approved plans, the Secretary is directed to establish a Departmental plan concerning the monitoring and regulation of hemp production in those areas. *See* AMA § 297C. The

¹ The 2014 Farm Bill defines “industrial hemp” as “the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 5940(a)(2). The 2018 Farm Bill added a new, slightly different definition of “hemp” in section 297A of the AMA, defined as “the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 1639o(1). Both definitions require a THC concentration of not more than 0.3 percent for a *Cannabis sativa* L. plant to be considered hemp versus marijuana. For purposes of this legal opinion, I use the terms “hemp” and “industrial hemp” interchangeably.

² The Conference Report accompanying the 2018 Farm Bill explains the effect of the repeal as follows: “The provision also repeals the hemp research pilot programs one year after the Secretary publishes a final regulation allowing for full-scale commercial production of hemp as provided in section 297C of the [AMA].” H.R. REP. NO. 115-1072, at 699 (2018).

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Secretary is also required to promulgate regulations and guidelines implementing subtitle G. *See* AMA § 297D. The new authority also provides definitions (*see* AMA § 297A) and an authorization of appropriations (*see* AMA § 297E).

- **Section 10114** (7 U.S.C. § 1639o note) is a freestanding provision stating that nothing in title X of the 2018 Farm Bill prohibits the interstate commerce of hemp or hemp products. Section 10114 also provides that States and Indian tribes shall not prohibit the interstate transportation or shipment of hemp or hemp products produced in accordance with subtitle G through the State or territory of the Indian tribe.
- **Section 12619** amends the CSA to exclude hemp from the CSA definition of marijuana. Section 12619 also amends the CSA to exclude THC in hemp from Schedule I.³

In passing the 2018 Farm Bill, Congress legalized hemp production for all purposes within the parameters of the statute but reserved to the States and Indian tribes authority to enact and enforce more stringent laws regulating production of hemp.

II. ANALYSIS

A. As of the Enactment of the 2018 Farm Bill on December 20, 2018, Hemp Has Been Removed from Schedule I of the Controlled Substances Act and Is No Longer a Controlled Substance.

CSA § 102(6) defines “controlled substance” to mean “a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this title. . . .” 21 U.S.C. § 802(6). Marijuana⁴ is a controlled substance listed in schedule I of the CSA. *See* CSA § 202(c)(10), schedule I (21 U.S.C. § 812(c), Schedule I (c)(10)); 21 C.F.R. § 1308.11(d)(23).

The 2018 Farm Bill amended the CSA in two ways.

- First, 2018 Farm Bill § 12619(a) amended the CSA definition of marijuana to exclude hemp. Before enactment of the 2018 Farm Bill, CSA § 102(16) (21 U.S.C. § 802(16)) defined marijuana as follows:

(16) The term ‘marihuana’ means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake,

³ For additional background on hemp production prior to enactment of the 2018 Farm Bill, *see* Congressional Research Service, “Hemp as an Agricultural Commodity” (RL32725) (updated July 9, 2018), *available at* <https://crsreports.congress.gov/product/pdf/RL/RL32725>.

⁴ This opinion uses the common spelling of “marijuana” except when quoting the CSA, which uses the “marihuana” spelling.

or the sterilized seed of such plant which is incapable of germination.

As amended by the 2018 Farm Bill, the CSA definition of marijuana now reads:

(A) Subject to subparagraph (B), the term 'marihuana' means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

(B) The term 'marihuana' does not include—

(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946; or

(ii) the mature stalks⁶ of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

- Second, 2018 Farm Bill § 12619(b) amended the CSA to exclude THC in hemp from the term "tetrahydrocannabinols" in schedule I. As amended by the 2018 Farm Bill, CSA § 202(c)(17), schedule I (21 U.S.C. § 812(c)(17), schedule I) now reads:

Tetrahydrocannabinols, except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946).

By amending the definition of marijuana to exclude hemp as defined in AMA § 297A, Congress has removed hemp from schedule I and removed it entirely from the CSA. In other words, hemp is no longer a controlled substance. Also, by amending schedule I to exclude THC in hemp, Congress has likewise removed THC in hemp from the CSA.

It is important to note that this decontrolling of hemp (and THC in hemp) is self-executing. Although the CSA implementing regulations must be updated to reflect the 2018 Farm Bill amendments to the CSA, neither the publication of those updated regulations nor any other action is necessary to execute this removal.

I address here two principal objections to the view that the decontrolling of hemp is self-executing. The first objection is that, because regulations have not been published under CSA § 201, the legislative changes to schedule I regarding hemp are not effective. This objection is not valid.

The typical process for amending the CSA schedules is through rulemaking. Under CSA § 201(a), the Attorney General "may by rule" add to, remove from, or transfer between the schedules, any drugs or other substances upon the making of certain findings. 21 U.S.C. § 811(a). However, the schedules also can be amended directly by Congress through changes to the statute; and Congress has done so several times.⁵

⁵ See, e.g., Pub. L. 112-144, § 1152 (amending schedule I to add cannabimimetic agents); Pub. L. 101-647, § 1902(a) (amending schedule III to add anabolic steroids).

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The second objection is that, because the legislative changes to schedule I regarding hemp are not yet reflected in 21 C.F.R. § 1308.11, the removal is not yet effective. This objection also is not valid.

It is axiomatic that statutes trump regulations. *See Nat'l Family Planning & Reprod. Health Ass'n, Inc. v. Gonzales*, 468 F.3d 826, 829 (D.C. Cir. 2006) (“[A] valid statute always prevails over a conflicting regulation[.]”). Congress established the five CSA schedules in statute, providing that “[s]uch schedules shall initially consist of the substances listed in this section.” 21 U.S.C. § 812(a).⁶ Congress further provided that “[t]he schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after October 27, 1970, and shall be updated and republished on an annual basis thereafter.” 21 U.S.C. § 812(a). The requirement to update and republish the schedules, however, is not a prerequisite to the effectiveness of the schedules “established by [the statute].” *Id.* In other words, where Congress itself amends the schedules to add or remove a controlled substance, the addition or removal of that controlled substance is effective immediately on enactment (absent some other effective date in the legislation); its addition to or removal from a schedule is not dependent on rulemaking.⁷

To illustrate, Congress amended the CSA in 2012 to add “cannabimimetic agents” to schedule I. That amendment was enacted as part of the Synthetic Drug Abuse Prevention Act of 2012 (Pub. L. 112-144, title XI, subtitle D), which was signed into law on July 9, 2012. Almost six months later, the Drug Enforcement Administration (“DEA”) published a final rule establishing the drug codes for the cannabimimetic agents added to schedule I by Congress and making other conforming changes to schedule I as codified in 21 C.F.R. § 1308.11. *See* 78 Fed. Reg. 664 (Jan. 4, 2013). In explaining why notice-and-comment rulemaking was unnecessary, DEA noted that “the placement of these 26 substances in Schedule I **has already been in effect since July 9, 2012.**” *Id.* at 665 (emphasis added). In other words, the legislative changes to schedule I were effective immediately upon enactment. The reflection of those changes in 21 C.F.R. § 1308.11, although required by 21 U.S.C. § 812(a), was not necessary for the execution of those changes to schedule I.

Accordingly, enactment of the 2018 Farm Bill accomplished the removal of hemp (and THC in hemp⁸) from the CSA. Conforming amendments to 21 C.F.R. § 1308.11, while required as part

⁶ “Marihuana” and “Tetrahydrocannabinols” were both included in the initial schedule I established by Congress in 1970.

⁷ *Cf. United States v. Huerta*, 547 F.2d 545, 547 (10th Cir. 1977) (“[F]ailure to publish the ‘updated’ schedules as required by Section 812(a) had no effect upon the validity of those substances initially listed in the five schedules.”); *United States v. Monroe*, 408 F. Supp. 270, 274 (N.D. Cal. 1976) (“Thus, while section 812(a) clearly orders the controlled substance schedules to be republished, it is clear that Congress did not intend republication to serve as a reissuance of the schedules, which if done improperly would cause those schedules to lapse and expire. . . . [T]he requirement that the schedules, once ‘updated,’ be ‘republished’ was solely for the purpose of establishing one list which would reflect all substances which were currently subject to the Act’s provisions. . . .”).

⁸ Schedule I, as published in 21 C.F.R. § 1308.11, includes a definition of “tetrahydrocannabinols” in paragraph (d)(31) that does not appear in the CSA. Notwithstanding the presence of that definition in the current regulations, I

of DEA's continuing obligation to publish updated schedules, are not necessary to execute the 2018 Farm Bill changes to schedule I.⁹

B. After the Department of Agriculture Publishes Regulations Implementing the Hemp Production Provisions of the 2018 Farm Bill Contained in Subtitle G of the Agricultural Marketing Act of 1946, States and Indian Tribes May Not Prohibit the Interstate Transportation or Shipment of Hemp Lawfully Produced Under a State or Tribal Plan or Under a License Issued Under the Departmental Plan.

AMA § 297D(a)(1)(A) directs the Secretary to issue regulations and guidelines "as expeditiously as possible" to implement subtitle G of the AMA. 7 U.S.C. § 1639r(a)(1)(A). These regulations will address the approval of State and Tribal plans under AMA § 297B and the issuance of licenses under the Departmental plan under AMA § 297C. As explained below, once these regulations are published, States and Indian tribes may not prohibit the transportation or shipment of hemp (including hemp products) produced in accordance with an approved State or Tribal plan or produced under a license issued under the Departmental plan.

Transportation of hemp is addressed in 2018 Farm Bill § 10114.¹⁰ Subsection (a) provides:

(a) RULE OF CONSTRUCTION.—Nothing in this title or an amendment made by this title prohibits the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (as added by section 10113)) or hemp products.

7 U.S.C. § 1639o note. This provision states that nothing in title X of the 2018 Farm Bill

is of the opinion that THC in hemp is excluded from THC as a schedule I controlled substance under the CSA by virtue of the 2018 Farm Bill amendments.

⁹ Schedule I, as reflected in 21 C.F.R. § 1308.11, includes a separate listing of "marihuana extract" in paragraph (d)(58). Marijuana extract is not reflected in schedule I in the statute because it was added after 1970 by regulation under CSA § 201. The term "marihuana extract" is defined in regulation as "an extract containing one or more cannabinoids that has been derived from any plant of the genus *Cannabis*, other than the separated resin (whether crude or purified) obtained from the plant." The 2018 Farm Bill amended the definition of "marihuana" to exclude hemp, but because the regulatory definition of "marihuana extract" in schedule I does not use the words "marihuana" or "tetrahydrocannabinols" to define the term, a question arises whether hemp extract is still considered to be listed as a schedule I controlled substance. While the issue is not further addressed in this opinion, I think that the revised statutory definition of "marihuana" has effectively removed hemp extract from schedule I, and that reflecting such in 21 C.F.R. § 1308.11(d)(58) would be merely a conforming amendment.

¹⁰ Hemp transportation is also addressed in annual appropriations acts, which restrict Federal appropriated funds from being used to prohibit the transportation of hemp. However, those provisions are limited in scope because they address only hemp produced under the 2014 Farm Bill authority, and they address only Federal government actions. That is, while the provisions prohibit Federal actors from blocking the transportation of so-called "2014 Farm Bill hemp," they do not restrict State action in that regard. See Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2019, Pub. L. 116-6, div. B, § 728 (prohibiting funds made available by that Act or any other Act from being used in contravention of 2014 Farm Bill § 7606 or "to prohibit the transportation, processing, sale, or use of industrial hemp, or seeds of such plant, that is grown or cultivated in accordance with [2014 Farm Bill § 7606], within or outside the State in which the industrial hemp is grown or cultivated"). See also Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019, Pub. L. 116-6, div. C, § 536 ("None of the funds made available by this Act may be used in contravention of [2014 Farm Bill § 7606] by the Department of Justice or the Drug Enforcement Administration.").

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prohibits the interstate commerce of hemp. However, this provision, standing alone, does not have the effect of sanctioning the transportation of hemp in States or Tribal areas where such transportation is prohibited under State or Tribal law.

Subsection (b), however, specifically prohibits States and Indian tribes from prohibiting the transportation of hemp through that State or Tribal territory. Subsection (b) provides:

(b) TRANSPORTATION OF HEMP AND HEMP PRODUCTS.—No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.

7 U.S.C. § 1639o note. In effect, this provision preempts State law to the extent such State law prohibits the interstate transportation or shipment of hemp that has been produced in accordance with subtitle G of the AMA.

As a matter of constitutional law, “[t]he Supremacy Clause provides a clear rule that federal law ‘shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any [S]tate to the Contrary notwithstanding. . . .’ Under this principle, Congress has the power to preempt [S]tate law.” *Arizona v. United States*, 567 U.S. 387, 398-99 (2012) (citing U.S. Const. art. VI, cl. 2). “Under the doctrine of federal preemption, a federal law supersedes or supplants an inconsistent [S]tate law or regulation.” *United States v. Zadeh*, 820 F.3d 746, 751 (5th Cir. 2016).

Federal courts generally recognize three categories of preemption: (1) express preemption (where Congress “withdraw[s]” powers from the State through an “express preemption provision”);¹¹ (2) field preemption (where States are “precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance”);¹² and conflict preemption (where State laws are preempted when they conflict with Federal law, which includes situations “where ‘compliance with both federal and [S]tate regulations is a physical impossibility’” or situations “where the challenged [S]tate law ‘stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress’”).¹³ *Arizona*, 567 U.S. at 399-400 (citations omitted); *see also Zadeh*, 820 F.3d at 751.

¹¹ *See, e.g.*, 7 U.S.C. § 1639i(b) (“(b) Federal preemption.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering.”).

¹² *See, e.g., Pac. Gas & Elec. Co. v. State Energy Res. Conservation & Dev. Comm’n*, 461 U.S. 190, 212 (“[T]he federal government has occupied the entire field of nuclear safety concerns, except the limited powers expressly ceded to the [S]tates.”).

¹³ *See, e.g.*, 21 U.S.C. § 903 (“No provision of this subchapter shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is

Section 10114(b) of the 2018 Farm Bill satisfies the definition of conflict preemption because a State law prohibiting the interstate transportation or shipment of hemp or hemp products that have been produced in accordance with subtitle G of the AMA would be in direct conflict with section 10114(b), which provides that no State may prohibit such activity.¹⁴ Therefore, any such State law has been preempted by Congress. The same result applies to Indian tribes.¹⁵

In sum, once the implementing regulations are published, States and Indian tribes may not prohibit the shipment of hemp lawfully produced under an approved State or Tribal plan or under a license issued under the Departmental plan.

C. States and Indian Tribes May Not Prohibit the Interstate Transportation or Shipment of Hemp Lawfully Produced Under the Agricultural Act of 2014.

Because the 2018 Farm Bill does not immediately repeal the hemp pilot authority in 2014 Farm Bill § 7606 — and because the publication of regulations implementing the hemp production provisions of the 2018 Farm Bill will likely not occur until later in 2019 — the question arises whether States and Indian tribes are prohibited from blocking the interstate transportation or shipment of hemp (including hemp products) lawfully produced under the 2014 Farm Bill. The answer depends on the meaning of the phrase “in accordance with subtitle G of the Agricultural Marketing Act of 1946” in 2018 Farm Bill § 10114(b) (7 U.S.C. § 1639o note). Only hemp produced in accordance with subtitle G is covered by the preemption provision discussed above. As explained below, it is my opinion that the answer to this question is yes, by operation of AMA § 297B(f).

AMA § 297B(f) states the legal effect of the provisions authorizing States and Indian tribes to develop plans for exercising primary regulatory authority over the production of hemp within that State or territory of the Indian tribe. Specifically, section 297B(f) provides:

(f) EFFECT.—Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe—

(1) for which a State or Tribal plan is not approved under this section, if the production of hemp is in accordance with section 297C or other Federal laws (including regulations); and

(2) if the production of hemp is not otherwise prohibited by the State or Indian tribe.

a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.”).

¹⁴ Alternatively, section 10114(b) might be considered an express preemption provision because the statute expressly withdraws the power of a State to prohibit the transportation or shipment of hemp or hemp products through the State.

¹⁵ AMA § 297B(a)(3) contains an anti-preemption provision stating that nothing in § 297B(a) “preempts or limits any law of a State or Indian tribe” that “regulates the production of hemp” and “is more stringent than [subtitle G].” 7 U.S.C. § 1639p(a)(3). However, that anti-preemption provision is limited to the production of hemp — not the transportation or shipment of hemp — and thus does not conflict with 2018 Farm Bill § 10114(b).

7 U.S.C. § 1639p(f) (emphasis added).

This provision addresses the production of hemp in a State or Tribal territory for which the State or tribe does not have an approved plan under AMA § 297B. This provision acknowledges that, in such a scenario, the production of hemp in that State or Tribal territory is still permissible if it is produced **either** in accordance with the Departmental plan under AMA § 297C **or** in accordance with other Federal laws, and the State or tribe does not otherwise prohibit its production.

The plain language of subtitle G of the AMA, as added by the 2018 Farm Bill, thus clearly contemplates a scenario¹⁶ in which hemp is neither produced under an approved 297B plan nor under a license issued under the Department's 297C plan, but is still legally produced under "other Federal laws." It is my opinion that "other Federal laws" encompasses 2014 Farm Bill § 7606.¹⁶

To my knowledge, before enactment of 2014 Farm Bill § 7606, the CSA was the only Federal law that authorized the production of hemp. Indeed, the production of hemp — as the "manufacture" of a schedule I controlled substance — was generally prohibited under the CSA except to the extent authorized under a registration or waiver under the CSA. *See* 21 U.S.C. §§ 802(15), 802(22), 822, and 823; 21 C.F.R. part 1301. Given (1) the removal of hemp as a controlled substance under the CSA, (2) the delayed repeal of the 2014 Farm Bill § 7606 authority, and (3) the enactment of the new hemp production authorities in subtitle G of the AMA, it is my opinion that "other Federal laws" refers to the provisions of 2014 Farm Bill § 7606, which are still in effect. Such an interpretation gives immediate effect to the phrase "other Federal laws." It is a "cardinal principle of interpretation that courts must give effect, if possible, to every clause and word of a statute." *See, e.g., Loughrin v. United States*, 573 U.S. 351, 358 (2014) (internal quotations and citations omitted).

Therefore, reading AMA § 297B(f) in harmony with 2018 Farm Bill § 10114(b), if the hemp is legally produced in accordance with 2014 Farm Bill § 7606 ("other Federal law"), then, by virtue of AMA § 297B(f), its production is not prohibited. Such hemp would have been produced "in accordance with subtitle G," which specifically addresses just such a scenario, as AMA § 297B(f) is part of subtitle G. Accordingly, under 2018 Farm Bill § 10114(b), a State or Indian

¹⁶ That Congress envisioned such a scenario is apparent given the language in 2018 Farm Bill § 7605(b) delaying the repeal of 2014 Farm Bill § 7606 until 12 months after the Secretary establishes the 297C plan. Accordingly, this interpretation is not precluded by AMA § 297C(c)(1), which provides: "[i]n the case of a State or Indian tribe for which a State or Tribal plan is not approved under section 297B, it shall be unlawful to produce hemp in that State or the territory of that Indian tribe without a license issued by the Secretary under subsection (b)." Given the reference to "or other Federal laws" in AMA § 297B(f)(1) — and the fact that 2014 Farm Bill § 7606 is still in effect — it would be an absurd reading of AMA § 297C(c)(1) to conclude that hemp produced in accordance with Federal law (2014 Farm Bill § 7606) is, at the same time, unlawful without a separate license issued by the Secretary under the 297C plan. As courts have long recognized, statutory interpretations that "produce absurd results are to be avoided if alternative interpretations consistent with the legislative purpose are available." *Griffin v. Oceanic Contractors, Inc.*, 458 U.S. 564, 575 (1982).

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tribe may not prohibit the transportation or shipment of so-called “2014 Farm Bill hemp” through that State or Tribal territory.¹⁷

Recent Developments

I acknowledge that this conclusion is in tension with a recent decision in a case in the District of Idaho, but it also is consistent with a recent decision in a case in the Southern District of West Virginia. Neither court addressed the “other Federal laws” language in AMA § 297B(f)(1), which I find conclusive.

In *Big Sky Scientific LLC v. Idaho State Police*, Case No. 19-CV-00040 (D. Idaho), a magistrate judge found that a shipment of Oregon hemp bound for Colorado and interdicted by Idaho State Police could not have been produced “in accordance with subtitle G” because the State of origin does not yet have an approved plan under AMA § 297B and the Secretary has not yet established a plan under AMA § 297C.¹⁸ The magistrate acknowledged Oregon law authorizing the cultivation of hemp, noting the plaintiff’s assertion that the hemp was produced by a grower licensed by the Oregon Department of Agriculture (and, thus, presumably in compliance with 2014 Farm Bill § 7606 requirements).¹⁹ However, in denying the plaintiff’s motion for a preliminary injunction, the magistrate concluded that, in enacting the 2018 Farm Bill, Congress intended to “create a regulatory framework around the production and interstate transportation of hemp for purposes of federal law, and that framework is to be contained in the federal (or compliant [S]tate or [T]ribal) plan for production of hemp found in the 2018 Farm Bill.”²⁰ Although the 2018 Farm Bill allows hemp to be transported across State lines, the magistrate found those interstate commerce protections apply only to hemp produced under regulations promulgated under the authority of the 2018 Farm Bill.²¹ Therefore, because those regulations do not yet exist, the interdicted hemp is subject to Idaho law prohibiting its transportation.

USDA is not a party in the *Big Sky* case, and this office does not concur with the reasoning of the magistrate regarding the shipment of hemp lawfully produced under the 2014 Farm Bill. In

¹⁷ This conclusion seems to be supported in the legislative history as well. In explaining the effect of the preemption provision, the Conference Report states: “While [S]tates and Indian tribes may limit the production and sale of hemp and hemp products within their borders, the Managers, in Sec. 10112 [sic], agreed to not allow [S]tates and Indian tribes to limit the transportation or shipment of hemp or hemp products through the [S]tate or Indian territory.” H.R. REP. NO. 115-1072, at 738 (2018). Notably, the Managers referred to hemp generally, not merely hemp produced under a plan developed under subtitle G of the AMA.

¹⁸ See *Big Sky*, ECF Doc. #32, Memorandum Decision and Order Re: Plaintiff’s Motion for Preliminary Injunction; see also ECF Doc. #6, Memorandum Decision and Order Re: Plaintiff’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction and Plaintiff’s Motion to File Overlength Brief (available at 2019 WL 438336 (Feb. 2, 2019)).

¹⁹ *Big Sky*, ECF Doc. #32, at 5, 7-8.

²⁰ *Id.* at 3.

²¹ *Id.* at 19-26.

interpreting the statutory language, the magistrate correctly noted the well-recognized principle of statutory construction that statutes should not be interpreted “in a manner that renders other provisions of the same statute inconsistent, meaningless, or superfluous.”²² However, seemingly ignoring that guiding principle of interpretation, the magistrate did not address the effect of the “other Federal laws” language in AMA § 297B(f) or attempt to give that language any meaning. The Idaho court failed to read the statute as a whole and did not consider the “other Federal laws” clause that I find conclusive. Given the preliminary nature of the magistrate’s ruling, I find his opinion denying a preliminary injunction unpersuasive.²³

Conversely, the interpretation of 2018 Farm Bill § 10114 advanced by this legal opinion is consistent with a decision issued in the Southern District of West Virginia. In *United States v. Mallory*, Case No. 18-CV-1289 (S.D. W. Va.), the Department of Justice filed a civil action to seize hemp allegedly grown in violation of the CSA and also outside the scope of the 2014 Farm Bill. At issue in that case was hemp purportedly grown by a producer licensed by the State of West Virginia under a 2014 Farm Bill § 7606 pilot program, where the hemp seeds were shipped from a Kentucky supplier licensed by the Commonwealth of Kentucky under a 2014 Farm Bill § 7606 pilot program. The court relied on a combination of laws — the 2014 Farm Bill, the appropriations acts provisions,²⁴ and the 2018 Farm Bill — to dissolve a preliminary injunction against the defendant²⁵ and to dismiss entirely the government’s case.²⁶ In dissolving the preliminary injunction, the court permitted the defendants to transport the hemp product across State lines to Pennsylvania for processing and sale.²⁷

Although the *Mallory* court did not have occasion to address any State attempts to block the transportation of hemp, the court did reference 2018 Farm Bill § 10114, noting that it “expressly allows hemp, its seeds, and hemp-derived products to be transported across State lines.”²⁸ The district judge’s opinion addressed hemp produced under 2014 Farm Bill § 7606 and not hemp produced under State, Tribal, or Departmental plans. The conclusion reached by the *Mallory* court is consistent with my interpretation that States cannot block the shipment of hemp, whether

²² *Id.* at 21-22 (citing *Padash v. I.N.S.*, 258 F.3d 1161, 1170-71 (9th Cir. 2004)). The magistrate continued:

It is a cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant. . . . It is our duty to give effect, if possible, to every clause and word of a statute.

Id. at 23 (internal quotations and citations omitted).

²³ Indeed, the magistrate’s ruling is under appeal. See *Big Sky Sci. LLC v. Bennetts*, Case No. 19-35138 (9th Cir.).

²⁴ See *supra* footnote 10.

²⁵ *Mallory*, ECF Doc. #60, Memorandum Opinion and Order, 2019 WL 252530 (S.D. W. Va. Jan. 17, 2019).

²⁶ *Mallory*, ECF Doc. #72, Memorandum Opinion and Order, 2019 WL 1061677 (S.D. W. Va. Mar. 6, 2019).

²⁷ *Mallory*, ECF Doc. #60, 2019 WL 252530, at *3.

²⁸ *Mallory*, ECF Doc. #72, 2019 WL 1061677, at *6.

that hemp is produced under the 2014 Farm Bill or under a State, Tribal, or Departmental plan under the 2018 Farm Bill. It is also a final judgment of the Southern District of West Virginia court, and not a preliminary ruling as with the District of Idaho magistrate's opinion.²⁹

In matters of statutory interpretation, the text of the statute governs. One must read that text in its entirety and give every word meaning. The reference to "other Federal laws" must be given meaning, and that language clearly refers to the Federal law that currently authorizes the production of hemp — 2014 Farm Bill § 7606. Therefore, hemp produced under that pilot authority is hemp produced in accordance with subtitle G of the AMA. States and Indian tribes may not prohibit the transportation or shipment of such hemp through that State or Tribal territory.

D. The 2018 Farm Bill Places Restrictions on the Production of Hemp by Certain Felons.

The 2018 Farm Bill added a new provision addressing the ability of convicted felons to produce hemp. The 2014 Farm Bill is silent on the issue. AMA § 297B(e)(3)(B) (hereafter, "Felony provision"), as added by the 2018 Farm Bill, provides:

(B) FELONY.—

(i) **IN GENERAL.**—Except as provided in clause (ii), any person convicted of a felony relating to a controlled substance under State or Federal law before, on, or after the date of enactment of this subtitle shall be ineligible, during the 10-year period following the date of the conviction—

(I) to participate in the program established under this section or section 297C; and

(II) to produce hemp under any regulations or guidelines issued under section 297D(a).

(ii) **EXCEPTION.**—Clause (i) shall not apply to any person growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) before the date of enactment of this subtitle.

7 U.S.C. § 1639p(e)(3)(B) (emphasis added). The references to "the date of enactment of this subtitle" are to subtitle G of the AMA, as added by section 10113 of 2018 Farm Bill. Therefore, the "date of enactment of this subtitle" is the date of enactment of the 2018 Farm Bill — December 20, 2018.

In explaining the Felony provision, the Conference Report notes:

Any person convicted of a felony relating to a controlled substance shall be ineligible to participate under the [S]tate or [T]ribal plan for a 10-year period following the date of the conviction. However, this prohibition shall not apply to producers who have been lawfully participating in a [S]tate hemp pilot program as authorized by the Agricultural Act of 2014, prior to enactment of this subtitle. Subsequent felony convictions after the date of enactment of this subtitle will trigger a 10-year

²⁹ *Mallory*, ECF Doc. #72, 2019 WL 1061677, at *9 (denying the United States' motion to amend and granting the defendants' motion to dismiss). *Big Sky*, ECF Doc. #32, at 28 (denying the plaintiff's motion for preliminary injunction and noting that the court will separately issue an order setting a scheduling conference to govern the case going forward).

nonparticipation period regardless of whether the producer participated in the pilot program authorized in 2014.

H.R. REP. NO. 115-1072, at 737 (2018).

In sum, a person convicted of a State or Federal felony relating to a controlled substance — regardless of when that conviction occurred — is ineligible to produce hemp under subtitle G of the AMA for a period of 10 years following the date of the conviction. An exception exists in clause (ii) of the Felony provision that applies to a person who was lawfully producing hemp under the 2014 Farm Bill **before December 20, 2018**, and who had been convicted of a felony relating to a controlled substance before that date. States and Indian tribes now have a responsibility to determine whether a person wishing to produce hemp in that State or Tribal territory has any Federal or State felony convictions relating to controlled substances that would make that person ineligible to produce hemp.

III. OTHER ISSUES

There are two additional important aspects of this issue that should be emphasized.

First, the 2018 Farm Bill preserves the authority of States and Indian tribes to enact and enforce laws regulating the production of hemp that are more stringent than Federal law. *See* AMA § 297B(a)(3) (7 U.S.C. § 1639p(a)(3)) (“Nothing in this subsection preempts or limits any law of a State or Indian tribe that . . . (i) regulates the production of hemp; and (ii) is more stringent than this subtitle.”). For example, a State may continue to prohibit the growth or cultivation of hemp in that State.³⁰ As discussed above, however, while a State or Indian tribe may prohibit the production of hemp, it may not prohibit the interstate shipment of hemp that has been produced in accordance with Federal law.

Second, the 2018 Farm Bill does not affect or modify the authority of the Secretary of Health and Human Services (“HHS Secretary”) or Commissioner of Food and Drugs (“FDA Commissioner”) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) and section 351 of the Public Health Service Act (42 U.S.C. § 262). *See* AMA § 297D(c) (7 U.S.C. § 1639r(c)). While AMA § 297D(b) provides that the Secretary of Agriculture shall have “sole authority” to issue Federal regulations and guidelines that relate to the production of hemp, this authority is subject to the authority of the HHS Secretary and FDA Commissioner to promulgate Federal regulations and guidelines under those FDA laws. 7 U.S.C. § 1639r(b).

³⁰ Certain states continue to prohibit the cultivation of hemp. *See* National Conference of State Legislatures, “State Industrial Hemp Statutes,” available at <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx#state> (updated Feb. 1, 2019).

IV. CONCLUSION

I have analyzed the hemp provisions enacted as part of the 2018 Farm Bill and reach the following conclusions:

1. As of the enactment of the 2018 Farm Bill on December 20, 2018, hemp has been removed from schedule I of the CSA and is no longer a controlled substance.
2. After USDA publishes regulations implementing the hemp production provisions of the 2018 Farm Bill contained in subtitle G of the AMA, States and Indian tribes may not prohibit the interstate transportation or shipment of hemp lawfully produced under a State or Tribal plan or under a license issued under the Departmental plan.
3. States and Indian tribes may not prohibit the interstate transportation or shipment of hemp lawfully produced under the 2014 Farm Bill.
4. A person with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on producing hemp under subtitle G of the AMA. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

The 2018 Farm Bill preserves the authority of States and Indian tribes to enact and enforce laws regulating the production of hemp that are more stringent than Federal law. Additionally, the 2018 Farm Bill does not affect or modify the authority of the HHS Secretary or FDA Commissioner to regulate hemp under applicable FDA laws.

Nancy Dahlstrom
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Bryan Scoresby, Department of Natural Resources

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: October 4, 2023

RE: Filed Permanent Regulations: Department of Natural Resources
Department of Natural Resources regulations re: Industrial Hemp (11 AAC 40.020 - 11 AAC 40.910)

Attorney General File:	2023200171
Regulation Filed:	10/4/2023
Effective Date:	11/3/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis

Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF NATURAL RESOURCES

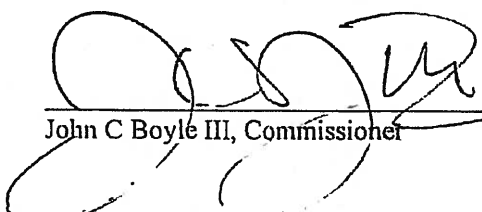
The attached 33 pages of regulations, dealing with Industrial Hemp, are adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 03.05 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.


Date: 23 Sep 23


John C Boyle III, Commissioner

FILING CERTIFICATION

April Simpson for

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on October 4, 2023, at 8:50 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dahlstrom

Effective: November 3, 2023.

Register: 24B, January 2024.

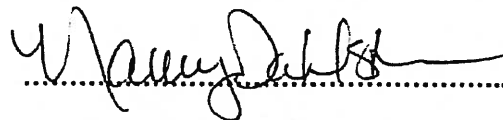
FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in cursive script, appearing to read "Nancy Dahlstrom", written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register ²⁰²⁴ 248, January 2023

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The introductory language of 11 AAC 40.020(a) is amended to read:

(a) A person may not produce industrial hemp in the state unless the person has obtained an industrial hemp registration from the division to participate in the Alaska Industrial Hemp [PILOT] Program. The division will issue the following classes of industrial hemp registrations for participation in the program under this chapter:

...

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.078
AS 03.05.076

The section heading to 11 AAC 40.040 is changed to read:

11 AAC 40.040. Registration [INITIAL REGISTRATION] term, renewals, and submission dates.

11 AAC 40.040(a) is amended to read:

(a) Except as set out in 11 AAC 40.060, an industrial hemp registration is valid for 12 consecutive months from the date it is issued [UNTIL JANUARY OF THE FOLLOWING YEAR].

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.050(a) is amended to read:

(a) An applicant for registration in the Alaska Industrial Hemp [PILOT] Program must file an application on a form that the division prescribes.

The introductory language of 11 AAC 40.050(c) is amended to read:

(c) An application for registration in the Alaska Industrial Hemp [PILOT] Pilot Program must be signed by

...

11 AAC 40.050(d) is amended by adding a new paragraph read:

(4) the applicant has not been convicted of a felony described in AS 03.05.076(a)(3)(A) or (B); for purposes of this paragraph,

(A) a conviction is any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged;

(B) a conviction is expunged when the conviction is removed from the individual's criminal history record and there are no legal disabilities or restrictions associated with the expunged conviction, other than the fact that the conviction may be used for sentencing purposes for subsequent convictions; and

(C) where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed, the individual is no longer considered to have a conviction for purposes of this paragraph;

((Publisher: To account for the addition of paragraph (4), please delete "and" from the end of (a)(2). Additionally, at the end of (a)(3), change the period to a semicolon and insert "and" following the punctuation.)))

11 AAC 40.050(f) is amended to read:

(f) All fees, including non-refundable application fees, registration fees, and, if applicable, industrial hemp product endorsement fees set out in 11 AAC 40.100 must be paid **before the division will approve an application for a registration or an endorsement** [AT THE TIME OF SUBMITTAL OF AN APPLICATION].

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.060(a) is amended to read:

(a) An application for renewal of an industrial hemp registration must be filed on a form that the division prescribes, with the information and documents described in this section. A renewal application for a registration must be postmarked or received by the division not later than **15 calendar days** [DECEMBER 15 OF THE CALENDAR YEAR] before the **end of the applicant's** registration term.

11 AAC 40.060(c) is amended to read:

(c) **Unless** [UNTIL] the division makes **an earlier** [A] decision on a timely filed renewal application, **a current** [THE PRIOR YEAR] registration remains valid **for 90 calendar days** **after the end of the applicant's registration term** [AFTER JANUARY 1].

11 AAC 40.060(e) is amended to read:

(e) Before the division approves a renewal application, all [ALL] fees, including non-refundable application fees, registration fees, and, if applicable, industrial hemp product endorsement fees set out in 11 AAC 40.100 must be paid [AT THE TIME OF SUBMITTAL OF A RENEWAL APPLICATION].

11 AAC 40.060(f) is amended to read:

(f) If an applicant applies for renewal of more than one class of registration, a separate application must be submitted and all required fees for each class must be paid before the division will approve the application [SUBMITTED FOR EACH CLASS OF REGISTRATION]. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.070(b) is amended to read:

(b) Not later than 30 calendar days after receipt of the request, an applicant must submit any additional information requested by the division.

11 AAC 40.070(d) is amended to read:

(d) The division will grant or deny an application for registration or endorsement subject to 11 AAC 40.400 - 11 AAC 40.420 not later than 60 calendar [BUSINESS] days after sending an applicant written notice that the application is complete. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.080(b)(2) is repealed and readopted to read:

(2) the renewal application is postmarked or received by the division less than 15 calendar days before the end of the applicant's registration term as required under 11 AAC 40.060(a);

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 243)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.090
AS 03.05.076 AS 03.05.079

11 AAC 40.100 is amended to read:

11 AAC 40.100. Fee schedule. The division will charge fees as follows:

- (1) non-refundable application fee for each annual [A] registration: \$50 [\$100];
- (2) non-refundable application fee for each annual [A] renewal registration: \$50;
- (3) annual registration fee for a grower: \$100 [\$200];
- (4) annual registration fee for a processor that creates a product not intended for human or animal consumption: \$50 [\$250];
- (5) annual registration fee for a processor that creates a product intended for human or animal consumption: \$250 [\$750];
- (6) annual registration fee for a retailer: \$50 [\$300];
- (7) annual endorsement fee for each industrial hemp product subject to 11 AAC 40.400 - 11 AAC 40.420: \$25 [\$100];
- (8) transportation permit issued under 11 AAC 40.710: \$25 [\$50];
- (9) modification of product endorsement: \$25 [\$100];
- (10) modification of registration: \$25 [\$50];

(11) sampling fee under 11 AAC 40.275(e) and 11 AAC 40.290(b) for the division or the division's representative to collect samples from harvest of industrial hemp: \$100 [\$200];

(12) testing of seeds of wild, landrace, or unknown origin under 11 AAC 40.220: \$1,200. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.210(b)(1) is amended to read:

(1) grow approved varieties of industrial hemp seeds or propagules received from registered growers in the Alaska Industrial Hemp [PILOT] Program, without written approval from the division;

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023 Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.230(b)(2)(A) is amended to read:

(A) a registered grower with the Alaska Industrial Hemp [PILOT] Program;

11 AAC 40.230(b)(2)(B) is amended to read:

(B) a source registered or licensed with a different [INDUSTRIAL HEMP PILOT PROGRAM OPERATING IN ACCORDANCE WITH 7 U.S.C. 5940 (SEC. 7606 OF THE AGRICULTURAL IMPROVEMENT ACT OF 2014) OR A] United States Department of Agriculture approved industrial hemp program authorized under 7 U.S.C. 1639p (sec. 10113 of

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the Agricultural Improvement Act of 2018); or

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.040 AS 03.05.076
AS 03.05.027 AS 03.05.050 [AS 03.05.077]
AS 03.05.030

11 AAC 40.240(d) is amended to read:

(d) Hemp may not be grown on property owned by or leased from a person who is ineligible to participate in the Alaska Industrial Hemp [PILOT] Program under 11 AAC 40.030 or whose registration is suspended or revoked. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.245(1) is amended to read:

(1) the title, "Alaska Industrial Hemp [PILOT] Program";

11 AAC 40.245(3) is amended to read:

(3) contact information for the Alaska Industrial Hemp [PILOT] Program in the Division of Agriculture. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

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11 AAC 40.250(a) is amended to read:

(a) Not later than **30 calendar** [20] days after seeding, direct sowing, or replanting of hemp seeds and propagules, a registered grower must submit to the division, by mail or electronic mail, a planting report on a form prescribed by the division.

11 AAC 40.250(d) is repealed:

(d) Repealed 11 / 3 / 2023.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.265 is amended to read:

11 AAC 40.265. Initial pre-harvest report. A registered grower shall inform the division by mail or electronic mail of a projected harvest date for an industrial hemp crop **not later than** [AT LEAST] 30 calendar days before the projected harvest. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.275(e) is amended to read:

(e) The registrant shall be responsible for the cost of sampling, as set out in 11 AAC 40.100(11) [, AND FOR THE COST OF TESTING]. Any sample taken by the division for testing is property of the division. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

AS 03.05.040

11 AAC 40.285(a)(1) is amended to read:

(1) a registered grower shall harvest a tested lot not later than 15 calendar days after the division's sample collection date;

11 AAC 40.285(a)(2) is amended to read:

(2) if conditions do not allow the registrant to harvest not later than 15 calendar days after the sample collection, the division may order additional testing of the lot or provide written authorization to harvest the crop by a specific date, with or without further testing being required.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077]AS 03.05.079
AS 03.05.076

11 AAC 40.295(a) is amended to read:

(a) A registered grower must submit to the division, by mail or electronic mail, a post-harvest report on a form prescribed by the division, not later than 90 calendar [60] days after receiving sampling results from the division.

11 AAC 40.295(c) is amended to read:

(c) For lots stored on site, the disposition information described in (b)(4) and (5) of this section must be submitted not later than 60 calendar days after disposition. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

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11 AAC 40.305(a)(8) is amended to read:

(8) receive compensation for processed industrial hemp or industrial hemp products from a processor or retailer registered under 11 AAC 40.300 - 11 AAC 40.335 or 11 AAC 40.500 - 11 AAC 40.525 [11 AAC 40.500 - 11 AAC 40.530].

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.050 [AS 03.05.077]
AS 03.05.040 AS 03.05.076

11 AAC 40.320(a) is amended to read:

(a) For any processed hemp [PRODUCT] intended for human or animal consumption, each batch [OF PRODUCT] shall be tested in accordance with 11 AAC 40.600 - 11 AAC 40.665
[, FOR

- (1) CANNABINOID CONCENTRATION AND PROFILE;
- (2) RESIDUAL SOLVENTS;
- (3) MICROBIALS;
- (4) PESTICIDES; AND
- (5) HEAVY METAL CONCENTRATIONS].

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.050 [AS 03.05.077]
AS 03.05.030 AS 03.05.076 AS 03.05.079
AS 03.05.040

11 AAC 40.325 is repealed and readopted to read:

11 AAC 40.325. Test results. The division will notify the registered processor in writing of test results of any solvents, heavy metals, microbials, or pesticides found during testing. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.079
AS 03.05.040 [AS 03.05.077] AS 03.05.090
AS 03.05.050

11 AAC 40.335 is amended to read:

11 AAC 40.335. Production reports. (a) A registered processor shall submit a completed production report for each registration term not later than 20 calendar days [ON OR] before the expiration of the registration term [MARCH 1 OF THE FOLLOWING REGISTRATION YEAR].

(b) The report must contain

- (1) the quantity of the industrial hemp processed;
- (2) the type and quantity of products produced;
- (3) identification of the lot and batch numbers processed; and
- (4) the disposition of all raw and processed industrial hemp [; AND
- (5) DOCUMENTATION OF ALL PERSONS WHO ACQUIRED RAW

INDUSTRIAL HEMP OR PROCESSED INDUSTRIAL HEMP OR INDUSTRIAL HEMP PRODUCTS, EITHER WITH OR WITHOUT COMPENSATION, FROM THE REGISTRANT]. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.400(a) is amended to read:

(a) Before being [TRANSPORTED IN THE STATE OR] offered with or without compensation to a consumer in the state, any industrial hemp product processed beyond its raw form and intended for human or animal consumption must be endorsed by the division.

11 AAC 40.400(b) is repealed and readopted to read:

(b) An endorsement for a hemp product subject to 11 AAC 40.400 - 11 AAC 40.420 is valid for 12 consecutive months from the date of approval. Unless the division makes an earlier decision on a timely filed application to renew an endorsement, a current endorsement remains valid for 90 calendar days after the end of the endorsement term.

11 AAC 40.400(c) is amended to read:

(c) The division will provide a written endorsement for each approved product [OR PRODUCT LINE].

11 AAC 40.400 is amended by adding a new subsection to read:

(d) The division may not endorse an industrial hemp product that contains delta-9-THC or a non-naturally occurring cannabinoid, including a cannabinoid made from an ingredient extracted from industrial hemp and modified beyond its original form. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority:	AS 03.05.010	AS 03.05.076	AS 03.05.090
	AS 03.05.030	[AS 03.05.077]	AS 03.05.100

The section heading to 11 AAC 40.405 is changed to read:

11 AAC 40.405. Application for endorsement or renewal of endorsement.

11 AAC 40.405(a) is amended to read:

- (a) An application for endorsement or renewal of endorsement of an industrial [INTRODUCTORY] hemp product intended for human or animal consumption must be on a form prescribed by the division and must include
- (1) a color copy of the product's proposed label;
 - (2) a copy of the certificate of analysis for [LABORATORY TEST RESULTS, IF APPLICABLE, OF] each industrial hemp product [OR BATCH OF PRODUCT]; and
 - (3) [A COPY OF
 - (A) THE PROCESSOR'S REGISTRATION UNDER THIS CHAPTER;
 - (B) PROOF THAT THE HEMP PRODUCT WAS GROWN UNDER AN INDUSTRIAL HEMP PILOT PROGRAM OPERATING UNDER 7 U.S.C. 5940 (SEC. 7606 OF THE AGRICULTURAL IMPROVEMENT ACT OF 2014) OR UNDER A UNITED STATES DEPARTMENT OF AGRICULTURE APPROVED INDUSTRIAL HEMP PROGRAM, AUTHORIZED UNDER 7 U.S.C. 1639p (SEC. 10113 OF THE AGRICULTURAL IMPROVEMENT ACT OF 2018); OR
 - (C) A LAWFUL INTERNATIONAL SOURCE'S WRITTEN AUTHORIZATION FROM THE DIVISION;
 - (4) A COPY OF THE TERPENE ANALYSIS IF REQUIRED UNDER 11 AAC 40.630(c); AND
 - (5)] submission of the endorsement fee set out in 11 AAC 40.100(7).

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(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.415 is repealed:

11 AAC 40.415. Hemp product sizing. Repealed. (Eff. 4/4/2020, Register 234; repealed 11 / 3 / 2023, Register 248)

11 AAC 40.420(a) is amended to read:

(a) Processed industrial hemp products intended for human or animal consumption must be labeled with the following:

- (1) the product name;
- (2) [A BATCH NUMBER FOR THE PRODUCT;
- (3) AN EXPIRATION DATE;]
- (4)] the total quantity of the product by weight or volume;
- (3) [(5)] the serving size or recommended dose; **and**
- (4) [(6)] a list of all ingredients [;
- (7) THE INDUSTRIAL HEMP PILOT PROGRAM OR AUTHORIZED
INTERNATIONAL INDUSTRIAL HEMP SOURCE FROM WHICH THE INDUSTRIAL
HEMP ORIGINATED; AND
- (8) IF THE PRODUCT CONTAINS ANY DELTA-9-THC, THE STATEMENT
"WARNING: CONTAINS THC"].

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.079

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AS 03.05.030

[AS 03.05.077]

AS 03.05.100

11 AAC 40.500 is amended to read:

11 AAC 40.500. Retailer registration required. A person may not receive compensation for processed industrial hemp or processed industrial hemp products from a consumer in the state, unless the person has obtained a retailer registration from the division in compliance with this chapter or is operating under a registration subject to **11 AAC 40.500 - 11 AAC 40.525** [11 AAC 40.500 - 11 AAC 40.530]. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010

AS 03.05.076

[AS 03.05.077]

11 AAC 40.505(b)(2) is amended to read:

(2) **obtain a registration for each store or location where industrial hemp products are offered for sale** [DISPLAY, IN AN AREA VISIBLE IN OR OUTSIDE EACH RETAILER LOCATION, THE OFFICIAL ALASKA INDUSTRIAL HEMP PILOT PROGRAM PLACARD PROVIDED BY THE DIVISION];

11 AAC 40.505(c) is repealed:

(c) Repealed 11 / 3 / 2023.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010

AS 03.05.050

[AS 03.05.077]

AS 03.05.040

AS 03.05.076

Register 248, January ²⁰²⁴ ~~2023~~

NATURAL RESOURCES

11 AAC 40.510 is amended to read:

11 AAC 40.510. Retailer registration application. In addition to the information set out under 11 AAC 40.050, an applicant for a retailer registration must submit the following:

- (1) a description of the type of store or operations of the retailer; **and**
- (2) a location [OR LIST OF LOCATIONS] of the retailer where industrial hemp will be offered for retail sales [; AND
- (3) A LIST OF INDUSTRIAL HEMP PRODUCT TYPES INTENDED TO BE SOLD BY THE RETAILER]. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.520(b)(2) is amended to read:

(2) is not [PACKAGED AS REQUIRED BY 11 AAC 40.415 OR] labeled as required by 11 AAC 40.420;

11 AAC 40.520(b)(3) is amended to read:

(3) contains **any** [GREATER THAN 0.3 PERCENT] delta-9-THC; or
(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.050 AS 03.05.079
AS 03.05.030 AS 03.05.076 AS 03.05.090
AS 03.05.040 [AS 03.05.077]

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NATURAL RESOURCES

11 AAC 40.530 is repealed:

11 AAC 40.530. Retailer reports. Repealed. (Eff. 4/4/2020, Register 234; repealed 11 / 3 / 2023, Register 248)

11 AAC 40.600 is repealed and readopted to read:

11 AAC 40.600. Compliance with 11 AAC 40.600 - 11 AAC 40.665. A registered hemp retailer may not sell, give, distribute, transfer, or offer to sell, any industrial hemp product unless the product has satisfied the requirements of 11 AAC 40.600 - 11 AAC 40.665. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.078
AS 03.05.076

11 AAC 40.605(a) is amended to read:

(a) The division or a testing facility authorized by the division shall test industrial hemp and industrial hemp products to verify compliance with this chapter, perform investigations, compile data for the Alaska Industrial Hemp [PILOT] Program, and address public health and safety concerns.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.078
AS 03.05.076

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11 AAC 40.610(a) is amended to read:

(a) Any industrial hemp or industrial hemp product, before being offered for compensation or offered without charge, must have samples drawn from the entire harvest lot [OR PROCESSING BATCH, AS APPLICABLE,] and submitted to the division or an authorized testing facility as one test sample.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.078
AS 03.05.076

11 AAC 40.615 is repealed:

11 AAC 40.615. Sample size for a processed hemp batch. Repealed. (Eff. 4/4/2020, Register 234; repealed 11 / 3 / 2023, Register 248)

11 AAC 40.620 is repealed:

11 AAC 40.620. Samples for test batches of pre-packaged hemp products. Repealed. (Eff. 4/4/2020, Register 234; repealed 11 / 3 / 2023, Register 248)

11 AAC 40.625(a) is amended to read:

(a) The division will establish a minimum weight or volume of [PROCESSED INDUSTRIAL HEMP OR] industrial hemp products and direct the designated testing facilities to apply those standards for every type of test conducted.

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11 AAC 40.625(b) is amended to read:

(b) The division will also establish a standard number of samples required to be included in each batch of [PROCESSED HEMP OR] hemp products for every type of test conducted in compliance with 11 AAC 40.630 - 11 AAC 40.640.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.078
AS 03.05.076

11 AAC 40.630(a) is amended to read:

11 AAC 40.630. Cannabinoid [AND TERPENE] potency. (a) All industrial hemp grown, processed, or made available for retail sales will be tested by the division or an authorized testing facility for delta-9-THC [, AND MUST TEST AT OR BELOW 0.3 PERCENT].

11 AAC 40.630(b) is amended to read:

(b) All processed industrial hemp products intended for human or animal consumption must also undergo a cannabinoid [POTENCY] test that must at least determine the concentration of tetrahydrocannabinol, cannabidiol, cannabichomene, cannabigerol, cannabichromene, and cannabidivarin, including acid forms.

11 AAC 40.630(c) is repealed:

(c) Repealed. 11 / 3 / 2023. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

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Authority: AS 03.05.010 AS 03.05.076 AS 03.05.078
AS 03.05.030 [AS 03.05.077]

11 AAC 40.635 is amended to read:

11 AAC 40.635. Methodology for testing delta-9-THC levels in raw industrial hemp.

(a) Raw industrial hemp collected by the division or an authorized representative of the division for sampling will be tested for a quantitative determination of **total THC**.

(b) For purposes of this section, "total THC" is the value determined after the process of decarboxylation that expresses the potential total delta-9-THC content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post- decarboxylation value of THC may be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. This test calculates the total potential THC in a given sample.

(c) In this section,

(1) "decarboxylation" means the removal or elimination of carboxyl group from a molecule or organic compound;

(2) "THCA" means THC-acid [DELTA-9-THC BY A METHOD TO BE APPROVED IN WRITING BY THE DIVISION]. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 AS 03.05.078
AS 03.05.030 [AS 03.05.077]

11 AAC 40.640(a) is amended to read:

(a) Industrial hemp products intended for human or animal consumption shall be tested or screened for the contaminants listed and may not exceed the following permissible levels:

(1) residual solvents:

Solvent	Parts Per Million (ppm)	Product to be tested
Acetone	< 500	<u>Products developed from extracted</u> [EXTRACTED] concentrates
Benzene	<u>1</u> [0]	
Butanes	< 500	
Chloroform	<u>2</u> [< 1]	
Cyclohexane	< 500	
Heptane	< 500	
Hexane	<u>18</u> [0]	
Isopropanol	< 500	
Methanol	< 500	
Pentanes	< 500	
Propane	< 500	
Toluene	<u>53</u> [0]	
Xylenes (m, p, o-xylenes)	< 217	

(2) microbials (bacterial, fungus):

Substance	Acceptable limits per gram	Product to be tested
Shiga Toxin Escherichia coli (STEC) – bacteria	Less than 1 colony forming unit (CFU/g)	Hemp [OR HEMP] products intended for human consumption, <u>excluding</u> <u>topicals</u> [; WATER AND FOOD-BASED CONCENTRATES]
Total Yeast and Mold Count (TYMC)	Less than <u>10,000</u> [1] colony forming unit (CFU/g)	
Salmonella species – bacteria	Less than 1 colony forming unit (CFU/g)	
Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger-fungus, Aspergillus terreus	Less than 1 colony forming unit (CFU/g)	

(3) mycotoxins:

Substance	Acceptable limits per gram	Product to be tested
Total Aflatoxin B1, B2, G1, G2	< 20 parts per billion (PPB)	Hemp [OR HEMP] products intended for human consumption, <u>excluding</u> <u>topicals</u> [;
Ochratoxin A	< 20 parts per billion (PPB)	

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NATURAL RESOURCES

		WATER AND FOOD- BASED CONCENTRATES]
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(4) pesticides:

Substance	Detection Limits (Parts Per Million, PPM)	Product to be tested
Abamectin	< 0.07	Hemp [OR HEMP] products intended for human consumption [; WATER AND FOOD- BASED CONCENTRATES]
Azoxystrobin	< 0.02	
Bifenazate	< 0.02	
Etoxazole	< 0.01	
Imazalil	< 0.04	
Imidacloprid	< 0.02	
Malathion	< 0.05	
Myclobutanil	< 0.04	
Permethrin	< 0.04	
Spinosad	< 0.06	
Spiromesifen	< 0.03	
Tebuconazole	< 0.01	

(5) metals:

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Substance	Acceptable Limits Per Gram [BASED ON INTENDED USE]	Product to be tested
Metals (Cadmium, Arsenic, Lead, Mercury)	[INHALED OR AUDITED PRODUCT: SMOKE HEMP FLOWERS OR VAPE CONCENTRATES] Lead – Max Limit: < 500 ppb [0.5 PPM] Arsenic – Max Limit: < 1,500 ppb [0.02 PPM] Cadmium – Max Limit: 500 ppb [0.02 ppm] Mercury – Max Limit: 3,000 ppb [<0.1 PPM)]	Hemp [OR HEMP] products intended for human consumption [; WATER AND FOOD- BASED CONCENTRATES]
	[TOPICAL AND/OR TRANSDERMAL]	
	[LEAD – MAX LIMIT: < 10 PPM]	

NATURAL RESOURCES

	[ARSENIC – MAX LIMIT: < 3 PPM]	
	[CADMIUM – MAX LIMIT < 3 PPM]	
	[MERCURY – MAX LIMIT < 1 PPM]	
	[ORAL CONSUMPTION OR AUDITED PRODUCT: RECTAL OR VAGINAL ADMINISTRATION]	
	[LEAD- MAX LIMIT: < 1 PPM]	
	[ARSENIC – MAX LIMIT: < 1.5 PPM]	
	[CADMIUM – MAX LIMIT: < 0.5 PPM]	
	[MERCURY – MAX LIMIT: < 1.5 PPM]	

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11 AAC 40.640 is amended by adding a new subsection to read:

(c) The results of the testing or screening required in this section shall be reported to the division on a certificate of analysis that was completed not more than 12 months before the date the application for endorsement is postmarked or received by the division. (Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority:	AS 03.05.010	AS 03.05.050	[AS 03.05.077]
	AS 03.05.030	AS 03.05.076	AS 03.05.078

11 AAC 40.650(a) is amended to read:

(a) Any registrant that is notified by the division or the division's representative that a **hemp product** [TEST BATCH] failed a contaminant or potency test shall immediately discontinue offering for sale any industrial hemp products associated with the failed test [BATCH].

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority:	AS 03.05.010	AS 03.05.050	[AS 03.05.077]
	AS 03.05.030	AS 03.05.076	AS 03.05.078

11 AAC 40.655(b) is amended to read:

(b) If electing to retest, a registrant must either

(1) submit new test samples complying with 11 AAC 40.600 - 11 AAC 40.665 from the same failing **product** [BATCH] to the division or authorized testing facility that performed the original test; or

(2) submit the new test samples complying with 11 AAC 40.600 - 11 AAC

Register 246, January ²⁰²⁴ ~~2023~~

NATURAL RESOURCES

40.665 from the same failing product [BATCH] to a different testing facility approved by the division and available to conduct the retest.

11 AAC 40.655(c) is amended to read:

(c) If the sample passes the potency or a required contaminant testing under (b) of this section, the division may elect to submit the industrial hemp product for a third testing at the division's expense. If the division does not elect a third testing, the lot or batch from which the sample came must have the identifying number modified with the addition of the letter "X" at the end or the previous identifier. Afterwards, the hemp or hemp products associated with each test [BATCH] may be transferred or further processed in compliance with this chapter.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 246)

Authority:	AS 03.05.010	AS 03.05.050	[AS 03.05.077]
	AS 03.05.030	AS 03.05.076	AS 03.05.078

11 AAC 40.660(a)(2)(A) is amended to read

(A) registered with the Alaska Industrial Hemp [PILOT] Program under
this chapter;

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 246)

Authority:	AS 03.05.010	AS 03.05.076	[AS 03.05.077]
	AS 03.05.050		

11 AAC 40.710(a) is amended to read:

(a) Except as described in (b) of this section, a person subject to or registered under this

chapter may not transport industrial hemp [OR INDUSTRIAL HEMP PRODUCTS] without a transportation permit issued by the division. A transportation permit only authorizes industrial hemp to be transported from one registrant to another registrant or from one property of a registrant to another property of a registrant.

11 AAC 40.710(c) is amended to read:

(c) A transportation permit will be issued to a registered grower [OR REGISTERED PROCESSOR] only after sampling has validated that the [THAT] hemp is no more than 0.3 percent delta-9-THC.

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 [AS 03.05.077] AS 03.05.078
AS 03.05.076

11 AAC 40.800(4) is amended to read:

(4) with three calendar days' notice to the registrant, inspect records documenting the sale or transfer of industrial hemp or industrial hemp products;

11 AAC 40.800(5)(B) is amended to read:

(B) any cannabis with delta-9-THC over 0.3 percent or cannabis product for human consumption containing [WITH] delta-9-THC [OVER 0.3 PERCENT], subject to this chapter, and found to violate a condition of this chapter;

11 AAC 40.800(6) is amended to read:

(6) direct the movement, reconditioning, or destruction of any industrial hemp, industrial hemp product, [OR] cannabis with delta-9-THC over 0.3 percent, or cannabis products for human consumption containing [WITH] delta-9-THC [OVER 0.3 PERCENT] declared to be a public nuisance as permitted by AS 03.05.050 or 03.05.076;

11 AAC 40.800(7) is amended to read:

(7) issue notices of violations and civil fines, or issue stop orders for violations of this chapter, including to persons who are not registered or permitted to participate in the Alaska Industrial Hemp [PILOT] Program;

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority:	AS 03.05.010	AS 03.05.076	AS 03.05.090
	AS 03.05.040	AS 03.05.078	AS 03.05.100
	AS 03.05.050	AS 03.05.079	

The introductory language of 11 AAC 40.810 is amended to read:

11 AAC 40.810. Suspension. The division may temporarily suspend, for up to 60 calendar days, a registration, endorsement, or permit issued under this chapter if the registrant is alleged to have

...

(Eff. 4/4/2020, Register 234; am 11 / 3 / 2023, Register 248)

Authority:	AS 03.05.010	AS 03.05.076	[AS 03.05.077]
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The introductory language of 11 AAC 40.820 is amended to read:

11 AAC 40.820. Revocation. In addition to temporary suspension, the division may revoke a registration, permit, or endorsement and prohibit participation in the Alaska Industrial Hemp [PILOT] Program for a period of up to five years if the registrant

...

(Eff. 4/4/2020, Register 234; am. 11 / 3 / 2023, Register 248)

Authority: AS 03.05.010 AS 03.05.076 [AS 03.05.077]

11 AAC 40.910(1) is amended to read:

(1) "Alaska Industrial Hemp [PILOT] Program" means the [PILOT] program operated by the division to study, promote, and regulate the growth, cultivation, or marketing of industrial hemp as permitted under AS 03.05.010 and 03.05.076 [AS 03.05.077];

11 AAC 40.910(2) is amended to read:

(2) "applicant" means a person who submits an application to participate as a registrant in the Alaska Industrial Hemp [PILOT] Program;

11 AAC 40.910(7) is amended to read:

(7) "cannabinoid" means any hemp-derived phytocannabinoid [OF THE CHEMICAL COMPOUNDS THAT ARE THE ACTIVE CONSTITUENTS OF THE CANNABIS PLANT];

11 AAC 40.910(8) is amended to read:

(8) "cannabis" means all parts of any [THE] cannabis species plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives, and extracts;

11 AAC 40.910(9) is amended to read:

(9) "CBD"

(A) means naturally occurring cannabidiol;

(B) does not include synthetic cannabidiol;

11 AAC 40.910(12) is amended to read:

(12) "consumer" has the meaning given in AS 45.50.561, but excludes registrants or persons who should be registered, but are not, in the Alaska Industrial Hemp [PILOT] Program;

11 AAC 40.910(14) is amended to read:

(14) "delta-9-THC" means delta-9-tetrahydrocannabinol concentration determined by a post-decarboxylation chemical analysis [, THE PRIMARY INTOXICATION COMPONENT OF CANNABIS];

11 AAC 40.910(15) is repealed:

(15) repealed 11 / 3 / 2023;

11 AAC 40.910(30) is amended to read:

(30) "industrial hemp product" or "hemp product" means an item in its final form derived from all parts and varieties of a [THE] Cannabis species plant [SATIVA L. CONTAINING NOT MORE THAN 0.3 PERCENT DELTA-9-THC];

11 AAC 40.910(42) is amended to read:

(42) "prohibited variety" means a variety or strain of cannabis excluded from the Alaska Industrial Hemp [PILOT] Program;

11 AAC 40.910(48) is amended to read:

(48) "registered retailer" means a person [IN THE STATE] authorized by the division to receive compensation for, or offer for free, industrial hemp or an industrial hemp product after registration, and, if applicable, a product endorsement, to a consumer in the state;

11 AAC 40.910(49) is amended to read:

(49) "registrant" means a person possessing one or more industrial hemp registrations issued by the division under the authority of this chapter, AS 03.05.010, and 03.05.076 [AND AS 03.05.077];

11 AAC 40.910(50) is amended to read:

(50) "registration" means an instrument permitting an applicant to participate in the Alaska Industrial Hemp [PILOT] Program subject to its terms and the provisions of this chapter;

Register 248, January ²⁰²⁴ 2023

NATURAL RESOURCES

11 AAC 40.910 is amended by adding new paragraphs to read:

(59) "certificate of analysis" means a document produced by a testing laboratory listing the quantities of the various analytes for which testing was performed;

(60) "not more than 0.3 percent" means not more than 3,000 parts per million on a dry weight basis of raw industrial hemp;

(61) "ppb" means parts per billion. (Eff. 4/4/2020, Register 234; am

11 / 3 / 2023, Register 248)

Authority:	AS 03.05.010	AS 03.05.050	[AS 03.05.077]
	AS 03.05.030	AS 03.05.076	AS 03.05.100



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

September 29, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *11 AAC 40.020 - 11 AAC 40.910: DNR Industrial Hemp Regulations*
Our file: 2023200171

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Natural Resources, Division of Agriculture, against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Natural Resources after the close of the public comment period.

The regulations concern the Division of Agriculture's regulation of industrial hemp. Industrial hemp is derived from cannabis plants that have a lower concentration of psychoactive chemicals than commercially regulated marijuana. Industrial hemp is used for a variety of purposes, including incorporation into products intended for human or animal consumption. The regulations prohibit the Division of Agriculture from endorsing for sale products containing psychoactive chemicals. In addition, the regulations reduce the amount of fees collected by the Division in anticipation of a decrease in participants in the industrial hemp market due to the prohibition on trace psychoactive chemicals.

The June 11, 2023 public notice and the September 23, 2023 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

Technical corrections were necessary to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

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Rebecca C. Polizzotto
Date: 2023.09.29
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RCP/kmd

CC w/enclosure: Rob Carter, Regulations Contact
Department of Natural Resources

Bryan Scoresby, Regulations Contact
Department of Natural Resources

Kevin A. Higgins, Assistant Attorney General
Department of Law

Kevin M. Dilg, Assistant Attorney General
Department of Law



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
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September 29, 2023

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Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

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TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
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Legislation, Regulations, and
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Date: 2023.09.29
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Kevin A. Higgins, Assistant Attorney General
Department of Law

Kevin M. Dilg, Assistant Attorney General
Department of Law

John Boyle
Commissioner

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Department of
Natural Resources

Anchorage, Alaska

STATE OF ALASKA

MEDIA ADVISORY

For Immediate Release: October 5, 2023

DNR Adopts Updated Industrial Hemp Regulations

Palmer, Alaska – Today, the Alaska Department of Natural Resources released updated regulations for the Alaska Industrial Hemp Program as the State takes on primary authority over regulation and production from the USDA, simplifies the application and registration process, and expressly prohibits the sale of hemp products containing delta-9 THC or non-naturally occurring cannabinoids.

The Alaska Industrial Hemp Program, housed within DNR's Division of Agriculture, is intended to grow the knowledge of how industrial hemp production, cultivation and marketing may increase agricultural production in Alaska and contribute to the state's economy. The program also tests and approves ("endorses") which industrial hemp products may be manufactured and sold in Alaska, and collects comprehensive reports from all growers that are shared with the USDA. Examples of industrial hemp products include paper, ropes, linens, textiles for clothes, and CBD oil or lotion.

"These revised industrial hemp rules increase safety for Alaskan children and protections for the regulated cannabis industry in our state," **said DNR Commissioner John Boyle**. "The Industrial Hemp Program was never intended to allow intoxicating products, which are rightfully regulated for the recreational market in Alaska by the Alcohol & Marijuana Control Office."

Key changes:

- Removes all references to a "pilot" program
- Streamlines application and registration process
- Makes it illegal for growers, manufacturers and retailers in Alaska to sell industrial hemp products containing delta-9 THC intended for human or animal consumption
- Confirms the Division of Agriculture will not endorse any industrial hemp product containing delta-9 THC
- Various other conforming updates

"I'm proud of the Division of Agriculture team who undertook a comprehensive review of the original industrial hemp pilot program regulations, listened to industry and public comments, incorporated their feedback, and modernized the regulations," **said Bryan Scoresby, Director of the Division of Agriculture**. "Adopting updated regulations eliminates a gray area in Alaska law, better reflects the intent of the Industrial Hemp Program, and will protect the health and safety of Alaskans."

The new regulations go into effect on Nov. 3, 2023.

Authorized by the Alaska Legislature in 2018, the Division of Agriculture designed and conducted a pilot industrial hemp program supported by the U.S. Department of Agriculture's

Hemp Production Program. The division identified what varieties of hemp were best suited to commercial cultivation in Alaska, created a registry of hemp farming/manufacturing/retail operations in the state, and issued the original regulations in 2019.

Industrial hemp is derived from cannabis plants that have a lower concentration of psychoactive chemicals than commercially regulated marijuana. Industrial hemp is used for a variety of purposes, including incorporation into products intended for human or animal consumption.

The Department of Natural Resources' mission is to develop, conserve and maximize the use of Alaska's natural resources consistent with the public interest.

CONTACT: Media Contact: Lorraine Henry, 907-378-492, lorraine.henry@alaska.gov

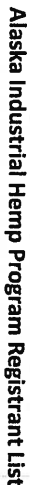
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DNR Newsroom: http://dnr.alaska.gov/commis/dnr_newsroom.htm

DNR on Social Media: http://dnr.alaska.gov/commis/social_media.htm

DNR Public Information Center: <http://dnr.alaska.gov/commis/pic/>

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Alaska Industrial Hemp Program Endorsed Product List

Product Name	Company Name	Phone Number	Website	Date Registration Approved	Date Registration Expires
A Pie Stop 5" Mini-Pie- Multiple Flavors	A Pie Stop	907-677-7437	apiestop.com	July 20, 2023	July 19, 2024
A Pie Stop 5" Tart Mini-Pie, Multiple Flavors	A Pie Stop	907-677-7437	apiestop.com	July 20, 2023	July 19, 2024
Ultimate Rhodiola Adaptogen Blend- Capsule, 30ct.	Alaska Borealis Mountain Farms, LLC	907-229-9661	alaskaborealismountainfarms.com	April 20, 2023	April 19, 2024
1000MG CBD ISOLATE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
500MG BACON TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
500MG BEEF TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
500MG SALMON TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
1000MG CBD GEL ROLL-ON WITH LIDOCAINE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
1000MG CBD SALVE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
10MG CBN GUMMIES	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
10MG CBD GUMMIES	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
10MG CBG GUMMIES	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
2000MG CBD / 1000MG CBG LOTION WITH LIDOCAINE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
1000MG CBD BALM	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
200MG CBD BALM	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
5000MG CBD BALM	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
25MG BROAD SPECTRUM SOFTGEL- 30CT & 60CT	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
500MG SLEEP-AID TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
1000MG CBG TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
1600MG CBD TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
2000MG CBD TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
2000MG CBN TINCTURE	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024
500MG MASSAGE OIL	Alaskan Eagle House of Healing	907-394-4584	Akeagle1@icloud.com	August 16, 2023	August 15, 2024

500MG CBD MASSAGE LOTION	Alaskan Eagle House of Healing	907-304-4584	Akeaple1@icloud.com	August 15, 2023	August 15, 2024
Tank's Choice 50mg Delta-9 Popsicle	Ahven LLC DBA Carolindica	919-444-1831	info@tankschoice.com	July 20, 2023	July 19, 2024
Alaska Edibles Handcrafted Infused Fruit Chews - SOUR & SWEET Blue Raspberry Glacier 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Handcrafted Infused Fruit Chews - SWEET & SOUR Peach OG 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Handcrafted Infused Fruit Chews - SWEET & SOUR Forbidden Fruit, 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Handcrafted Infused Fruit Chews-SWEET & SOUR Maui Maui, 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Handcrafted Infused Fruit Chews- SWEET & SOUR Watermelon 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Handcrafted Infused Fruit Chews- SWEET & SOUR Wildberry Harlequin, 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Blue Raspberry Glacier - 100 MG CBG / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Northern Apple Lights- 1000 MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Wildberry Harlequin Sour- 100 MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Wildberry Harlequin- 100 MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Mau Mau Sour- 100MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Mau Mau- 100 MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Peach - 100 MG CBG / 250 MG CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Peach - 500 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Watermelon - 250 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Alaska Edibles Infused Fruit Chews Watermelon Gelato - 100 MG CBN / 250 MG CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Green Apple Gummiez- 250 MG CBD / 100 MG CBG	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Jamberry Gummiez- 250 MG CBD / 100 MG CBN	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Jamberry Gummiez- 750 MG CBD / 300 MG CBN	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Sour Green Apple Gummiez- 250 MG CBD / 100 MG CBG	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Sour Green Apple Gummiez- 750 MG CBD / 300 MG CBG	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Sour Jamberry Gummiez- 250 MG CBD / 100 MG CBN	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Hemp Infused Sour Jamberry Gummiez- 750 MG CBD / 300 MG CBN	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Blue Raspberry CBD Gummiez- 500 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Blue Raspberry CBD Gummiez- 500 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Handcrafted Infused Sour & Original Blue Raspberry Fruit Chews - 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024

Smokiez Handcrafted Infused Sour & Original Watermelon Fruit Chews - 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Handcrafted Infused Sour & Original Peach Fruit Chews - 50mg THC, 10ct	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Sour Green Apple- 50 MG CBG / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Green Apple- 50 MG CBG / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Jamberry- 50 MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Sour Green Apple- 50 MG CBG / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Sour Green Apple- 50 MG CBG / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Sour Jamberry- 50 MG CBN / 50 MG THC	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Infused Fruit Chews Tropical Fruit- 50 MG THC / 50 MG CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Sour Blue Raspberry CBD Gummies- 500 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Sour Watermelon CBD Gummies- 250 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
Smokiez Watermelon CBD Gummies- 250 MG HEMP CBD	Alaska Gummies DBA Alaska Edibles, Smokiez Edibles	907-315-9715	Orders@alaska-edibles.com	February 22, 2023	February 21, 2024
CBD + CBN Soft Gels 200mg 10ct.	Alternative Health Distribution (CannaAid)	704-275-8715	cannaaidshop.com	May 4, 2023	May 3, 2024
CBD + CBN Soft Gels 200mg 2ct.	Alternative Health Distribution (CannaAid)	704-275-8715	cannaaidshop.com	May 4, 2023	May 3, 2024
CBD Hangover Soft Gels 200mg 10ct.	Alternative Health Distribution (CannaAid)	704-275-8715	cannaaidshop.com	May 4, 2023	May 3, 2024
CBN Gummies 10mg Per Gummy Strawberry 10ct.	Alternative Health Distribution (CannaAid)	704-275-8715	cannaaidshop.com	May 4, 2023	May 3, 2024
100 Daily Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
100mg Ultra Relief / Liposome Hemp Oil - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
1500 Equine Stress Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
180 Feline Stress Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
200 Daily Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
2400 Equine Joint Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
300 Hip and Joint Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
300 Stress Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
300mg Ultra Relief / Liposome Hemp Oil - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
500 Daily Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
600 Hip and Joint Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
600 Stress Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023

750 Daily Relief Hemp Oil Organic - 1oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Daily Relief Blueberry Cranberry Organic Edibles - Small 3mg/30mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Daily Relief Blueberry Cranberry Organic Edibles - Large 6mg/180mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Daily Relief Organic Capsules 15mg/450mg (30ct Bottle) - 0.42oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Daily Relief Pizza Edibles - Large 6mg/180mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Daily Relief Pizza Edibles - Small 3mg/90mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Digestive Relief Sweet Potato Organic Edibles - Large 6mg/180mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Digestive Relief Sweet Potato Organic Edibles - Small 3mg/90mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Hip and Joint Relief PB Banana Edibles - Family 6mg/300mg - 12.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Hip and Joint Relief PB Banana Edibles - Large 6mg/180mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Hip and Joint Relief PB Banana Edibles - Small 3mg/90mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Hip and Joint Relief PB Banana Edibles - Travel Size 3mg/30mg - 2.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Serenea 10mg/600mg (60ct Bottle) - 0.675oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Serenea 30mg/1800mg (60ct Bottle) - 1.11oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Skin & Coat Relief 2-in-1 Shampoo & Conditioner	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Skin & Coat Relief Conditioner - Smooth & Silken	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Skin & Coat Relief Shampoo - Itchy & Dry Skin	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Skin & Coat Relief Shampoo - Sensitive Skin	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Skin & Paw Relief Topical	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief PB Carob Organic Edibles - Family 6mg/300mg - 12.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief PB Carob Organic Edibles - Large 6mg/180mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief PB Carob Organic Edibles - Small 3mg/90mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief PB Carob Organic Edibles - Travel Size 3mg/90mg - 2.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief Peppered Bacon Edibles - Large 6mg/180mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief Peppered Bacon Edibles - Small 3mg/90mg - 7.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
Stress Relief Peppered Bacon Edibles - Travel Size 3mg/30mg - 2.5oz	Altmed Pets LLC DBA Pet Relief	303-953-2620	petrelief.com	December 28, 2022	December 27, 2023
CBD Gummies- 25mg, 60ct.	Bear Botanicals	907-741-1000	bearbotanicalschd.com	September 20, 2022	September 19, 2023
CBD Massage Oil- 100mg CBD	Bear Botanicals	907-741-1000	bearbotanicalschd.com	September 20, 2022	September 19, 2023

CBD Pet Drops- .250mg, 1000mg	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
CBD Tincture Drops - 1500mg	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
CBD Water/ Soluble Nano Tincture Drops- 600mg	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
CBG Tincture Drops- 1000mg	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
De-Stress Bath Bomb- 100mg CBD	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Energy & Focus Softgels- 20mg CBD & 10mg CBG, 30ct.	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Immunes Support Gummies with Elderberry- 25mg, 60ct.	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Relief Roll On Gel- 2000mg CBD	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Sleep Bath Bomb- 100mg CBD	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Smart Blend Instant Coffee- 25mg CBD	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Weight Control Softgels- 25mg CBD & 3mg THCV, 30ct.	Bear Botanicals	907-741-1000	beerbottanicalscbd.com	September 20, 2022	September 19, 2023
Birch Blueberry Chaga CBD - 1000mg	Birch Alaska LLC	907-687-1048	birchalaska.co	October 20, 2022	October 19, 2023
Birch CBD For Your Pets - Salmon, 1000mg	Birch Alaska LLC	907-687-1048	birchalaska.co	October 20, 2022	October 19, 2023
Birch Cranberry Chaga CBD - 1000mg	Birch Alaska LLC	907-687-1048	birchalaska.co	October 20, 2022	October 19, 2023
Birch Honey Chaga CBD - 1000mg	Birch Alaska LLC	907-687-1048	birchalaska.co	October 20, 2022	October 19, 2023
Birch CBD Honey Jar BIRCH SYRUP CHAGA - 500mg CBD, 2.5 oz.	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Birch CBD Honey Jar BLUEBERRY - 500mg CBD, 2.5 oz.	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Birch CBD Honey Sticks BIRCH SYRUP CHAGA - 50mg CBD per stick, 10ct	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Birch CBD Honey Sticks BLUEBERRY - 50mg CBD per stick, 10ct	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Birch CBD Honey Sticks CINNAMON CHAGA - 50mg CBD per stick, 10ct	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Birch CBD Honey Sticks CRANBERRY - 50mg CBD per stick, 10ct	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Creamed Birch CBD Honey Jar CINNAMON CHAGA - 500mg CBD, 2.5 oz.	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
Creamed Birch CBD Honey Jar CRANBERRY - 500mg CBD, 2.5 oz.	Birch Alaska, LLC	907-371-6590	birchalaska.co	November 30, 2022	November 29, 2023
WILDSRING CBD RELAX GUMMIES- ELDERBERRY, 30ct.	Birch Alaska, LLC DBA WILDSRING CBD	907-371-6590	birchalaska.co	September 13, 2023	September 12, 2024
WILSPRING CBD GUMMIES- MOUNTAIN RASPBERRY, 60ct.	Birch Alaska, LLC DBA WILDSRING CBD	907-371-6590	birchalaska.co	September 14, 2023	September 13, 2024
WILDSRING CBD Cold Therapy Salve	Birch Alaska, LLC DBA WILDSRING CBD	907-371-6590	birchalaska.co	October 23, 2023	October 22, 2024
WILDSRING CBD Sunrise Gummies- Orange	Birch Alaska, LLC DBA WILDSRING CBD	907-371-6590	birchalaska.co	October 23, 2023	October 22, 2024
WILDSRING CBD Bath Bombs- Coconut Lime, Birthday Cake, Lavender, Eucalyptus	Birch Alaska, LLC DBA WILDSRING CBD	907-371-6590	birchalaska.co	October 23, 2023	October 22, 2024

Softgels - 15 mg 90 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Softgels 15 mg 30 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Softgels 15 mg 60 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Softgels 25 mg CBD 2.5 mg THC 30 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Softgels 50 mg 30 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Softgels 50 mg 60 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Softgels 50 mg 90 ct	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Soothing Hemp Extract 1.86 fl oz 500 mg - Beef	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Soothing Hemp Extract 1.86 fl oz 500 mg - Chicken	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
Soothing Hemp Extract 1.86 fl oz 500 mg - Peanut Butter	CV Sciences, Inc.	N/A	cvsciences.com	February 22, 2023	February 21, 2024
CBD Oil 2000MG 1.86OZ UNFLAVORED Sweetened w/ Monk Fruit	CV Sciences, Inc.	N/A	cvsciences.com	August 14, 2023	February 21, 2024
CBD Oil 2000MG 1.86OZ PEPPERMINT	CV Sciences, Inc.	N/A	cvsciences.com	August 14, 2023	February 21, 2024
THC Free CBD Softgels 25mg 60ct	CV Sciences, Inc.	N/A	cvsciences.com	August 14, 2023	February 21, 2024
THC Free Gummies 25mg 60ct	CV Sciences, Inc.	N/A	cvsciences.com	August 14, 2023	February 21, 2024
Tank's Choice Pregel Soft Serve Ice Cream	D Squared Worldwide Inc.	12815317500	info@tankschoice.com	July 20, 2023	July 19, 2024
Tank's Choice Dole Soft Serve Ice Cream	D Squared Worldwide Inc.	12815317500	info@tankschoice.com	July 20, 2023	July 19, 2024
Tank's Choice Medium Salsa	D Squared Worldwide Inc.	12815317500	info@tankschoice.com	July 20, 2023	July 19, 2024
Dabber's Delights 8 mg THC Infused Gummies- Multiple Flavors	Dabber's Delights LLC	520-975-3253	N/A	May 15, 2023	May 14, 2024
Cannab-PEA 300™	Designs For Health, Inc.	860-623-6314	designsforhealth.com	March 16, 2023	March 15, 2024
Workman's Relief 1500MG CBD TOPICAL (ELBOW GREASE)	DEX Sustanables DBA Workman's Relief	608-583-3294	workmansrelief.com	February 21, 2023	February 20, 2024
Workman's Relief 2000MG Full Spectrum Oil Peppermint	DEX Sustanables DBA Workman's Relief	608-583-3294	workmansrelief.com	February 21, 2023	February 20, 2024
Workman's Relief 3000MG CBD Oil	DEX Sustanables DBA Workman's Relief	608-583-3294	workmansrelief.com	February 21, 2023	February 20, 2024
Workman's Relief 600MG CBD INFUSED COFFEE (DAILY GRIND)	DEX Sustanables DBA Workman's Relief	608-583-3294	workmansrelief.com	February 21, 2023	February 20, 2024
Workman's Relief 750MG Punch In Citrus Punch Gummies	DEX Sustanables DBA Workman's Relief	608-583-3294	workmansrelief.com	February 21, 2023	February 20, 2024
Workman's Relief 750MG Punch Out Tropical Punch Gummies	DEX Sustanables DBA Workman's Relief	608-583-3294	workmansrelief.com	February 21, 2023	February 20, 2024
Earthy Now Canine CBD Oil	Earthy Now	888-704-6346	earthynew.com	January 17, 2023	January 16, 2024
Earthy Now CBD Isolate Tablets	Earthy Now	888-704-6346	earthynew.com	January 17, 2023	January 16, 2024
Earthy Now Feline CBD Oil	Earthy Now	888-704-6346	earthynew.com	January 17, 2023	January 16, 2024

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Hemp Smokes Blue	Earthly Now	888-704-6346	earthlynow.com	December 20, 2022	December 19, 2023
Hemp Smokes Green	Earthly Now	888-704-6346	earthlynow.com	December 20, 2022	December 19, 2023
Hemp Smokes Original	Earthly Now	888-704-6346	earthlynow.com	December 20, 2022	December 19, 2023
Sleepy CBN Lozenges	Earthly Now	888-704-6346	earthlynow.com	January 17, 2023	January 16, 2024
Soothing Relief Lotion	Earthly Now	888-704-6346	earthlynow.com	December 25, 2022	December 24, 2023
Soothing Relief Salve	Earthly Now	888-704-6346	earthlynow.com	December 25, 2022	December 24, 2023
Delta-9 Indica Gummies: 10mg each (5 count)	Earthly Select	—	https://www.earthlyselect.com/	January 30, 2023	January 29, 2024
Delta-9 Indica Gummies: 50mg each (1 count)	Earthly Select	—	https://www.earthlyselect.com/	January 30, 2023	January 29, 2024
Delta-9 Sativa Gummies: 10mg each (5 count)	Earthly Select	—	https://www.earthlyselect.com/	January 30, 2023	January 29, 2024
Delta-9 Sativa Gummies: 50mg each (1 count)	Earthly Select	—	https://www.earthlyselect.com/	January 30, 2023	January 29, 2024
Eden Hemp Flower Extract, Cinnamon, 1 fl oz.	Eden Foods, Inc.	517-456-7457	https://store.edenfoods.com/	July 5, 2023	July 4, 2024
Eden Hemp Flower Extract, Original, 1 fl oz.	Eden Foods, Inc.	517-456-7457	https://store.edenfoods.com/	July 5, 2023	July 4, 2024
Eden Hemp Flower Extract, Pet Formula, 1 fl oz.	Eden Foods, Inc.	517-456-7457	https://store.edenfoods.com/	July 5, 2023	July 4, 2024
Epione Full Spectrum Cannabis Oil- 1000mg (30ml)	Epione	702-983-4015	epionecd.org	April 10, 2023	April 9, 2024
Epione Full Spectrum Cannabis Oil- 200mg (10ml)	Epione	702-983-4015	epionecd.org	April 10, 2023	April 9, 2024
Epione Full Spectrum Cannabis Oil- 500mg (30ml)	Epione	702-983-4015	epionecd.org	April 10, 2023	April 9, 2024
Cognitive Support 1000mg CBG:CBD Gummies	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Cognitive Support CBG:CBD Broad Spectrum Tincture 1000mg:1000mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Cognitive Support Hemp Softgels CBG:CBD 1000mg:1000mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Daily Support 1000mg CBD Gummies	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Daily Support CBD Isolate Tincture 2000mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Fetch Calming Hemp Bites 300mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Immune Support Hemp Softgels:CBG:CBD 1000mg:1000mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Immune Support Tincture CBGa:CBDa:CBD:CBG 500mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Organic Daily Support 1000mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Organic Daily Support Extra Strength 2000mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Organic Lemon Flavor 1000mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Organic Lemon Flavor Extra Strength 2000mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023

Organic Raspberry Flavor 1000mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Organic Raspberry Flavor Extra Strength 2000mg CBD	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
PM Formula Gummies CBN:CBD 300mg:300mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Relief Formula CBG:CBD Tincture 600mg:1800mg	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Starter Pack Core Full Spectrum	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Starter Pack Essential Full Spectrum	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Starter Pack Support Full Spectrum	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Starter Pack THC Free	Extract Labs	303-927-6130	extractlabs.com	December 19, 2022	December 18, 2023
Purecare Premium Pillow + Suncliff CBD Bamboo Memory Foam Puff- Queen, King	Fabritech 2000 LLC DBA Purecare	800-758-8563	purecare.com	March 22, 2023	March 21, 2024
Purecare Premium Pillow + Suncliff CBD Cooling Down Complete - Queen, King	Fabritech 2000 LLC DBA Purecare	800-758-8563	purecare.com	March 22, 2023	March 21, 2024
Purecare Premium Pillow + Suncliff CBD Cooling Replenish- Queen, King	Fabritech 2000 LLC DBA Purecare	800-758-8563	purecare.com	March 22, 2023	March 21, 2024
Purecare Premium Pillow + Suncliff CBD Cooling Softcell Chill- Queen, King	Fabritech 2000 LLC DBA Purecare	800-758-8563	purecare.com	March 22, 2023	March 21, 2024
Purecare Premium Pillow + Suncliff CBD Softcell Live - Queen, King	Fabritech 2000 LLC DBA Purecare	800-758-8563	purecare.com	March 22, 2023	March 21, 2024
Suncliff CBD+ relax Bedding Mist 10ml	Fabritech 2000 LLC DBA Purecare	800-758-8563	purecare.com	March 22, 2023	March 21, 2024
Trokie Full Spectrum Phytocannabinoids 20mg, 10 count and 60 count	Farm to Farma, Inc. DBA Trokie	844-487-6543	trokie.com	September 25, 2023	September 24, 2024
Trokie Broad Spectrum Phytocannabinoids, 10 count and 60 count	Farm to Farma, Inc. DBA Trokie	844-487-6543	trokie.com	September 25, 2023	September 24, 2024
Trokie Nighttime 20mg + Melatonin, 10 count and 60 count	Farm to Farma, Inc. DBA Trokie	844-487-6543	trokie.com	September 25, 2023	September 24, 2024
Trokie Nanocaps 25mg, 60 count	Farm to Farma, Inc. DBA Trokie	844-487-6543	trokie.com	September 25, 2023	September 24, 2024
Five Full Spectrum CBD + THC Gummies - Original 20ct	Five CBD	402-880-2494	fivecbd.com	May 5, 2023	May 4, 2024
Five Full Spectrum CBD + THC Gummies - Sleep 20ct	Five CBD	402-880-2494	fivecbd.com	May 5, 2023	May 4, 2024
Five Sipz Seltzer, Black Cherry, 12oz Can	Five CBD	402-880-2494	fivecbd.com	May 5, 2023	May 4, 2024
Five Sipz Seltzer, Grapefruit, 12oz Can	Five CBD	402-880-2494	fivecbd.com	May 5, 2023	May 4, 2024
Five Sipz Seltzer, Guava Passionfruit, 12oz Can	Five CBD	402-880-2494	fivecbd.com	May 5, 2023	May 4, 2024
Unscented, 1 oz., 3 oz.- Salve	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Refreshing Citrus- 1 oz., 3 oz. Salve	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Relaxing Lavender- 1 oz., 3 oz. Salve	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Menthol- 1oz., 3 oz. Salve	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Soap- Rise N Shine, Raspberry Oatmeal, Lavender, Goat's Milk, Eucalyptus, Charcoal, Aloe, Soar Muscle, Fresh Rain, Rosemary Mint	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024

Bath Bombs	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Hemp Lotion- Unscented, Lavender	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Shower Gel- Unscented, Lavender	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Bubble Bath- Lavender	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Pain Freeze Roll On	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Pain Freeze Double Strength	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Heat Cream	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Drops- Peppermint	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Drops- Natural Flavor	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Cozy Hot Cocoa	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Cozy Hot Cocoa w/ Marshmallows	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Loose Leaf Tea	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Holiday Tea 1oz, 2oz- Gingerbread Herbal	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Holiday Tea 1oz, 2oz- Chocolate Candy Cane Black	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Honey FIREWEED- 2 oz., 8 oz.	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Honey Wildflower- 2 oz., 8 oz., 16 oz.	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Honey Stick	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Creamed Honey- Lemon, Raspberry, Blueberry, Natural Flavor	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Papa Bear Single Gummy (Bag)	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Papa Bear 5ct (Bag)	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Original CBD Gummies (Bag)	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
SINGLE FLAVOR Or!, Gummy (Bag)	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
SUGAR FREE CBD Gummies (Bag)	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Gummy Worms (Bag)	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Natural Gummies 5-Flavor Lmn/Orng/Chrry/GrApp/Wmln	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Sherbet Pop Gummies Strawberry/Orange/Lime	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
CBD Caramels- 1 ct., 5 ct., 10 ct.	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024
Salted Caramels- 1 ct., 5 ct., 10 ct.	Frontier CBDs	907-299-1829	frontiercbd.com	August 28, 2023	August 27, 2024

CBD Sugar Cubes (Bag)- Original, Peppermint, Lemon	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Taffy- Wildberry, Fireweed, Candy Cane	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Sour Papa Bear	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Sour Bears- Mixed, Wild Cherry	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Sour Worms	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
CBD Isolate 99.6% Powder	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
CBD Vape- Blueberry, Watermelon, Strawberry	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Pet Tincture	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Charlie's Peanut Butter Treat	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Bella's Biscuits- Small, Medium	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Kitty Kitty Meow Meow Cat Treats	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
CBD Gummies- Festive Mix (Seasonal)	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Original CBD Gummies- Boatload Of Bears, 6 oz. Jar, 10 oz. Jar	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Island Choice Cane Sticks- Pina Colada, Watermelon, Passion Fruit, Mango	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Island Choice Truffles- Coconut, Pineapple	Frontier CBDs	907-299-1829	frontiercbds.com	August 28, 2023	August 27, 2024
Pineapple Kush Hemp Flower	GD Sales LLC dba Hempire-CO	907-521-1493	https://hempire-co.store/	May 31, 2023	May 30, 2024
Kush Cake Hemp Flower	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 31, 2023	May 30, 2024
Pink Panther Hemp Flower	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 31, 2023	May 30, 2024
Sour G CBG Hemp Flower	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 31, 2023	May 30, 2024
Full Spectrum CBD Softgels- 900 MG, Boost, Remission, Happy, Relax, Elevate, Original, Bliss	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum CBD Tincture- 250mg, 500mg, 1000mg, 2400mg, 3000mg, 4200mg- Bliss, Happy, Remission, Boost, Relax, Custom, Elevate, Original	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum Original Salve- 250mg, 500mg, 1000mg, 2500mg, 3000mg, 4000mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum Pet Blend Tincture- 250mg, 500mg, 1000mg, 2400mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum Sensitive Skin Salve- 250mg, 500mg, 1000mg, 2500mg, 3000mg, 4000mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum Super Relax Tincture- 1000/2400/3000/4000/4200mg Full Spectrum: 750mg CBN	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum Super Remission Tincture- 1000/2400/3000/4000/4200mg Full Spectrum: 750mg CBG: 750mg CBN	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Full Spectrum Tropical Salve- 250mg, 500mg, 1000mg, 2500mg, 3000mg, 4000mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	May 19, 2023	May 18, 2024
Pure CBD Bath Bombs- 100mg, 200mg, 300mg, Lavender & Ylang Ylang, White Cherry Vanilla, Orange Creamsicle, Lemon Rosemary, Peppermint Vanilla, Lemongrass	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024

Pure CBD Isolate-1g, 5g, 10g.	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure CBD Softgels- 900 MG, Boost, Remission, Happy, Relax, Elevate, Original, Bliss	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure CBD Tincture- 250mg, 500mg, 1000mg, 2400mg, 3000mg, 4200mg, Focus, Remission, Relax, Elevate, Custom, Happy, Bliss, Boost, Original	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure CBG Isolate- 1g, 5g, 10g.	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure CBN Isolate-1g, 5g, 10g.	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Epsom Soaks- 100mg, 200mg, 300mg- Lavender & Ylang Ylang, White Cherry Vanilla, Orange Creamsicle, Lemon Rosemary, Peppermint Vanilla, Lemongrass	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Original Salve- 250mg, 500mg, 1000mg, 2500mg, 3000mg, 4000mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Sensitive Skin Salve- 250mg, 500mg, 1000mg, 2500mg, 3000mg, 4000mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Skin Soothing Salve- 250mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Super Relax Tincture- 1000/2400/3000/4000mg/4200mg CBD: 750mg CBN	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Super Remission Tincture- 1000/2400/3000/4000mg/4200mg CBD: 750mg CBG: 750mg CBN	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Pure Tropical Topical Salve- 250mg, 500mg, 1000mg, 2500mg, 3000mg, 4000mg	GD Sales LLC dba Hempire-CO	907-521-1493	hempire-co.com	April 25, 2023	April 24, 2024
Hemp Bomb CBD Gummies HIGH POTENCY - 8ct, 20ct, 50ct, 100ct.	Global Widget, LLC	855-967-3593	globalwidget.com	November 21, 2022	November 20, 2023
Hemp Bomb CBD Gummies ORIGINAL- 8ct, 20ct, 50ct, 100ct.	Global Widget, LLC	855-967-3593	globalwidget.com	November 21, 2022	November 20, 2023
Hemp Bomb CBD Gummies SLEEP - 8ct, 20ct, 50ct, 100ct.	Global Widget, LLC	855-967-3593	globalwidget.com	November 21, 2022	November 20, 2023
Mystic Labs Delta-9-THC Gummies, Mixed Berry Magic - 10ct, 5mg Delta-9-THC Per Gummy	Global Widget, LLC	855-967-3593	globalwidget.com	November 21, 2022	November 20, 2023
GOOD Gummies CBD, CBN, &/or CBG Version 50-1000mg (10ct)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
GOOD (Milk or Dark) Chocolate Bar CBD, CBN, &/or CBG Version 50-1000mg (50ct, 10ct full-sized)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
GOOD Capsules CBD, CBN, &/or CBG Version 50-1000mg(10ct)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
GOOD Berry Tincture CBD, CBN, &/or CBG Version 50-1000mg (30 mL)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
Mamma Transdermal Patch CBD, CBN, &/or CBG Version 10-20mg (1ct)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
Hemp Infused Distillate CBD, CBN, &/or CBG Version 50-1000mg (0.5 mL, 1mL)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
Hemp Infused Pre-roll CBD, CBN, &/or CBG Version 50-300mg (0.5g, 1g)	Good LLC	480-586-1077	goodalaska.com	10/3/2023 (CBD) 7/17/2023 (CBN) 10/11/2023 (CBG)	10/2/2024 (CBD) 7/16/2024 (CBN) 10/10/2024 (CBG)
Good Titrations CBD Infused Creamer, 100mg	Good Titrations	907-474-4663	edilias@goodtitrationsak.com	September 27, 2023	September 26, 2024

Certified Organic Pure CBD Oil- 1500mg	Green Gorilla	310-374-4915	ilovegreengorilla.com	December 20, 2022	December 19, 2023
Freeze Dried CBD Dog Nibs	Green Gorilla	310-374-4915	ilovegreengorilla.com	December 20, 2022	December 19, 2023
AK Renew For Pets- Salmon Tincture, 1000mg CBD	GrowGeneration USA Inc.	907-5629997	N/A	June 7, 2023	June 6, 2024
AK Renew CBD Oil- Lemonade, 1000mg CBD	GrowGeneration USA Inc.	907-5629997	N/A	June 7, 2023	June 6, 2024
AK Renew CBD Oil- Peach, 3000mg CBD	GrowGeneration USA Inc.	907-5629997	N/A	June 7, 2023	June 6, 2024
Higher Altitude CBD Cookies 'N' Cream Bar	Higher Altitude Manufacturing	907-538-9987	akhollyweed907.com	November 22, 2022	November 21, 2023
Higher Altitude CBD Infused Gummies - Assorted Berry	Higher Altitude Manufacturing	907-538-9987	akhollyweed907.com	November 22, 2022	November 21, 2023
Higher Altitude CBD Infused Gummies - Assorted Classic	Higher Altitude Manufacturing	907-538-9987	akhollyweed907.com	November 22, 2022	November 21, 2023
Higher Altitude CBD Infused Gummies - Assorted Tropical	Higher Altitude Manufacturing	907-538-9987	akhollyweed907.com	November 22, 2022	November 21, 2023
HMP BRANDS HEMP JOINT CREAM - HEALTHY NERVE	HMP Brands	866-552-3111	hmpbrands.com	November 28, 2022	November 27, 2023
HMP BRANDS HEMP JOINT CREAM - HEALTHY SKIN	HMP Brands	866-552-3111	hmpbrands.com	November 28, 2022	November 27, 2023
HMP BRANDS HEMP JOINT CREAM - MUSCLE & JOINT	HMP Brands	866-552-3111	hmpbrands.com	November 28, 2022	November 27, 2023
HMP BRANDS HEMP JOINT CREAM - MUSCLE & JOINT ROLL-ON	HMP Brands	866-552-3111	hmpbrands.com	November 28, 2022	November 27, 2023
Kreative Konfections Divines	Kreative Konfections LLC	907-631-8858	N/A	June 7, 2023	June 6, 2024
Kreative Konfections Heavenly's	Kreative Konfections LLC	907-631-8858	N/A	June 7, 2023	June 6, 2024
Kreative Konfections Karamels	Kreative Konfections LLC	907-631-8858	N/A	June 7, 2023	June 6, 2024
Citrus Elderberry Body + Mind Wellness Boost, 50 mg Hemp Extract	Mad Tasty, LLC	323-944-1200	madtasty.com	December 22, 2022	December 21, 2023
Grapefruit Pure Sparkling Water, 20 mg Hemp Extract	Mad Tasty, LLC	323-944-1200	madtasty.com	December 22, 2022	December 21, 2023
Mango Ginger Body + Mind Wellness Boost, 50 mg Hemp Extract	Mad Tasty, LLC	323-944-1200	madtasty.com	December 22, 2022	December 21, 2023
Unicorn Tears Pure Sparkling Water, 20 mg Hemp Extract	Mad Tasty, LLC	323-944-1200	madtasty.com	December 22, 2022	December 21, 2023
Watermelon Kiwi Pure Sparkling Water, 20 mg Hemp Extract	Mad Tasty, LLC	323-944-1200	madtasty.com	December 22, 2022	December 21, 2023
Yuzu Citrus Pure Sparkling Water 20 mg Hemp Extract	Mad Tasty, LLC	323-944-1200	madtasty.com	December 22, 2022	December 21, 2023
BMADO ESTER GOLD CBD OIL- 250mg Full Spectrum, 1 oz./30 ml	MADO CBD LLC	310-927-6922	N/A	June 2, 2023	June 1, 2024
MADO LIFT'S CBG Pre-Roll	MADO CBD LLC	310-927-6922	N/A	June 2, 2023	June 1, 2024
MADO GROUND'S CBD Pre-Roll	MADO CBD LLC	310-927-6922	N/A	June 2, 2023	June 1, 2024
MADO CBG Flower- 1/2 oz & 7 Grams	MADO CBD LLC	310-927-6922	N/A	June 2, 2023	June 1, 2024
MADO HANDCRAFTED ALL NATURAL ALASKA CBD SALVE- 2 oz./60 ml	MADO CBD LLC	310-927-6922	N/A	June 2, 2023	June 1, 2024
Medterra Broad Spectrum Keep Calm Strawberry Lemonade Gummies, 75mg (5ct & 30ct)	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024

Medterra Broad Spectrum Liquid Capsule, 50mg, 30ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Broad Spectrum, Tincture, 1000mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Broad Spectrum, Tincture, 1000mg, Citrus Flavor, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra CBD Daily Relief Capsules - 25mg, 30ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra CBD Enhanced Relief Capsules - 50mg, 30ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra CBD Manuka Healing Cream, 125mg, 1oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra CBD Tincture - 1000mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra CBD Tincture - 3000mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra CBD Tincture - 500mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Fast Asleep Fast-Acting Gummies - Blueberry Pomegranate	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Fast Asleep Fast-Acting Gummies - Strawberry	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Good Morning Capsules - 25mg, 30ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Good Night Capsules - 50mg, 60ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Isolate Focus Red Raspberry Gummies, 25mg (5ct & 30ct)	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Isolate Sleep Tight Blackberry Lemonade Gummy (5ct & 30ct)	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pain Relief Cream, 1000mg, 1.7oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pain Relief Cream, 500mg, 1.7oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pain Relief Roll-On, 1000mg, 2oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Bacon Calming Chews, 300mg, 30ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Joint Health Treat Peanut Butter Chews, 300mg, 30ct	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Tincture, 300mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Tincture, 750mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Tincture, Beef, 750mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Tincture, Chicken, 300mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Pet CBD Tincture, Chicken, 750mg, 30ml	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Rapid Recovery Roll On, 1000mg, 2oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Rapid Recovery Roll On, 500mg, 2oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Rapid-Recovery Cream, 500mg, 1.7oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024

Medterra Rapid-Recovery Cream, 750mg, 3.4oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Rapid-Recovery, 250mg Roll On, 2oz	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Relax Now Fast-Acting Gummies - Citrus	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Medterra Relax Now Fast-Acting Gummies - Tropical	Medterra	949-241-9715	medterracbd.com	May 5, 2023	May 4, 2024
Trank's Choice D9 Lollipops	MNG 2005 Inc.	314-250-9668	info@trankchoice.com	August 22, 2023	August 21, 2024
Trank's Choice Milk Chocolate Squares, 40mg THC	MNG 2005 Inc.	314-250-9668	info@trankchoice.com	September 28, 2023	September 27, 2024
3000MG MELATONIN GUMMIES • 30CT	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 12, 2023	April 11, 2024
CBD + CBN + MELATONIN • CAPSULES	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 12, 2023	April 11, 2024
CBD + CBN + MELATONIN • SUBLINGUAL OIL	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 12, 2023	April 11, 2024
Creating Better Days CBD Gummies- Cherry 1500mg Total, 50mg CBD per gummy	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 7, 2023	April 6, 2024
Creating Better Days CBD Gummies- Green Apple 1500mg Total, 50mg CBD per gummy	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 7, 2023	April 6, 2024
Creating Better Days CBD Gummies- Peach 1500mg Total, 50mg CBD per gummy	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 7, 2023	April 6, 2024
Creating Better Days CBD Gummies- Watermelon 1500mg Total, 50mg CBD per gummy	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 7, 2023	April 6, 2024
FULL-SPECTRUM CBD SUBLINGUAL OIL • 1250MG	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 12, 2023	April 11, 2024
ISOLATE CBD SUBLINGUAL OIL • 2500MG	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 12, 2023	April 11, 2024
Creating Better Days 1500 mg CBD Isolate Cooling Roll-On, 3 FL OZ	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 7, 2023	April 6, 2024
Creating Better Days 1500 mg CBD Isolate Pain Cream, 3.38 FL OZ	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	April 7, 2023	April 6, 2024
Creating Better Days Calming Pet Chews, 900mg CBD	Nature's Way Creating Better Days	239-405-5370	creatingbetterdays.com	July 28, 2023	July 27, 2024
CBD Balm Stick Calming & Moisturizing 750mg-3000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Blue Raspberry CBD Vape Pen 500mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Calming and Moisturizing Pet CBD Balm 750mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD + CBD Morning Capsules For Energy & Focus 900mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD + CBD Oil Calming Tincture 1000-6000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD + CBG Oil Wellness Tincture 1000-6000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD + CBN Night Capsules For Sleep 900mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Balm Stick Muscle & Joint 750mg-3000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Bath Bombs 200mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Bath Salt- Lavender 100mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024

CBD Bath Salt Peppermint- 100mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Dog Treats - Stress and Anxiety 450mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Gel Capsules 750mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Gummies for Sleep with Melatonin- 1500mg & 200mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Gummies with Apple Cider Vinegar- 1500mg & 200mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Gummies with Turmeric and Spirulina- 1500mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Oil for Dogs- Bacon Flavored- 250 to 2000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Oil For Dogs- Chicken Flavored- 250 to 2000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBD Oil Sleep Tincture 1000-4000mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
CBG + CBD Lotion for Muscle & Joint: Heating Formula 1:1 Ratio	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Fresh Mint CBD Vape Pen 500mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Multivitamin CBD Gummies For Women & Men- 1500mg & 200mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Original Mixed Berry CBD Gummies- 1500mg & 200mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Strawberry Lemonade CBD Vape Pen 500mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Tropic Breeze CBD Vape Pen 500mg	Newhere, Inc. DBA CBDfx	888-991-7471	cbdfx.com	February 2, 2023	February 1, 2024
Blackberry Gummies - 500mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Blackberry Sparkling Water - 25mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Blood Orange Sparkling Water - 25mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Elderberry CBD+CBN Gummies - 25mg CBD- 5mg CBN per Gummy	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Huckleberry Gummies - 500mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Lemon Gummies - 500mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Lemon Sparkling Water - 25mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Pear CBD+CBG Gummies - 20mg CBD- 10mg CBG per Gummy	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Raspberry Gummies - 500mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Raspberry Sparkling Water - 25mg CBD	Northwest Natural Goods, LLC DBA Wwyd CBD	971-666-9782	wyldcbd.com	January 3, 2023	January 2, 2024
Laughing Salmon CBD Oil- 1000mg, 2000mg	Nulyfe Labs, LLC	907-414-2111	nulyfeilabs.com	May 4, 2023	May 3, 2024
Laughing Salmon CBD+CBG Oil- 1000mg, 2000mg	Nulyfe Labs, LLC	907-414-2111	nulyfeilabs.com	May 4, 2023	May 3, 2024
Laughing Salmon CBG Oil- 1000mg, 2000mg	Nulyfe Labs, LLC	907-414-2111	nulyfeilabs.com	May 4, 2023	May 3, 2024

Laughing Salmon CBN Oil- 250mg, 500mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Moody's Medicinals CBD Gummies, Assorted Fruit Flavors, 1000 mg, 40ct	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Moody's Medicinals CBD Hemp Extract CBD Oil Tincture Peppermint (30 ml) 750mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Moody's Medicinals CBD Hemp Extract CBD Oil Tincture Peppermint Flavor (30 ml) 1500mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Moody's Medicinals CBD Hemp Extract CBD Oil Tincture Peppermint Flavor (30 ml) 350mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Moody's Medicinals CBD Hemp Extract Intensive Healing Gel Roll On (03 oz) 1500mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe AK Bacon Pet Oil- 500mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe AK Chicken Pet Oil- 500mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe AK Salmon Pet Oil- 500mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Full Spectrum Blueberry Drop- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Full Spectrum Cherry Pie- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Full Spectrum Forbidden Fruit- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Full Spectrum Granddaddy Purple- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Full Spectrum Maui Wowie- 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Full Spectrum Sour Diesel- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Pure Blueberry Drop- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Pure Cherry Pie- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Pure Forbidden Fruit- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Pure Granddaddy Purple- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Pure Maui Wowie- 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Pure Sour Diesel- 500mg, 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
NuLyfe Relief Rub- 500mg, 1000mg, 2000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Nuoptym Kemo Phase One- 1000mg, 2000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Nuoptym Kemo Phase Three- 3000mg, 6000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Nuoptym Kemo Phase Two- 2000mg, 4000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Nuoptym Noctis Phase One- 1000, 2000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Nuoptym Noctis Phase Three- 3000mg, 6000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024
Nuoptym Noctis Phase Two- 2000, 4000mg	NuLyfe Labs, LLC	907-414-2111	nuylfeilabs.com	May 4, 2023	May 3, 2024

Nuoptym Nootropic Phase One- 1000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Nootropic Phase Three- 3000mg, 6000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Nootropic Phase Two- 2000mg, 4000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Releivum Phase One- 1000mg, 2000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Releivum Phase Three- 3000mg, 6000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Releivum Phase Two- 2000mg, 4000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Solis Phase One- 1000mg, 2000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Solis Phase Three- 3000mg, 6000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Nuoptym Solis Phase Two- 2000mg, 4000mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Trophe's Joy Salve- 500mg, 2500mg	NuLyfe Labs, LLC	907-414-2111	nuylifelabs.com	May 4, 2023	May 3, 2024
Tank's Choice Assorted Gummy Rings- 10mg delta-9-THC per piece, 5 pack	NVUS Labs	907-529-2062	info@tankchoice.com	October 25, 2022	October 24, 2023
Tank's Choice Chocolate Mini Cookies - 10mg delta-9-THC per piece, 5 Pack	NVUS Labs	907-529-2062	info@tankchoice.com	October 25, 2022	October 24, 2023
Tank's Choice Peanut Butter Mini Cookies - 10mg delta-9-THC per piece, 5 Pack	NVUS Labs	907-529-2062	info@tankchoice.com	May 1, 2023	April 30, 2024
Tank's Choice Caramels- Multiple Flavors	S4 Solutions, LLC	907-529-2062	info@tankchoice.com	May 1, 2023	April 30, 2024
Tank's Choice Sour Kids- 5mg delta-9-THC per piece, 10 pack	NVUS Labs	907-529-2062	info@tankchoice.com	October 25, 2022	October 24, 2023
Tank's Choice Taffys- Multiple Flavors	S4 Solutions, LLC	907-529-2062	info@tankchoice.com	May 1, 2023	April 30, 2024
Tanks Choice Vanilla Mini Cookies - 10mg delta-9-THC per piece, 5 pack	NVUS Labs	907-529-2062	info@tankchoice.com	May 1, 2023	April 30, 2024
Tank's Choice Cotton Candy	Philly Herbs	610-316-4815	primoak.com	December 13, 2022	December 12, 2023
Tank's Choice Peppermint Bark	Philly Herbs	610-316-4814	primoak.com	December 13, 2022	December 12, 2023
R&R Broad-Spectrum Gummies - Multi Flavored, 30mg/30ct	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R Broad-Spectrum THC-Free Softgels - 30mg/34ct	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R CBD Pain Cream - 1000mg CBD	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R CBD Pet Tincture Full Spectrum - 500mg CBD	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R Fresh Mint CBD Tinctures Full Spectrum - 500mg, 1000mg	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R Fresh Mint THC-Free Tinctures Broad Spectrum - 1000mg	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R Full-Spectrum CBD Softgels - 15mg/34ct	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R Full-Spectrum CBD Softgels - 30mg/34ct	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023
R&R Full-Spectrum Gummies - Multi Flavored, 30mg/30ct	R&R CBD	303-653-6222	rrmeds.com	December 20, 2022	December 19, 2023

R&R Unflavored CBD Tinctures Full Spectrum - 500mg, 1000mg	R&R CBD	303-653-6222	irreeds.com	December 20, 2022	December 19, 2023
Broad Spectrum CBD Oil - Peppermint, 1fl. Oz, 1500mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Freeze Cold Therapy Topical Gel Airless - 750mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Freeze Cold Therapy Topical Gel Roll-On - 750mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Gummies, Strawberry Lemonade, 12ct.	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Gummies, Strawberry Lemonade, 50ct.	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Moisturizing Pain Cream 750mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Oil - Peppermint, 1500mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
CBD Oil, Unflavored 1500mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Full Spectrum Blue Raspberry CBD Gummies- 12ct, 300mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Full Spectrum Blue Raspberry CBD Gummies- 50ct, 1250mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Full Spectrum CBD Oil - Peppermint, 1 Fl. Oz, 1500mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Full Spectrum CBD Oil - Unflavored, 1 Fl. Oz, 1500mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Pet CBD Tincture, 1500mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Pet CBD Tincture, 450mg	Red Raven CBD	907-385-2673	redravencbd.com	October 25, 2022	October 24, 2023
Original CBD Cigarettes	Redwood Reserves	503-875-0118	https://redwoodreserves.com/	July 17, 2023	July 16, 2024
Menthol CBD Cigarettes	Redwood Reserves	503-875-0118	https://redwoodreserves.com/	July 17, 2023	July 16, 2024
CBD Bath Fizzy	Sana Vos Corporation	907-232-3727	snavos.com	April 3, 2023	April 2, 2024
CBD Pain Relief Salve	Sana Vos Corporation	907-232-3727	snavos.com	April 3, 2023	April 2, 2024
Fish Oil Pet Drops- 250mg CBD	Sana Vos Corporation	907-232-3727	snavos.com	April 3, 2023	April 2, 2024
Renovo CBD Isolate Drops	Sana Vos Corporation	907-232-3727	snavos.com	April 3, 2023	April 2, 2024
Somnus CBD Isolate Drops	Sana Vos Corporation	907-232-3727	snavos.com	April 3, 2023	April 2, 2024
24K Gold Skin Serum- 1oz 250mg CBD	Sela Studios LLC/907EMU	907-775-7000	N/A	June 7, 2023	June 6, 2024
Emu Oil Tincture Blueberry- 30ml 300mg CBD	Sela Studios LLC/907EMU	907-775-7000	N/A	June 7, 2023	June 6, 2024
Kodiak Grizzly Skin Cream- 4oz 250mg CBD	Sela Studios LLC/907EMU	907-775-7000	N/A	June 7, 2023	June 6, 2024
Mt. Marathon Muscle Salve Extra Strength- 2.2oz 250mg CBD	Sela Studios LLC/907EMU	907-775-7000	N/A	June 7, 2023	June 6, 2024
907 EMU Pet Protector Salve Stick- 2.2oz 250mg CBD	Sela Studios LLC/907EMU	907-775-7000	N/A	June 7, 2023	June 6, 2024
Suafina Sleeping Lady Lotion- 4 oz 250mg CBD	Sela Studios LLC/907EMU	907-775-7000	N/A	June 7, 2023	June 6, 2024

Beyond Indica Trial Pack	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Beyond Indica Water Soluble Trial Pack 5-Day-Strawberry Lemonade	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Beyond Sativa Trial Pack	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Beyond Sativa Water Soluble Trial Pack 5-Day- Tangerine Dream	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Bath Bombs- Multiple Scents	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Bath Soaks- Multiple Scents	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Collagen Cream	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Daytime Ageless Moisturizer	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Daytime Tincture	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Daytime Vegan Gummies Starter Pack	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Daytime Vegan Gummies Starter Pack	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Moisturizing Lotion	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Neuro Water Soluble	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Nighttime Ageless Serum	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Nighttime Tincture	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Pet Bacon Hearts	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Pet Tinctures- 250mg, 500mg- Multiple Flavors	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Soft Gel Capsules	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Stick Packs- Multiple Flavors	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Topical Cream	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Broad Spectrum Water Soluble Tinctures- 300mg, 600mg, 900mg, 1200mg- Multiple Flavors	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Cat Snacks	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Full Spectrum Neuro Water Soluble	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Full Spectrum Nighttime Tincture	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Full Spectrum Nighttime Vegan Gummies	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Full Spectrum Nighttime Vegan Gummies Starter Pack	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Full Spectrum Soft Gel Capsules	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024
Full Spectrum Topical Cream	SUNMED	(727) 235-0720	https://retsunmed.com/	January 12, 2023	January 11, 2024

Full Spectrum Water Soluble Tinctures- 300mg, 600mg, 900mg, 1200mg- Multiple Flavors	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Grapefruit Wellness Water Enhancer	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Jerky Sticks	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Lemon Lime Hydrate Water Enhancer	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
NASC Broad Spectrum Pet Chews - 'Movin' Easy	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
NASC Broad Spectrum Pet Chews- Chillin Out	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Broad Spectrum Tinctures- 250mg, 500mg, 1000mg, 2000mg- Orange Flavor	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Broad Spectrum Tinctures- 250mg, 500mg, 1000mg, 2000mg, 3000mg- Natural Flavor	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Broad Spectrum Tinctures- 500mg, 1000mg, 2000mg- Lemon & Mint Flavors	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Full Spectrum Tinctures- 500mg, 1000mg- Strawberry & Cinnamon	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Full Spectrum Tinctures- 250mg, 500mg, 1000mg- Natural & Blueberry Flavor	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Peanut Butter Biscuits	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Whole Plant Tinctures- 500mg, 100mg- Strawberry & Cinnamon Flavors	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Organic Whole Plant Tinctures- 250mg, 500mg, 1000mg- Natural & Blueberry Flavors	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Passionfruit Guava Energy Water Enhancer	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Raw Hemp Daytime 14g	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Raw Hemp Daytime 7g	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Raw Hemp Mix CBD & CBG 14 g	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Raw Hemp Mix CBD & CBG 7g	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Steak Bites Pet Chews	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Topical Menthol Spray	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Topical Motion Roll-On	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Vape Cartridge - Blueberry AK 1ML 700mg	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Vape Cartridge - Lemon Haze 1ML 700mg	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Vape Cartridge - Strawmana 1ML 700mg	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Vape Cartridge - Girl Scout Cookies 1 ML 700mg	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Vape Cartridge - Grape Ape 1ML 700mg	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024
Vape Cartridge - Pineapple Express 1ML 700mg	SUNMED	(727) 235-0720	https://retsummed.com/	January 12, 2023	January 11, 2024

Vape Cartridge - Watermelon OG 1ML 700mg	SUNMED	(727) 235-0720	https://getsummed.com/	January 12, 2023	January 11, 2024
Wavy Cheese and Bacon Pet Snack	SUNMED	(727) 235-0720	https://getsummed.com/	January 12, 2023	January 11, 2024
Brew Dog: Mellow Pup CBD Dog Treats	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 28, 2023	February 27, 2024
Disposable Vape- Blue Razz 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Disposable Vape- Honeysuckle Cocktail 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Disposable Vape- Orange & Pineapple 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Disposable Vape- Peaches & Cream 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Disposable Vape- Rainbow Sherbert 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Disposable Vape- Sweet Mango 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Disposable Vape- Watermelon Mojito 700mg CBD+CBG+CBN	Tank's Choice, LLC	907-529-2062	tankschoice.com	February 27, 2023	February 26, 2024
Apple Spice	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Bee Peachy	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Blood Flow	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Blue Moon Milk	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Breakfast Buzz	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Buddha Berry	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Butterfly Blue	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Buzz Balm	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Calming K9	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Canna Caps	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Chai Awakening	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Chocodelic Trip	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Cleanse	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Coconut Gummies	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Cosmic Cleanse	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Digest Well	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Dragon's Lair	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Energizing CBD Sugar Scrub	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024

Focus	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Garden of Eden	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Golden Dream	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Golden Milk	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Hibiscus Goji Berry	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Highbiscus	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Horchata	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Immunity Support	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Insight	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Lemon Ginger	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Lemon Ginger Honey Drops	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Love	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Lover's latte	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Magical Mushroom	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Mellow Mint	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Mental Clarity	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Midnight Dream	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Mighty Macina	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Mystic Kava Root	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Odlong Passion	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Organic Lavender	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Organic Turmeric Honey Drops	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Organic Turmeric	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Organic Wildflower	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Pain Away	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Peppermint Chocolate Treat	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Pumpkin Chai	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Resiful	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024

Rose Matcha	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Rosehip Face Moisturizing	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Sensualitea	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Sleep Aid	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Slumbering CBD Bath Soak	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Soothing Cbd Body Butter	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Spiced Cacao	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Stomach Soother	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Super Citrus	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Super Greens	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Supreme Vitality	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Sweat Heat All Limo Honey	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Unwind	The Apothecary, LLC	818-653-4634	thebrothersapothecary.com	January 12, 2023	January 11, 2024
Apple Berry – 2 Gummy Pack	Tronic Distribution, LLC DBA Kush Kube	945-468-5874	getkushkubes.com	April 11, 2023	April 10, 2024
Fruit Punch – 2 Gummy Pack	Tronic Distribution, LLC DBA Kush Kube	945-468-5874	getkushkubes.com	April 11, 2023	April 10, 2024
Orange Kream – 2 Gummy Pack	Tronic Distribution, LLC DBA Kush Kube	945-468-5874	getkushkubes.com	April 11, 2023	April 10, 2024
Pina Kolada – 2 Gummy Pack	Tronic Distribution, LLC DBA Kush Kube	945-468-5874	getkushkubes.com	April 11, 2023	April 10, 2024
Pineapple Strawberry – 2 Gummy Pack	Tronic Distribution, LLC DBA Kush Kube	945-468-5874	getkushkubes.com	April 11, 2023	April 10, 2024
Sour Watermelon – 2 Gummy Pack	Tronic Distribution, LLC DBA Kush Kube	945-468-5874	getkushkubes.com	April 11, 2023	April 10, 2024
Sleepy Tundra CBD Tea	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Tundra Pain CBD Tea	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Cocoa Shroom + CBD Tea	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Moon Bath CBD Bath Salt	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Purple Grey Blend + CBD Tea	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Tundra Fruit Punch + CBD Tea	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Tundra Day CBD Tea	Tundra Tonics	907-251-7465	tundratonics@gmail.com	September 5, 2023	September 4, 2024
Upstream Organics CBD Bath Bomb - Eucalyptus, 100mg	Upstream Organics	414-899-6871	upstreamorganics.co	February 1, 2023	January 31, 2024
Upstream Organics CBD Bath Bomb - lavender, 100mg	Upstream Organics	414-899-6871	upstreamorganics.co	February 1, 2023	January 31, 2024

Upstream Organics Sublingual CBD Oil- Original, 1000 mg	Upstream Organics	414-899-6871	upstreamorganics.co	February 1, 2023	January 31, 2024
Upstream Organics Sublingual CBD Oil- Original, 500 mg	Upstream Organics	414-899-6871	upstreamorganics.co	February 1, 2023	January 31, 2024
Upstream Organics Topical Relief Salve, 500mg	Upstream Organics	414-899-6871	upstreamorganics.co	February 1, 2023	January 31, 2024
Vena 125mg CBD Miracle Manuka Healing Cream 1oz	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena 15mg Restful Night Sleep Capsule, 30ct	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena 300mg Calming Chamomile CBD Soaking Salts 24oz	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena 300mg Revitalizing Eucalyptus CBD Soaking Salts	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Daily Hy - 30ml Bottle 300mg CBD Hydrating Facial	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Deep Hy - 30ml Jar 300mg CBD Adaptive Moisturizer	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Happy Place Seltzer, Black Cherry, 12oz Can	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Happy Place Seltzer, Grapefruit, 12oz Can	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Happy Place Seltzer, Guava Passionfruit, 12oz Can	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Rise + Shine Capsules, 30ct	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Vena Total Hy Hydrating Gel Mask, 300mg, 50ml	Vena	949-241-9715	venacbd.com	May 5, 2023	May 4, 2024
Walgreens CBD Cooling Balm Stick, 500 mg 2.6 oz	Ascent Naturals	800-925-4733	walgreens.com	April 6, 2023	April 5, 2024
Walgreens CBD Cooling Continuous Spray, 500 mg 4 fl oz	Ascent Naturals	800-925-4733	walgreens.com	April 6, 2023	April 5, 2024
Walgreens CBD Cooling Cream, 250 mg 1.7 oz	Ascent Naturals	800-925-4733	walgreens.com	April 6, 2023	April 5, 2024
Walgreens CBD Cooling Roll-On, 500 mg 2 oz	Ascent Naturals	800-925-4733	walgreens.com	April 6, 2023	April 5, 2024
Walgreens CBD Rapid Cooling Cream, 1000 mg 1.7 oz	Ascent Naturals	800-925-4733	walgreens.com	April 6, 2023	April 5, 2024
Walgreens CBD Rapid Cooling Cream, 500 mg 1.7 oz	Ascent Naturals	800-925-4733	walgreens.com	April 6, 2023	April 5, 2024
Tanks Choice Butter Cream Caramels	XITE	859-394-7694	xiteedibles.com	December 20, 2022	December 19, 2023
Tanks Choice Peanut Butter Nuggets	XITE	859-394-7694	xiteedibles.com	December 20, 2022	December 19, 2023
XITE 2-Pack D1 Fruit Gummies	XITE	859-394-7694	xiteedibles.com	December 20, 2022	December 19, 2023
XITE D9 Cookies & Cream Minis	XITE	859-394-7694	xiteedibles.com	December 20, 2022	December 19, 2023
XITE D9 Dark Chocolate Minis	XITE	859-394-7694	xiteedibles.com	December 20, 2022	December 19, 2023
XITE D9 Milk Chocolate Minis	XITE	859-394-7694	xiteedibles.com	December 20, 2022	December 19, 2023
Zesty Paws Aller-Immune Bites	Zesty Paws	678-551-9900	zestypaws.com	April 7, 2023	April 6, 2024
Zesty Paws Calming Bites	Zesty Paws	678-551-9900	zestypaws.com	April 7, 2023	April 6, 2024

Zesty Paws Cognition Bites	Zesty Paws	678-551-9900	zestypaws.com	April 7, 2023	April 6, 2024
Zesty Paws Mobility Bites	Zesty Paws	678-551-9900	zestypaws.com	April 7, 2023	April 6, 2024
Zesty Paws Salmon Omega Oil	Zesty Paws	678-551-9900	zestypaws.com	April 7, 2023	April 6, 2024

Ex 6, p.26

NOTICE OF PROPOSED CHANGES ON INDUSTRIAL HEMP PROGRAM IN THE REGULATIONS OF DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources proposes to adopt changes in title 11, chapter 40 of the Alaska Administrative Code, dealing with the Alaska Industrial Hemp Program, including changes related to: the repeal of the pilot program, deadlines, registrations, registration terms, applications, endorsements, renewals, fees, testing, reports, endorsements for hemp products intended for human or animal consumption, and definitions.

1. **11 AAC 40.020. Registration required**, is proposed to delete reference to word "Pilot".
2. **11 AAC 40.040. Original registration term, renewals, and submission dates**, is proposed to change registration term so that it is 12 consecutive months instead of ending in January without regard to when a registration term began.
3. **11 AAC 40.050 Application for new registration**, is proposed to delete reference to the word "Pilot," clarify eligibility requirements regarding prior felony conviction relating to a controlled substance, and add requirement to pay fees from the time of application to any time before the approval of an application.
4. **11 AAC 40.060. Application for renewal of registration**, is proposed to change time to file a renewal application, establish a 90 calendar-day period that a current registration remains valid after the expiration of a registration term following a timely-filed application to renew registration, change time to pay fees for a registration, including more than one class of registration.
5. **11 AAC 40.070. Procedure for action of applications and endorsements**, is proposed to clarify time an applicant has to respond to request from the division, and change the time to approve complete applications.
6. **11 AAC 40.080. Denial of registration application and renewal application**, is proposed to changes the time that the division may deny an application for a renewal registration for being untimely.
7. **11 AAC 40.100. Fee schedule**, is proposed to reduces fees for most applications for registration, endorsements, or permits.
8. **11 AAC 40.210. Authorized seed and popagules**, is proposed to delete reference to the word "Pilot".
9. **11 AAC 40.230. Documentation of sed and propagule source and distribution**, is proposed to delete reference to the word "Pilot" and the federal law authorizing pilot programs.
10. **11 AAC 40.240. Land use restriction**, is proposed to delete reference to the word "Pilot".
11. **11 AAC 40.245. Signage**, is proposed to delete reference to the word "Pilot".
12. **11 AAC 250. Planting reports**, is proposed to change the time to submit a planting report, to no longer require a registered grower to withdraw its registration or submit a planting report that designates the dates the grower intends to plant industrial hemp during the registered year if no planting has occurred before July 31 of a registration year.
13. **11 AAC 40.265. Initial pre-harvest report**, is proposed to clarify the time before a projected harvest to file an initial pre-harvest report.
14. **11 AAC 40.275. Pre-harvest testing**, is proposed to delete the requirement that a registrant pay the cost of testing of samples in addition to the sampling fee.
15. **11 AAC 40.285. Sampling and harvesting of industrial hemp within delta-9-THC limitations**, is proposed to clarify the time for harvesting a tested lot.
16. **11 AAC 40.295. Post-harvest reports**, is proposed to change the time a grower has to submit a post-harvest report and clarify the time to report disposition information.
17. **11 AAC 40.305. Processor registration required**, is proposed to make a conforming change based on the repeal of 11 AAC 40.525
18. **11 AAC 40.320. Testing**, is proposed to delete repetitive language and clarify that any processed hemp intended for human or animal consumption shall be tested in accordance with 11 AAC 40.600 - 11 AAC 40.665.
19. **11 AAC 40.325. Test results**, is proposed to be proposed to be repealed and readopted to clarify that the division will notify a processor of test resultsf any solvents, heavy metals, microbials, or pesticides found during testing. The intended effect of this repeal is to eliminate requirements related to products with test results greater than 0.3 percent delta-9-THC and requirements related to reconditioning products with test results greater than 1 percent delta-9-THC because other proposed changes in this project would prohibit the sale of those products in the state if they are intended for human or animal consumption.
20. **11 AAC 40.335. Production reports**, is proposed to change the time to submit a production report and to eliminate the requirement that a processor document all recipients of industrial hemp.

21. **11 AAC 40.400. Endorsement**, is proposed to: change endorsement requirement so that it only applies to products offered to a consumer in the state, eliminate endorsements for product lines, create a 12 month period of validity for an endorsement, delete endorsements for product lines, and prohibit the division from endorsing a product that contains delta-9-THC or a non-naturally occurring cannabinoid, including a cannabinoid made from an ingredient extracted from industrial hemp and modified beyond its original form.
22. **11 AAC 40.405. Application for endorsement**, is proposed to: correct a typo, add a conforming reference to endorsement renewals, change "laboratory test results" to "certificate of analysis", change the requirements for an application for an endorsement.
23. **11 AAC 40.415. Hemp product sizing**, is proposed to eliminate a requirement that product sizing be based on delta-9-THC content, which would be prohibited under this project.
24. **11 AAC 40.420. Labeling**, is proposed to delete various labeling requirements.
25. **11 AAC 40.500. Retailer registration required**, is proposed to delete a citation to a section being repealed as part of this project.
26. **11 AAC 40.505. Retailer registration; privileges and prohibited acts**, is proposed to change the requirement to post a placard to a requirement to obtain a registration for each store or location where industrial hemp is sold, and to eliminate the ability of a retailer to apply for a product endorsement where a processor has not.
27. **11 AAC 40.510. Retailer registration application**, is proposed to eliminate the ability to list multiple retail locations in one application for a retail registration and to eliminate the requirement that an application for retail registration include a list of industrial hemp product types intended to be sold.
28. **11 AAC 40.520. Inspection and testing**, is proposed to allow the division to issue a notice of violation and a stop order to a registered retailer for any processed hemp product intended for human or animal consumption if the hemp product contains any delta-9-THC.
29. **11 AAC 40.530. Retailer reports**, is proposed to make retailer reports permissive and change the time to file and the information to include.
30. **11 AAC 40.600. Compliance with 11 AAC 40.6900 - 11 AAC 40.665**, is proposed to be repealed and readopted to eliminate the prohibition against a grower or processor transferring raw industrial hemp in certain circumstances.
31. **11 AAC 40.605. Laboratory testing of hemp and hemp products**, is proposed to update the name of the hemp program.
32. **11 AAC 40.610. Sampling required**, is proposed to delete reference to a processing batch as a satisfactory source of sampling.
33. **11 AAC 40.615. Sample size for a hemp batch**, is proposed to be repealed. The intended effect of this repeal is to eliminate sampling for a processed hemp batch.
34. **11 AAC 40.620. Samples for test batches of pre-packaged hemp products**, is proposed to be repealed. The intended effect of this repeal is to eliminate sampling for a test batch of pre-packaged hemp products.
35. **11 AAC 40.625. Test batch, standards for authorized testing facilities**, is proposed eliminate requirement for sampling of processed industrial hemp.
36. **11 AAC 40.630. Cannabinoid and terpene policy**, is proposed to delete language that requires industrial hemp test results for delta-9-THC to be at or below .3 percent and to eliminate any conditional reporting requirements regarding a terpene analysis.
37. **11 AAC 40.635. Methodology for testing delta-9-THC levels in raw industrial hemp**, is proposed to clarify that raw industrial hemp must be tested for a quantitative determination of "total THC" and defining that term and others within that definition.
38. **11 AAC 40.640. Contaminants**, is proposed to change allowable levels and products to be tested for residual solvents, microbials, mycotoxins, pesticides, and metals and add a new section that imposes a 12 month period of validity for a certificate of analysis.
39. **11 AAC 40.650. Failed test results for hemp products**, is proposed to replace "batch" with "product".
40. **11 AAC 40.655. Retests**, is proposed to replace "batch" with "product" and delete other reference to word "batch".
41. **11 AAC 40.660. Quarantine**, is proposed to delete reference to word "Pilot".
42. **11 AAC 40.710. Transportation**, is proposed to delete reference to "industrial hemp products" and "registered processor".
43. **11 AAC 40.800. Enforcement authority**, is proposed to: clarify the time required before an inspection of records or transfer records, allow the division to declare that certain cannabis is a public nuisance; delete reference to word "Pilot", change language to conform to proposed prohibition of products with delta-9-THC.
44. **11 AAC 40.810. Suspension**, is proposed to clarify the maximum length of a temporary suspension.
45. **11 AAC 40.820. Revocation**, is proposed to delete reference to word "Pilot".
46. **11 AAC 40.910. Definitions**, is proposed to amend the definitions of the Alaska Industrial Hemp Program, "applicant," "cannabinoid," "cannabis," "CBD," "consumer," "delta-9-THC," "industrial hemp product," "hemp

product," "prohibited variety," "registered retailer," and "registrant," add and define the terms "certificate of analysis," "not more than 0.3 percent," and delete the term "delta-9-THC- content of notmore than 0.3 percent."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Robert Carter, Division of Agriculture at 5310 South Bodenbug Spur, Palmer Alaska 99645. Additionally, the Department of Natural Resources will accept comments by facsimile (907-746-1568) and by electronic mail (industrialhemp@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 p.m. on July 14, 2023.

You may submit written questions relevant to the proposed action to Robert Carter, Division of Agriculture at 5310 South Bodenbug Spur, Palmer Alaska 99645. The questions must be received at least 10 days before the end of the public comment period. The Department of Natural Resources, Division of Agriculture will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website (<https://plants.alaska.gov/industrialhemp.htm>).

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Robert Carter, Division of Agriculture, by email (industrialhemp@alaska.gov) or phone (907-745-4469) not later than 4:30 p.m. on July 3, 2023, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Robert Carter, Division of Agriculture, email (industrialhemp@alaska.gov).

After the public comment period ends, the Department of Natural Resources will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 03.05.010; AS 03.05.027; AS 03.05.030; AS 03.05.040; AS 03.05.076.

Statutes being implemented, interpreted, or made specific: AS 01.10.060; AS AS 03.05.010; AS 03.05.027, AS 03.05.030; AS 03.05.040; AS 03.05.076; AS 03.05.078; AS 03.05.079; AS 03.05.100; AS 11.71.040; AS 11.71.050; AS 11.71.060; AS 11.71.900.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Department of Natural Resources, Division of Agriculture keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division notices of proposed regulation changes. To be added to or removed from the list, send a request to the division at 5310 South Bodenbug Spur, Palmer Alaska 99645 or industrialhemp@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also signup to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System:
<https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Attachments, History, Details

Attachments

Draft Regulations approved for notice.pdf
Fiscal Note.pdf

Details

Department: Natural Resources
Category: Regulations
Sub-Category: Notice of Proposed Regulations

Ex 7, p. 3

Revision History

Created 6/8/2023 9:37:10 AM by rtcarter

Location(s): Statewide
Project/Regulation #: 2023200171

Publish Date: 6/8/2023
Archive Date: 7/15/2023

Events/Deadlines:

Affidavits

1-3

4, 5 to be
supplemented *ff.*

Christopher V. Hoke, (Atty. #1211098)
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(907)331-0437
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Attorney for Plaintiff's

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc, Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources,

John C. Boyle III (Commissioner
Alaska Department Natural
resources),

Alaska Division of Agriculture,

Bryan Scoresby (Director Division of
Agriculture),

State of Alaska,

Nacy Dahlstrom (Alaska Lieutenant
Governor),

Defendant(s)

Case No.

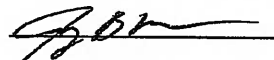
AFFIDAVIT

I, Joey Bressor , being of age, and being duly sworn, depose and state as follows:

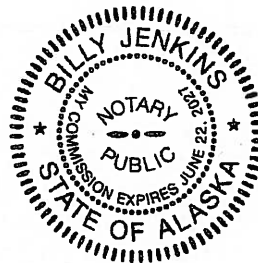
1. I am the Managing Member of ALASKA EDIBLES LLC, doing business as ALASKA GUMMIES DBA (hereinafter referred to as "ALASKA EDIBLES LLC").
2. ALASKA EDIBLES LLC is a limited liability company located at 3807 West Machen Rd. Unit B, Wasilla, AK 99623.
3. ALASKA EDIBLES LLC has 37 endorsed products and does not hold any AMCO endorsements.
4. All products offered by ALASKA EDIBLES LLC have been subjected to comprehensive testing to ensure compliance with industry standards. These tests include checks for heavy metals, pesticides, microbes, and mycotoxins. All testing has been conducted at out-of-state DEA certified labs.
5. As of the date of this affidavit, ALASKA EDIBLES LLC is in possession of 28,287 packages of various hemp products, with an estimated total retail value of \$697,740.
6. ALASKA EDIBLES LLC is uncertain and confused about the legal implications and consequences of continuing to possess and sell its inventory on or after November 3, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 2 day of November, 2023


Joey Bressor

ALASKA EDIBLES LLC



SUBSCRIBED AND SWORN to before me this 2nd day of November 2023.

Notary Public in and for the State of ALASKA
My commission expires: JUNE 22, 2027

Signed: Billy Jenkins
By: Billy JENKINS
(print name)

Christopher V. Hoke, (Atty. #1211098)
Hoke Law
2825 Rose St. #202
Anchorage, AK 99508
(907)331-0437
chris@hoke-law.com
Attorney for Plaintiff*s

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc,Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources,

John C. Boyle III (Commissioner
Alaska Department Natural
resources),

Alaska Division of Agriculture,

Bryan Scoresby (Director Division of
Agriculture),

State of Alaska,

Nacy Dahlstrom (Alaska Lieutenant
Governor),

Defendant(s)

Case No.

AFFIDAVIT

I, David Smith, being of legal age, being duly sworn, hereby depose and state as
follows:

1. I am a member of GD Sales LLC, doing business as Hempire-Co, and I have been authorized to provide the following information on behalf of the company.
2. GD Sales LLC is structured as a Limited Liability Company and is owned by GD Services Company, which, in turn, is solely owned by Kerby Coman.
3. To the best of my knowledge, there are no other members or partners involved in GD Sales LLC.
4. The business address of GD Sales LLC, doing business as Hempire-Co, is 6570 W Trevett Cir, Wasilla, AK 99623.
5. Our company has obtained a total of 13 different endorsements, enabling us to offer a variety of 91 distinct hemp products.
6. GD Sales LLC, doing business as Hempire-Co, does not own or operate any other hemp businesses.
7. While GD Sales LLC and GD Services Company do not possess AMCO licenses, it should be noted that Kerby Coman holds several AMCO licenses under different entities.
8. All of the products offered by GD Sales LLC, doing business as Hempire-Co, undergo thorough testing for heavy metals, pesticides, microbes, and mycotoxins. These tests are conducted by out-of-state DEA certified labs to ensure product quality and compliance with safety standards.
9. Currently, our company is in possession of 9,190 packages of hemp products.
10. The approximate retail value of the hemp products currently in our possession is \$588,142.

11. I make this affidavit to convey the pertinent information regarding GD Sales LLC,
doing business as Hempire-Co, and our products. Furthermore, we seek
clarification on whether continued possession of our inventory on or after
November 3, 2023, could lead to our arrest or criminal penalties.

I declare under penalty of perjury that the information provided herein is true and correct
to the best of my knowledge and belief.



David Smith

~~October 30th, 2023~~

Nov. 2nd, 2023

2

November, 2023

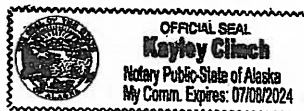
Sworn to and subscribed before me on this [Date] day of [Month], [Year].

[Notary Public's Signature] Kayley Clinch

[Notary Public's Name] Kayley Clinch

[Notary Public's Commission Expiration Date] 07/08/2024

[Notary Public's Seal, if applicable]



Christopher V. Hoke, (Atty. #1211098)
Hoke Law
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(907)331-0437
chris@hoke-law.com
Attorney for Plaintiff*s

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc, Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources,

John C. Boyle III (Commissioner
Alaska Department Natural
resources),

Alaska Division of Agriculture,

Bryan Scoresby (Director Division of
Agriculture),

State of Alaska,

Nacy Dahlstrom (Alaska Lieutenant
Governor),

Defendant(s)

Case No.

AFFIDAVIT

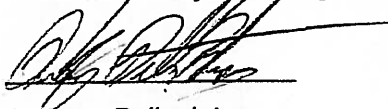
I, Anthony Dellapietro, of legal age, being duly sworn, hereby depose and state as follows:

1. I am a member and owner of NuLyfe Labs, LLC, with a 51% ownership interest in the company. NuLyfe Labs, LLC operates in the cannabis industry and is engaged in the production and distribution of CBD products.
2. NuLyfe Labs, LLC is structured as follows:
3. Anthony Dellapietro: 51% ownership interest
4. High Tide Farms: 20% ownership interest
5. Cecelia Donelson: 19% ownership interest
6. Chris Fields: 5% ownership interest
7. Jason Fields: 5% ownership interest
8. Our company offers a total of 72 endorsed CBD products, all of which undergo rigorous testing with Full Panel Certificates of Analysis (COAs) to ensure quality and compliance with industry standards.
9. Notably, NuLyfe Labs, LLC does not possess an AMCO marijuana license for its operations.
10. Presently, our company maintains an inventory of approximately 250 finished CBD products, which are valued at approximately \$15,000.
11. Additionally, we have the following unfinished products in our back stock:
 12. 1.5 kilos of CBD Isolate, which can produce approximately 1500 bottles valued at approximately \$67,500
 13. 1.5 kilos of CBG Isolate, which can produce approximately 1500 bottles valued at approximately \$67,500
 14. 100 grams of CBN Isolate, which can produce approximately 100 bottles valued at approximately \$7,000

15. As the owners and operators of NuLyfe Labs, LLC, we are currently uncertain about the appropriate course of action following November 3rd. We seek clarification on whether we should continue to keep our products on the shelf or if we are required to remove them from sale. We are also concerned about potential fines or penalties that may be imposed on our business.

16. I make this affidavit to attest to the facts and uncertainties surrounding our business, NuLyfe Labs, LLC, and to seek guidance and clarification on the applicable regulations and requirements that will come into effect after November 3rd, 2023.

I declare under penalty of perjury that the information provided herein is true and correct to the best of my knowledge and belief.



Anthony Dellapietro

October 30th, 2023

SUBSCRIBED AND SWORN to before me this 1 day of November 2023.

Notary Public in and for the State of Alaska
My commission expires: 3/21/27



Signed: M. Humber

By: M. Humber
(print name)

Christopher V. Hoke, (Atty. #1211098)
Hoke Law
2825 Rose St. #202
Anchorage, AK 99508
(907)331-0437
chris@hoke-law.com
Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association,
Inc., Primo Farms North LLC d/b/a
Primo, GD Sales LLC d/b/a
Hempire-Co., McDonough Corp Inc.,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a Alaska
Gummies

Plaintiff(s),

v.

Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural Resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nancy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

**PLAINTIFF'S MOTION FOR
EXPEDITED CONSIDERATION OF
PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER
OR IN THE ALTERNATIVE
PRELIMINARY INJUNCTION**

Case No.

**PLAINTIFFS' MOTION FOR EXPEDITED CONSIDERATION OF PLAINTIFFS'
MOTION FOR A TEMPORARY RESTRAINT ORDED OR IN THE ALTERNATIVE
PRELIMINARY INJUNCTION**

Pursuant to local rule 7.3 and Fed. R. Civ. P. 65(a)-(b), plaintiffs move this court for expedited consideration of their emergency motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction – requesting the underlying motion be ruled on or before November 2, 2023 and their requested TRO granted. The underlying motion

and complaint seeks to enjoin the State of Alaska, Department of Natural Resources and Division of Agriculture from enforcement of amendments to regulations 11 AAC 40.020 – 11 AAC 40.910, scheduled to go into effect November 3, 2023. The regulations seek to impose a de facto prohibition on the sale of all federally legal hemp products. Plaintiffs are two individual Hemp store owners, and the Alaska Industrial Hemp Association Inc., a Non-Profit organization that advocates for the growth, of the Alaska Hemp Industry.

Plaintiffs respectfully moves this Court for expedited consideration of its Motion for a Temporary Restraining Order, or in the alternative a Preliminary Injunction, and to enter an order shortening the briefing schedule on its Motion for Preliminary Injunction. For the reasons stated below and for those in the Plaintiffs supporting memorandum, Plaintiff submits the exigencies of this case warrant the relief the Plaintiffs seek through this motion. A TRO -- similar to a preliminary injunction — is "an extraordinary and drastic remedy . . . that should not be granted unless the movant, by a clear showing, carries the burden of persuasion." Lopez v. Brewer, 680 F.3d 1068, 1072 (9th Cir. 2012). As the party seeking a TRO and preliminary injunction, it is Plaintiffs' burden to show that this extraordinary remedy is warranted. See DISH Network Corp. v. F.C.C., 653 F.3d 771, 776 (9th Cir. 2011).

Plaintiffs meet all four elements of the preliminary injunction test established in Winter v. Natural Res. Def. Council, 555 U.S. 7, 24-25 (2008): that 1) an injunction would be in the public interest, 2) without an injunction irreparable harm is likely, 3) balance of equities tips in favor of granting the injunction and 4) the injunction is like to succeed on the merits.

Granting this injunction serves the public interest because unconstitutional actions by state actors are *per se* harmful to the citizens' best interest. Public interest warrants injunctive relief because as CBD hemp products are used by an large percentage of Americans, and thus Alaskans also use CBD and hemp products for health and wellness, pain relief and medicinal purposes at roughly the same percentage.¹ A September 2023 Forbes Health survey of 2,000 U.S. adults found that 60% of have tried a CBD product and believe it offers some medicinal benefits.² Thousands of Alaskans use hemp-derived CBD products, and because the amended DNR regulations do not permit DoAg to endorse any hemp products which contain delta-9-THC, which grows naturally in all cannabis plants from which hemp is harvested and eventually processed into various products, all hemp-based products at some point necessarily contain delta-9-THC and thus will no longer be endorsed for sale. From children with severe seizures to veterans to senior citizens, a broad spectrum is using hemp-based CBD products and permitting the regulations to go into effect will begin a prohibition on all hemp-based products for human consumption. Further, because 'human consumption' is not defined, there is a significant likelihood that as of November 3, 2023, DoAg will suspend endorsement of all hemp products endorsed for commercial sale by the DNR.

Without enjoining the DNR's from enforcement of its amended regs, Plaintiffs and members of the Association stand to lose significant sums of money, and the inability to sell any of their products, or even give them away. The DoAg has the enforcement authority, based upon the amended regulations to "direct the movement of" and "destroy"

¹ Forbes Health Study - CBD Statistics, Data And Use (2023) – Forbes Health (September 12, 2023)

² Id.

all endorsed hemp products for human consumption, as every single hemp product contains at least trace elements of delta-9-THC, and the without 'human consumption' defined, every hemp product per amended 11 AAC 40.800(5)-(6), there is a strong likelihood that every hemp could be arbitrarily determined "a public nuisance and injurious to public interest" and the DoAg will order the products destroyed. An act of this nature will be the death knell of the industrial hemp industry that the DNR commissioner, per AS 03.05.010 is tasked with "promoting and developing commercial and noncommercial agricultural industry in [Alaska]". As we know having survived the covid-19 epidemic, if businesses go away, their return is very unlikely. The harm will be irreparable.

The balance of equities tips in favor of granting the injunctive relief. There is no current emergency requiring that the amended regulations must go into effect on November 3, 2023. Physical harm will be caused to end-users unable to get relief from their medicine, and hemp-businesses stand to lose significant sums of money, while the only benefits to the State are the protection of the marijuana industry that will see increased sales. A prohibition on hemp is not what was intended when the pilot program began, and a delay in enforcement will have de minimis affects.

The action for preliminary injunction is likely to succeed on the merits. Plainly, the Federal definition of hemp is re-defined and expanded by the DNR amended regulation 11 AAC 40.910(30) which redefined "hemp" as 'any hemp product in its final form derived from a cannabis plant, removing from the Federal and current regulatory (unless amended) the key distinction between Federally legal hemp and Federally illegal and Schedule I controlled substance, marijuana – which is the requirement that hemp contain

no more than 0.3% (three tenths of one percent) delta-9-THC (the psychoactive compound in cannabis that gets people high). 11 AAC 40.910(3) removed the phrase “not containing more than 0.3% delta-9-THC” from the definition of ‘hemp product’. The Federal definition of hemp dates back to a Congressional agricultural statute passed in 1946, and contains that 0.3% limit above which a hemp product is no longer Federally protected, and is by virtue of delta-9-THC percentage alone classified as marijuana. Per the 2018 Farm Bill (Pub. L. 115-334) states and tribes cannot redefine the definition of hemp. Because the 2018 Farm Bill (7 U.S.C.A. § 1639o(1)) and the amended version of 11 AAC 40.910(30) are in direct conflict preemption by the state regulation in clear violation of the Supremacy Clause.

Other arguments on their merits are also strong. The regulations clearly discriminate against interstate commerce creating dormant commerce issues whilst protecting and benefitting Alaska’s legalized (but still Federally illegal) marijuana industry – that will continue to sell products for human consumption that contain delta-9-THC. It is possible for marijuana companies to extract and chemically alter marijuana plants and sell products that in final form contain no more than 0.3% delta-9-THC and would otherwise be classified as hemp but-for they were derived from a marijuana plant and not a hemp plant. The amendments aim to prohibit sale of any hemp-derived product for human consumption. While the public comment was likely violative of the APA and the public’s right to be heard on the DNR statutes to kill the hemp industry, a letter from the Department of Law showed the State clearly understood the effects of the amended regulations as “prohibition on trace psychoactive chemicals” in hemp and that the DNR DoAg was prohibited by the amended regulations from endorsing any hemp product.

The last argument is that the regulations are void for vagueness based on their containing no guidance for the interplay between the amended regulations and AS 11.71 et seq, criminal statutes for misconduct involving controlled substances. If registered hemp retailers have their privileges suspended due to selling hemp products declared a public nuisance and injurious to public interest, and still have hemp products, now unendorsed in their companies possession, will the hemp seller find themselves in criminal trouble? What is the amount of hemp product (which amended regs define the same as marijuana) that can be possessed before a seller is charged criminally? If products contain CBD oils and those oils can be determined to have been derived from more than 12 hemp or marijuana plants, what then? The amended regulations are silent.

For these reasons, plaintiffs submit that they should be granted the requested TRO, with briefing to the preliminary injunction to be immediately scheduled.

3. The Alaska Industrial Hemp Association Inc., is filing its Complaint, Motion for TRO or in the alternative Preliminary Injunction, and related filings contemporaneously with the filing of this Motion.

4. Today, Plaintiffs are providing via e-mail copies of all filings to the Alaska Department of Natural Resources Commissioner John C. Boyle III, and the Alaska Division of Agriculture Director Bryan Scoresby. Plaintiff is also serving via expedited copies of all filings on CM/ECF, to all defendants and it will file a subsequent Affidavit of Service.

5. Pursuant to Local Rule 7.2(b), Defendants have fourteen (14) days from the date Plaintiff serves its Motion for Preliminary Injunction to respond, and Plaintiff has seven (7) days from the date on which the response is served to file a reply. The timing and

sequence of this briefing schedule will likely push the defendant's opposition and plaintiffs reply beyond November 3rd, 2023—the day the newly amended regulations go into effect. Regardless, plaintiffs seek a temporary restraining order and truncated briefing schedule for more.

6. To prevent the Defendants from enacting unconstitutional regulatory changes, on November 3rd, 2023, Plaintiff seeks the Court's expedited consideration of its Motion for a TRO and in the alternative Preliminary Injunction and an order granting Plaintiffs a Temporary Restraining Order until this matter can be heard pursuant to Federal Rule of Civil Procedure 65(b).

7. Plaintiff seeks an abbreviated briefing schedule on its Motion for Preliminary Injunction because: (a) time is of the essence as the enacting of the new regulations shall interfere with commerce, and many businesses will be forced to close their doors as the new regulation changes created a de facto prohibition on hemp, and will kill the industry. (b) additionally, Alaska hemp business owners could possibly be facing criminal charges and loss of freedom as it is unclear what guidance has been provided to law enforcement, if any. How any prosecutor will treat this issue if an officer forwards charges is entire unclear, however the sheer amount of hemp possessed by hemp sellers very well could be considered criminal.

8. Under Local Rule 7.1(b), counsel for Plaintiffs has not sought consent to this Motion from Defendants because Plaintiffs are filing their Complaint and Motion for Preliminary Injunction contemporaneously with the filing of this Motion. Plaintiffs will serve a copy of this Motion on Defendants with its Complaint, Motion for Preliminary Injunction, and related filings.

WHEREFORE, Plaintiffs respectfully requests that the Court issue an order:

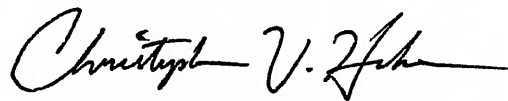
(a) Granting the plaintiffs a temporary restraining order or preliminary injunction, no later than November 2, 2023, later to be made permanent, enjoining Defendants (including other persons in concert or participation with them, including but not limited to AMCO and law enforcement personnel) from enforcing newly amended regulations 11 AAC 40.020 – 11 AAC 40.910, and from taking any steps to enforce, criminalize, or prosecute the sale, possession, manufacture, financing, distribution, or transportation of hemp-derived cannabinoids that do not exceed 0.3 percent Delta-9 THC on a dry weight basis, specifically as defined by the Federal government.

(b) Set this matter for a prompt hearing and shortened briefing schedule regarding the grant of a TRO or preliminary injunction;

(c) Award Plaintiffs all other just and proper relief.

Dated November 2, 2023.

Hoke Law
Attorney for Plaintiffs

A handwritten signature in black ink, appearing to read "Christopher V. Hoke", written over a horizontal line.

Christopher V. Hoke,
Alaska Bar No. 1211098

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc, Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nacy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

ORDER

Case No.

**ORDER GRANTING PLAINTIFFS' MOTION FOR EXPEDITED CONSIDERATION OF
MOTION FOR TEMPORARY RESTRAINING ORDER OR ALTERNATIVE MOTION
FOR PRELIMINARY INJUNCTION**

IT IS SO ORDERED that plaintiffs' motion for expedited consideration of
plaintiffs' motion for temporary restraining order or in the alternative for
preliminary injunction is here GRANTED.

Dated:

United State District Court
District of Alaska

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc, Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nacy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

ORDER

Case No.

**ORDER RE: EXPEDITED CONSIDERATION OF PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINT ORDED OR IN THE ALTERNATIVE PRELIMINARY
INJUNCTION**

IT IS SO ORDERED that plaintiffs' motion for expedited consideration of their underlying motion for a Temporary Restraining Order and in the alternative preliminary injunction is hereby GRANTED.

Dated:

Hon. J.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc,Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
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EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nancy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

Case No.

**MOTION FOR TEMPORARY RESTRAINING ORDER OR ALTERNATIVE MOTION
FOR PRELIMINARY INJUNCTION**

Pursuant to FRCP 65(a)-(b), plaintiffs move this court for a temporary
restraining order or in the alternative a preliminary injunction against defendants,
enjoining them from enforcement of newly amended regulations 11 AAC 40.101-

910, agency regulations Ordered to go into effect by the Department of Natural Resources, Division of Agriculture on November 3, 2023.

This motion is filed with a Memorandum in Support, and Affidavit of Counsel whom certifies that a TRO can be granted in accordance with the rules.

Set forth in the Complaint for Declaratory Relief and Injunctive Relief, there is a reasonable likelihood that that plaintiffs will succeed on the merits, because of violations of the Dormant Commerce Clause, Supremacy Clause, 5th Amendment of the Federal Constitution, and that the regulations are void for vagueness.

The following are exhibits that accompany the Complaint, that also support this motion:

Exhibit 1 – USDA Exec. Summary of New Hemp Authorities (5/28/2019)

Exhibit 2 - Amended DNR Regulations 11 AAC 40.010-910 (9/23/2023)

Exhibit 3 – Dep’t of Law – Letter to L. Gov. Nancy Dahlstrom (9/29/2023)

Exhibit 4 – DNR Press Release (10/5/2023)

Exhibit 5 – Spreadsheet of most recent Hemp Program Registrants (10/24/2023)

Exhibit 6 – Spreadsheet of Hemp Program “Endorsed Products” (10/23/2023)

Exhibit 7 – Public Notice (6/8/2023)

Affidavit 1 – Joey Bressor

Affidavit 2 – David Smith

Affidavit 3 - Anthony Dellpietro

Affidavit 4 - Danny Ferguson (anticipated to supplement asap)

Affidavit 5 – Shawn McDonough (anticipated to supplement asap)

Conclusion

For the reasons set forth here and in the Memorandum in Support of this motion, plaintiffs request the court expeditiously enter an Order granting plaintiffs a Temporary Restraining Order that enjoins the defendant from enforcing the amended regulations to 11 AAC 40.010-910 set to go into effect November 3, 2023, and for all other relief to which Plaintiffs are entitled.

Dated: November 2, 2023.

Respectfully submitted,



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Attorney for Plaintiff*s

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc, Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
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EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

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Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nacy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

Case No.

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER OR ALTERNATIVE MOTION FOR PRELIMINARY
INJUNCTION**

INTRODUCTION

Plaintiffs bring forth this motion for a temporary restraining order or, alternatively, for a preliminary injunction, to challenge the constitutionality of the Alaska Department of Natural Resources ("DNR") Division of Agriculture ("DoAg")

amendments to its regulations 11 AAC 40.010-910 which (1) expressly and publicly violate the dormant commerce clause burdening interstate commerce while benefitting in-state interests, namely the Alaska marijuana industry; (2) redefines Federal law definition of “hemp” in violation of the Supremacy clause; (3) create a regulatory taking and (4) is void for vagueness not having provided enough guidance to citizens and registered hemp growers whom are part of the State’s Industrial Hemp pilot program.

The 2018 Federal legislation that legalized hemp, the Agricultural Improvement Act of 2018, Pub. L. 115-334 (the “2018 Farm Bill”), is not silent to this scientific fact that hemp and marijuana are from the same plant. It is silent as to acknowledging that some states have legalized marijuana for commercial purposes. The government must have known that if the USDA approved a pilot program in a state that sells marijuana commercially, that there might be risk of protectionist actions by the state. That is what happened here, and the State of Alaska Department of Natural Resources plainly states this in a 10/5/2023 Press Release. The Commissioner of the DNR, defendant John C. Boyle III stated: “protections for the regulated cannabis industry” and “the Industrial Hemp Program was never intended to allow intoxicating products, which are rightfully regulated for the recreational market in Alaska by the Alcohol & Marijuana Control Office”.

Rarely is it the case that a commissioner in charge of having ordered that regulations be changed admits to protectionist behavior, let alone protectionist behavior to protect a federally illegal industry while destroying a Federally legal

program with the stroke of a pen. Congress knew that interstate commerce would need to be protected so that hemp could travel freely between and amongst the states to get to consumers. In that way, Congress understood that it was creating a national market for hemp. Thus, states taking protectionist actions to alter that market, such as Alaska have acted in violation of the dormant commerce principles.

The facts show express and purposeful dormant commerce clause violations; and what seems to be clear conflict preemption. The public notice, at first glance seems benign, "Notice of proposed changes on industrial hemp..."but a close read, specifically two sections on page two use the phrases 21..."prohibit the division from endorsing a product that contains Delta-9-THC", and 43.... "Allow the division to declare certain cannabis a public nuisance" and "change language to conform to proposed prohibition of products with Delta-9-THC". With any knowledge of the industry, it is clear that almost every single endorsed product is being proposed to be prohibited, as they all contain trace amounts of delta-9-THC.

FACTS

1. In 2018, the Congress passed legislation, signed into law titled Agricultural Improvement Act of 2018, Pub. L. 115-334 (the "2018 Farm Bill") that legalized the production of "hemp" for commercial purposes under certain circumstances, defining it separately from marijuana (the 'higher-THC' containing version of the same plant that grows hemp), and importantly carved out an

exemption for hemp-based "tetra cannabinoids" amending the Controlled Substances Act effectively removing hemp from the Schedule I list.

2. The 2018 Farm Bill, Sec. 10113 adopted the definition of "hemp" using the exact same language as used to define "hemp" in the Agricultural Marketing Act of 1946 Sec 297A [7 U.S.C. § 1639o] as:

The term 'hemp' means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

3. Upon applying to the USDA for approval to initiate its Industrial Hemp Pilot Program and having that program approved, the Commissioner, assumed the duties delegated to the Department by the Alaska legislature.

4. On September 23, 2023, the Commissioner of the DNR, John C. Boyle III signed the "Order adopting changes to regulations of the Department of Natural Resources" under his authority granted in AS 03.05.

5. The regulations have the effect of prohibiting the sale of virtually all hemp products and destroying the hemp industry.

6. Plaintiffs are in possession of in excess of \$2,000,000 worth of retail value hemp products that will likely be valueless and the DoAg may very well seize and destroy the products as soon as the regulations become effective 11/3/2023.

7. The regulations prohibit the DoAg from endorsing and hemp products that contain delta-9-THC intended for human or animal consumption -- which is essentially every single hemp product currently endorsed by the DoAg.

ARGUMENT

In seeking a temporary restraining order or preliminary injunction, Plaintiffs must establish several key elements: (1) a likelihood of success on the merits of their claim; (2) the presence of immediate and irreparable harm in the absence of preliminary relief; (3) a balance of equities favoring Plaintiffs; and (4) the determination that an injunction would serve the public interest. Winter v. Natural Res. Def. Council, 555 U.S. 7, 24-25 (2008); Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 114 (8th Cir. 1981).

I. PLAINTIFF WILL LIKELY SUCCESS ON THE MERITS

Plaintiff's argue multiple constitutional violations that warrant success on the merits.

1. The State of Alaska DNR and its commissioners plainly state that the amended regulations affecting the hemp industry are protectionist of the State's marijuana industry, violating the Dormant Commerce Clause.

The Commerce Clause of the U.S. Constitution provides that "Congress shall have [the] [p]ower . . . [t]o regulate Commerce. . . among the several States." U.S. Const. Art. I, § 8, cl. 3.

The dormant commerce clause makes unconstitutional the "discrimination" or "differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter" Or. Waste Sys., Inc. v. Dep't of Env't Quality Or., 511 U.S. 93, 99 (1994). Whether a law or in this case regulation is discriminatory on its face or that discriminate in effect makes no difference as both

are in violation of the dormant commerce clause. A State cannot create or enforce protectionist agency regulations that negatively affect or burden interstate commerce.

Foresight Coal Sales, LLC. v. Chandler, breaks down the dormant commerce issue into a single question, "Does the law benefit in-staters and burden outsiders?" 60 F. 4th 288, 298 (6th Cir 2022) A state regulation can discriminate against out-of-state interests in three different ways: a) facially, b) purposefully or c) in practical effect. Id. at 296. The regulations certainly benefit the local in-state and federally illegal marijuana industry; and certainly harms the markets both for out of state sellers and wholesalers of hemp who lose a market because Alaska hemp registrants will no longer be able to sell hemp. In-state sellers of hemp will also be unable to sell their approximately \$80,000,000.00 worth of inventory after November 3, 2023 when the regulations go into effect.

In an October 5, 2023 press release titled "DNR Adopts Updated Industrial Hemp Regulations, the Commissioner is quoted plainly stating, the amendments to the hemp regulations provide "protections for the regulated cannabis industry" and "the Industrial Hemp Program was never intended to allow intoxicating products, which are rightfully regulated for the recreational market in Alaska by the Alcohol & Marijuana Control Office". Complaint Exhibit 4 - Dep't Natural Resources Press Release (10/5/2023). Additionally, these statements align with public information regarding loss of marijuana tax revenue. The fact is that hemp products are cheaper to produce than marijuana products of the same nature. The

marijuana industry is having difficulties competing. The regulatory changes that allow the division of agriculture to declare certain hemp products as a public nuisance are insincere as the marijuana industry is selling intoxicating products as well. The only public nuisance about hemp is that it is responsible for the part of the marijuana tax-base decreasing. It seems clear that the State wants to close down its industrial hemp program. Alaska governor Dunleavy seems to already have removed funding from the Industrial Hemp Program, but this is not yet confirmed.

Lastly, there is an overwhelming amount of law pertaining to the dormant commerce clause. This is an unusual modern case as the Commissioner states so plainly that the purpose of the law grants “protections of the regulated cannabis industry in our state.” Clearly, those protections are the prohibition of hemp products that contain any delta-9-THC for human consumption. This leaves the whole industry within the State of Alaska for the production of cannabis products containing delta-9-THC entirely to the federally illegal marijuana industry. Counsel has not seen more purposeful violation of the dormant commerce clause in the modern era. This alone should be sufficient to grant a TRO.

2. The amended DNR regulations redefine hemp which was specifically defined in the 2018 Farm Bill, creating a conflict in the definitions preempting federal law in violation of the Supremacy Clause.

The supremacy clause of the United States constitution gives Congress power to preempt state law. See generally *Arizona v. United States*, 567 U.S. 387 (2012). Preemption is applied in three forms, (1) express preemption, where a statute contains provision precluding state conduct (2) field preemption, where congress has determined an area under its exclusive federal governance, and (3) conflict preemption comma, where “state laws are preempted when they conflict with federal law comma including when they stand as an obstacle to the accomplishment and execution of the purposes and objectives of Congress” Arizona, 567 U.S. at 387 (2012).

Here, the amended regulations have preempted the Federal definition of “Hemp” by (1) adopting the amended 11 AAC 40.800(5)-(6) which declare all hemp for human consumption a public nuisance and (2) by defining CBD as “not to include synthetics” in conflict with precedent from the 9th Cir in AK Futures LLC v. Distro LLC, 35 F.4th 682, 695 (9th Cir. 2022) that declared all CBDs derived from hemp are hemp.

Agricultural Marketing Act of 1946 Sec 297A [7 U.S.C. § 1639o] as:

The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Well the regulations do not specifically redefine the language of the hemp definition, 11 AC 40.800(5)-(6) clarify that all hemp products for human

consumption that contain any D9 THC shall be declared a public nuisance going on to say any public nuisance the division has the right to direct recondition or destroy.

Here the redefinition by the division seems to be conflict preemption of federal law. A clear purpose of the federal 2018 Farm Bill is to create an industrial hemp industry. In the infancy stages of any industry, the products are naturally going to be those with the highest margins of profits. For the hemp industry, the highest profit margin items are all hemp products for human consumption, oils, gummies, gels. As an industry grows, and hypothetically this industry would begin to use the entirety of the cannabis sativa plant for industrial purposes it is easier to imagine companies creating hemp paper and hemp textiles. However those products cannot exist because the industry is so young.

Understanding how agricultural industry grows, it is not difficult to understand the type of burden that Alaska has placed on the hemp by declaring and redefining that all hemp products containing delta-9-THC are a public nuisance and will no longer be endorsed.

Congress defined hemp without many requirements intentionally. The definition really was only two parts 1) is derived from cannabis sativa L and 2) contains no more than .3% delta 9 THC. The state of Alaska expanded the definition to call this federally legal product a public nuisance. While the state of Alaska can choose how to regulate this federally legal product and the state, the

federal government has clearly defined hemp. The re-definition of hemp as a public nuisance in all products for human consumption containing delta-9-THC, without reason in 11 AAC 40.800(6). The Conference Report for the 2018 Farm Bill provides that states "are not authorized to alter the definition of hemp or put in place policies that are less restrictive. Excerpt from Conference Report for Agricultural Improvement Act of 2018 at pg. 738-739.

In the alternative the designation of all hemp products which contain delta-9-THC violates the Commerce Clause.

3. Enforcement of the regulations will cause plaintiffs certain and irreparable harm amounting to a regulatory taking.

The 5th amendment takings clause, also applicable through the 14th Amendment, a guarantee that private property shall not be taken for a public use without just compensation, was crafted to prevent the government from compelling individuals to shoulder public burdens that, in fairness and justice, should be borne collectively by the public at large. Armstrong v. U.S., 364 U.S. 40, 49 (1960). The purpose of the takings clause is not merely to restrict government interference with property rights but to ensure compensation when government actions even if otherwise valid amount to a taking. Lingle v. Chevron, 544 US 528, 563-537 (2005). While property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking. Pennsylvania

coal Co.v. Mahan, 260 U.S. 393, 415 (1922). The several factor analysis in Penn Central Transp. Co. v. New York City, 438 U.S. 104, 124 (1978):

The economic impact of the regulation on the claimant and, particularly, the extent to which the regulation has interfered with distinct investment-backed expectations are, of course, relevant considerations. See *Goldblatt v. Hempstead*, *supra*, at 594. So, too, is the character of the governmental action. A "taking" may more readily be found when the interference with property can be characterized as a physical invasion by government, see, e. g., *United States v. Causby*, 328 U. S. 256 (1946), than when interference arises from some public program adjusting the benefits and burdens of economic life to promote the common good.

Here plaintiffs stand to lose "all economically beneficial uses of their property" because there is a significant risk that the state deems all hemp products as intended for human consumption and therefore the DoAg has the right to direct and destroy the hemp products because all contain delta-9-THC. If somehow not destroyed plaintiffs will remain in possession of significant amounts of hemp that is no longer federally protected. They will be unable to sell or transfer hemp without breaking federal law. Plaintiffs are in possession of approximately \$2 million worth of hemp products. When DNR decides to prohibit these products and destroy them or remove their endorsements, as the regulatory amendments permit and DNR plainly says will occur, the DNR will have committed a taking and the remedy sought by the plaintiffs is pay just compensation for the property they have taken or destroyed – of course, a TRO and injunction to follow, and then an actual industrial hemp industry would be preferred. Based upon general estimates, the entirety of the industry contains

roughly \$80 million worth of products that can no longer be sold to the public or to hemp registrants in other states after November 3rd 2023.

4. Public notice was significantly lacking as were the language of the statutes, both were relatively indecipherable.

The due process clause of the 5th and 14 Amendment to the US Constitution prohibit criminal enforcement of statutory and regulatory requirements that are unconstitutionally vague and do not give fair warning of their requirements.

It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined." U.S. v. Backlund, 689 F.3d 986, 996 (9th Cir.) A statute is void for vagueness if "fails to give a person of ordinary intelligence reasonable opportunity to know what is prohibited." Hunt v. City of Los Angeles, 638 F.3d 703, 712 (9th Cir. 2011). Where a statute imposes criminal sanctions, a more demanding standard of scrutiny applies. U.S. v. Williams, 553 U.S. 285, 304 (2008). A requirement of clarity is enhanced when criminal sanctions are at issue or when the statute "abuts upon sensitive areas of basic first amendment freedoms."

Reading the amended regulations, it becomes clear that the drafters are not specific. For example, 11 AC 40.400(d) states that "The division may not endorse an industrial hemp product that contains delta-9-THC..." review of the October 5th, 2023 press release from the DNR makes clear that the intention of

the amended regulations was prohibition of the sale of any hemp products containing any amount of delta-9-THC for human consumption, or animal consumption.

Similarly, the amended regulatory scheme, provides no guidance to registrants of the industrial hemp program or citizens wanting to continue using hemp products for personal uses. Additionally, the "Notice of Proposed Changes" is also ambiguous. The first impression upon reading the document is that the Program shall continue to exist in nearly the same way it has previously. However, that is not the case. Hidden on page two, are three phrases that turn the entire document stating (1)"change language to conform with proposed prohibition of products with delta-9-THC;" (2) declare that certain cannabis is a nuisance; (3) "prohibit the division from endorsing a product that contains delta-9-THC." See Exhibit 6 lines 21 and 43 of the Public Notice at p.2

These changes create major issues with the interplay between the hemp regulations and Alaska Statutes AS 11.71 et seq, (misconduct involving a controlled substance). The lack of guidance as to what is to happen to hemp producers after the regulations are effective is problematic, "fail[ing] to give a person of ordinary intelligence reasonable opportunity to know what is prohibited" when it comes to possession of controlled substances. The regulations and their amendments are silent on the issue. If a producer's hemp products are declared a public nuisance, based upon no acts that he took, what is the appeal

procedure? If he refuses to permit his property to be destroyed, could he face jail. If the producer has their registry from the hemp program removed, does it entail that all of the products in their possession create criminal liability? The amended regulations provided no guidance to answer any of the more difficult questions. The drafter was busy ensuring that the regs were not easy to understand in order to slip them passed the producers. For the most part, the drafter was successful. For all of the reasons provided, plaintiffs request that the court determine the regulations and process taken to approve and order the amendments be declared unconstitutionally void for vagueness.

II. PLAINTIFFS WILL SUFFER HARM ABSENT INJUNCTION

Without enjoining the DNR's from enforcement of its amended regs, Plaintiffs and members of the Association stand to lose significant sums of money, and the inability to sell any of their products, or even give them away – as will the other registrants in the Industrial Hemp Program. The DoAg has the enforcement authority, based upon the amended regulations to “direct the movement of” and “destroy” all endorsed hemp products for human consumption, as every single hemp product contains at least trace elements of delta-9-THC, and the without ‘human consumption’ defined, every hemp product per amended 11 AAC 40.800(5)-(6), there is a strong likelihood that every hemp could be arbitrarily determined “a public nuisance and injurious to public interest” and the DoAg will order the products destroyed. An act of this nature will be the death knell of the industrial hemp industry that the DNR commissioner, per AS 03.05.010 is tasked with “promoting and developing commercial and noncommercial agricultural industry in

[Alaska]”. As we know having survived the covid-19 epidemic, if businesses go away, their return is very unlikely. The pecuniary harm will be irreparable.

In addition, it is unclear how hemp or possessors of hemp will be treated if the DoAg enforcement of the amended regulations included complete removal of all endorsements and denial of all registrations for hemp producers. In effect, they would be left in possession of a significant weight of hemp, and if the product is no longer endorsed it is not Federally protected and the State of Alaska could arrest a person in possession of controlled substances in accordance with AS 11.71 et seq. This could particularly be troublesome around what could be characterized as hashish oil, extracted from a cannabis plant, a controlled substance.

Whether or not arrested, plaintiffs will inevitably find themselves in possession of significant amount of valueless hemp that cannot be sold on any market legally.

III. BALANCE OF HARSHIPS WEIGHS IN FAVOR OF GRANTING INJUNCTION

The balance of equities tips in favor of granting the injunctive relief. There is no current emergency requiring that the amended regulations must go into effect on November 3, 2023. Physical harm will be caused to end-users unable to get relief from their medicine, and hemp-businesses stand to lose significant sums of money, while the only benefits to the State are the protection of the marijuana industry that will see

increased sales. A prohibition on hemp is not what was intended when the pilot program began, and a delay in enforcement will have de minimis affects.

IV. INJUNCTION IS IN THE PUBLIC INTEREST

Granting this injunction serves the public interest because unconstitutional actions by state actors are *per se* harmful to the citizens' best interest.

Additionally, public interest warrants injunctive relief because as CBD hemp products are used by an large percentage of Americans, and thus Alaskans also use CBD and hemp products for health and wellness, pain relief and medicinal purposes at roughly the same percentage.¹ A September 2023 Forbes Health survey of 2,000 U.S. adults found that 60% of have tried a CBD product and believe it offers some medicinal benefits.² Likely, thousands of Alaskans use hemp-derived CBD products, and because the amended DNR regulations do not permit DoAg to endorse any hemp products which contain delta-9-THC, which grows naturally in all cannabis plants from which hemp is harvested and eventually processed into various products, all hemp-based products at some point necessarily contain delta-9-THC and thus will no longer be endorsed for sale. From children with severe seizures to veterans to senior citizens, a broad spectrum is using hemp-based CBD products and permitting the regulations to go into effect will begin a prohibition on all hemp-based products for human consumption. Further, because 'human consumption' is defined very broad, there is a significant likelihood that as of November 3, 2023, DoAg will suspend endorsement of all hemp products endorsed for commercial sale by the DNR, and no one will be able to purchase hemp legally in the

¹ Forbes Health Study - CBD Statistics, Data And Use (2023) – Forbes Health (September 12, 2023)

² Id.

State of Alaska.

RULE 65(b) CERTIFICATION

Pursuant to Rule 65(b), accompanying affidavits from Plaintiffs' counsel establishes the immediate and irreparable nature of the injuries they will be suffered if Amended Regulations to 11 AAC 40.010-910 go into effect 11/3/2023. Further, undersigned counsel certifies that prior to filing Plaintiffs' Motion, a copy of the Complaint, the Motion, this Brief, and its Exhibits were forwarded by email to all named defendants as a matter of courtesy and service on their offices is imminent. Additionally, no notice is required because the amended regulations become effective on 11/3/2023 and Plaintiffs will suffer irreparable injury if notice must first be provided to Defendants before injunctive relief can be granted. As demonstrated by Exhibits 2-4, Defendants intend to begin enforcement of immediately.

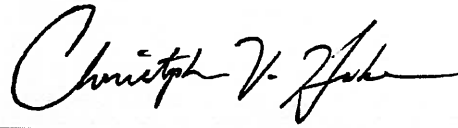
CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion for a temporary restraining order or in the alternative , preliminary injunction and for all other just and equitable relief.

//

Dated: November 2, 2023.

Respectfully submitted,

A handwritten signature in black ink, reading "Christopher V. Hoke". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Christopher V. Hoke (1211098)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

AK Industrial Hemp Association
Inc, Primo Farms North LLC d/b/a
Primo, GD Sales LLC, d/b/a
Hempire-Co, McDonough Corp Inc,
d/b/a Frontier CBDs, ALASKA
EDIBLES LLC, d/b/a ALASKA
GUMMIES

Plaintiff(s),

v.

Alaska Department of Natural
Resources, John C. Boyle III
(Commissioner Alaska Department
Natural resources), Alaska Division
of Agriculture, Bryan Scoresby
(Director Division of Agriculture),
State of Alaska, Nacy Dahlstrom
(Alaska Lieutenant Governor),

Defendant(s)

ORDER

Case No.

**ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER OR ALTERNATIVE MOTION FOR PRELIMINARY INJUNCTION**

IT IS SO ORDERED that plaintiffs' motion for plaintiffs' motion for
temporary restraining order or in the alternative for preliminary injunction is
hereby **GRANTED**.

Dated:

United State District Court
District of Alaska