United States Court of Appeals
for the
DISTRICT OF COLUMBIA CIRCUIT

STANDARD WELLNESS UTAH, LLC; VERDE AMERICANO, LLC; and NW CONFECTIONS OK 241AA LLC	)
Petitioners,	)
v.	)
DRUG ENFORCEMENT ADMINISTRATION and TERRANCE C. COLE, ADMINISTRATOR,	)
Respondents.	)

PETITION FOR REVIEW

Standard Wellness Utah, LLC, Verde Americano, LLC, and NW Confections OK 241AA LLC hereby petition the court for review of the Order of the Drug Enforcement Administration, which is titled "DEA Medical Marijuana Timely Applicant Information." (the "Information"). The Information prohibits—after November 29, 2026—"timely applicants" and DEA registrants from engaging in Schedule III medical marijuana activities with entities that are not "timely applicants" or DEA registrants, and it makes such dealings potential grounds for denial of an application or revocation of a registration. DEA issued the Information on October 30, 2026; it is attached here as **Exhibit 1.** This Petition is timely

because it is filed with this Court and delivered to the Attorney General within thirty days after issuance of the Information on October 30, 2026, as required by 21 U.S.C. § 877.

Date: November 18, 2026

/s/ *Christina Manfredi McKinley*
Christina Manfredi McKinley (DC Circ: 53419)
Blank Rome, LLP
501 Grant Street, Suite 850
Pittsburgh, PA 15219
Counsel for Petitioners
412-932-2733
Christina.mckinley@blankrome.com

Shane Pennington (DC Circ: 55524)
Blank Rome, LLP
717 Texas Avenue, Suite 1400
Houston, TX 77002
713-632-8607
Shane.pennington@blankrome.com

Counsel for Petitioners

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a) and D.C. Circuit Rule 26.1:

- Standard Wellness Utah, LLC certifies that it is a wholly owned subsidiary of Standard Wellness Holdings, LLC, and that no publicly held company holds a 10% or greater ownership interest in Standard Wellness Utah, LLC.

- Verde Americano, LLC certifies that its parent company is KOR Holdings AZ LLC, whose parent company is KOR Holdings LLC, and that no publicly held company holds a 10% or greater ownership interest in Verde Americano, LLC.

- NW Confections OK 241AA LLC certifies that its parent company is NW Commonwealth OKC, LLC, which is wholly owned by Northwest Commonwealth, LLC, and that no publicly held company holds a 10% or greater ownership interest in NW Confections OK 241AA LLC.

CERTIFICATE OF SERVICE

I certify that on November 18, 2026, I electronically filed the foregoing Emergency Motion to Stay with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system. Pursuant to 21 U.S.C. § 877, Federal Rules of Appellate Procedure 15(c) and 25(b)–(c), and D.C. Circuit Rule 18(a)(2), I further certify that I will cause a true copy of the foregoing to be delivered by electronic mail and hand delivery to:

Todd Blanche, United States Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Terrance C. Cole, Administrator
Drug Enforcement Administration Office of Chief Counsel
8701 Morrissette Drive, Springfield, VA 22152
DEA.ADDO.Attorneys@dea.gov
dea.registration.litigation@dea.gov

No other parties are listed in Section A of the Certificate as to Parties, Rulings, and Related Cases.

November 18, 2026

/s/ Christina Manfredi McKinley
Christina Manfredi McKinley

EXHIBIT 1

DEA Medical Marijuana Timely Applicant Information
(emailed to Timely Applicants Oct. 30, 2026)

DEA Medical Marijuana Timely Applicant Information

Title: Activities of Entities Holding State Medical Marijuana Licenses Who Applied for DEA Registration under the April 28, 2026 Final Rule between April 28, 2026, to June 26, 2026, under 21 CFR 1301.13(k)(7).

Summary: This information addresses the permissible activities that applicants for DEA registration to handle schedule III medical marijuana—who submitted complete applications to DEA between April 28, 2026, to June 26, 2026—may continue to engage in while their DEA applications remain pending. Applicants who submitted complete applications within 60 days of publication of the April 28, 2026 Final Rule can continue dispensing ("Timely Dispenser Applicants"), manufacturing ("Timely Manufacturer Applicants"), or distributing schedule III medical marijuana ("Timely Distributor Applicants" and, collectively with Timely Dispenser Applicants and Timely Manufacturer Applicants, the "Timely Applicants") pursuant to their state medical marijuana license during the pendency of their application before DEA, and may distribute schedule III medical marijuana to and obtain schedule III medical marijuana from Timely Applicants and DEA registrants.

To Whom it Applies: Entities that submitted complete applications pursuant to 21 CFR 1301.13(k) for a DEA registration to handle schedule III medical marijuana, marijuana extract, and/or naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4) (collectively, "schedule III medical marijuana"), between April 28, 2026 to June 26, 2026—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—and therefore have been granted special authorities by 21 CFR 1301.13(k)(7).

Question: What activities may Timely Applicants engage in while their applications before DEA are pending?

Answer:

1. Under 21 CFR 1301.13(k)(7), any applicant that submitted a complete schedule III medical marijuana registration application between April 28, 2026, to June 26, 2026, (i.e., within 60 days of the publication of the April 28, 2026 Final Rule) can dispense, manufacture, or distribute schedule III medical marijuana, marijuana extract, and naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4), as applicable (collectively, "schedule III medical marijuana activities") pursuant to its state medical marijuana license during the pendency of the application before DEA.

2. To have submitted a complete schedule III medical marijuana application and be considered a "Timely Applicant," the applicant must have submitted payment of the applicable registration fee as well as a completed application between April 28, 2026, to June 26, 2026.

3. Sub-paragraph 21 CFR 1301.13(k)(7) allows Timely Applicants to engage in regulated activities "notwithstanding" the requirement in 21 CFR 1301.13(a), which states, "No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a Certificate of Registration is issued by the Administrator to such person."

4. Therefore, all Timely Applicants—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—can engage in schedule III medical marijuana activities, as defined above, that otherwise would require a DEA registration.

5. Accordingly, Timely Applicants can engage in schedule III medical marijuana activities with other Timely Applicants. For example, a Timely Distributor Applicant can distribute schedule III medical marijuana to a Timely Dispenser Applicant and can obtain schedule III medical marijuana from a Timely Manufacturer Applicant.

6. Timely Applicants can also engage in schedule III medical marijuana activities with DEA registrants that hold a registration to handle schedule III medical marijuana. For example, a DEA-registered dispensary can continue receiving schedule III medical marijuana from a Timely Distributor Applicant.

7. Timely Applicants and DEA registrants may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026, or that have not applied for a DEA schedule III medical marijuana registration, until those entities become DEA registrants. As specified in 21 CFR 1301.13(k)(7), those entities remain subject to the prohibition under 21 CFR 1301.13(a).

8. If a Timely Applicant or DEA registrant engages in schedule III medical marijuana activities with someone other than a Timely Applicant or DEA registrant, such conduct could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration, respectively. Timely Applicants and registrants therefore should take adequate steps to confirm the status of all entities with which they will conduct schedule III medical marijuana activities. During this transitional period, adequate due diligence steps generally would include, at a minimum:

    - Obtaining from Timely Applicants (if dispensers) a copy of the "Marijuana Dispensary Information Submission" confirmation received from DEA at the time of application submission and verifying the Timely Applicant's document control number (DCN) via the DEA Diversion Control Website;

- Obtaining from Timely Applicants (if manufacturers or distributors) a copy of the submission confirmation provided by DEA at the time of application submission and verifying the Timely Applicant's DCN via the DEA Diversion Control Website;
- Obtaining from DEA registrants a copy of the registrant's DEA certificate of registration;
- Obtaining a copy of the entity's relevant state license and verifying its status is active; and
- Maintaining records of all due diligence conducted.

9. Entities that hold a DEA registration to handle schedule III medical marijuana must maintain all records required for schedule III controlled substances pursuant to 21 CFR part 1304, as the Administrator has concluded that all such records are necessary to comply with federal statutory and treaty obligations. If a DEA registrant engages in a transaction with a Timely Applicant, records maintained pursuant to 21 CFR part 1304 can include the Timely Applicant's DCN number where a DEA registration number would otherwise be required.

10. DEA recognizes that some states require entities holding state medical marijuana licenses to send *de minimis* quantities of schedule III medical marijuana to state-licensed third-party laboratories for testing. Such testing can help protect public safety and prevent unlawful products from entering the market. DEA further recognizes that, at this time, some Timely Applicants and registrants may not have access to analytical laboratories that are DEA-registered to handle schedule III medical marijuana. Therefore, to the extent such laboratories are unavailable and notwithstanding paragraph 8 above, DEA does not intend to penalize registrants and Timely Applicants for sending *de minimis* quantities of schedule III medical marijuana to a laboratory that is not DEA-registered to conduct analytical testing of schedule III medical marijuana, provided that (1) the analytical laboratory is located in the same state, and (2) the Timely Applicant/registrant retains detailed records of all such distributions.

    Because the closed system of distribution established by the Controlled Substances Act and 21 CFR 1301.13(a)[1] generally require Timely Applicants and DEA registrants to use a DEA-registered analytical laboratory, this exercise of the Administrator's discretion applies only when the use of a DEA-registered laboratory would violate state law. Specifically, it applies only to the extent that either (1) no entities anywhere in the United States are registered with DEA to conduct analytical testing of schedule III medical marijuana, or (2) state law prohibits the Timely Applicant/registrant from sending schedule III medical marijuana to an analytical laboratory in a different state, and no entities in the Timely Applicant/registrant's state are registered with DEA to conduct analytical testing of schedule III medical marijuana.

[1] Analytical laboratories are not covered by 21 CFR 1301.13(k)(7) and therefore remain subject to 21 CFR 1301.13(a).

Note that this information does not permit Timely Applicants and registrants to receive schedule III medical marijuana from non-DEA-registered analytical laboratories.

11. DEA recognizes Timely Applicants may require additional time to verify the status of their existing trading partners as Timely Applicants or registrants and to make necessary adjustments to their supply chain to comply with this information. Accordingly, Timely Applicants are expected to complete these activities and establish compliant supply chains no later than November 29, 2026.

    Timely Dispenser Applicants and Timely Distributor Applicants may continue to possess, dispense, and distribute existing inventories of schedule III medical marijuana acquired prior to the issuance of this information, including inventory previously obtained from entities that do not qualify as Timely Applicants or DEA registrants. Such inventory may continue to be used in otherwise authorized activities.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department of Justice policies.

NOT SCHEDULED FOR ORAL ARGUMENT

No. _26-1324____

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STANDARD WELLNESS UTAH, LLC, VERDE AMERICANO, LLC, and NW CONFECTIONS OK 241AA LLC
Petitioners,

v.

DRUG ENFORCEMENT ADMINISTRATION and TERRANCE C. COLE, ADMINISTRATOR
Respondents.

On Petition for Review from
a Decision of the Drug Enforcement Administration

EMERGENCY MOTION TO STAY

Shane Pennington
(DC Circ: 55524)
Blank Rome, LLP
717 Texas Avenue, Suite 1400
Houston, TX 77002
712-632-8607
Shane.pennington@blankrome.com

Christina Manfredi McKinley
(DC Circ: 53419)
Blank Rome, LLP
501 Grant Street, Suite 850
Pittsburgh, PA 15219
412-932-2733
Christina.mckinley@blankrome.com

Counsel for Petitioners

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1(a) and D.C. Circuit Rule 26.1:

- Standard Wellness Utah, LLC certifies that it is a wholly owned subsidiary of Standard Wellness Holdings, LLC, and that no publicly held company holds a 10% or greater ownership interest in Standard Wellness Utah, LLC.

- Verde Americano, LLC certifies that its parent company is KOR Holdings AZ LLC, whose parent company is KOR Holdings LLC, and that no publicly held company holds a 10% or greater ownership interest in Verde Americano, LLC.

- NW Confections OK 241AA LLC certifies that its parent company is NW Commonwealth OKC, LLC, which is wholly owned by Northwest Commonwealth, LLC, and that no publicly held company holds a 10% or greater ownership interest in NW Confections OK 241AA LLC.

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties and Amici

Petitioners are Standard Wellness Utah, LLC, Verde Americano, LLC, and NW Confections OK 241AA LLC (together, "Petitioners"). Respondents are the Drug Enforcement Administration ("DEA") and Terrance C. Cole, in his official capacity as Administrator of the Drug Enforcement Administration (together, "Respondents").

The ruling under review was not issued in an adjudicatory or rulemaking proceeding in which other persons participated. Counsel is not aware of any other persons or entities that participated in proceedings before DEA, and no intervenors or amici have appeared in this Court as of this filing.

B. Ruling Under Review

The ruling under review is the document titled "DEA Medical Marijuana Timely Applicant Information" (the "Information," attached here as Exhibit 2), which the DEA emailed to timely applicants on October 30, 2026. The Information was not published in the Federal Register. It provides that, after November 29, 2026, "timely applicants" and DEA registrants may not engage in Schedule III medical marijuana activities with entities that are not timely applicants or DEA registrants. Ex. 2 at 4. It also provides that such activity could be grounds for denial of an application or revocation of a registration and requires timely applicants to establish compliant supply chains by November 29, 2026. Ex. 2 at 2, 4.

On November 16, 2026, Petitioners asked DEA to suspend the November 29, 2026 deadline and requested a response by 5:00 p.m. on November 17, 2026. As of this filing, the agency has not responded.

C. Related Cases

This case has not previously been before this Court or any other court. As of this filing, counsel is not aware of any related cases within the meaning of D.C. Circuit Rule 28(a)(1)(C).

TABLE OF CONTENTS

INTRODUCTION....1
BACKGROUND....2
A. The Final Order....2
B. The Application Process....3
C. Petitioners....3
D. The Timely Applicant Information....4
JURISDICTION....5
STANDING....6
ARGUMENT....6
I. Petitioners are likely to succeed on the merits....7
A. The Information contravenes the Final Order and DEA's regulation and exceeds DEA's authority....7
1. DEA's Information defies the Final Order and its own regulation.. .7
2. DEA's Information amends the operation of its regulation....8
B. The Information is a legislative rule issued without notice and comment....10
1. The Information binds DEA and regulated parties by changing the regulation's terms....10
2. DEA has no excuse for its procedural failures....12
3. DEA's error was prejudicial....12
C. The Information is arbitrary and capricious....13
1. A legal premise does not excuse DEA's failure to consider reliance and less disruptive alternatives....13
2. The Information departs from the Final Order without acknowledging the change or addressing the Final Order's findings....15
3. DEA ignored the costs of a 30-day cutoff....16
II. Petitioners will be irreparably injured absent a stay....18
A. Petitioners cannot recover their losses from DEA....18

B. The Information forces timely applicants to cut off their customers or forfeit their applications....19
1. Verde....20
2. NW Confections....20
C. Standard Wellness will lose its customers and its supply, and cannot survive the cutoff in its current form....21
III. The balance of equities and public interest favor a stay....23
CONCLUSION....23
CERTIFICATE OF COMPLIANCE....24
CERTIFICATE OF SERVICE....25
Final Order (Exhibit 1)....26
Information (Exhibit 2)....27
Strauss Declaration (Exhibit 3)....28
Parton Lee Declaration (Exhibit 4)....29
Standard Wellness Declaration (Exhibit 5)....30
Petitioners' November 16, 2026 letter to DEA (Exhibit 6)....31

TABLE OF AUTHORITIES

Cases **Page(s)**

ADYA LLC v. DEA,
No. 1:26-cv-141, ECF No. 31 (D.D.C. Mar. 23, 2026).....19

Air All. Houston v. EPA,
906 F.3d 1049 (D.C. Cir. 2018).....9

Alpine Sec. Corp. v. FINRA,
121 F.4th 1314 (D.C. Cir. 2024).....18, 21, 22

Am. Mining Cong. v. Mine Safety & Health Admin.,
995 F.2d 1106 (D.C. Cir. 1993).....10

Am. Wild Horse Pres. Campaign v. Perdue,
873 F.3d 914 (D.C. Cir. 2017).....16

Bennett v. Spear,
520 U.S. 154 (1997).....5

Cardinal Health, Inc. v. Holder,
846 F. Supp. 2d 203 (D.D.C. 2012).....19

Chrysler Corp. v. Brown,
441 U.S. 281 (1979).....10

Clean Air Council v. Pruitt,
862 F.3d 1 (D.C. Cir. 2017).....9

Colo. River Indian Tribes v. Nat'l Indian Gaming Comm'n,
466 F.3d 134 (D.C. Cir. 2006).....10

CropLife Am. v. EPA,
329 F.3d 876 (D.C. Cir. 2003).....11

Dep't of Com. v. New York,
588 U.S. 752, 768 (2019) 6

DHS v. Regents of the Univ. of Cal.,
591 U.S. 1 (2020).....14, 15

Encino Motorcars, LLC v. Navarro,
579 U.S. 211 (2016).....15

Environmental, LLC v. FCC,
661 F.3d 80 (D.C. Cir. 2011).....8

FCC v. Fox Television Stations, Inc.,
556 U.S. 502 (2009).....16

FDA v. Wages & White Lion Invs., L.L.C.,
604 U.S. 542 (2025).....14, 16

Friedman v. FAA,
841 F.3d 537 (D.C. Cir. 2016).....5

Gen. Elec. Co. v. EPA,
290 F.3d 377 (D.C. Cir. 2002).....11

Gonzales v. Oregon,
546 U.S. 243 (2006).....9

Holiday CVS, L.L.C. v. Holder,
2012 WL 10973832 (D.D.C. Feb. 7, 2012).....19

John Doe, Inc. v. DEA,
484 F.3d 561 (D.C. Cir. 2007).....5, 6

La. Pub. Serv. Comm'n v. FCC,
476 U.S. 355 (1986).....9

League of Women Voters of U.S. v. Newby,
838 F.3d 1 (D.C. Cir. 2016).....23

Lujan v. Defs. of Wildlife,
504 U.S. 555 (1992) 6

Merck & Co. v. HHS,
385 F. Supp. 3d 81 (D.D.C. 2019).....9

Mexichem Specialty Resins, Inc. v. EPA,
787 F.3d 544 (D.C. Cir. 2015).....18

Michigan v. EPA,
576 U.S. 743 (2015).....17

Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.,
463 U.S. 29 (1983).....13

Nat'l Cable & Telecomms. Ass'n v. FCC,
567 F.3d 659 (D.C. Cir. 2009).....18

Nat'l Env't Dev. Ass'n's Clean Air Project v. EPA,
752 F.3d 999 (D.C. Cir. 2014).....7

Nken v. Holder,
556 U.S. 418 (2009).....7, 23

NRDC v. NHTSA,
894 F.3d 95 (2d Cir. 2018).....9

In re NTE Conn., LLC,
26 F.4th 980 (D.C. Cir. 2022).....18, 19, 21

Ohio v. EPA,
603 U.S. 279 (2024).....17

Perez v. Mortg. Bankers Ass'n,
575 U.S. 92 (2015).....10

Sierra Club v. EPA,
292 F.3d 895 (D.C. Cir. 2002).....6

Sugar Cane Growers Coop. of Fla. v. Veneman,
289 F.3d 89 (D.C. Cir. 2002).....12

Wash. Metro. Area Transit Comm'n v. Holiday Tours, Inc.,
559 F.2d 841 (D.C. Cir. 1977).....7, 21

Wisconsin Gas Co. v. FERC,
758 F.2d 669 (D.C. Cir. 1985) (per curiam).....18

Statutes

5 U.S.C.
§551(5).....9
§553(b)(A).....11
§553(b)(B).....12
§553(b)-(c).....10, 12
§553(c).....13
§702.....19
§706(2)(A).....8
§706(2)(C).....8, 10

21 U.S.C.
§821.....9
§871(b).....9
§877.....5

Other Authorities

21 C.F.R.§1301.13(a).....13

21 C.F.R.§1301.13(e).....3

21 C.F.R.§1301.13(k)(7).....*passim*

91 Fed. Reg. 22,714.....2, 3

GLOSSARY OF ABBREVIATIONS

Abbreviation	Definition
APA	Administrative Procedure Act
CSA	Controlled Substances Act
DEA	Drug Enforcement Administration
DOJ	Department of Justice
OBNDD	Oklahoma Bureau of Narcotics and Dangerous Drugs

INTRODUCTION

On April 28, 2026, DOJ reclassified state-licensed medical marijuana as a Schedule III controlled substance. That Final Order invited state licensees to apply for expedited DEA registration and, for those that applied within 60 days, gave them open-ended permission to continue operating under state law during the pendency of their applications.

But twenty days ago, DEA abruptly extinguished that grace period. In an emailed document styled as "Information" for "Timely Applicants," DEA decreed that timely applicants would face a November 29, 2026 deadline.

The altered deadline prohibits a newly created class DEA dubbed "timely applicants" (*i.e.*, those that applied between April 28 and June 26, 2026) from doing business with a second, newly created class, comprised of entities that did not apply during that window ("non-timely applicants") until the latter becomes a DEA registrant. It threatens the denial of the former's application and/or revocation of its registration if it violates this prohibition.

This perfunctorily issued deadline ignores the realities of state markets, which prohibit interstate commerce—meaning that operators are entirely dependent on *intra*state markets for manufacture, distribution, and dispensing. By prohibiting "timely" applicants from transacting with "non-timely" applicants, the deadline overlooks that a given state may not have enough timely operators to satisfy its

needs.

The supply-chain disruptions are already happening. By bifurcating state medical marijuana marketplaces as of a date certain, DEA has disrupted settled expectations: after November 29, Standard Wellness Utah will lose monthly sales averaging ~$275,900 and the suppliers of about 16% of its oil; NW Confections expects its Oklahoma business to become insolvent; and Verde expects to reduce its workforce by 70%. Because DEA has acted unlawfully and without authority, this Court should grant an emergency stay of the Information's November 29 deadline. Petitioners request a ruling, or an administrative stay, by **November 25, 2026**.

BACKGROUND

A. The Final Order

The April 28, 2026 Final Order, 91 Fed. Reg. 22,714, found that state medical marijuana systems, "demonstrate a sustained capacity to achieve … public-interest objectives" like the protection of public health and the prevention of illicit diversion. *Id.* at 22,720.

It created an expedited registration pathway for applications submitted within 60 days of publication, directing the Administrator to process them within six months and promising that "early applicants may lawfully operate under their state-issued licenses during the pendency of review." *Id.* It tied federal to state status: a registration "automatically suspends upon suspension, revocation, or expiration of

the underlying state-issued license, ensuring that federal authorization tracks state authorization." *Id.* The implementing regulation allows any applicant that applied within the 60-day window to engage in medical marijuana activities under state law while their applications are pending. 21 C.F.R.§1301.13(k)(7). That authority has no end date other than DEA's resolution of the application and no condition beyond a timely application and a state license. Applicants paid non-refundable fees, and some invested heavily in reliance on it. 21 C.F.R.§1301.13(e); Ex.3¶16.

B. The Application Process

DEA's first dedicated application was a dispensary portal; it opened no manufacturer or distributor application until October 5, 2026, well after the June 26 deadline. Ex.4¶¶11, 16. Meanwhile, DEA advised that such applicants could apply "utilizing DEA's current Form 225 application" and that manufacturer and distributor-specific applications would come soon. *Id.*¶12. But the Form 225 distributor application contained no medical marijuana drug code. *Id.*¶15.

C. Petitioners

Verde Americano, LLC, an Arizona licensee, operates a Phoenix manufacturing facility, whose wholesale sales account for most of its revenue, and a Rio Rico dispensary. Ex.3¶¶4-5, 20. It applied for manufacturer and dispensary registrations on May 13, 2026; both appear on DEA's timely applicant list. *Id.*¶¶10, 12, 14.

NW Confections OK 241AA LLC, an Oklahoma processor, applied for a manufacturer registration on June 24, 2026; that application is on DEA's list. Ex.4¶¶3, 13, 17. Understanding transport of its own products to be coincident to manufacturing under applicable regulations and Oklahoma law, it applied as a distributor only on July 8, 2026, without a drug code, because none was available. As of November 15, that application was not on the list. *Id.*¶¶14-15, 17.

Standard Wellness Utah, LLC, a cultivator and processor, and The Forest Murray, LLC, a medical cannabis pharmacy (the "Utah Entities"), applied in early November 2026. Ex.5¶¶4-5, 8-10.

D. The Timely Applicant Information

On October 30, 2026, DEA emailed timely applicants the "DEA Medical Marijuana Timely Applicant Information." Ex.2; Ex.3¶17; Ex.4¶19. It was neither published in the Federal Register nor put out for comment. It acknowledges that timely applicants may operate under their state licenses "during the pendency of their application before DEA." Ex.2¶1. But it prohibits "timely applicants" and DEA registrants from doing business with any entity not so categorized after November 29, 2026, *id.*¶7; threatens that doing so could result in the denial of an application or revocation of registration, *id.*¶8; and requires timely applicants to "establish compliant supply chains" by the November deadline, *id.*¶11.

The market reacted immediately. Utah pharmacies and processors refuse to deal with non-timely applicants; one is quarantining about $80,000 of Standard Wellness Utah product delivered the day before it refused further purchases. Ex.5¶18. Two major Verde customers demanded proof of its DEA status, and a large multi-location customer paused its orders. Ex.3¶¶24-27. NW Confections has identified 15 non-timely dispensary customers, operating about 23 locations, that it will stop serving after November 29. Ex.4¶23. On November 16, Petitioners asked DEA to suspend the deadline, requesting a response by November 17. Ex. 6. Petitioners called DEA today to inform it of this Motion; DEA has not responded.

JURISDICTION

This Court may review DEA's final determinations under 21 U.S.C. §877. Agency action is final if it is not "merely tentative" and is one "by which rights or obligations have been determined, or from which legal consequences will flow." *John Doe, Inc. v. DEA*, 484 F.3d 561, 566 (D.C. Cir. 2007) (cleaned up); *see Bennett v. Spear*, 520 U.S. 154, 178 (1997); *Friedman v. FAA*, 841 F.3d 537, 542 (D.C. Cir. 2016).

The Information qualifies. It "addresses the permissible activities" of registrants and timely applicants, Ex.2¶¶4-6; makes dealing with non-timely entities grounds for denial or revocation, *id.*¶¶7-8; and requires timely applicants, by November 29, to adjust their supply chains to reflect only timely applicants, *id.*¶11.

Definitive DEA action with "a 'direct and immediate effect on the day-to-day business'" of regulated parties is final. *Doe*, 484 F.3d at 566.

STANDING

Verde and NW Confections are timely applicants to whom DEA directed the Information, which restricts their trading partners. Ex.3¶¶10, 12, 14, 17; Ex.4¶¶13, 17, 19-21. As objects of the action, they have standing. *Sierra Club v. EPA*, 292 F.3d 895, 899-900 (D.C. Cir. 2002). The Utah Entities also have standing. Because their injury turns on the timely applicants' response to the Information, they must show how that response affects them. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 562 (1992); *see Dep't of Com. v. New York*, 588 U.S. 752, 768 (2019). They have; after November 29, the timely pharmacies and processors that buy from and supply them may no longer deal with the Utah Entities, Ex.5¶¶17, 19-20, 24, and have already said they will cease, citing the Information, *id.*¶18. Standard Wellness Utah will lose its fourteen timely pharmacy locations and the two timely processors that supply about 16% of its oil, and The Forest Murray will lose products. *Id.*¶¶17, 20, 24. Staying the deadline would redress this harm, because §1301.13(k)(7), not the Information, would again govern timely applicants' dealings.

ARGUMENT

A stay turns on "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably

injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken v. Holder*, 556 U.S. 418, 434 (2009) (cleaned up). This framework also applies to stays of agency action. *See Wash. Metro. Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977).

I. Petitioners are likely to succeed on the merits.

DEA's "Information" is unlawful for three reasons. It contravenes the Final Order and DEA's regulation and exceeds DEA's authority. It is a legislative rule issued without notice and comment. And it is arbitrary and capricious, because DEA failed to consider the reliance interests it discarded. Each failure alone supports a stay; together, they mandate it.

A. The Information contravenes the Final Order and DEA's regulation and exceeds DEA's authority.

1. DEA's Information defies the Final Order and its own regulation.

For starters, the Information conflicts with the Final Order and §1301.13(k)(7)—a conflict DEA never acknowledges. "It is axiomatic … that an agency is bound by its own regulations." *Nat'l Env't Dev. Ass'n's Clean Air Project v. EPA*, 752 F.3d 999, 1009 (D.C. Cir. 2014) (cleaned up). Agency action that fails to "comply with its own regulations" is arbitrary and capricious. *Environmentel, LLC v. FCC*, 661 F.3d 80, 85 (D.C. Cir. 2011).

The Final Order promised that "early applicants *may lawfully operate under their state-issued licenses during the pendency of* review." Ex. 1 at 22,720 (emphasis added). The regulation likewise authorizes timely applicants to operate "in conformity with a state-issued license *during* the *pendency of the application*." 21 C.F.R.§1301.13(k)(7) (emphasis added). Neither sets a calendar end date, and neither conditions that authority on the status of an applicant's trading partners; it lasts as long as the application is pending. Yet the Information requires timely applicants to "verify the status of *their* existing trading partners" and make "necessary adjustments to their supply chain" by November 29, 2026. Ex.2¶11. DEA never explains why applicants whose applications remain pending after November 29 lose the protection the regulation affords, or how the deadline squares with §1301.13(k)(7). Either conflict renders the Information arbitrary, capricious, and not in accordance with law. 5 U.S.C. §706(2)(A).

2. DEA's Information amends the operation of its regulation.

The Information also is "in excess of statutory jurisdiction, authority, or limitations." 5 U.S.C. §706(2)(C). An agency "may act only pursuant to authority delegated to [it] by Congress" and is bound by its legislative rules "until that rule is amended or revoked"; delaying a rule's operation is "tantamount to amending or revoking a rule." *Clean Air Council v. Pruitt*, 862 F.3d 1, 6, 9 (D.C. Cir. 2017); *see La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374 (1986) (agency "may not confer

power upon itself"). An agency has no inherent power to stay a final rule; it must "point to something" in its statute authorizing that action, and where it cannot, the action is "in excess of statutory authority." *NRDC v. NHTSA*, 894 F.3d 95, 112-113 (2d Cir. 2018). An agency "may not employ delay tactics to effectively repeal a final rule while sidestepping the statutorily mandated process for revising or repealing that rule." *Air All. Houston v. EPA*, 906 F.3d 1049, 1065 (D.C. Cir. 2018).

The Information does exactly that. It imposes a cutoff found nowhere in the Final Order or §1301.13(k)(7), restricts with whom timely applicants may transact, and threatens denial or revocation for noncompliance. Ex.2¶¶7-8, 11.

But the CSA authorizes DEA to regulate registration only through "rules and regulations," 21 U.S.C. §§821, 871(b), and amending a rule is "rule making," 5 U.S.C. §551(5). Nothing in the CSA lets DEA curtail a duly promulgated regulation by emailing an "Information." *Cf. Gonzales v. Oregon*, 546 U.S. 243, 259 (2006) (CSA "gives the Attorney General limited powers, to be exercised in specific ways"). And "general rulemaking authority plus statutory silence does not … equal congressional authorization." *Merck & Co. v. HHS*, 385 F. Supp. 3d 81, 92 (D.D.C. 2019) (granting motion to stay, consolidated on the merits, and setting aside rule under §706(2)(C)); *see Colo. River Indian Tribes v. Nat'l Indian Gaming Comm'n*, 466 F.3d 134, 139 (D.C. Cir. 2006). The agency in *Air Alliance* acted through formal, published actions and invoked statutory authority, yet still exceeded its power. DEA

has done neither. The Information must be set aside. 5 U.S.C. §706(2)(C).

B. The Information is a legislative rule issued without notice and comment.

1. The Information binds DEA and regulated parties by changing the regulation's terms.

Legislative rules "have the force and effect of law," *Chrysler Corp. v. Brown*, 441 U.S. 281, 302-303 (1979), and must issue through notice and comment, 5 U.S.C. §553(b)-(c); *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 96 (2015). A rule is legislative if, among other things, "in the absence of the rule there would not be an adequate legislative basis for enforcement action or other agency action to confer benefits or ensure the performance of duties," or "the rule effectively amends a prior legislative rule." *Am. Mining Cong. v. Mine Safety & Health Admin.*, 995 F.2d 1106, 1112 (D.C. Cir. 1993). An affirmative answer to *any* of these questions makes the rule legislative. *Id.*

The answer to both questions is yes. The requirement that timely applicants verify their trading partners' status and restructure their supply chains, on pain of denial or revocation, exists ***nowhere*** but in the Information; it amends §1301.13(k)(7). And absent the Information, DEA would have no basis to enforce a November 29 deadline. Ex.2¶11.

The Information is also binding because it "is directly aimed at and enforceable against" timely applicants. *CropLife Am. v. EPA*, 329 F.3d 876, 881

(D.C. Cir. 2003) (directive in press release was binding given its "clear and unequivocal language, which reflects an obvious change in established agency practice"). The label does not matter; what matters is whether the action "binds private parties or the agency itself with the force of law." *Gen. Elec. Co. v. EPA*, 290 F.3d 377, 382 (D.C. Cir. 2002) (cleaned up).

The Information declares that timely applicants "may not lawfully engage" in schedule III activities with non-timely entities, warns that doing so "could be potential grounds for denial" or revocation, and was sent directly to Verde and NW Confections. Ex.2¶¶7-8; Ex.3¶17; Ex. 4¶19. It binds them "with the force of law," *Gen. Elec.*, 290 F.3d at 382, and is not an interpretive rule exempt from notice and comment, 5 U.S.C. §553(b)(A).

The market has treated it as binding. Verde and NW Confections will stop dealing with non-timely trade partners on November 29 rather than risk denial. Ex.3¶22; Ex.4¶21. Verde's customers have demanded proof of its DEA status, and one paused its orders. Ex.3¶¶24-27. Because its distributor application is not on DEA's list, NW Confections has stopped using its own trucks and now pays a timely third-party logistics provider to deliver its products. Ex.4¶25. Utah operators will work only with timely applicants. Ex.5¶18. DEA's failure to provide notice and comment independently violates the APA. 5 U.S.C. §553(b)-(c).

2. DEA has no excuse for its procedural failures.

DEA did not invoke, or even imply, good cause. 5 U.S.C. §553(b)(B). Nothing prevented it from seeking comment before imposing obligations that require timely applicants to overhaul their supply chains. *See* Ex.3¶¶21-22, 28-30 (many of Verde's highest-volume customers and at least one major supplier are not timely applicants; replacing them could take up to a year); Ex.4¶¶23-25; Ex.5¶¶13, 17, 20. The Information sets a prospective framework with a compliance deadline, precisely where notice and comment is feasible.

3. DEA's error was prejudicial.

"[A]n utter failure to comply with notice and comment cannot be considered harmless if there is any uncertainty at all as to the effect of that failure." *Sugar Cane Growers Coop. of Fla. v. Veneman*, 289 F.3d 89, 96 (D.C. Cir. 2002). Challengers need not show that new arguments would have changed the result. *Id.* Had DEA sought comment, Petitioners would have shown that (1) state markets are closed: in Utah, the cutoff leaves five timely producers selling only to 14 timely pharmacies, and Standard Wellness Utah knows of no other lawful source of oil to replace the supply it will lose, Ex.5¶¶13, 21; Arizona's roughly 100 timely dispensaries are already supplied by others, Ex.3¶¶21, 30; and there is no source of replacement Oklahoma customers large enough for NW Confections, Ex.4¶27; (2) DEA has not acted on timely applications: Verde's and NW Confections' remain pending, DEA's

mailbox is unmonitored, and, to the declarants' knowledge, no Arizona or Oklahoma licensee holds a DEA registration, Ex.3¶¶15, 21; Ex.4¶¶17-18; and (3) DEA opened no dedicated manufacturer or distributor application until October 5, 2026, and the Form 225 distributor application offered no medical marijuana drug code, Ex.4¶¶11-12, 15-16. DEA also evaded its duty to provide "a concise general statement of [the rule's] basis and purpose." 5 U.S.C. §553(c).

C. The Information is arbitrary and capricious.

The Information also fails reasoned decisionmaking. An agency must "articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made," and acts arbitrarily if it "entirely failed to consider an important aspect of the problem." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). A court "may not supply a reasoned basis for the agency's action that the agency itself has not given." *Id.*

1. A legal premise does not excuse DEA's failure to consider reliance and less disruptive alternatives.

DEA rests paragraph 7 solely on a legal premise: that non-timely entities "remain subject to the prohibition under 21 CFR 1301.13(a)." Ex.2¶7. That does not end the inquiry. In *Regents*, the Acting Secretary "was bound by the Attorney General's legal determination" that DACA was unlawful, yet "deciding how best to address a finding of illegality moving forward" still involved "important policy choices." *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 25 (2020). DHS had to

consider alternatives "within the ambit of the existing policy," *id.* at 30, and "assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns," *id.* at 33.

DEA had the same discretion and used it. It chose the November 29 date, Ex.2¶11; let timely dispensers and distributors keep distributing existing inventory "previously obtained from entities that do not qualify as Timely Applicants or DEA registrants," *id.*; and, as "an exercise of the Administrator's discretion," declined to penalize certain laboratory transfers, *Id.*¶10. *See Regents*, 591 U.S. at 26. But the Information never mentions reliance on the Final Order or explains why a longer or more tailored transition would not suffice.

The reliance is substantial. For six months, timely applicants operated under the Final Order's express authorization, codified at §1301.13(k)(7), not a mere "belief about how an agency is likely to exercise its enforcement discretion." *FDA v. Wages & White Lion Invs., L.L.C.*, 604 U.S. 542, 585 (2025). That authorization let licensees *keep* supply chains built over years under state law. Verde's customer relationships took four to five years to build; many of its highest-volume customers, including one accounting for more than $500,000 in monthly sales, are not timely applicants; and it has spent or committed approximately $1.15 million on facility improvements and compliance measures since filing. Ex.3¶¶16, 21, 23. NW Confections will stop serving fifteen non-timely customers, operating about twenty-

three locations, after November 29. Ex.4¶23. And Standard Wellness Utah spent six years winning shelf space in the fourteen timely pharmacies that will no longer buy from it. Ex.5¶26.

Obvious alternatives existed: tying the cutoff to adjudication of pending applications, as the Final Order and regulation contemplate; a longer transition; or a broader inventory carve-out, the kinds of options *Regents* identified, "a broader renewal period" and "more accommodating termination dates." 591 U.S. at 32. DEA had to consider them and weigh the reliance at stake, even if it might give that reliance "no or diminished weight"; "[m]aking that difficult decision was the agency's job." *Id.* at 32-33. Where "significant reliance interests" are at stake, a bare legal conclusion is not enough. *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016).

2. The Information departs from the Final Order without acknowledging the change or addressing the Final Order's findings.

An agency changing policy must "display awareness that it is changing position" and offer "good reasons for the new policy"; it "may not … depart from a prior policy *sub silentio*," and must explain "disregarding facts and circumstances that underlay or were engendered by the prior policy." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-516 (2009); *see Wages*, 604 U.S. at 570; *Am. Wild Horse Pres. Campaign v. Perdue*, 873 F.3d 914, 923-24 (D.C. Cir. 2017).

The Final Order let early applicants "lawfully operate under their state-issued licenses during the pendency of review" and made federal registration "track[] state authorization," based on the finding that state regimes can protect public health and prevent diversion. Ex.1, at 22,720. The Information departs from that course by barring timely applicants, beginning November 29, from dealing with state licensees that did not apply in the window. Ex.2¶¶7-8, 11. It never acknowledges the change, instead claiming to clarify "existing requirements under the law." *Id*. Nor does it reconcile paragraph 7 with the Final Order's finding: the entities it cuts off hold the same state licenses, overseen by the same regulators, that the Final Order found capable of preventing diversion. Only the date of a federal filing separates them, and DEA never explains why that date now determines who may lawfully trade.

Calling the Information a restatement of "existing requirements" does not make it one. *See Am. Wild Horse*, 873 F.3d at 924 (rejecting agency's insistence "that nothing changed"). Section 1301.13(k)(7)'s authority ends when DEA decides the application—but the Information substitutes a new end date.

3. DEA ignored the costs of a 30-day cutoff.

Agency action must be "reasonable and reasonably explained," and an agency "cannot simply ignore an important aspect of the problem." *Ohio v. EPA*, 603 U.S. 279, 292-293 (2024); *see Michigan v. EPA*, 576 U.S. 743, 752-753 (2015) ("reasonable regulation ordinarily requires paying attention to the advantages *and*

the disadvantages of agency decisions"). DEA recognized that timely applicants would need to "make necessary adjustments to their supply chain," then gave them 30 days. Ex.2¶11. But "awareness is not itself an explanation." *Ohio*, 603 U.S. at 295. The Information never asks what severing existing trading relationships on 30 days' notice would cost, who would bear it, or whether it is justified.

Those costs fall on both sides of every severed relationship: on timely applicants that lose their trading partners, and on non-timely licensees, such as the Utah Entities, that lose their customers and suppliers. The record shows the scale of what DEA ignored. Standard Wellness Utah will lose sales to timely pharmacies averaging ~$275,900 per month and the two timely processors that supply about 16% of its oil, and once those dealings stop its available-for-sale inventory will last about five weeks. Ex.5¶¶17, 20, 22. NW Confections, whose Oklahoma business operates only about $20,000 to $40,000 in the black each month, will lose approximately $22,367 in monthly sales (about $11,000 in margin) and is already incurring approximately $5,000 per month in added transport costs—together consuming roughly 40% to 80% of its monthly margin—and expects to become insolvent unless the loss of its timely customers stops or reverses. Ex.4¶¶22-26. Verde expects to lay off approximately 70% of its staff. Ex.3¶31.

Agencies that upset settled expectations must "balance the harmful secondary retroactivity of upsetting prior expectations or existing investments against the

benefits of applying their rules to those preexisting interests." *Nat'l Cable & Telecomms. Ass'n v. FCC*, 567 F.3d 659, 670 (D.C. Cir. 2009). The FCC survived review because it "expressly consider[ed] the relative benefits and burdens of applying its rule to existing contracts." *Id.* at 671. DEA did nothing of the kind.

II. Petitioners will be irreparably injured absent a stay.

Irreparable injury must be "both certain and great," "actual and not theoretical," "beyond remediation," and "of such imminence that there is a clear and present need for equitable relief." *Mexichem Specialty Resins, Inc. v. EPA*, 787 F.3d 544, 555 (D.C. Cir. 2015) (citations omitted). Economic loss ordinarily does not suffice, with two exceptions: where "no adequate compensatory or other corrective relief will be available at a later date," *In re NTE Conn., LLC*, 26 F.4th 980, 990-991 (D.C. Cir. 2022) (cleaned up), and where a business faces "destruction in its current form," *Alpine Sec. Corp. v. FINRA*, 121 F.4th 1314, 1329 (D.C. Cir. 2024); *see Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (per curiam) (loss that "threatens the very existence of the movant's business").

Petitioners satisfy both. On November 29, the Information will sever the supply relationships on which each Petitioner depends, and nothing this Court does later can restore the customers, suppliers, shelf space, employees, and licenses lost.

A. Petitioners cannot recover their losses from DEA.

The APA waives sovereign immunity only for actions "seeking relief other than money damages." 5 U.S.C. §702. Petitioners' losses are therefore unrecoverable. In *NTE*, this Court stayed a FERC order revoking a "valuable authorization" because the lost revenues "could not later be clawed back," and it was "aware of no other mechanism through which NTE could have recovered these losses." 26 F.4th at 983, 991. This circuit's courts have applied that reasoning to DEA. *See ADYA LLC v. DEA*, No. 1:26-cv-141, ECF No. 31, at 21-22 (D.D.C. Mar. 23, 2026); *Holiday CVS, L.L.C. v. Holder*, 2012 WL 10973832, at *2-3 (D.D.C. Feb. 7, 2012).

The loss must also be "serious in terms of its effect." *Cardinal Health, Inc. v. Holder*, 846 F. Supp. 2d 203, 211 (D.D.C. 2012). Here it strikes at the core, and in some cases the entirety, of each Petitioner's business, beginning on a date certain.

B. The Information forces timely applicants to cut off their customers or forfeit their applications.

The Information puts Verde and NW Confections to an impossible choice. Each holds the right to operate under its state license until DEA acts on its application. Ex.3¶¶9-15; Ex.4¶¶7, 13, 17. After November 29, each must stop dealing with every non-timely partner or risk "potential grounds for denial." Ex.2¶¶7-8, 11; Ex.3¶¶18-19; Ex.4¶¶20-21. Compliance costs them their customers; noncompliance risks the application on which their federal, and, in Oklahoma, state,

authority depends. Ex.3¶22; Ex.4¶¶21, 28. "Either outcome would cause harm [they] cannot recover." Ex.3¶22.

1. Verde

Verde's wholesale sales average approximately $1.15 million per month and "account for substantially all of Verde's revenue"; Verde "has no other significant business that could sustain it." Ex.3¶¶8, 20. Sales to non-timely customers, including one worth more than $500,000 a month, run about $600,000 a month—roughly 40-50% of Verde's revenue—and Verde will stop selling to them on November 29. *Id.*¶¶21-22. That loss could trigger revenue or operating covenants in Verde's loan, lease, or investor agreements. *Id.*¶32.

The damage is already occurring and will be permanent. Two customers purchasing approximately $130,000 monthly have demanded documentation of Verde's DEA status as a condition of continued purchasing, and at least one large customer has paused its orders. *Id.*¶¶24-27. Displaced customers "will replace Verde within days," and customers lost during prior supply interruptions "did not come back." *Id.*¶23. Verde expects to shut down multiple production lines and lay off about 95 of its 136 employees, *id.*¶¶8, 31, after spending or committing approximately $1.15 million in reliance on its timely status, *id.*¶16.

2. NW Confections

After three rounds of layoffs in 18 months, NW Confections operates with

tight margins of between $20,000 to $40,000 monthly profit. Ex.4¶22. Fifteen non-timely dispensary customers, operating about 23 locations, average approximately $22,367 in monthly sales, and NW Confections will stop serving them after November 29. *Id.*¶23. Because its distributor application is not on DEA's list, it is already incurring approximately $5,000 per month in added third-party transport costs. *Id.*¶25. Those two items alone consume "roughly 40% to 80%" of its monthly margin, and timely customers are leaving daily; "[u]nless that trend stops immediately or reverses," NW Confections expects "to begin operating at a deficit and to become insolvent," and it is "unlikely the business could keep operating while this litigation is pending." *Id.*¶¶24, 26. There is no source of replacement Oklahoma customers large enough, and lost customers "are unlikely to come back." *Id.*¶27.

Further, an Oklahoma registrant's OBNDD registration depends on DEA registration or protected timely-applicant status, but OBNDD has said only that it will not take administrative action before January 1, 2027. Ex.4¶¶8-10, 28. NW Confections has been unable to get a definitive answer from either OBNDD or DEA. *Id.*¶¶10, 18, 28.

C. Standard Wellness will lose its customers and its supply, and cannot survive the cutoff in its current form.

The Utah Entities are not timely applicants, but the Information injures them directly by forbidding their timely customers and suppliers from dealing with them after November 29. Ex.5¶¶9-11, 17. On that date, Utah's market will split into five

timely producers selling only to fourteen timely pharmacies, and seven non-timely producers, including Standard Wellness Utah, whose only established non-timely pharmacy customer is The Forest Murray. *Id.*¶13. Their harm rests not on loss of a vested right, as in *NTE*, 26 F.4th at 991, but on destruction of the business in its current form. *See Alpine*, 121 F.4th at 1329; *Holiday Tours*, 559 F.2d at 843 & n.2.

Standard Wellness Utah's fourteen timely pharmacy locations account for ~$275,900 per month—about 38%—of its billed wholesale sales. Ex.5¶¶16-17. Its affiliate, its only remaining established pharmacy customer, cannot absorb the volume, and selling much more through it could invite an "anticompetitive business practice" claim. Ex.5¶19; Utah Code §4-41a-102(4). Processed products account for approximately 70% of its wholesale sales and depend on oil from other Utah processors; the two processors that supply about 16% of its oil are timely applicants, and it knows of no other lawful replacement source in Utah. *Id.*¶¶7, 20-21. Its available inventory will last about five weeks; if it cannot source bulk oil, it will cut its staff from 42 to 18. *Id.*¶¶22-23. The Forest Murray will lose the roughly 38% of its products that come from timely suppliers. *Id.*¶24. The Utah Entities' Ohio and Missouri affiliates "cannot keep the Utah Entities running." *Id.*¶6. Standard Wellness Utah thus faces destruction in its current form. *See Alpine*, 121 F.4th at 1331; Ex.5¶6.

The harm is permanent. Standard Wellness Utah spent six years winning shelf space in the timely pharmacies, growing its revenue fivefold. Ex.5¶26. Once

competitors take that shelf space and its production team is gone, it does not expect to regain those relationships. *Id.*¶27.

III. The balance of equities and public interest favor a stay.

The balance of equities and the public interest merge when the government is a party. *Nken*, 556 U.S. at 435. A stay preserves the status quo DEA itself created, under which timely applicants have operated since April under state oversight. Ex. 1 at 22,720. The Information offers no explanation why a November 29 cutoff is needed. *See* Ex. 2. Without a stay, the harm reaches beyond Petitioners: Utah, with about 118,000 registered patients, will see its market split in two, and The Forest Murray will lose the roughly 38% of its products that come from timely suppliers. Ex.5¶¶5, 13-14, 24. Finally, unlawful agency action does not support the public interest. *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016).

CONCLUSION

The Court should stay the Information's operation pending disposition of this petition.

Dated: November 18, 2026

Respectfully submitted,

/s/ *Christina Manfredi McKinley*

Christina Manfredi McKinley (DC Circ: 53419)
Blank Rome, LLP
501 Grant Street, Suite 850
Pittsburgh, PA 15219
Counsel for Petitioners
412-932-2733
Christina.mckinley@blankrome.com

Shane Pennington (DC Circ: 55524)
Blank Rome, LLP
717 Texas Avenue, Suite 1400
Houston, TX 77002
713-632-8607
Shane.pennington@blankrome.com

Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

I hereby certify that:

1. This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 5,200 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 32(f) and D.C. Circuit Rule 32(e)(1).

2. This motion complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 in 14-point Times New Roman font.

November 18, 2026

/s/ Christina Manfredi McKinley
Christina Manfredi McKinley

CERTIFICATE OF SERVICE

I certify that on November 18, 2026, I electronically filed the foregoing Emergency Motion to Stay with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system. Pursuant to 21 U.S.C. § 877, Federal Rules of Appellate Procedure 15(c) and 25(b)–(c), and D.C. Circuit Rule 18(a)(2), I further certify that I will cause a true copy of the foregoing to be delivered by electronic mail and hand delivery to:

Todd Blanche, United States Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Terrance C. Cole, Administrator
Drug Enforcement Administration Office of Chief Counsel
8701 Morrissette Drive, Springfield, VA 22152
DEA.ADDO.Attorneys@dea.gov
dea.registration.litigation@dea.gov

No other parties are listed in Section A of the Certificate as to Parties, Rulings, and Related Cases.

November 18, 2026

/s/ Christina Manfredi McKinley
Christina Manfredi McKinley

EXHIBIT 1

Final Order, 91 Fed. Reg. 22,714 (Apr. 28, 2026)
(AG Order No. 6754-2026)

USCA Case #26-1324 Document #2204056 Filed: 11/18/2026 Page 2 of 11

is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Executive Order 12866

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions) when the agency is required to publish a general notice of proposed rulemaking for a rule. Since a general notice of proposed rulemaking is not necessary for this rule, CBP is not required to prepare a regulatory flexibility analysis for this rule.

Signing Authority

In accordance with Treasury Order 100–20, the Secretary of the Treasury has delegated to the Secretary of Homeland Security the authority related to the customs revenue functions vested in the Secretary of the Treasury as set forth in 6 U.S.C. 212 and 215, subject to certain exceptions. This regulation is being issued in accordance with Department of Homeland Security Delegation 07010.3, Revision 03.2, which delegates to the Commissioner of CBP the authority to prescribe and approve regulations related to cultural property import restrictions.

Rodney S. Scott, Commissioner, having reviewed and approved this document, has delegated the authority to electronically sign this document to the Director of the Regulations and Disclosure Law Division of CBP, for purposes of publication in the **Federal Register**.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise, and Reporting and recordkeeping requirements.

Amendment to the CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g, amend the table in paragraph (b) by revising the entry for Afghanistan to read as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

* * * * *

(b) * * *

State party	Cultural property	Decision No.
*	*	*
Afghanistan	Archaeological material of Afghanistan ranging in date from 50,000 B.C. through A.D. 1747, and ethnological material of Afghanistan ranging in date from the 9th century A.D. through A.D. 1920.	CBP Dec. 22–04, extended by CBP Dec. 26–09.
*	*	*

Robert F. Altneu,

Director, Regulations and Disclosure Law Division, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection.

[FR Doc. 2026–08223 Filed 4–27–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300, 1301, 1308, and 1312

[AG Order No. 6754–2026]

Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana From Schedule I to Schedule III; Corresponding Change to Permit Requirements

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, which constitutes a final order, the Acting Attorney General of the U.S. Department of Justice places drug products containing marijuana that have been approved by the Food and Drug Administration (FDA) in schedule III of the Controlled Substances Act (''CSA''). This action is required to satisfy the responsibility of the Administrator under the CSA to place a drug in the schedule he deems most appropriate to carry out United States obligations under the Single Convention on Narcotic Drugs, 1961. In general, this final rule applies to marijuana as defined in the CSA, marijuana extracts, and delta-9-tetrahydrocannabinol and other compounds derived from the marijuana plant (other than the mature stalks and seeds) that falls outside the definition of hemp, to the extent that any of these are included in an FDA-approved drug product or are subject to

a state-issued license to manufacture, distribute, and/or dispense marijuana or products containing marijuana for medical purposes (''state medical marijuana license''). Also consistent therewith, this final rule adds such drugs to the list of substances that may only be imported or exported pursuant to a permit. This final rule also establishes an expedited registration process under 21 CFR part 1301 for entities holding state medical marijuana licenses, enabling such entities to engage in the manufacture, distribution, and/or dispensing of marijuana for medical purposes under federal law consistent with the requirements of the Single Convention.

DATES: Effective April 28, 2026.

ADDRESSES: 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Dr. Clara Hellickson, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Background and Legal Authority

The United States' Treaty Obligations

The United States is a party to the United Nations Single Convention on Narcotic Drugs, Mar. 30, 1961, 18 U.S.T. 1407, 520 U.N.T.S. 151 (''Single Convention''), as amended by the 1972 Protocol. The Single Convention entered into force for the United States on June 24, 1967, after the Senate gave its advice and consent to the United States' accession.[1] The enactment and enforcement of the CSA are the primary means by which the United States carries out its obligations under the Single Convention.[2] Various provisions of the CSA directly reference the Single Convention. One such provision is 21 U.S.C. 811(d)(1), which relates to scheduling of controlled substances.

Under 21 U.S.C. 811(d)(1), if control of a substance is required ''by United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970''—which includes the Single Convention—the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by [21 U.S.C. 811(a) or 812(b)] and without regard to the procedures prescribed by [21 U.S.C. 811(a) and (b)].'' [3] This provision is consistent with the Supremacy Clause of the U.S. Constitution, which provides that all treaties made under the authority of the United States ''shall be the supreme Law of the Land.'' [4] In accordance with this constitutional mandate, under section 811(d)(1), Congress directed the Attorney General to ensure that compliance by the United States with our nation's obligations under the Single Convention is given top consideration when it comes to scheduling determinations.[5] Importantly, the Department of Justice's Office of Legal Counsel (OLC) concluded in a 1972 opinion that 21 U.S.C. 811(d)(1) is not limited to those instances where a substance is newly added to an international schedule.[6]

Parties to the Single Convention are required to impose several control measures regarding drugs listed in Schedule I of the Convention.[7] These include the following:

- Limiting exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of such drugs. Article 4.
- Furnishing to the International Narcotics Control Board (INCB) annual estimates of, among other things, quantities of such drugs to be consumed for medical and scientific purposes, utilized for the manufacture of other drugs, and held in stock. Article 19.
- Furnishing to the INCB statistical returns on the actual production, utilization, consumption, imports and exports, seizures, and stocks of such drugs during the prior year. Article 20.
- Requiring that licensed manufacturers of such drugs obtain quotas specifying the amounts of such drugs they may manufacture to prevent excessive production and accumulation beyond that necessary to satisfy legitimate needs. Articles 21 & 29.
- Requiring manufacturers and distributors of such drugs to be licensed. Articles 29 & 30.
- Requiring medical prescriptions for the dispensing of such drugs to patients. Article 30.
- Requiring importers and exporters of such drugs to be licensed and requiring each individual importation or exportation to be predicated on the issuance of a permit. Article 31.
- Prohibiting the possession of such drugs except under legal authority. Article 33.
- Requiring those in the legitimate distribution chain (manufacturers, distributors, scientists, and those who lawfully dispense such drugs) to keep records that show the quantities of such drugs manufactured, distributed, dispensed, acquired, or otherwise disposed of during the prior two years. Article 34.

Because the CSA was enacted in large part to satisfy United States obligations under the Single Convention, many of the CSA's provisions directly implement the foregoing treaty requirements.

Under the Single Convention, cannabis, cannabis resin, and extracts and tinctures of cannabis are listed in Schedule I.[8] The CSA, in implementing

[1] *See* Single Convention, 18 U.S.T. 1407.

[2] *See* S. Rep. No. 91–613, at 4 (1969) (''The United States has international commitments to help control the worldwide drug traffic. To honor those commitments, principally those established by the Single Convention on Narcotic Drugs of 1961, is clearly a Federal responsibility.''); *Office of Legal Counsel, Control of Papaver Bracteatum,* 1 Op. O.L.C. 93, 95 (1977) (''[A] number of the provisions of [the CSA] reflect Congress' intent to comply with the obligations imposed by the Single Convention.'').

[3] *See also* 21 CFR 1308.46.

[4] U.S. Const., art. VI, sec. 2.

[5] The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the Drug Enforcement Administration. 28 CFR 0.100.

[6] *Petition to Decontrol Marijuana; Interpretation of Section 201 of the Controlled Substances Act of 1970,* Op. O.L.C. at 7–8 (Aug. 21, 1972) (recognizing that the House Report ''clearly shows that a much broader application was intended''). Consistent with this understanding of the CSA and the Single Convention, on September 28, 2018, DEA issued a final rule under 21 U.S.C. 811(d)(1) placing FDA-approved drug products that contain cannabidiol (CBD) derived from the cannabis plant and no more than 0.1 percent tetrahydrocannabinols (THC) into schedule V of the CSA. *See Schedules of Controlled Substances: Placement in Schedule V of Certain FDA-Approved Drugs Containing Cannabidiol; Corresponding Change to Permit Requirements,* 83 FR 48950 (Sept. 28, 2018).

[7] The text of the Single Convention capitalizes schedules (*e.g.,* ''Schedule I''). In contrast, the text of the CSA generally refers to schedules in lower case. This document will follow this approach of using capitalization or lower case depending on whether the schedule is under the Single Convention or the CSA. It should also be noted that the schedules of the Single Convention operate somewhat differently than the schedules of the CSA. Unlike the CSA, the Single Convention imposes additional restrictions on drugs listed in Schedule IV that go beyond those applicable to drugs listed in Schedule I. All drugs in Schedule IV of the Single Convention are also in Schedule I of the Convention. Cannabis and cannabis resin are among the drugs were also listed in Schedule IV of the Single Convention, but the U.N. Commission on Narcotic Drugs removed cannabis from Schedule IV in 2020.

[8] Under the Single Convention, '''[c]annabis plant' means any plant of the genus Cannabis.'' Single Convention art. 1(1)(c). The Single Convention defines ''cannabis'' to mean ''the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.'' *Id.* art. 1(1)(b). This definition of ''cannabis'' under the Single Convention is slightly less inclusive in certain respects than the CSA definition of ''marijuana,'' which includes all parts of the cannabis plant except for the mature stalks, sterilized seeds, oil from the seeds, and certain derivatives thereof. *See* 21 U.S.C. 802(16). Cannabis and cannabis resin are included in the list of drugs

Continued

these requirements, generally defines marijuana to mean ''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.'' [9] In 2018, Congress amended the CSA to remove ''(i) hemp, as defined in section [1639*o* of title 7 of the U.S. Code]'' from the definition of marijuana.[10] Section 1639*o*(1) of title 7, in turn, defines hemp 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.'' [11] Delta-9-tetrahydrocannabinol (Δ9–THC) is the major psychoactive intoxicating cannabinoid in marijuana. This exclusion of hemp from the definition of marijuana had the effect of removing many products containing predominantly cannabidiol (''CBD'') derived from hemp and containing no more than 0.3 percent Δ9–THC on a dry weight basis from control as marijuana. Effective November 12, 2026, the definition of hemp in 7 U.S.C. 1639*o*(1) is being amended, with corresponding impact on the definition of marijuana in 21 U.S.C. 802(16)(A).

In addition to the requirements for drugs in Schedule I discussed above, the Single Convention requires the United States to take the following additional measures specific to the growing of marijuana plants within the United States:

- Register and regulate growers, including by designating the land upon which they may grow marijuana plants;
- Limit growing of the marijuana plant to that required for legitimate domestic scientific, medical, and industrial needs, and for legitimate exports;
- Establish the upper limit of marijuana that each grower may grow in a calendar year, as well as the total amount of marijuana that can be grown in the United States annually for legitimate needs;
- Purchase all harvested crops of marijuana and monopolize the wholesale trade in harvested marijuana.[12]

Moreover, the CSA also recognizes that the United States is also a party to the Convention on Psychotropic Substances, Feb. 21, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175 (Convention on Psychotropic Substances).[13] As with the Single Convention, parties to the Convention on Psychotropic Substances are obligated to take various control measures related to the drugs that are covered by the treaty.[14] Congress implemented the additional authority necessary to comply with the Convention on Psychotropic Substances through various amendments to the CSA.[15] Δ9–THC is a substance covered by schedule II of the Convention on Psychotropic Substances, in addition to being covered by Schedule I of the Single Convention if it is extracted from the cannabis plant. This final rule places in schedule III (i) those FDA-approved drug products that contain Δ9–THC falling within the CSA's definition of marijuana, specifically FDA-approved drug products containing Δ9–THC derived from the plant Cannabis sativa L., other than the mature stalks and seeds; and (ii) marijuana subject to a state medical marijuana license.

Existing State Regulatory Systems

Over the last three decades, forty U.S. states have legalized the sale and use of marijuana for medical purposes as a matter of state law and have established systems to regulate that activity. States that have authorized medical marijuana have done so through a licensing regime that restricts cultivation, manufacture, and distribution to entities approved by a designated state agency—typically a department of health, department of agriculture, or a dedicated cannabis regulatory authority. These agencies conduct application review, perform inspections, and maintain ongoing oversight of licensees. State licensees are required to maintain detailed records of plant counts, harvested quantities, inventory levels, and sales or transfers, and to report that information to state regulators on a periodic basis. State medical licensing regimes oversee permissible uses of medical marijuana, confining distribution to registered patients or caregivers through approved dispensaries or other authorized channels. Registered and licensed physicians oversee patient qualification for medical marijuana based on state specific criteria and qualifying conditions.

Authority To Place Certain Marijuana Products in Schedule III

The Administrator has the authority under Section 811(d)(1) of the CSA to move FDA-approved drug products containing marijuana and marijuana subject to state-issued licenses to Schedule III.

Based on a 2024 OLC opinion, if marijuana is listed in schedule III, most of the Single Convention's obligations noted above will continue to be met by CSA statutory authorities and associated regulations.[16] Similarly, the controls available under schedule III are also sufficient to comply with the requirements of the Convention on Psychotropic Substances with respect to Δ9–THC. As discussed in more detail below, this final rule ensures that the United States will continue to meet these obligations without delay or disruption.

As indicated above, Article 31 of the Single Convention obligates parties to require a permit for the importation and exportation of drugs listed in Schedule I of the Convention. This permit requirement applies to drug products containing marijuana because, as further indicated above, such a product is a Schedule I drug under the Single Convention. However, under the CSA [17] and DEA regulations, the import/export permit requirement does not apply to all controlled substances. Rather, a permit is required to import or export any controlled substance in schedule I and II as well as certain controlled substances in schedules III, IV, and V.[18] Thus, in order to control FDA-approved drug products containing marijuana and

in Schedule I of the Single Convention, and cannabis is subject to the same controls as Schedule I drugs as well as additional controls. *See* Single Convention art. 2(6); *id.* art. 28.

[9] 21 U.S.C. 802(16)(A).

[10] Agricultural Improvement Act of 2018, Public Law 115–334, sec. 12619; 132 Stat. 4490, 5018.

[11] As of November 12, 2026, this definition is revised to refer to a ''total a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent on a dry weight basis,'' rather than the current reference to the concentration of Δ9–THC. Public Law 119–37, sec. 781.

[12] DEA implemented the requirement to purchase harvested crops of marijuana and to monopolize the wholesale trade in marijuana through regulations pursuant to a 2018 OLC opinion. *See Office of Legal Counsel, Licensing Marijuana Cultivation in Compliance with the Single Convention on Narcotic Drugs,* 42 Op. O.L.C. 1 (June 6, 2018), *https://www.justice.gov/olc/file/1272131/dl?inline* (''2018 OLC Opinion'').

[13] *See also* 21 U.S.C. 801a(2).

[14] *Id.*

[15] *Id.* 801a(2)–(3).

[16] *See Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana,* 45 Op. O.L.C., at *33–34 (Apr. 11, 2024).

[17] The provisions of federal law relating to the import and export of controlled substances—those found in 21 U.S.C. 951 through 971—are more precisely referred to as the Controlled Substances Import and Export Act. However, federal courts and DEA often use the term ''CSA'' to refer collectively to all provisions from 21 U.S.C. 801 through 971 and, for ease of exposition, this document will do likewise.

[18] *See* 21 U.S.C. 952 and 953; 21 CFR 1312.11, 1312.12, 1312.21, 1312.22.

marijuana subject to state-issued licenses in schedule III, DEA must simultaneously amend the regulations to require a permit to import or export such products.

It bears emphasis that where, as here, control of a drug is required by the Single Convention, an order under 21 U.S.C. 811(d)(1) must be issued ''*without regard to* the findings required by [21 U.S.C. 811 (a) or 812(b)] and *without regard to* the procedures prescribed by [21 U.S.C. 811 (a) or (b)].'' Thus, in such circumstances, the plain and unambiguous statutory language does not require the Administrator to request a medical and scientific evaluation or scheduling recommendation from the Department of Health and Human Services (HHS), as is normally done pursuant to rulemaking under section 811(b).[19]

Nonetheless, in a letter dated August 29, 2023, HHS provided DEA with a medical and scientific evaluation and scheduling recommendation that marijuana be controlled in schedule III of the CSA.[20] HHS found, *inter alia,* that marijuana has a potential for abuse less than the drugs or other substances in schedules I and II, and that the abuse of marijuana may lead to moderate or low physical dependence or high psychological dependence.[21] These findings would correspond to the criteria for placement of a substance in schedule III.[22] While each of these findings are discussed briefly below, HHS's scientific and medical evaluation entitled, ''Basis for the Recommendation to Reschedule Marijuana Into Schedule III of the Controlled Substances Act,'' is available in its entirety under the ''Supporting and Related Material'' of the public docket for this final rule at *https://www.regulations.gov* under docket number DEA–1362.

First, HHS found that marijuana has a potential for abuse less than the drugs or other substances in schedules I and II. As noted above, marijuana contains Δ9–THC, the substance responsible for the abuse potential of marijuana. Δ9–THC has agonist properties at CB_1 cannabinoid receptors and produces rewarding responses in animals, as evidenced by its ability to produce self-administration and CPP. When marijuana is administered to humans under experimental conditions, it produces a wide range of positive subjective responses in addition to certain negative subjective responses. Common responses to marijuana when it is used by individuals for nonmedical purposes include euphoria and other positive subjective responses, as well as perceptual changes, sedative responses, anxiety responses, psychiatric, social, and cognitive changes, and physiological changes.[23]

HHS noted that epidemiological data from the 2022 National Survey on Drug Use and Health (NSDUH) show that marijuana is the most frequently used federally illicit drug in the United States on a past-year and past-month basis among the illicit comparator drugs considered. Although 50 percent of respondents in NSDUH reported using marijuana nonmedically fewer than 5 days per month, another 30 percent reported using it nonmedically for 20 days or more per month.[24]

Despite the high prevalence of nonmedical use of marijuana, HHS observed that an overall evaluation of epidemiological indicators suggests that it does not produce serious outcomes compared to drugs in schedules I or II. HHS found this especially notable given the availability of marijuana and marijuana-derived products that contain extremely high levels of Δ9–THC. Due to such availability, the epidemiological data described in HHS's evaluation inherently include the outcomes from individuals who use marijuana and marijuana-derived products that have doses of Δ9–THC that range from low to very high, and yet the data demonstrate that these products overall are producing fewer negative outcomes than drugs in schedules I or II.[25]

HHS compared the rank ordering of selected drugs that are abused for various epidemiological measures and observed that marijuana was among the drugs at the very lowest ranking for a number of measures, including poison center (PC) abuse cases, likelihood that any use would lead to a PC call, accidental or unintentional poisoning, utilization-adjusted rates of unintentional exposure, utilization-adjusted and population-adjusted rates for emergency department visits and hospitalizations, likelihood of being diagnosed with a serious substance abuse disorder, deaths reported to PCs, and overdose deaths when used with other drugs or as a single substance (as total numbers and when utilization-adjusted). In contrast, comparators such as heroin (schedule I), oxycodone (schedule II), and cocaine (schedule II) typically were in the highest rank ordering on these measures.[26]

For the various epidemiological measures evaluated above, HHS noted that marijuana was also compared to controlled substances in schedule III (ketamine) and schedule IV (benzodiazepines, zolpidem, and tramadol), as well as to other schedule II substances (fentanyl and hydrocodone). The analyses were conducted in this manner to provide a comprehensive assessment of the relative abuse potential of marijuana. However, the rank order of these substances regarding harms does not consistently align with the relative scheduling placement of these drugs in the CSA due to the pharmacological differences between various classes of drugs.[27]

There are a number of confounding factors that likely influence the adverse outcomes measured in various epidemiological databases and account for the rank ordering of the drugs evaluated on these measures. For example, a different population abuses each substance, and each substance has

[19] In the House Report to the bill that would become the CSA, this issue is explained as follows:

Under subsection [811(d)], where control of a drug or other substance by the United States is required by reason of its obligations under [the Single Convention], the bill does not require that the Attorney General seek an evaluation and recommendation by the Secretary of Health, Education, and Welfare, or pursue the procedures for control prescribed by the bill but he may include the drug or other substance under any of the five schedules of the bill which he considers most appropriate to carry out the obligations of the United States under the international instrument, and he may do so without making the specific findings otherwise required for inclusion of a drug or other substance in that schedule.

H. Rep. No. 91–1444, at 36 (1970). *See also Schedules of Controlled Substances: Placement in Schedule V of Certain FDA-Approved Drugs Containing Cannabidiol; Corresponding Change to Permit Requirements,* 83 FR 48950, 48952 & n.8 (Sept. 28, 2018). Of note, a 1977 D.C. Circuit decision considered not the plain text of the statute, but rather certain aspects of the legislative history, to conclude that 21 U.S.C. 811(d)(1) still requires DEA to request a scientific and medical evaluation and scheduling recommendation from HHS in certain circumstances, such as when a substance can be placed in more than one schedule under the CSA and still satisfy obligations under the Single Convention. *Nat'l Org. for Reform of Marijuana Laws (NORML)* v. *Drug Enforcement Admin.,* 559 F.2d 735, 746–47 (D.C. Cir. 1977) (stating that the ''language of Section 201(d) is consistent with the clear import of the Act's legislative history,'' including certain floor debates and comments by various congressmen, and ''must be read against this backdrop of intense concern with establishing and preserving [HHS's] avenue of input into scheduling decisions''). Because HHS has provided DEA with a medical and scientific evaluation and scheduling recommendation for marijuana, DEA has met this additional procedural requirement.

[20] *See* Letter for Anne Milgram, Administrator, DEA, from Rachel L. Levine, M.D., Assistant Secretary for Health, HHS (Aug. 29, 2023) (''August 2023 Letter''); *see also* Memorandum for DEA, from HHS, *Re:* Basis for the Recommendation to Reschedule Marijuana to Schedule III of the Controlled Substances Act (''HHS Basis for Rec.'').

[21] HHS Basis for Rec. at 62–65.

[22] *See* 21 U.S.C. 812(b)(3).

[23] HHS Basis for Rec. at 62.

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.* at 63.

a different prevalence of abuse and a different profile of severe adverse outcomes in a setting of nonmedical use and abuse. Thus, it is challenging to reconcile the ranking of relative harms associated with the comparators used in this evaluation when the rankings differ across various epidemiological databases and when these rankings often do not align with the scheduling placement of these comparators under the CSA.[28]

To address these challenges, HHS evaluated the totality of the available data and concluded that it supports the placement of marijuana in schedule III. Overall, these data demonstrate that, according to HHS, although marijuana is associated with a high prevalence of abuse, the profile of and propensity for serious outcomes related to that abuse lead to a conclusion that marijuana is most appropriately controlled in schedule III under the CSA.[29]

Second, HHS found that abuse of marijuana may lead to moderate or low physical dependence or high psychological dependence.[30] Regarding physical dependence, as evidenced by its associated withdrawal symptomology upon abrupt discontinuation of use, the most commonly reported marijuana withdrawal symptoms in clinical investigations are sleep difficulties, decreased appetite and weight loss, craving, irritability, anger, anxiety or nervousness, and restlessness. Marijuana withdrawal symptoms typically peak within two to six days and decline over one to two weeks as Δ9–THC is eliminated. Similarly, the drug labels for the FDA-approved drug products Marinol and Syndros state that, following chronic administration of dronabinol, drug discontinuation leads to irritability, insomnia, and restlessness at 12 hours, and by 24 hours the withdrawal symptoms can include hot flashes, sweating, rhinorrhea, diarrhea, and anorexia.[31]

HHS observed that marijuana withdrawal syndrome has been reported in individuals with heavy, chronic marijuana use, but its occurrence in occasional users of marijuana has not been established. Marijuana withdrawal syndrome appears to be relatively mild compared to the withdrawal syndrome associated with alcohol, which can include more serious symptoms such as agitation, paranoia, seizures and even death. Multiple studies comparing the withdrawal symptoms associated with marijuana and tobacco demonstrate that the magnitude and time course of the two withdrawal syndromes are similar.[32]

Based on the evidence, HHS determined that the abuse of marijuana may lead to moderate or low physical dependence, depending on frequency and degree of marijuana exposure. HHS further concluded that marijuana can produce psychic dependence in some individuals, but that the likelihood of serious outcomes is low, suggesting that high psychological dependence does not occur in most individuals who use marijuana.[33]

Although I am not required to consider this HHS recommendation when issuing an order under section 811(d)(1), because I believe there are several legally viable scheduling options that would satisfy the United States' obligations under the Single Convention based on OLC's 2024 opinion discussed above, I exercise my discretion in determining the most appropriate schedule by choosing the option that most closely aligns to HHS's findings and best positions the United States to carry out its obligations under the Single Convention with regard to marijuana crops and other marijuana that has not yet been manufactured into an FDA-approved product or subject to a state medical marijuana license. Namely, I am hereby ordering that FDA-approved drug products containing marijuana, as well marijuana in any form covered by a state medical marijuana license, be placed in schedule III of the CSA.[34]

Additionally, maintaining unlicensed bulk marijuana in schedule I allows the United States to continue to meet two of its obligations under the Single Convention without disruption. First, as indicated above, for drugs listed in Schedule I of the Single Convention, parties are obligated to require that licensed manufacturers of such drugs obtain quotas specifying the amounts of such drugs they may manufacture. The purpose of this treaty requirement is to prevent excessive production and accumulation beyond that necessary to satisfy legitimate needs. Under this scheduling order, the United States will continue to meet this obligation without disruption or delay because unlicensed bulk marijuana, marijuana extract, and Δ9–THC material used to make FDA-approved drug products will remain in schedule I of the CSA and thus be subject to all applicable quota provisions under 21 U.S.C. 826; and because state-licensed marijuana will be required to meet the quota requirements of the Single Convention.

Second, as also discussed above, pursuant to a 2018 OLC opinion, DEA must buy marijuana crops from registered manufacturers, be the seller of that marijuana to any eligible registered purchaser, and establish prices for such purchase and sale.[35] Marijuana growers must pay DEA an administrative fee for such transactions.[36] These actions are necessary for the United States to meet its obligations under articles 23 and 28 of the Single Convention.[37] By maintaining in schedule I all unlicensed marijuana crops, bulk marijuana, and any marijuana or marijuana extract that has not yet been incorporated into a FDA-approved drug product, and by requiring that state-licensed marijuana satisfy the requirements relating to the purchase and sale of marijuana by DEA, the United States will continue to meet these obligations without disruption or delay.

Placing only FDA-approved products containing marijuana and state-licensed marijuana in schedule III also is consistent with articles 23 and 28 of the Single Convention and 21 CFR 1318.04(b), which specify that the requirement to monopolize the wholesale trade in marijuana does not extend to ''medicinal cannabis.'' Medicinal cannabis is defined in 21 CFR 1318.02(b) to mean ''a drug product made from the cannabis plant, or derivatives thereof, that can be legally marketed under the Federal Food, Drug, and Cosmetic Act [(FD&C Act)].'' The final rule exempts marijuana subject to state medical marijuana licenses from the requirement to monopolize the wholesale trade in marijuana.

This final rule rescheduling marijuana contained in FDA-approved products or subject to a state medical marijuana license applies to marijuana as listed in 21 CFR 1308.11(d)(23), as well as marijuana extracts as defined in 21 CFR 1308.11(d)(58) because they meet the statutory definition of marijuana and, prior to 2017, were included in 21 CFR 1308.11(d)(23).[38] In addition, this final

[28] *Id.*

[29] *Id.*

[30] *Id.* at 65.

[31] *Id.* at 64.

[32] *Id.*

[33] *Id.* at 65.

[34] Article 5 of the Single Convention requires parties to take legislative and administrative measures ''to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of'' the substances covered by the treaty. In this order, DEA is carrying out this obligation by limiting the rescheduling to FDA-approved drug products and marijuana covered by licenses issued under state-medical-marijuana regulatory regimes.

[35] *See 2018 OLC Opinion, supra n.12. See also* 21 CFR 1318.06(b).

[36] 21 CFR 1318.06.

[37] *2018 OLC Opinion, supra n.12. See also* Single Convention arts. 23, 28.

[38] *See Establishment of a New Drug Code for Marijuana Extract,* 81 FR 90194 (Dec. 14, 2016).

rule applies to Δ9–THC derived from the marijuana plant (other than the mature stalks and seeds) that falls outside the definition of hemp, because it meets the statutory definition of marijuana.

This final rule does not apply to synthetically derived THC, which is outside the CSA's definition of marijuana. Tetrahydrocannabinols that can be derived only through a process of artificial synthesis (*e.g.,* delta-10-tetrahydrocannabinol) are excluded. HHS provided a scientific and medical evaluation only relating to ''marijuana'' as defined in the CSA. That definition is limited to the plant (other than the mature stalks and seeds) and derivatives of the plant. Therefore, synthetic THC remains in schedule I.

This final rule also does not affect the status of hemp (as defined in 7 U.S.C. 1639*o*), because hemp is excluded from the definition of marijuana. This final rule is not rescheduling any drug product containing marijuana or THC that previously has been rescheduled out of schedule I (*e.g.,* Marinol and Syndros). Nor does it impact the status of any previously scheduled synthetic cannabinoids.

As noted, this order placing FDA-approved drug products containing marijuana and state-licensed medical marijuana in schedule III will only comport with 21 U.S.C. 811(d)(1) if all importations and exportations of products containing marijuana remain subject to the permit requirement. Until now, since all marijuana has been a schedule I controlled substance, any importation has been subject to the permit requirement. To ensure this requirement remains in place (and thus to prevent any lapse in compliance with the requirements of the Single Convention), this order amends the DEA regulations (21 CFR 1312.30) to add FDA-approved drug products containing marijuana and state-licensed medical marijuana to the list of nonnarcotic schedule III through V controlled substances that are subject to the import and export permit requirement.[39]

Tax Implications

The Acting Attorney General further notes that, as a consequence of this rule, state licensees will no longer be subject to the deduction disallowance imposed by Section 280E of the Internal Revenue Code, which applies only to businesses engaged in ''trafficking in controlled substances . . . in a schedule I or II,'' 26 U.S.C. 280E. Nothing in this rule constitutes a determination regarding federal tax liability, and qualifying state licensees should consult with tax counsel regarding the applicability of Section 280E to their specific circumstances.

Requirements for Handling FDA-Approved Drug Products Containing Marijuana

Preliminarily, it should be noted that any form of marijuana other than in an FDA-approved drug product or marijuana subject to a state medical marijuana license remains a schedule I controlled substance, and those who handle such material remain subject to the regulatory controls, and administrative, civil, and criminal sanctions, applicable to schedule I controlled substances set forth in the CSA and DEA regulations.

However, for those who handle marijuana exclusively in the form of an FDA-approved drug product, the following is a summary of the schedule III regulatory requirements that will apply upon the effective date of this final rule:

1. *Registration.* Any person who handles (*e.g.,* manufactures, distributes, dispenses, imports, exports, engages in research, reverse distributes, or conducts instructional activities or chemical analysis with) FDA-approved drug products containing marijuana must be registered with DEA to conduct such activities.[40] That is, persons and entities wishing to distribute or dispense (including prescribe) marijuana in an FDA-approved product must first obtain a DEA registration applicable to schedule III controlled substances. Entities that transfer marijuana to patients, including dispensaries, must register with DEA as ''practitioners'' under 21 U.S.C. 823(g). Registration under that provision does not allow the practitioner to possess or dispense (including prescribe) schedule I controlled substances, including marijuana and marijuana extracts that are in a form other than an FDA-approved drug product or marijuana subject to a state medical marijuana license.

2. *Disposal of stocks.* Schedule III FDA-approved drug products containing marijuana must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Fees.* Each applicant for registration, other than those employed by state or Federal governments, must pay a registration fee. Current fees are: (1) Manufacturers: $3,699 annually; (2) Distributors: $1,850 annually; and (3) Dispensers, including pharmacies: $888 for a registration valid for 3 years.

4. *Prescriptions.* Prescriptions for FDA-approved drug products containing marijuana are required prior to dispensing, except when dispensed directly by a DEA-registered practitioner, such as a physician, dentist, veterinarian, or hospital.[41] Prescriptions must be ''issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice.'' [42] Prescriptions must include ''the drug name, strength, dosage form, quantity prescribed, directions for use,'' among other items.[43] Under DEA's regulations, both the prescribing practitioner and the pharmacist who fills the prescription have responsibility for the proper prescribing and/or dispensing of controlled substances.[44]

5. *Records and Reports.* All DEA registrants must maintain records and submit reports with respect to FDA-approved drug products containing marijuana.[45]

6. *Security.* All DEA registrants must comply with regulatory security requirements.[46]

7. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of FDA-approved drug products containing marijuana must meet all applicable schedule III labeling and packaging requirements.[47]

8. *Inventory.* Any person registered with DEA to handle FDA-approved drug products containing marijuana must make an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances. After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including

[39] It is DEA's intention that the provisions of this final rule shall operate independently of each other. If this final rule, or any portion of this final rule, is ultimately declared invalid or stayed as to a particular provision, it is DEA's intent that the final rule nonetheless be severable and remain valid with respect to those provisions not affected by a declaration of invalidity or stayed. DEA concludes it would separately adopt all of the provisions contained in this final rule.

[40] 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301, 1312, and 1318.

[41] 21 U.S.C. 829(a), (b); 21 CFR 290.1. *See also* Single Convention, art. 30. Dispensing generally refers to the lawful delivery of marijuana by a DEA registrant to an ultimate user. *See* 21 U.S.C. 802(10).

[42] 21 CFR 1306.04(a).

[43] 21 CFR 1306.05(a).

[44] *Id.* 1306.04(a).

[45] 21 U.S.C. 827 and 832(a); 21 CFR 1301.74(b) and (c), and parts 1304, 1312, and 1317.

[46] 21 U.S.C. 821, 823; 21 CFR 1301.71–1301.76; 1301.90–1301.93.

[47] 21 U.S.C. 825 and 958(e); 21 CFR part 1302.

FDA-approved drug products containing marijuana) on hand every two years.[48]

9. *Manufacturing and Distributing.* In addition to the general requirements of the CSA and DEA regulations that are applicable to manufacturers and distributors of schedule III controlled substances, such registrants should be advised that (consistent with the foregoing considerations) any manufacturing or distribution of FDA-approved products containing marijuana may only be for the legitimate purposes authorized by the FD&C Act and the CSA.

10. *Liability.* Any activity involving FDA-approved drug products containing marijuana not authorized by, or in violation of the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions

Registration of State Licensees

State medical marijuana regulatory systems have matured significantly since California first authorized medical use in 1996, and today the vast majority of States maintain comprehensive licensing frameworks governing cultivation, processing, distribution, and dispensing of marijuana for medical purposes. These state regimes have developed robust infrastructure for preventing diversion, ensuring product safety, maintaining records, and conducting facility inspections—functions that fulfill the objectives of federal registration and recordkeeping requirements. The Attorney General has reviewed the operation of these state systems and finds that, taken as a whole, they demonstrate a sustained capacity to achieve the public-interest objectives that underlie the CSA's registration framework, including protecting public health and safety and preventing the diversion of controlled substances into illicit channels.

In light of that record, the Attorney General has determined that incorporating state licensing systems into the federal registration framework represents the most effective and efficient means of achieving the CSA's objectives with respect to medical marijuana while promoting the medical benefits of marijuana and causing the least disruption for patients and existing state systems. The rule accordingly leverages existing regulatory infrastructure while preserving the Administrator's authority to deny or revoke registration where specific public-interest concerns arise and to ensure compliance with the Single Convention. This approach reflects the Attorney General's considered judgment that cooperative federalism best serves the statutory purposes of the CSA in the context of a well-regulated medical marijuana market.

The proposed amendments to part 1301 establish a new registration pathway for state-licensed medical marijuana entities seeking federal DEA registration as manufacturers, distributors, and/or dispensers. The regulation creates an expedited review process under which applicants holding state medical marijuana licenses may submit their existing state credentials as conclusive evidence of state-law authorization. The Administrator must grant registration unless doing so would be inconsistent with the public interest under the 21 U.S.C. 823 factors or with the requirements of the Single Convention. A DEA registration automatically suspends upon suspension, revocation, or expiration of the underlying state-issued license, ensuring that federal authorization tracks state authorization. To facilitate a prompt transition, the Administrator is directed to process applications submitted within 60 days of publication within six months, and early applicants may lawfully operate under their state-issued licenses during the pendency of review.

The rule contains several provisions designed to reduce regulatory burden on compliant state-licensed entities. Reporting, recordkeeping, and order-form requirements are limited to what is strictly necessary to satisfy federal statutory and treaty obligations, with state-required records accepted to the maximum extent permissible. State-authorized medical marijuana certifications or similar documents are sufficient to permit the dispensing of medical marijuana to users, provided they include the user's name and address, are dated and signed on the day of issuance, and identify the issuing practitioner. Similarly, registrants may rely on state-law labeling, packaging, disposal, and physical-security requirements in lieu of the otherwise-applicable federal requirements, subject to inclusion of the statutory warning label required by 21 U.S.C. 825(c).

To address Single Convention compliance under Article 23, the rule establishes a nominal-price purchase-and-resale mechanism through which the Administration acquires and resells registered manufacturers' marijuana crops, thereby satisfying the Convention's requirement that a government agency serve as the exclusive purchaser of cannabis production. Registered manufacturers must store crops in a facility to which DEA maintains access until that transaction is complete, and each manufacturer registration must specify the areas in which cultivation is permitted. The Administrator is also authorized to require record-keeping and reporting necessary to comply with the Single Convention, and the Administrator must take into account the requirements of the Single Convention, including any quota requirements, in evaluating applications.

Out of an abundance of caution, the Administrator clarifies that researchers who obtain marijuana or marijuana-derived products from a state licensee for use in scientific research shall incur no civil or criminal liability under the Controlled Substances Act solely by reason of having obtained such products from a state-licensed source rather than a separately DEA-registered bulk manufacturer, provided that the researcher is registered with the Administration to conduct research with marijuana under 21 CFR. 1301.13 and the state licensee from whom the researcher obtained the marijuana held a valid federal registration at the time of the transfer. The Administrator shall not treat the use of state-licensed marijuana products in federally registered research as a basis for adverse action against a researcher's registration.

The Administrator further notes that, as a consequence of this rule, holders of state medical marijuana licenses will no longer be subject to the deduction disallowance imposed by Section 280E of the Internal Revenue Code, which applies only to businesses engaged in ''trafficking in controlled substances . . . in a schedule I or II,'' 26 U.S.C. 280E. The Administrator encourages the Secretary of the Treasury to consider providing retrospective relief from Section 280E liability for taxable years in which a state licensee operated under a state medical marijuana license. Nothing in this rule constitutes a determination regarding federal tax liability, and state licensees should consult with tax counsel regarding the applicability of Section 280E to their specific circumstances.

Regulatory Analyses

Administrative Procedure Act

The CSA provides for an expedited scheduling action where control is required by the United States' obligations under international treaties, conventions, or protocols.[49] If control is required pursuant to such international

[48] 21 U.S.C. 827 and 958(e); 21 CFR 1304.03, 1304.04, and 1304.11.

[49] 21 U.S.C. 811(d)(1).

treaty, convention, or protocol, the Attorney General, as delegated to the Administrator, must issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, and ''without regard to'' the findings and rulemaking procedures otherwise required for scheduling actions in 21 U.S.C. 811(a) and (b).[50]

In accordance with 21 U.S.C. 811(d)(1), scheduling actions for drugs that are required to be controlled by the United States' obligations under international treaties, conventions, or protocols in effect on October 27, 1970, shall be issued by order, as opposed to scheduling by rule pursuant to 21 U.S.C. 811(a). Therefore, DEA believes that the notice-and-comment requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this scheduling action.

Executive Orders 12866, 13563, 14192, and 14294

This action is not a significant regulatory action as defined by Executive Order (E.O.) 12866, Regulatory Planning and Review, and the principles reaffirmed in E.O. 13563, Improving Regulation and Regulatory Review. DEA scheduling actions are not subject to E.O. 14192, Unleashing Prosperity Through Deregulation, or E.O. 14294, Fighting Overcriminalization in Federal Regulations.

While this scheduling action is exempt from review under E.O. 12866, DEA recognizes this action may have unique economic impacts. Marijuana is subject to a number of State laws that have allowed a multibillion-dollar industry to develop. DEA acknowledges that there may be large impacts related to Federal taxes and research and development investment for the pharmaceutical industry, among other things.

Executive Order 12988, Civil Justice Reform

This action meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This action does not have federalism implications warranting the application of E.O. 13132. This action does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[51] applies to rules that are subject to notice and comment under the APA or any other law. As explained above, this final rule is not subject to the notice-and-comment procedures of the APA. Consequently, the RFA does not apply to this action.

Paperwork Reduction Act of 1995

This action does not impose a new or revised ''collection[s] of information'' as defined by the Paperwork Reduction Act of 1995.[52]

Unfunded Mandates Reform Act of 1995

DEA has determined pursuant to the Unfunded Mandates Reform Act (UMRA) of 1995[53] that this final rule would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This order is not a major rule as defined by the Congressional Review Act (CRA).[54] However, DEA is submitting reports under the CRA to both Houses of Congress and to the Comptroller General.

List of Subjects

21 CFR Part 1300

Definitions, Drug traffic control.

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Registration requirements.

21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

21 CFR Part 1312

Administrative practice and procedure, Drug traffic control, Exports, Imports, Reporting requirement.

For the reasons set out above, DEA amends 21 CFR parts 1300, 1301, 1308, and 1312 as follows:

PART 1300—DEFINITIONS

■ 1. The authority citation for part 1300 continues to read as follows:

Authority: 21 U.S.C. 802, 821, 822, 829, 871(b), 951, 958(f).

■ 2. Amend § 1300.01 by adding the definitions of ''Marijuana''and ''State medical marijuana license'' in alphabetical order to read as follows:

§ 1300.01 Definitions relating to controlled substances.

* * * * *

Marijuana shall have the meaning set forth at 21 U.S.C. 802(16)(A).

* * * * *

State medical marijuana license means a license issued by a state entity (or by a District of Columbia entity or a federal territorial entity) authorizing the licensee to manufacture, distribute, and/or dispense marijuana or products that contain marijuana for medical purposes.

* * * * *

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

■ 3. The authority citation for part 1301 continues to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 831, 871(b), 875, 877, 886a, 951, 952, 956, 957, 958, 965.

■ 4. Amend § 1301.13 by adding paragraph (k) to read as follows.

§ 1301.13 Application for registration; time for application; expiration date; registration for independent activities; application forms, fees, contents and signature; coincident activities.

* * * * *

(k) *Medical marijuana registrations.* The Administration shall establish an expedited review process for entities holding state medical marijuana licenses who seek registration as a marijuana manufacturer, distributor, or dispenser. Such applicants shall submit, along with the applicable DEA form or forms, proof of a state medical

[50] *Id.*

[51] 5 U.S.C. 601 *et seq.*

[52] 44 U.S.C. 3502(3).

[53] 2 U.S.C. 1501 *et seq.*

[54] 5 U.S.C. 804.

marijuana license in the form specified by the Administrator. The Administrator shall register an applicant under this subsection unless the Administrator determines that the issuance of such registration is inconsistent with the public interest, taking into account the factors set forth at 21 U.S.C. 823(e) through (g), as applicable, and the requirements of the Single Convention on Narcotic Drugs, including any quota requirement. In general, registration of an applicant that complies with a state-law regime that contains robust protections against diversion, requirements for record-keeping and reporting, and safety and inspection measures will not be inconsistent with the public interest so long as registration is consistent with the Single Convention.

(1) *Types of registrations.* (i) A registered marijuana manufacturer may cultivate, produce, process, package, label, and transfer marijuana and products containing marijuana to registered distributors or other registered manufacturers, subject to the limitations of its state license.

(ii) A registered distributor may receive marijuana and products containing marijuana from registered manufacturers and transfer marijuana and products containing marijuana to registered dispensers or other registered distributors, subject to the limitations of its state license.

(iii) A registered dispenser may dispense marijuana and products containing marijuana to individuals authorized by state law to possess marijuana and products containing marijuana for medical purposes, subject to the limitations of its state license.

(iv) Registrations under this subpart do not authorize the manufacture, distribution, dispensing, or use of marijuana or products containing marijuana for non-medical purposes.

(v) A single entity may be granted multiple types of registrations.

(2) *State licenses as evidence of State authorization.* For purposes of 21 U.S.C. 823(e) through (g), and for any other purpose, a state license shall constitute conclusive evidence that the applicant is authorized under state law to engage in the activity for which registration is sought.

(3) *Suspension, revocation, or expiration of State license.* A registration issued under this section shall not exceed the scope of the holder's state medical marijuana license. If the state medical marijuana license is suspended, revoked, or expires, the DEA registration is automatically suspended.

(4) *Reports, records, and order forms.* Notwithstanding any other provision of this part, the Administrator shall require registrants under this subsection to submit only such reports and records, and to use only such order forms, as the Administrator concludes are necessary to comply with federal statutory and treaty obligations. The Administrator shall accept state-required reports, records, and forms to the maximum extent permissible.

(5) *Prescriptions.* Notwithstanding part 1306 of this chapter or any other provision of these rules, a certification or other document (including an electronic document) that state law deems sufficient for a user to obtain marijuana or products containing marijuana for medical purposes shall be sufficient to permit dispensing of marijuana or products containing marijuana to a user so long as the certification or other document is dated as of, and signed on, the day when issued; bears the full name and address of the user; and contains the name, address, and state license number of the practitioner who signed the certification or other document and is authorized to do so under state law.

(6) *Compliance with Article 23 of the Single Convention on Narcotic Drugs.* Part 1318 of this chapter shall not apply to entities holding valid licenses under this paragraph (k)(6).

(i) All manufacturers registered under this subsection shall establish a nominal price for the purchase of their marijuana crops. The Administration shall then purchase the entity's crops at that price and sell the crops back to the entity, or a related or subsidiary entity, at the same price with the addition of the administrative fee as calculated under § 1318.06(a) of this chapter.

(ii) All registered manufacturers shall store marijuana crops in a facility to which the Administration maintains access until the transaction set forth in paragraph (k)(6)(i) of this section is complete. The Administration shall have the right to inspect such facilities on demand.

(iii) A registration for a manufacturer under this subsection shall specify the areas in which marijuana cultivation is permitted.

(7) *Expedition.* The Administrator shall make every effort to process all applications submitted within 60 days of the publication of this regulation in the **Federal Register** within six months. Notwithstanding paragraph (a) of this section, any applicant that submits an application within 60 days of the publication of this rule in the **Federal Register** may engage in the manufacture, distribution, and/or dispensing of marijuana or products containing marijuana for medical purposes in conformity with a state-issued license during the pendency of the application.

(8) *Labeling, packaging, and sealing.* A registrant under this subsection is exempt from the labeling, packaging, and sealing requirements under part 1302 of this chapter, and other provisions of these rules so long as they label, package, and seal marijuana and products containing marijuana in conformity with state law and so long as the label includes the warning required by 21 U.S.C. 825(c), where applicable.

(9) *Disposal.* Notwithstanding part 1317 of this chapter. or any other provision of these rules, a registrant under this paragraph may dispose of marijuana and products containing marijuana in conformity with state law.

(10) *Security Requirements.* Notwithstanding any other provision of these rules, a registrant under this paragraph has sufficient physical-security requirements if the registrant meets the requirements of state law.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 5. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 6. Amend § 1308.13 by adding new paragraphs (g)(2) through (5) to read as follows.

§ 1308.13 Schedule III.

* * * * *

(g) * * *

* * * * * * *

(2) Marijuana, as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license	XXXX
(3) Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license	XXXX
(4) Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or in marijuana subject to a state medical marijuana license	XXXX

(i) Naturally derived delta-9-tetrahydrocannabinols means those delta-9-tetrahydrocannabinols, except as in paragraphs (g)(2) and (3) of this section, that are naturally contained in a plant of the genus Cannabis (cannabis plant)..
(ii) Naturally derived delta-9-tetrahydrocannabinols do not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in 7 U.S.C. 1639*o*..
(iii) Naturally derived delta-9-tetrahydrocannabinols do not include any delta-9-tetrahydrocannabinols contained in substances excluded from the definition of marijuana as set forth in 21 U.S.C. 802(16)(B)(ii)..
(5) [Reserved] XXXX

* * * * * * *

* * * * *

PART 1312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

■ 7. The authority citation for part 1312 continues to read as follows:

Authority: 21 U.S.C. 821, 871(b), 952, 953, 954, 957, 958.

■ 8. Amend § 1312.30 by:

■ a. Redesignating paragraph (b) as paragraph (e); and

■ b. Adding new paragraphs (b), (c), and (d).

The additions to read as follows:

§ 1312.30 Schedule III, IV, and V non-narcotic controlled substances requiring an import and export permit.

* * * * *

(b) Marijuana, as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license.

(c) Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license.

(d) Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license.

(1) Naturally derived delta-9-tetrahydrocannabinols means those delta-9-tetrahydrocannabinols, except as in paragraphs (g)(2) and (3) of this section, that are naturally contained in a plant of the genus Cannabis (cannabis plant).

(2) Naturally derived delta-9-tetrahydrocannabinols do not include any material, compound, mixture, or preparation that falls within the definition of hemp set forth in 7 U.S.C. 1639*o*.

(3) Naturally derived delta-9-tetrahydrocannabinols do not include any delta-9-tetrahydrocannabinols contained in substances excluded from the definition of marijuana as set forth in 21 U.S.C. 802(16)(B)(ii).

* * * * *

Dated: April 22, 2026.

Todd Blanche,

Acting Attorney General.

[FR Doc. 2026–08176 Filed 4–27–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1917

[Docket No. OSHA–2025–0007]

RIN 1218–AD51

Open Fires in Marine Terminals

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: OSHA is finalizing the revocation of the agency's Open Fires in Marine Terminals Standard.

DATES: The final rule is effective April 28, 2026.

ADDRESSES: *Docket:* The docket for this rulemaking (Docket No. OSHA–2025–0007) is available at *https://www.regulations.gov,* the Federal eRulemaking Portal. Most exhibits are available at *https://www.regulations.gov;* some exhibits (*e.g.,* copyrighted material) are not available to download from that web page. However, all materials in the dockets are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2500 (TDY number 877–889–5627) for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Contact Frank Meilinger, Director, OSHA Office of Communications, Occupational Safety and Health Administration; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General information and technical inquiries: Contact Andrew Levinson, Director, OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration; telephone: (202) 693–1950; email: *osha.dsg@dol.gov.*

Copies of this ***Federal Register*** *notice:* Electronic copies are available at *https://www.regulations.gov.* This **Federal Register** notice, as well as news releases and other relevant information, also are available at OSHA's web page at *https://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
II. Legal Authority
III. Background
IV. Explanation of the Revocation of the Open Fires in Marine Terminals Standard
V. Final Economic Analysis
VI. Additional Requirements
VII. Authority and Signature

I. Executive Summary

This final rule revokes the Open Fires in Marine Terminals Standard, 29 CFR 1917.21 (''Open Fires Standard''). OSHA has determined that this standard is no longer necessary to protect employees working in marine terminals from occupational safety and health hazards. This is a deregulatory action per Executive Order 14192, ''Unleashing Prosperity Through Deregulation'' (90 FR 9065 (Feb. 6, 2025)).

II. Legal Authority

The purpose of the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*) (''the Act'' or ''the OSH Act'') is ''to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources'' (29 U.S.C. 651(b)). To achieve this goal Congress authorized the Secretary of Labor (''the Secretary'') to promulgate standards to protect workers, including the authority ''to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce'' (29 U.S.C. 651(b)(3); see also 29 U.S.C. 654(a)(2) (requiring employers to comply with OSHA standards), 29 U.S.C. 655(a) (authorizing summary adoption of existing consensus and established federal standards within two years of the Act's enactment), and 29 U.S.C. 655(b) (authorizing promulgation, modification or revocation of standards pursuant to notice and comment)). An occupational safety and health standard is ''. . . a standard which requires conditions, or

EXHIBIT 2

DEA Medical Marijuana Timely Applicant Information
(emailed to Timely Applicants Oct. 30, 2026)

DEA Medical Marijuana Timely Applicant Information

Title: Activities of Entities Holding State Medical Marijuana Licenses Who Applied for DEA Registration under the April 28, 2026 Final Rule between April 28, 2026, to June 26, 2026, under 21 CFR 1301.13(k)(7).

Summary: This information addresses the permissible activities that applicants for DEA registration to handle schedule III medical marijuana—who submitted complete applications to DEA between April 28, 2026, to June 26, 2026—may continue to engage in while their DEA applications remain pending. Applicants who submitted complete applications within 60 days of publication of the April 28, 2026 Final Rule can continue dispensing ("Timely Dispenser Applicants"), manufacturing ("Timely Manufacturer Applicants"), or distributing schedule III medical marijuana ("Timely Distributor Applicants" and, collectively with Timely Dispenser Applicants and Timely Manufacturer Applicants, the "Timely Applicants") pursuant to their state medical marijuana license during the pendency of their application before DEA, and may distribute schedule III medical marijuana to and obtain schedule III medical marijuana from Timely Applicants and DEA registrants.

To Whom it Applies: Entities that submitted complete applications pursuant to 21 CFR 1301.13(k) for a DEA registration to handle schedule III medical marijuana, marijuana extract, and/or naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4) (collectively, "schedule III medical marijuana"), between April 28, 2026 to June 26, 2026—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—and therefore have been granted special authorities by 21 CFR 1301.13(k)(7).

Question: What activities may Timely Applicants engage in while their applications before DEA are pending?

Answer:

1. Under 21 CFR 1301.13(k)(7), any applicant that submitted a complete schedule III medical marijuana registration application between April 28, 2026, to June 26, 2026, (i.e., within 60 days of the publication of the April 28, 2026 Final Rule) can dispense, manufacture, or distribute schedule III medical marijuana, marijuana extract, and naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4), as applicable (collectively, "schedule III medical marijuana activities") pursuant to its state medical marijuana license during the pendency of the application before DEA.

2. To have submitted a complete schedule III medical marijuana application and be considered a "Timely Applicant," the applicant must have submitted payment of the applicable registration fee as well as a completed application between April 28, 2026, to June 26, 2026.

3. Sub-paragraph 21 CFR 1301.13(k)(7) allows Timely Applicants to engage in regulated activities "notwithstanding" the requirement in 21 CFR 1301.13(a), which states, "No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a Certificate of Registration is issued by the Administrator to such person."

4. Therefore, all Timely Applicants—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—can engage in schedule III medical marijuana activities, as defined above, that otherwise would require a DEA registration.

5. Accordingly, Timely Applicants can engage in schedule III medical marijuana activities with other Timely Applicants. For example, a Timely Distributor Applicant can distribute schedule III medical marijuana to a Timely Dispenser Applicant and can obtain schedule III medical marijuana from a Timely Manufacturer Applicant.

6. Timely Applicants can also engage in schedule III medical marijuana activities with DEA registrants that hold a registration to handle schedule III medical marijuana. For example, a DEA-registered dispensary can continue receiving schedule III medical marijuana from a Timely Distributor Applicant.

7. Timely Applicants and DEA registrants may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026, or that have not applied for a DEA schedule III medical marijuana registration, until those entities become DEA registrants. As specified in 21 CFR 1301.13(k)(7), those entities remain subject to the prohibition under 21 CFR 1301.13(a).

8. If a Timely Applicant or DEA registrant engages in schedule III medical marijuana activities with someone other than a Timely Applicant or DEA registrant, such conduct could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration, respectively. Timely Applicants and registrants therefore should take adequate steps to confirm the status of all entities with which they will conduct schedule III medical marijuana activities. During this transitional period, adequate due diligence steps generally would include, at a minimum:

    - Obtaining from Timely Applicants (if dispensers) a copy of the "Marijuana Dispensary Information Submission" confirmation received from DEA at the time of application submission and verifying the Timely Applicant's document control number (DCN) via the DEA Diversion Control Website;

- Obtaining from Timely Applicants (if manufacturers or distributors) a copy of the submission confirmation provided by DEA at the time of application submission and verifying the Timely Applicant's DCN via the DEA Diversion Control Website;
- Obtaining from DEA registrants a copy of the registrant's DEA certificate of registration;
- Obtaining a copy of the entity's relevant state license and verifying its status is active; and
- Maintaining records of all due diligence conducted.

9. Entities that hold a DEA registration to handle schedule III medical marijuana must maintain all records required for schedule III controlled substances pursuant to 21 CFR part 1304, as the Administrator has concluded that all such records are necessary to comply with federal statutory and treaty obligations. If a DEA registrant engages in a transaction with a Timely Applicant, records maintained pursuant to 21 CFR part 1304 can include the Timely Applicant's DCN number where a DEA registration number would otherwise be required.

10. DEA recognizes that some states require entities holding state medical marijuana licenses to send *de minimis* quantities of schedule III medical marijuana to state-licensed third-party laboratories for testing. Such testing can help protect public safety and prevent unlawful products from entering the market. DEA further recognizes that, at this time, some Timely Applicants and registrants may not have access to analytical laboratories that are DEA-registered to handle schedule III medical marijuana. Therefore, to the extent such laboratories are unavailable and notwithstanding paragraph 8 above, DEA does not intend to penalize registrants and Timely Applicants for sending *de minimis* quantities of schedule III medical marijuana to a laboratory that is not DEA-registered to conduct analytical testing of schedule III medical marijuana, provided that (1) the analytical laboratory is located in the same state, and (2) the Timely Applicant/registrant retains detailed records of all such distributions.

    Because the closed system of distribution established by the Controlled Substances Act and 21 CFR 1301.13(a)[1] generally require Timely Applicants and DEA registrants to use a DEA-registered analytical laboratory, this exercise of the Administrator's discretion applies only when the use of a DEA-registered laboratory would violate state law. Specifically, it applies only to the extent that either (1) no entities anywhere in the United States are registered with DEA to conduct analytical testing of schedule III medical marijuana, or (2) state law prohibits the Timely Applicant/registrant from sending schedule III medical marijuana to an analytical laboratory in a different state, and no entities in the Timely Applicant/registrant's state are registered with DEA to conduct analytical testing of schedule III medical marijuana.

[1] Analytical laboratories are not covered by 21 CFR 1301.13(k)(7) and therefore remain subject to 21 CFR 1301.13(a).

Note that this information does not permit Timely Applicants and registrants to receive schedule III medical marijuana from non-DEA-registered analytical laboratories.

11. DEA recognizes Timely Applicants may require additional time to verify the status of their existing trading partners as Timely Applicants or registrants and to make necessary adjustments to their supply chain to comply with this information. Accordingly, Timely Applicants are expected to complete these activities and establish compliant supply chains no later than November 29, 2026.

    Timely Dispenser Applicants and Timely Distributor Applicants may continue to possess, dispense, and distribute existing inventories of schedule III medical marijuana acquired prior to the issuance of this information, including inventory previously obtained from entities that do not qualify as Timely Applicants or DEA registrants. Such inventory may continue to be used in otherwise authorized activities.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department of Justice policies.

EXHIBIT 3

Strauss Declaration
(Verde Americano, LLC)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STANDARD WELLNESS UTAH, LLC, et al., including VERDE AMERICANO, LLC, Petitioners, v. UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, et al., Respondents.	No. 26-[____]

DECLARATION OF JOSEPH L. STRAUSS IN SUPPORT OF PETITION FOR REVIEW AND EMERGENCY MOTION FOR STAY

I, Joseph L. Strauss, declare as follows:

I. Background and Basis of Knowledge

1. I am the Chief Operating Officer of Verde Americano, LLC ("Verde") and the KOR group of companies, which operates under the "KOR" name. I am listed as a principal officer or board member on Verde's Arizona license. I am over 18 years of age and competent to make this declaration.

2. I make this declaration on personal knowledge. I also rely on business records Verde keeps in the ordinary course of business, which I have reviewed and which are kept under my supervision. If called as a witness, I could and would testify competently to the facts below. To protect confidential commercial information, including information subject to confidentiality agreements and non-public information about third parties' DEA application status, I describe Verde's customers, suppliers, and other business partners generically rather than by name.[1]

3. Verde Americano, LLC is an Arizona limited liability company. It is a wholly owned subsidiary of KOR Holdings AZ LLC, a Nevada limited liability company, which in turn is a subsidiary of KOR Holdings LLC, a Nevada limited liability company. KOR Holdings LLC is owned 50% by Shea Harrelson and 50% by W. Scotty Branch. Verde's sister companies under KOR Holdings AZ LLC are KOR Land Holdings AZ, LLC, KOR Production AZ LLC, KOR Licensing AZ, LLC, and MK Associates, LLC. Verde does business under the "KOR" name, and "Lunchbox" is the KOR group's consumer-facing brand. Verde's wholesale customer

[1] Given the emergency nature of this motion and the November 29, 2026 compliance date, Petitioners have not had time to seek an order permitting the underlying documents, including customer and supplier communications and financial records, to be filed under seal. Petitioners will promptly file those materials under seal or subject to a protective order upon the Court's request or entry of an appropriate order.

relationships are handled by a three-person sales team, and Mr. Branch is involved in Verde's day-to-day sales and customer relations.

II. Verde's Arizona Operations and State Licensure

4. Verde holds Arizona Department of Health Services Dispensary Registration Certificate No. 0000144DRCUM87865142. It was issued under the Arizona Medical Marijuana Act, A.R.S. Title 36, Chapter 28.1, and A.A.C. Title 9, Chapter 17. The certificate took effect March 10, 2025, was amended October 8, 2025, and expires March 9, 2027. It authorizes Verde to sell at retail and to cultivate and manufacture medical marijuana. A true and correct copy is attached as **Exhibit A**.

5. Verde operates two facilities under this license. The first is a medical marijuana dispensary at 1115 Circulo Mercado, Rio Rico, Arizona 85648. The second is a manufacturing facility at 175 S. 29th Street, Phoenix, Arizona 85034.

6. Both facilities operate only under Verde's medical marijuana license. The Rio Rico dispensary serves only registered medical marijuana patients and cannot accept adult-use customers. Everything produced at the Phoenix facility is manufactured and sold by Verde as medical marijuana product. Arizona law, including A.R.S. § 36-2858(A)(4), permits Verde to sell those products at wholesale to Arizona-licensed adult-use establishments, and it does so. Any product sold to an adult-use establishment enters the adult-use market only through that buyer.

7. Verde does not hold an adult-use license. Verde's sister company, MK Associates, LLC, which is also owned by KOR Holdings AZ LLC, holds the KOR group's Arizona adult-use license, No. 00000143ESKB17654619. Verde and MK Associates do not share facilities, staff, inventory, equipment, or bank accounts. No KOR entity other than Verde has applied for DEA registration. That is why, when DEA asked whether "your firm" would handle recreational marijuana, I answered "yes." By "strictly medical, not dual use," I meant Verde itself: the license under which Verde applied for DEA registration and on which these facilities operate is medical only.

8. Verde employs approximately 136 people: 130 at the Phoenix manufacturing facility and 6 at the Rio Rico dispensary. Verde's Phoenix manufacturing facility opened on October 8, 2025, when it was licensed under Verde's certificate, and began operations and sales that day. Verde's Rio Rico dispensary opened in March 2026 and has a limited revenue history. Verde itself booked gross wholesale sales from the Phoenix facility of approximately $12.1 million from January 1 through November 15, 2026, an average of roughly $1.15 million per month.

III. Verde's Timely DEA Applications

9. DOJ published the final order transferring state-licensed medical marijuana to schedule III of the Controlled Substances Act on April 28, 2026. Within 60 days of that date, Verde submitted applications to register with DEA to handle schedule III medical marijuana.

10. On May 13, 2026, at 4:08 PM EDT, Verde submitted a DEA Form 225 application for registration as a manufacturer for the Phoenix facility. It paid the $3,699 registration fee. DEA assigned Control Number W26064744E. A true and correct copy of DEA's application receipt is attached as **Exhibit B** (with the taxpayer identification number redacted under Fed. R. Civ. P. 5.2).

11. On May 13, 2026, at 4:23 PM EDT, Verde submitted a second application, DEA Control Number W26064764K, for registration to export. It paid the non-refundable application fee the same day. A copy of the confirmation is attached as **Exhibit C**.

12. On May 13, 2026, Verde submitted a Medical Marijuana Dispensary Application for the Rio Rico dispensary. DEA assigned Control ID M00000898J. Verde paid the $794 application fee through pay.gov. DEA later confirmed in writing that it was "in receipt of your application and the fee that was paid between May 22, 2026, and May 28, 2026." Copies of the submission confirmation and DEA's acknowledgment are attached as **Exhibit D**.

13. In response to DEA's requests on May 18 and May 29, 2026, Verde sent DEA a copy of its Arizona license within the deadline DEA set. Verde also confirmed the drug codes it seeks to handle: 7362 (marijuana), 7353 (marijuana extract), and 7386 (naturally derived delta-9-tetrahydrocannabinols). Verde had also sent its license to DEA under Control ID M00000898J on May 15, 2026. A true and correct copy of this correspondence is attached as **Exhibit E**

14. DEA publishes a list of timely applicants on its Diversion Control website, at deadiversion.usdoj.gov/drugreg/med_marijuana/medical_marijuana_timely_applicants.txt. I accessed it on November 18, 2026. On that day, it listed Verde's manufacturer application (Control Number W26064744E) and dispensary application (Control ID M00000898J). Verde's export application (Control Number W26064764K) does not appear on the list. I understand that is because the list covers only applicants seeking to dispense, manufacture, or distribute schedule III medical marijuana. Verde's request for relief does not depend on its export application. A true and correct copy of the list as I accessed it is attached as **Exhibit F**.

15. All three applications are still pending. Verde has not withdrawn any of them. DEA has not issued any deficiency notice, order to show cause, or final order denying any of them, and has not requested additional information or scheduled an inspection. On August 25, 2026, I wrote to the DEA Phoenix Field Division to ask about the status of the applications and offered to facilitate an inspection at DEA's earliest convenience. On August 26, Group Supervisor Jessica A. Davis replied and offered to discuss by phone. During our call on August 27, I asked about DEA's process and timing, guidance from DEA headquarters, and the role of the Arizona Department of Health Services, and I described Verde's infrastructure, business, and goals. I have spoken with the Phoenix office several times since. Each time, DEA personnel have said they are awaiting guidance from headquarters.

16. Verde has relied on its timely-applicant status. Since filing, it has spent or committed approximately $1,150,000 on facility improvements and compliance measures, including consulting, HEPA filtration, automation, training, administration, and flooring and ceiling-grid improvements.

IV. The October 30, 2026 Timely Applicant Information

17. On October 30, 2026, DEA's Diversion Control Division emailed Verde, addressed "Dear Timely Applicant," attaching a document titled "DEA Medical Marijuana Timely Applicant Information" (the "Information"). A true and correct copy is attached as **Exhibit G**.

18. The Information states that Timely Applicants "may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026, ... until those entities become DEA registrants."

19. The Information also warns that if a Timely Applicant deals with anyone other than a Timely Applicant or DEA registrant, "such conduct could be potential grounds for denial of a Timely Applicant's application." It directs Timely Applicants to "establish compliant supply chains no later than November 29, 2026."

V. Irreparable Harm to Verde

A. Loss of Verde's wholesale customers

20. The Phoenix facility sells at wholesale to Arizona adult-use and medical marijuana establishments. Those sales average approximately $1.15 million per month and account for substantially all of Verde's revenue. Verde has no other significant business that could sustain it if those wholesale sales stop.

21. The vast majority of the Arizona market consists of adult-use or dual-use licensees. Of the approximately 175 dispensaries in Arizona, only about 100 are timely applicants, and to my knowledge no Arizona entity is a DEA registrant. DEA's timely applicant list identifies applicants only by control number, not by name, so Verde has been determining each customer's status by asking the customer directly and, where a customer provides its control number, checking that number against DEA's list. Based on those communications, many of Verde's highest-volume wholesale customers are not timely applicants. One of them, which has informed Verde that it is not a timely applicant, alone accounts for more than $500,000 in monthly sales. Verde is still confirming the status of each account; based on the review to date, sales to customers that are not timely applicants account for approximately $600,000 per month. To my knowledge, Arizona adult-use establishments are not eligible to apply for DEA's schedule III medical marijuana registration.

22. Verde intends to comply with the Information and will stop selling to customers that are not timely applicants on November 29, 2026, because continuing those sales would risk denial of its applications. Either outcome would cause harm Verde cannot recover. Losing these customers would eliminate roughly 40-50% of Verde's revenue and would threaten Verde's ability to continue operating the Phoenix facility in its current form. Denial of its applications would end Verde's ability to operate lawfully under federal law at all.

23. These customer relationships took four to five years to build. Winning a wholesale account often requires hundreds of thousands of dollars in sales and marketing, product development, free product, discounts, and front-loaded inventory. Verde has also invested in shelf placement, marketing spend, and brand commitments with these customers. If Verde stops supplying them, they will replace Verde within days, using other existing vendors. Once a customer halts purchases and onboards new vendors, it does not return. Verde has lost customers in the past after supply interruptions, and those customers did not come back. I do not expect Verde could win these customers back even if the Information were later set aside.

B. Demands from Verde's downstream customers

24. Since early November 2026, at least two of Verde's major retail customers have demanded documentation of Verde's DEA status as a condition of continued purchasing. Together they purchase approximately $130,000 per month, about 13% of Verde's monthly wholesale revenue.

25. On November 3, 2026, one customer asked whether Verde had applied to DEA before June 26, 2026. On November 13, 2026, it demanded Verde's DEA submission confirmations, any certificate of registration, and its state license by November 20, 2026, as part of "due diligence relating to the DEA Timely Applicant Notice."

26. On November 11, 2026, a second customer demanded verification of Verde's DEA status by November 29, 2026. It said it was doing so "to maintain compliant business relationships and avoid potential disruptions to purchasing and supply chain operations." Verde is subject to confidentiality agreements with both customers. Their requests are not attached to this declaration, but Verde is willing to provide them under seal as described in footnote 1.

27. Verde responded to both requests by providing its DEA control numbers and has received no further communication. Other customers have also inquired about Verde's DEA status, and at least one large multi-location retail customer has already paused its orders. Other multi-location retail operators have inquired and, I understand, are holding purchases until further guidance is issued.

C. Disruption of Verde's supply chain

28. Verde's dispensary purchases products from many brands and operators in Arizona, including at least one major supplier that has informed Verde it is not a timely applicant. Verde is still confirming, through direct inquiries to each brand, whether each brand it carries is produced under a timely applicant's license.

29. The Information allows de minimis transfers to non-DEA-registered testing laboratories only in narrow circumstances. Verde uses two Arizona testing laboratories. It has asked both to confirm their DEA registration status and has not yet received confirmation from either.

30. Verde cannot rebuild a compliant supply chain or customer base by November 29. Verde has not been able to identify compliant alternatives to the suppliers and buyers that do not qualify. The roughly 100 Arizona dispensaries that are timely applicants are already supplied by others,

which sharply limits Verde's ability to replace lost business. I estimate that identifying, validating, and onboarding replacement counterparties could take up to a year and cost a significant amount.

D. Harm to Verde's workforce and operations

31. If Verde loses its non-qualifying wholesale customers on November 29, it expects to shut down multiple production lines and lay off approximately 70% of its 136-person staff.

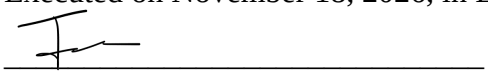
32. Verde's loan, lease, or investor agreements contain revenue or operating covenants that this loss could trigger.

E. Harm that money damages cannot remedy

33. Verde has no way to recover from DEA the revenue, customers, or goodwill it will lose if the Information takes effect on November 29, 2026. That harm will begin on November 29 and will grow every day after that the Information remains in effect.

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

Executed on November 18, 2026, in Los Angeles, California.



Joseph L. Strauss

Chief Operating Officer, Verde Americano, LLC

Index of Exhibits

A — Arizona Dispensary Registration Certificate No. 0000144DRCUM87865142

B — DEA application receipt, Control No. W26064744E (redacted)

C — DEA application confirmation, Control No. W26064764K

D — Submission confirmation and DEA fee acknowledgment, Control ID M00000898J

E — Verde Americano LLC Correspondence with DEA re: State Licensure and Drug Codes

F — DEA timely applicant list (accessed November 18, 2026)

G — DEA Medical Marijuana Timely Applicant Information (Oct. 30, 2026)

— [Withheld pending sealing order] Customer requests dated November 3 and 13, 2026

— [Withheld pending sealing order] Customer request dated November 11, 2026

EXHIBIT A

Arizona Dispensary Registration Certificate No. 0000144DRCUM87865142

ARIZONA DEPARTMENT
OF HEALTH SERVICES

Verde Americano, LLC

1115 Circulo Mercado , Rio Rico, AZ 85648

The dispensary listed above has been issued a Dispensary Registration Certificate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 17 Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 0000144DRCUM87865142

Effective Date: March 10, 2025

Expiration Date: March 9, 2027

Amended Date: October 8, 2025

APPROVED TO:

Retail: Sell

Cultivation: Cultivate, Manufacture

The "medical use" of marijuana, as defined in A.R.S. § 36-2801(11), is lawful under state law only if done in strict compliance with the Arizona Medical Marijuana Act ("AMMA"), A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the AMMA may result in civil enforcement action, including but not limited to monetary penalties and revocation of this Registration Certificate, and possible criminal enforcement action for violation of state drug laws. This Registration Certificate does not protect the holder from legal action by federal authorities, including possible criminal prosecution for violations of federal law related to marijuana.

Recommended By: Kim Crawford
Bureau Chief

Issued By: Tom Salow
Assistant Director

ARIZONA DEPARTMENT
OF HEALTH SERVICES

Verde Americano, LLC

1115 Circulo Mercado , Rio Rico, AZ 85648

The dispensary listed above has been issued a Dispensary Registration Certificate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 17 Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 0000144DRCUM87865142

Effective Date: March 10, 2025

Expiration Date: March 9, 2027

Amended Date: October 8, 2025

Certificate Address: (175 S 29th St , Phoenix, AZ 85034, Maricopa)

APPROVED TO:

Retail: Sell

Cultivation: Cultivate, Manufacture

The "medical use" of marijuana, as defined in A.R.S. § 36-2801(11), is lawful under state law only if done in strict compliance with the Arizona Medical Marijuana Act ("AMMA"), A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the AMMA may result in civil enforcement action, including but not limited to monetary penalties and revocation of this Registration Certificate, and possible criminal enforcement action for violation of state drug laws. This Registration Certificate does not protect the holder from legal action by federal authorities, including possible criminal prosecution for violations of federal law related to marijuana.

Recommended By: Kim Crawford
Bureau Chief

Issued By: Tom Salow
Assistant Director

EXHIBIT B

DEA Form 225 Manufacturer Application Receipt, Verde Americano LLC
Control No. W26064744E (May 13, 2026)

From: DEA Registration - Do Not Reply <dontreplyplease@dea.gov>
Sent: Wed, May 13, 2026 at 1:08 PM
To: JSTRAUSS@korcannabis.com
Subject: DEA Registration Application Receipt
Attachment: Registration application receipt, Control Number W26064744E

Dear VERDE AMERICANO LLC,

Attached you should find your registration application receipt for Control Number W26064744E.

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: W26064744E **Submission Date**: Wed May 13 16:08:20 EDT 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) VERDE AMERICANO LLC	**(First, MI)**	Application Complete. Tracking Number: 15156532 Fee Paid: 3699
TAX IDENTIFYING NUMBER and/or XX-XXXXX15	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 175 S 29TH ST		

CITY PHOENIX	**STATE** AZ **ZIP CODE** 85034
APPLICANT'S BUSINESS PHONE NUMBER 3109242600	**POC CELL PHONE NUMBER** 3109242600
POC NAME JOSEPH LEO STRAUSS	**POC EMAIL ADDRESS** JSTRAUSS@KORCANNABIS.COM
REGISTRATION CLASSIFICATION	
BUSINESS ACTIVITY: MANUFACTURER	**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N
Drug Schedules: 3N	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. 0000144DRCUM8786 State: AZ Expire Date: 03-09-2027

State Controlled License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 3699

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1
Bulk, Synthesizer - Extractor					X			
Dosage Form					X			
Repacker - Relabeler					X			
Non-Human Consumption					X			

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: JOSEPH STRAUSS

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 225 Form 225 ApprovedOMB Form No. 1117-0012 Expires: 07/31/2028(15 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT C

DEA application confirmation, Control No. W26064764K

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: W26064764K **Submission Date**: Wed May 13 16:23:44 EDT 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) VERDE AMERICANO LLC	**(First, MI)**	Application Complete. Tracking Number: 15156607 Fee Paid: 1850
TAX IDENTIFYING NUMBER and/or XX-XXXXX15	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 175 S 29TH ST		
CITY PHOENIX	**STATE** AZ **ZIP CODE** 85034	
APPLICANT'S BUSINESS PHONE NUMBER 3109242600	**POC CELL PHONE NUMBER** 3109242600	
POC NAME JOSEPH LEO STRAUSS	**POC EMAIL ADDRESS** JSTRAUSS@KORCANNABIS.COM	
REGISTRATION CLASSIFICATION		
BUSINESS ACTIVITY: EXPORTER	**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N	
Drug Schedules: 3N		

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. 0000144DRCUM8786	State: AZ	Expire Date: 03-09-2027
State Controlled License No.		Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 1850

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1
Bulk, Synthesizer - Extractor								
Dosage Form								
Repacker - Relabeler								
Non-Human Consumption								

SELECTED DRUG CODES:

DRUG CODES:
7353 7362 7386

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: JOSEPH LEO STRAUSS

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 225 Form 225 ApprovedOMB Form No. 1117-0012 Expires: 07/31/2028(15 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT D

DEA Email to Verde Americano LLC re: Medical Marijuana Application State Licensure (May 18, 2026)

From: DEA Diversion Control Division <medical.marijuana.application@dea.gov>
Sent: Mon, May 18, 2026 at 12:08 PM
To: JSTRAUSS@korcannabis.com
Subject: DEA Medical Marijuana Application State Licensure

DEA Medical Marijuana Application State Licensure

DEA is in receipt of your application as a manufacturer or as a distributor requesting Schedule 3 or Schedule 3N. In order to continue processing your application, please provide a response to the following questions:

- Will your firm be handling medical marijuana? (yes/no)
- Will your firm be handling recreational marijuana? (yes/no)

Please also confirm which drug codes your firm is requesting to handle:

- Marijuana, as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7362)
- Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7353)
- Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or in marijuana subject to a state medical marijuana license (drug code 7386)

Additionally, as per AG Order No. 6754-2026 and 21 CFR 1301.13(k), all applicants must submit, along with the applicable DEA application form, proof of their current state medical marijuana license. In order for DEA to continue processing your application(s), you are required to upload a PDF of your state authority documentation to the following email address: medical.marijuana.application@dea.gov. It is imperative that you include as the subject line of your email the control ID number(s) associated with your application(s) (example: W00000000E). This documentation is required to be submitted within 5 business days of the date of this email. Failure to provide this documentation will be deemed to be a waiver of your opportunity to present this documentation for consideration, per 21 CFR 1301.15. Continuing failure to provide this documentation may be deemed a withdrawal of your application(s) for registration. No refunds will be issued.

WARNING: 21 USC 843(d) states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and fine under Title 18 of not more than $250,000, or both.

To unsubscribe from this newsletter, click here.

EXHIBIT E

Verde Americano LLC Correspondence with DEA re: State Licensure and Drug Codes (May 19 and May 29, 2026), with Attached Arizona Dispensary Registration Certificate

From: Joseph Strauss <jstrauss@korcannabis.com>
Sent: Tue, May 19, 2026 at 10:21 AM (UTC-07:00)
To: DEA Diversion Control Division <medical.marijuana.application@dea.gov>
Subject: Re: DEA Medical Marijuana Application State Licensure
Attachment: Verde Americana ATO.pdf

Please find the responses to the questions below, and the license attached:

- Will your firm be handling medical marijuana? YES
- Will your firm be handling recreational marijuana? YES

Please also confirm which drug codes your firm is requesting to handle:

- Marijuana, as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7362) CONFIRMED
- Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7353) CONFIRMED
- Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or in marijuana subject to a state medical marijuana license (drug code 7386) CONFIRMED

The State Medical Marijuana License is attached.

Thank you so much!

Joseph Strauss
310.924.2600

> On Mon, May 18, 2026 at 12:08 PM DEA Diversion Control Division <medical.marijuana.application@dea.gov> wrote:
>
> **DEA Medical Marijuana Application State Licensure**
>
> DEA is in receipt of your application as a manufacturer or as a distributor requesting Schedule 3 or Schedule 3N. In order to continue processing your application, please provide a response to the following questions:
> - Will your firm be handling medical marijuana? (yes/no)
> - Will your firm be handling recreational marijuana? (yes/no)
>
> Please also confirm which drug codes your firm is requesting to handle:
> - Marijuana, as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7362)
> - Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7353)
> - Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or in marijuana subject to a state medical marijuana license (drug code 7386)
>
> Additionally, as per AG Order No. 6754-2026 and 21 CFR 1301.13(k), all applicants must submit, along with the applicable DEA application form, proof of their current state medical marijuana license. In order for DEA to continue processing your application(s), you are required

to upload a PDF of your state authority documentation to the following email address: medical.marijuana.application@dea.gov. It is imperative that you include as the subject line of your email the control ID number(s) associated with your application(s) (example: W00000000E). This documentation is required to be submitted within 5 business days of the date of this email. Failure to provide this documentation will be deemed to be a waiver of your opportunity to present this documentation for consideration, per 21 CFR 1301.15. Continuing failure to provide this documentation may be deemed a withdrawal of your application(s) for registration. No refunds will be issued.

WARNING: 21 USC 843(d) states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and fine under Title 18 of not more than $250,000, or both.

ARIZONA DEPARTMENT
OF HEALTH SERVICES

Verde Americano, LLC

1115 Circulo Mercado , Rio Rico, AZ 85648

The dispensary listed above has been issued a Dispensary Registration Certificate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 17 Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 0000144DRCUM87865142

Effective Date: March 10, 2025

Expiration Date: March 9, 2027

Amended Date: October 8, 2025

APPROVED TO:

Retail: Sell

Cultivation: Cultivate, Manufacture

The "medical use" of marijuana, as defined in A.R.S. § 36-2801(11), is lawful under state law only if done in strict compliance with the Arizona Medical Marijuana Act ("AMMA"), A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the AMMA may result in civil enforcement action, including but not limited to monetary penalties and revocation of this Registration Certificate, and possible criminal enforcement action for violation of state drug laws. This Registration Certificate does not protect the holder from legal action by federal authorities, including possible criminal prosecution for violations of federal law related to marijuana.

Recommended By: Kim Crawford
Bureau Chief

Issued By: Tom Salow
Assistant Director

ARIZONA DEPARTMENT
OF HEALTH SERVICES

Verde Americano, LLC

1115 Circulo Mercado , Rio Rico, AZ 85648

The dispensary listed above has been issued a Dispensary Registration Certificate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 17 Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 0000144DRCUM87865142

Effective Date: March 10, 2025

Expiration Date: March 9, 2027

Amended Date: October 8, 2025

Certificate Address: (175 S 29th St , Phoenix, AZ 85034, Maricopa)

APPROVED TO:

Retail: Sell

Cultivation: Cultivate, Manufacture

The "medical use" of marijuana, as defined in A.R.S. § 36-2801(11), is lawful under state law only if done in strict compliance with the Arizona Medical Marijuana Act ("AMMA"), A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the AMMA may result in civil enforcement action, including but not limited to monetary penalties and revocation of this Registration Certificate, and possible criminal enforcement action for violation of state drug laws. This Registration Certificate does not protect the holder from legal action by federal authorities, including possible criminal prosecution for violations of federal law related to marijuana.

Recommended By: Kim Crawford
Bureau Chief

Issued By: Tom Salow
Assistant Director

From: Joseph Strauss <jstrauss@korcannabis.com>
Sent: Fri, May 29, 2026 at 2:14 PM (UTC-07:00)
To: DEA Diversion Control Division <medical.marijuana.application@dea.gov>
Subject: Re: DEA Medical Marijuana Application State Licensure
Attachment: Verde Americana ATO.pdf

Please find the responses to the questions below, and the license attached:

- Will your firm be handling medical marijuana? YES
- Will your firm be handling recreational marijuana? YES

Please also confirm which drug codes your firm is requesting to handle:

- Marijuana, as defined in 21 U.S.C. 802(16), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7362) CONFIRMED
- Marijuana extract, as defined in 21 CFR 1308.11(d)(58), in a U.S. Food and Drug Administration approved product or subject to a state medical marijuana license (drug code 7353) CONFIRMED
- Naturally derived delta-9-tetrahydrocannabinols in a U.S. Food and Drug Administration approved product or in marijuana subject to a state medical marijuana license (drug code 7386) CONFIRMED

The State Medical Marijuana License is attached.

Thank you so much!

Joseph Strauss
310.924.2600

> On Fri, May 29, 2026 at 1:42 PM DEA Diversion Control Division <medical.marijuana.application@dea.gov> wrote:
>
> **DEA Medical Marijuana Application State Licensure**
>
> DEA is in receipt of your application and the fee that was paid between May 22, 2026, and May 28, 2026. Additionally, as per AG Order No. 6754-2026 and 21 CFR 1301.13(k), all applicants must submit, along with the applicable DEA application form, proof of their current state medical marijuana license. In order for DEA to continue processing your application(s), you are required to upload a PDF of your state authority documentation to the following email address: medical.marijuana.application@dea.gov. It is imperative that you include as the subject line of your email the control ID number(s) associated with your application(s) (example: M00000000J). This documentation is required to be submitted within 5 business days of the date of this email. Failure to provide this documentation will be deemed to be a waiver of your opportunity to present this documentation for consideration, per 21 CFR 1301.15. Continuing failure to provide this documentation may be deemed a withdrawal of your application(s) for registration. No refunds will be issued.
>
> WARNING: 21 USC 843(d) states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and fine under Title 18 of not more than $250,000, or both.

ARIZONA DEPARTMENT
OF HEALTH SERVICES

Verde Americano, LLC

1115 Circulo Mercado , Rio Rico, AZ 85648

The dispensary listed above has been issued a Dispensary Registration Certificate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 17 Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 0000144DRCUM87865142

Effective Date: March 10, 2025

Expiration Date: March 9, 2027

Amended Date: October 8, 2025

APPROVED TO:

Retail: Sell

Cultivation: Cultivate, Manufacture

The "medical use" of marijuana, as defined in A.R.S. § 36-2801(11), is lawful under state law only if done in strict compliance with the Arizona Medical Marijuana Act ("AMMA"), A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the AMMA may result in civil enforcement action, including but not limited to monetary penalties and revocation of this Registration Certificate, and possible criminal enforcement action for violation of state drug laws. This Registration Certificate does not protect the holder from legal action by federal authorities, including possible criminal prosecution for violations of federal law related to marijuana.

Recommended By: Kim Crawford
Bureau Chief

Issued By: Tom Salow
Assistant Director

ARIZONA DEPARTMENT
OF HEALTH SERVICES

Verde Americano, LLC

1115 Circulo Mercado , Rio Rico, AZ 85648

The dispensary listed above has been issued a Dispensary Registration Certificate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 17 Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 0000144DRCUM87865142

Effective Date: March 10, 2025

Expiration Date: March 9, 2027

Amended Date: October 8, 2025

Certificate Address: (175 S 29th St , Phoenix, AZ 85034, Maricopa)

APPROVED TO:

Retail: Sell

Cultivation: Cultivate, Manufacture

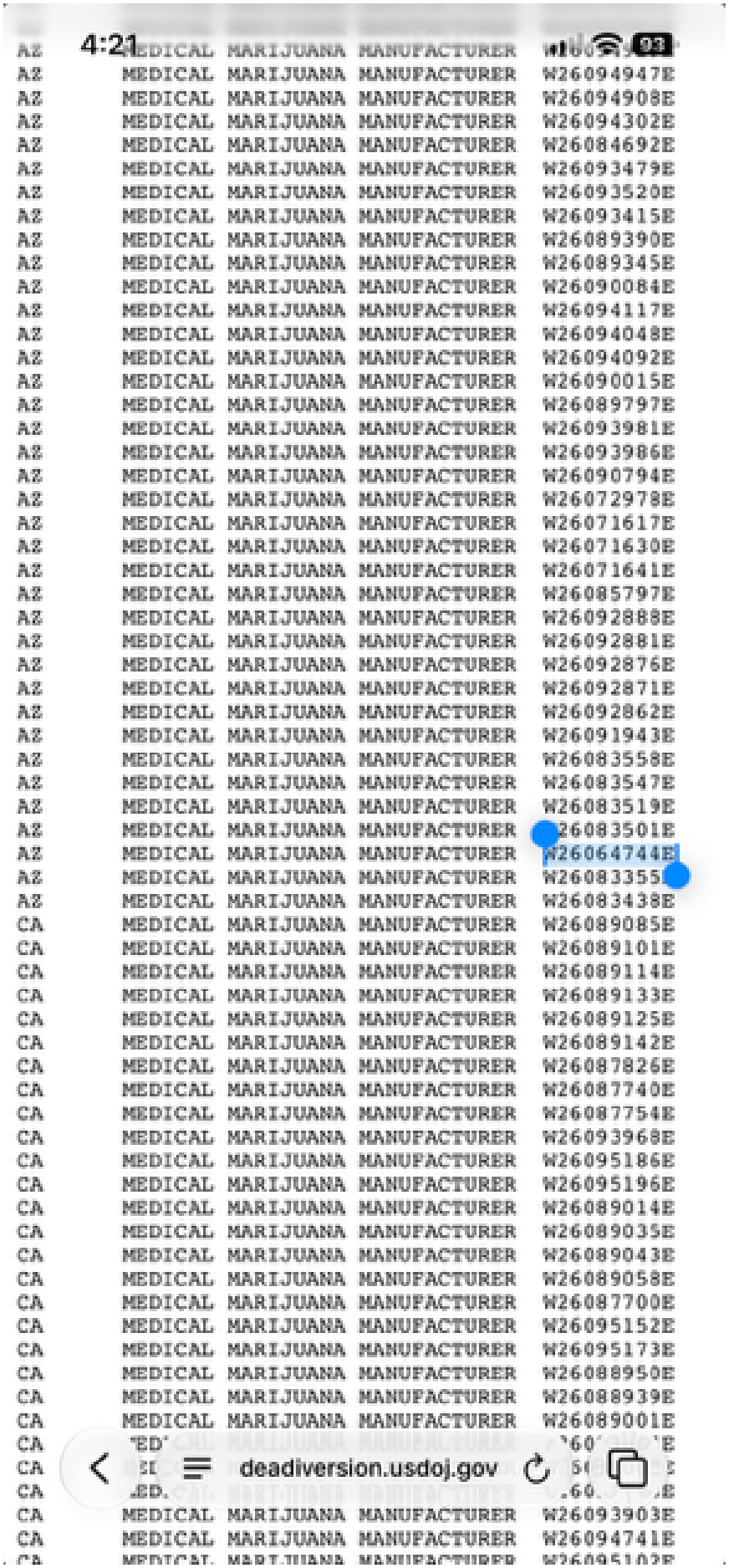
The "medical use" of marijuana, as defined in A.R.S. § 36-2801(11), is lawful under state law only if done in strict compliance with the Arizona Medical Marijuana Act ("AMMA"), A.R.S. Title 36, Chapter 28.1 and A.A.C. Title 9, Chapter 17. Any failure to comply with the AMMA may result in civil enforcement action, including but not limited to monetary penalties and revocation of this Registration Certificate, and possible criminal enforcement action for violation of state drug laws. This Registration Certificate does not protect the holder from legal action by federal authorities, including possible criminal prosecution for violations of federal law related to marijuana.

Recommended By: Kim Crawford
Bureau Chief

Issued By: Tom Salow
Assistant Director

EXHIBIT F

DEA Medical Marijuana Timely Applicant List Screenshots
Showing Verde Americano LLC Control Nos. W26064744E and M00000898J



AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26094947E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26094908E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26094302E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26084692E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26093479E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26093520E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26093415E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26089390E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26089345E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26090084E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26094117E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26094048E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26094092E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26090015E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26089797E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26093981E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26093986E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26090794E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26072978E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26071617E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26071630E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26071641E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26085797E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26092888E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26092881E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26092876E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26092871E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26092862E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26091943E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26083558E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26083547E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26083519E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26083501E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26064744E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26083355E
AZ	MEDICAL	MARIJUANA	MANUFACTURER	W26083438E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089085E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089101E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089114E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089133E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089125E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089142E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26087826E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26087740E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26087754E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26093968E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26095186E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26095196E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089014E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089035E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089043E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089058E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26087700E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26095152E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26095173E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26088950E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26088939E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26089001E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26093903E
CA	MEDICAL	MARIJUANA	MANUFACTURER	W26094741E

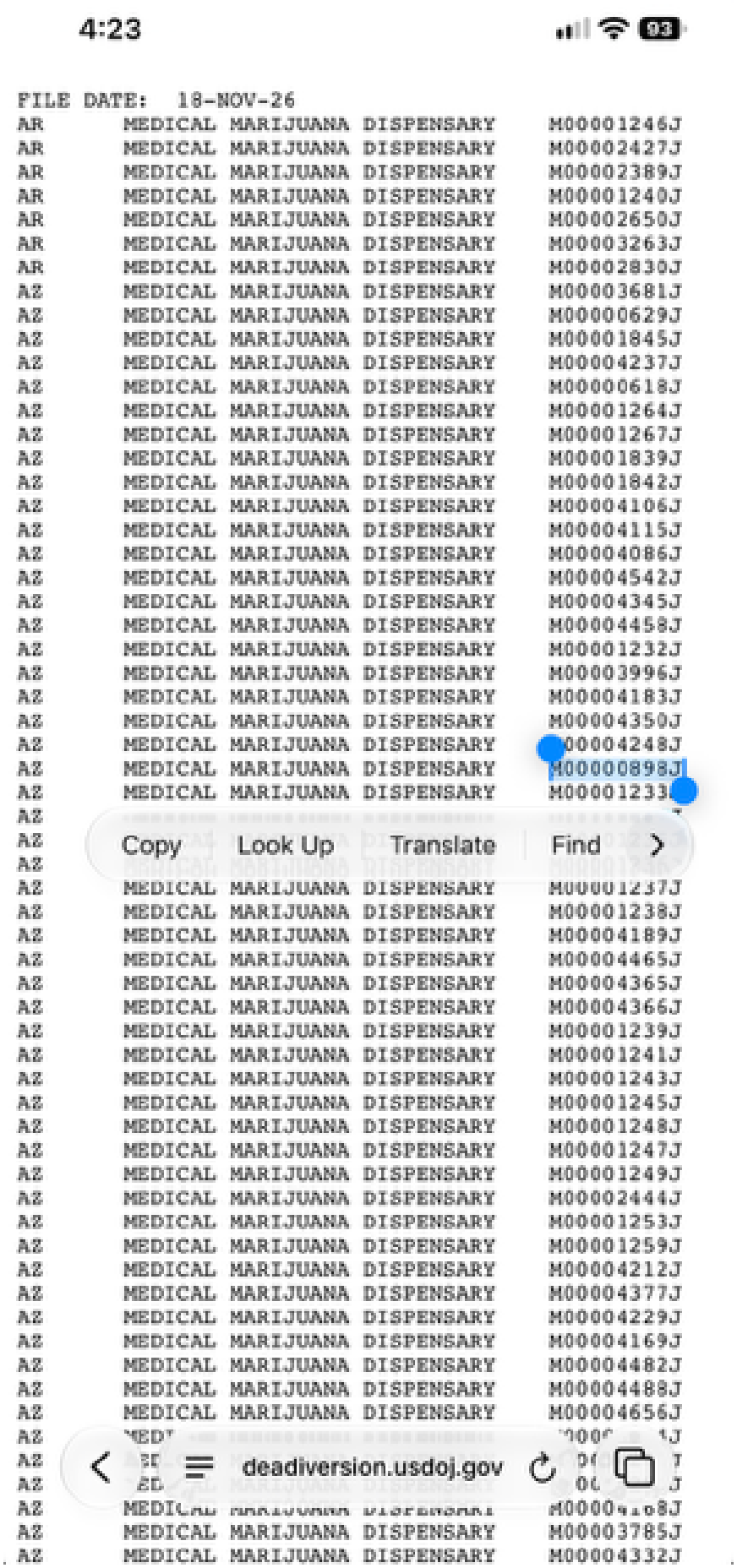

4:23
93
FILE DATE: 18-NOV-26
AR MEDICAL MARIJUANA DISPENSARY M00001246J
AR MEDICAL MARIJUANA DISPENSARY M00002427J
AR MEDICAL MARIJUANA DISPENSARY M00002389J
AR MEDICAL MARIJUANA DISPENSARY M00001240J
AR MEDICAL MARIJUANA DISPENSARY M00002650J
AR MEDICAL MARIJUANA DISPENSARY M00003263J
AR MEDICAL MARIJUANA DISPENSARY M00002830J
AZ MEDICAL MARIJUANA DISPENSARY M00003681J
AZ MEDICAL MARIJUANA DISPENSARY M00000629J
AZ MEDICAL MARIJUANA DISPENSARY M00001845J
AZ MEDICAL MARIJUANA DISPENSARY M00004237J
AZ MEDICAL MARIJUANA DISPENSARY M00000618J
AZ MEDICAL MARIJUANA DISPENSARY M00001264J
AZ MEDICAL MARIJUANA DISPENSARY M00001267J
AZ MEDICAL MARIJUANA DISPENSARY M00001839J
AZ MEDICAL MARIJUANA DISPENSARY M00001842J
AZ MEDICAL MARIJUANA DISPENSARY M00004106J
AZ MEDICAL MARIJUANA DISPENSARY M00004115J
AZ MEDICAL MARIJUANA DISPENSARY M00004086J
AZ MEDICAL MARIJUANA DISPENSARY M00004542J
AZ MEDICAL MARIJUANA DISPENSARY M00004345J
AZ MEDICAL MARIJUANA DISPENSARY M00004458J
AZ MEDICAL MARIJUANA DISPENSARY M00001232J
AZ MEDICAL MARIJUANA DISPENSARY M00003996J
AZ MEDICAL MARIJUANA DISPENSARY M00004183J
AZ MEDICAL MARIJUANA DISPENSARY M00004350J
AZ MEDICAL MARIJUANA DISPENSARY M00004248J
AZ MEDICAL MARIJUANA DISPENSARY M00000898J
AZ MEDICAL MARIJUANA DISPENSARY M00001233J
AZ
AZ
Copy
Look Up
Translate
Find
AZ
AZ MEDICAL MARIJUANA DISPENSARY M00001237J
AZ MEDICAL MARIJUANA DISPENSARY M00001238J
AZ MEDICAL MARIJUANA DISPENSARY M00004189J
AZ MEDICAL MARIJUANA DISPENSARY M00004465J
AZ MEDICAL MARIJUANA DISPENSARY M00004365J
AZ MEDICAL MARIJUANA DISPENSARY M00004366J
AZ MEDICAL MARIJUANA DISPENSARY M00001239J
AZ MEDICAL MARIJUANA DISPENSARY M00001241J
AZ MEDICAL MARIJUANA DISPENSARY M00001243J
AZ MEDICAL MARIJUANA DISPENSARY M00001245J
AZ MEDICAL MARIJUANA DISPENSARY M00001248J
AZ MEDICAL MARIJUANA DISPENSARY M00001247J
AZ MEDICAL MARIJUANA DISPENSARY M00001249J
AZ MEDICAL MARIJUANA DISPENSARY M00002444J
AZ MEDICAL MARIJUANA DISPENSARY M00001253J
AZ MEDICAL MARIJUANA DISPENSARY M00001259J
AZ MEDICAL MARIJUANA DISPENSARY M00004212J
AZ MEDICAL MARIJUANA DISPENSARY M00004377J
AZ MEDICAL MARIJUANA DISPENSARY M00004229J
AZ MEDICAL MARIJUANA DISPENSARY M00004169J
AZ MEDICAL MARIJUANA DISPENSARY M00004482J
AZ MEDICAL MARIJUANA DISPENSARY M00004488J
AZ MEDICAL MARIJUANA DISPENSARY M00004656J
deadiversion.usdoj.gov
AZ MEDICAL MARIJUANA DISPENSARY M00003785J
AZ MEDICAL MARIJUANA DISPENSARY M00004332J

EXHIBIT G

DEA Email to Verde Americano LLC (October 30, 2026) and
DEA Medical Marijuana Timely Applicant Information

From: DEA Diversion Control Division <medical.marijuana.application@dea.gov>
Sent: Fri, Oct 30, 2026 at 11:21 AM
To: JSTRAUSS@korcannabis.com
Subject: Permissible Activities for DEA Medical Marijuana Timely Applicants
Attachment: DEA Medical Marijuana Timely Applicants Information

---

DEA Medical Marijuana Timely Applicants

Dear Timely Applicant,

Attached is information regarding Permissible Activities for DEA Medical Marijuana Timely Applicants Information.

Please direct any questions to your local field division office which can be located at DEA Contact Us - Search Utility.

Please note this mailbox is not monitored. Do not reply to this email, as responses will not be reviewed or addressed.

To unsubscribe from this newsletter, click here.

DEA Medical Marijuana Timely Applicant Information

Title: Activities of Entities Holding State Medical Marijuana Licenses Who Applied for DEA Registration under the April 28, 2026 Final Rule between April 28, 2026, to June 26, 2026, under 21 CFR 1301.13(k)(7).

Summary: This information addresses the permissible activities that applicants for DEA registration to handle schedule III medical marijuana—who submitted complete applications to DEA between April 28, 2026, to June 26, 2026—may continue to engage in while their DEA applications remain pending. Applicants who submitted complete applications within 60 days of publication of the April 28, 2026 Final Rule can continue dispensing ("Timely Dispenser Applicants"), manufacturing ("Timely Manufacturer Applicants"), or distributing schedule III medical marijuana ("Timely Distributor Applicants" and, collectively with Timely Dispenser Applicants and Timely Manufacturer Applicants, the "Timely Applicants") pursuant to their state medical marijuana license during the pendency of their application before DEA, and may distribute schedule III medical marijuana to and obtain schedule III medical marijuana from Timely Applicants and DEA registrants.

To Whom it Applies: Entities that submitted complete applications pursuant to 21 CFR 1301.13(k) for a DEA registration to handle schedule III medical marijuana, marijuana extract, and/or naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4) (collectively, "schedule III medical marijuana"), between April 28, 2026 to June 26, 2026—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—and therefore have been granted special authorities by 21 CFR 1301.13(k)(7).

Question: What activities may Timely Applicants engage in while their applications before DEA are pending?

Answer:

1. Under 21 CFR 1301.13(k)(7), any applicant that submitted a complete schedule III medical marijuana registration application between April 28, 2026, to June 26, 2026, (i.e., within 60 days of the publication of the April 28, 2026 Final Rule) can dispense, manufacture, or distribute schedule III medical marijuana, marijuana extract, and naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4), as applicable (collectively, "schedule III medical marijuana activities") pursuant to its state medical marijuana license during the pendency of the application before DEA.

2. To have submitted a complete schedule III medical marijuana application and be considered a "Timely Applicant," the applicant must have submitted payment of the applicable registration fee as well as a completed application between April 28, 2026, to June 26, 2026.

3. Sub-paragraph 21 CFR 1301.13(k)(7) allows Timely Applicants to engage in regulated activities "notwithstanding" the requirement in 21 CFR 1301.13(a), which states, "No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a Certificate of Registration is issued by the Administrator to such person."

4. Therefore, all Timely Applicants—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—can engage in schedule III medical marijuana activities, as defined above, that otherwise would require a DEA registration.

5. Accordingly, Timely Applicants can engage in schedule III medical marijuana activities with other Timely Applicants. For example, a Timely Distributor Applicant can distribute schedule III medical marijuana to a Timely Dispenser Applicant and can obtain schedule III medical marijuana from a Timely Manufacturer Applicant.

6. Timely Applicants can also engage in schedule III medical marijuana activities with DEA registrants that hold a registration to handle schedule III medical marijuana. For example, a DEA-registered dispensary can continue receiving schedule III medical marijuana from a Timely Distributor Applicant.

7. Timely Applicants and DEA registrants may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026, or that have not applied for a DEA schedule III medical marijuana registration, until those entities become DEA registrants. As specified in 21 CFR 1301.13(k)(7), those entities remain subject to the prohibition under 21 CFR 1301.13(a).

8. If a Timely Applicant or DEA registrant engages in schedule III medical marijuana activities with someone other than a Timely Applicant or DEA registrant, such conduct could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration, respectively. Timely Applicants and registrants therefore should take adequate steps to confirm the status of all entities with which they will conduct schedule III medical marijuana activities. During this transitional period, adequate due diligence steps generally would include, at a minimum:

    - Obtaining from Timely Applicants (if dispensers) a copy of the "Marijuana Dispensary Information Submission" confirmation received from DEA at the time of application submission and verifying the Timely Applicant's document control number (DCN) via the DEA Diversion Control Website;

- Obtaining from Timely Applicants (if manufacturers or distributors) a copy of the submission confirmation provided by DEA at the time of application submission and verifying the Timely Applicant's DCN via the DEA Diversion Control Website;
- Obtaining from DEA registrants a copy of the registrant's DEA certificate of registration;
- Obtaining a copy of the entity's relevant state license and verifying its status is active; and
- Maintaining records of all due diligence conducted.

9. Entities that hold a DEA registration to handle schedule III medical marijuana must maintain all records required for schedule III controlled substances pursuant to 21 CFR part 1304, as the Administrator has concluded that all such records are necessary to comply with federal statutory and treaty obligations. If a DEA registrant engages in a transaction with a Timely Applicant, records maintained pursuant to 21 CFR part 1304 can include the Timely Applicant's DCN number where a DEA registration number would otherwise be required.

10. DEA recognizes that some states require entities holding state medical marijuana licenses to send *de minimis* quantities of schedule III medical marijuana to state-licensed third-party laboratories for testing. Such testing can help protect public safety and prevent unlawful products from entering the market. DEA further recognizes that, at this time, some Timely Applicants and registrants may not have access to analytical laboratories that are DEA-registered to handle schedule III medical marijuana. Therefore, to the extent such laboratories are unavailable and notwithstanding paragraph 8 above, DEA does not intend to penalize registrants and Timely Applicants for sending *de minimis* quantities of schedule III medical marijuana to a laboratory that is not DEA-registered to conduct analytical testing of schedule III medical marijuana, provided that (1) the analytical laboratory is located in the same state, and (2) the Timely Applicant/registrant retains detailed records of all such distributions.

    Because the closed system of distribution established by the Controlled Substances Act and 21 CFR 1301.13(a)[1] generally require Timely Applicants and DEA registrants to use a DEA-registered analytical laboratory, this exercise of the Administrator's discretion applies only when the use of a DEA-registered laboratory would violate state law. Specifically, it applies only to the extent that either (1) no entities anywhere in the United States are registered with DEA to conduct analytical testing of schedule III medical marijuana, or (2) state law prohibits the Timely Applicant/registrant from sending schedule III medical marijuana to an analytical laboratory in a different state, and no entities in the Timely Applicant/registrant's state are registered with DEA to conduct analytical testing of schedule III medical marijuana.

[1] Analytical laboratories are not covered by 21 CFR 1301.13(k)(7) and therefore remain subject to 21 CFR 1301.13(a).

Note that this information does not permit Timely Applicants and registrants to receive schedule III medical marijuana from non-DEA-registered analytical laboratories.

11. DEA recognizes Timely Applicants may require additional time to verify the status of their existing trading partners as Timely Applicants or registrants and to make necessary adjustments to their supply chain to comply with this information. Accordingly, Timely Applicants are expected to complete these activities and establish compliant supply chains no later than November 29, 2026.

    Timely Dispenser Applicants and Timely Distributor Applicants may continue to possess, dispense, and distribute existing inventories of schedule III medical marijuana acquired prior to the issuance of this information, including inventory previously obtained from entities that do not qualify as Timely Applicants or DEA registrants. Such inventory may continue to be used in otherwise authorized activities.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department of Justice policies.

EXHIBIT 4

Parton Lee Declaration
(NW Confections OK 241AA LLC)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STANDARD WELLNESS UTAH, LLC, et al., including NW CONFECTIONS OK 241AA LLC, Petitioners, v. UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, et al., Respondents.	No. 26-[____]

DECLARATION OF GABRIEL B. PARTON LEE IN SUPPORT OF PETITION FOR REVIEW AND EMERGENCY MOTION FOR STAY

I, Gabriel B. Parton Lee, declare as follows:

I. Declarant

1. I am the General Counsel of NW Confections OK 241AA LLC ("NW Confections" or the "Company"). I am over eighteen years of age and competent to make this declaration. The facts stated here are based on my personal knowledge, on my review of the Company's business records maintained in the ordinary course of business, and on communications I sent or received on the Company's behalf. If called as a witness, I could and would testify competently to these facts. To protect confidential commercial information, including non-public information about third parties' DEA application status, I describe the Company's customers, suppliers, and other business partners generically rather than by name. [1]

2. In my role as General Counsel, I am responsible for the Company's state and federal regulatory licensing, including its registrations with the Oklahoma Medical Marijuana Authority ("OMMA"), the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control ("OBNDD"), and the Drug Enforcement Administration ("DEA"). I prepared and submitted the Company's DEA applications described below. I am also familiar with the Company's Oklahoma sales, expenses, and customer and supplier relationships.

II. The Company and Its State Licenses

3. NW Confections has been a state-licensed medical marijuana processor in Oklahoma since 2022. It holds OMMA Processor License No. PAAA-DJU1-98AA, which expires January 13, 2028. A true and correct copy is attached as **Exhibit A**.

4. Under Oklahoma law, state-licensed medical marijuana processors are issued a transportation license. NW Confections holds an OMMA transportation license under the same

[1] Given the emergency nature of this motion and the November 29, 2026 compliance date, Petitioners have not had time to seek an order permitting the underlying documents to be filed under seal. Those documents include a list of the Company's affected customers with their sales histories, customer and supplier communications, and financial records. Petitioners will promptly file those materials under seal, or subject to a protective order, upon the Court's request or entry of an appropriate order.

license number, PAAA-DJU1-98AA, which also expires January 13, 2028. A true and correct copy is attached as **Exhibit B**.

5. Oklahoma requires medical marijuana licensees to hold an OBNDD registration. NW Confections holds OBNDD Registration No. 10018643, issued September 3, 2025, with a listed expiration date of October 31, 2026. OBNDD does not issue a separate transport registration to processors. On August 13, 2026, before OBNDD's September 1 deadline for timely renewals, the Company submitted its renewal application and paid the $2,512.00 renewal fee. True and correct copies of the registration certificate and the payment receipt are attached as **Exhibits C and D**.

6. NW Confections operates from a single facility at 241 Arbor Court, Oklahoma City, Oklahoma 73127. At that facility it processes medical marijuana products and transports the products it manufactures. All of the Company's sales are made in Oklahoma, and all are made to state-licensed medical marijuana businesses.

III. The Final Order and Oklahoma's Implementation

7. On April 28, 2026, the Department of Justice issued AG Order No. 6754-2026 (the "Final Order"), which placed marijuana covered by a state medical marijuana license in Schedule III of the Controlled Substances Act. As I understand it, the Final Order allows an applicant that submits an application for DEA registration within 60 days of publication to continue manufacturing, distributing, or dispensing medical marijuana in conformity with its state license while the application is pending. It also directs DEA to make every effort to process those applications within six months.

8. On May 8, 2026, OBNDD Director Donnie Anderson sent a letter to OBNDD marijuana business registrants (the "May 8 Letter"), a true and correct copy of which is attached as **Exhibit E**. The May 8 Letter states that "every registrant who is a distributor or manufacturer of medical marijuana products must comply with federal law and, as such, shall be required to obtain a DEA registration," and that "[f]ailure to obtain a DEA registration could result in OBNDD administrative sanctions up to and including the potential revocation of an registrant's OBNDD registration(s)."

9. The May 8 Letter further states that a registrant that timely applies to DEA "will not be subjected to OBNDD administrative action for the manufacturing, or distribution of marijuana without a DEA registration while the DEA application filed within the sixty-day period remains pending." It also states that OBNDD "will not consider pursuing administrative action" for manufacturing or distribution without the required DEA registration "until January 1, 2027."

10. Because Oklahoma requires both an OBNDD registration and a DEA registration (or protected timely-applicant status), the Company's ability to operate lawfully under Oklahoma law depends on its DEA status, and its ability to operate under federal law depends on its Oklahoma licenses. On July 16, 2026, I wrote to OBNDD to ask how licensees in the Company's position, including licensees that could not complete a transport or distribution application in the 60-day window, could maintain compliance. On July 17, 2026, OBNDD's Assistant General Counsel replied that OBNDD "cannot provide any legal advice" and that questions about pending applications "should be addressed to the Drug Enforcement Administration." A true and correct copy of that exchange is attached as **Exhibit F**. OBNDD has not contacted the Company about this subject since then.

IV. The Company's DEA Applications

11. After the Final Order issued, DEA's first dedicated application was a Medical Marijuana Dispensary Registration Portal. NW Confections does not hold a dispensary license and does not operate a dispensary. The Company monitored DEA's Diversion Control website for guidance on manufacturer and distributor applications and saw the website's instructions change. True and correct copies of screenshots I took on May 8 and May 14, 2026 are attached as **Exhibit G**.

12. On June 1, 2026, OBNDD sent registrants an email, a true and correct copy of which is attached as **Exhibit H**. The email quoted DEA as saying that manufacturer and distributor applicants "may do so utilizing DEA's current Form 225 application," and that "[i]n the coming weeks, an updated 'Medical Marijuana Manufacturer' . . . and 'Medical Marijuana Distributor' application will be available specifically for handling Schedule III medical marijuana."

13. On June 24, 2026, following those instructions, NW Confections submitted a complete DEA Form 225 application for registration as a manufacturer (Control No. W26092269E). It selected the medical marijuana drug codes and paid the $3,699 registration fee. A true and correct copy of the application receipt is attached as **Exhibit I**. The application was submitted within the window DEA has described as running from April 28, 2026 to June 26, 2026.

14. Under 21 C.F.R. 1301.13(e) and Oklahoma law, the Company understood, and still understands, that transporting the products it manufactures from its own registered location is an activity coincident to manufacturing. When the Company prepared its manufacturer application, it therefore concluded that a separate distributor registration was not required.

15. The Company nevertheless submitted a DEA Form 225 application for registration as a distributor on July 8, 2026 (Control No. W26104422F) and paid the $1,850 registration fee. A true and correct copy of the application receipt is attached as **Exhibit J**. Each time I reviewed the Form 225 distributor application, both before and after June 26, 2026, the only Schedule III non-narcotic (3N) substance available to select was gamma-hydroxybutyrate (GHB). No medical marijuana drug code was available. The Company does not handle GHB, so it submitted the distributor application without selecting a drug code. I described this problem in writing to OBNDD on July 16, 2026 (Exhibit F).

16. DEA did not open its dedicated application for medical marijuana manufacturers and distributors until October 5, 2026, more than three months after the 60-day window closed on June 26, 2026.

17. As of 8:05 a.m. Pacific time on November 15, 2026, the Company's manufacturer application (W26092269E) appears on DEA's Timely Applicant list, and its distributor application (W26104422F) does not. As of 8:16 a.m. Pacific time that day, DEA's online status for both applications is "Processing." True and correct copies of screenshots are attached as **Exhibit K**. Neither application has been granted, and to my knowledge no Oklahoma medical marijuana licensee has received a DEA registration.

18. DEA's medical marijuana application mailbox states that it "is not monitored" and that responses "will not be reviewed or addressed," and it directs questions to local field division

offices. I have called DEA's Dallas Field Division and Oklahoma City office and left voicemails asking about the status of the Company's applications and how to comply. I have not received a call back.

V. DEA's October 30, 2026 Guidance and the November 29 Deadline

19. On October 30, 2026, DEA sent the Company an email titled "Permissible Activities for DEA Medical Marijuana Timely Applicants," attaching a document entitled "DEA Medical Marijuana Timely Applicant Information" (the "Guidance"). True and correct copies are attached as **Exhibit L**.

20. The Guidance states that Timely Applicants "may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026," and that doing so "could be potential grounds for denial of a Timely Applicant's application." It requires Timely Applicants to "establish compliant supply chains no later than November 29, 2026." It allows Timely Dispenser Applicants and Timely Distributor Applicants to continue distributing existing inventory obtained from non-timely entities, but it gives no comparable allowance to Timely Manufacturer Applicants.

21. The Company is treating the Guidance as binding. DEA addressed it to the Company directly. It sets a fixed compliance date. And it warns that noncompliance could lead to denial of the Company's pending application. The Company cannot keep dealing with non-timely counterparties after November 29, 2026 without risking denial of the application on which its federal and state authority to operate depends.

VI. Harm to the Company

22. From January 1, 2025 through September 30, 2026, the Company invoiced just over $4.1 million in Oklahoma sales. Monthly invoiced sales typically range from approximately $150,000 to $250,000. Monthly overhead expenses range from approximately $130,000 to $200,000 and average approximately $150,000. After three rounds of layoffs over the past 18 months, the Oklahoma business currently operates approximately $20,000 to $40,000 in the black each month.

23. Beginning the week of November 11, 2026, the Company began receiving correspondence from Oklahoma retailers concerning their DEA application status. Based on that correspondence, the Company has identified 15 Oklahoma dispensary customers, operating approximately 23 locations, that are not timely applicants. A list identifying those customers, with each customer's sales to the Company over the past twelve months and its average monthly sales, will be provided under seal as described in footnote 1. Over the past twelve months, those customers purchased approximately $268,000 of the Company's products, an average of approximately $22,367 per month, or roughly 9–15% of the Company's typical monthly invoiced sales. The Company will continue serving these customers through November 29, 2026, but to comply with the Guidance it will not serve them after that date. I expect the number of affected customers to grow.

24. The largest affected customers include a three-location dispensary chain that averaged approximately $6,879 per month in purchases; a single dispensary that averaged

approximately $3,511 per month; a five-location dispensary chain that averaged approximately $3,302 per month; and two other dispensaries that averaged approximately $2,331 and $1,761 per month. In addition, some customers that are timely applicants have declined to continue working with the Company because its distributor application does not appear on the Timely Applicant list, and those customers have gradually stopped ordering. The number of these lost customers is increasing daily. Because the losses are ongoing and still accelerating, the Company cannot yet quantify them precisely.

25. Because the Company's distributor application does not appear on the Timely Applicant list, the Company has stopped using its own trucks for deliveries and now uses a third-party logistics provider that is a timely applicant, at a cost of approximately $5,000 per month. The Company has also had to stop using a licensed transporter that is not a timely applicant. The Company believes its own deliveries are a lawful activity coincident to its timely manufacturer application, but it has been unable to get a definitive answer from DEA or OBNDD, and customers are uncertain whether they may accept product from a facility whose manufacturer application is timely but whose distributor application is not. The Company's Oklahoma margins are already thin, and this added cost alone consumes a substantial portion of the Oklahoma operation's monthly margin.

26. Before the Guidance, the Oklahoma business operated approximately $20,000 to $40,000 in the black each month. The Company's margin on its sales is approximately 50%, varying by about 5 to 8 percentage points month to month. The loss of approximately $22,367 per month in sales to non-timely customers therefore eliminates approximately $11,000 per month in margin, and the new transport arrangement adds approximately $5,000 per month in costs, a combined reduction of approximately $16,000 per month. Those two items alone consume roughly 40% to 80% of the Oklahoma operation's monthly margin. On top of that, the Company is losing sales to timely customers that have stopped ordering, and those losses grow every day. Unless that trend stops immediately or reverses, I expect the Oklahoma business to begin operating at a deficit and to become insolvent, and I believe it is unlikely the business could keep operating while this litigation is pending.

27. The Company cannot make up these losses later. There is no source of replacement Oklahoma customers that is large enough. Sales lost now cannot be deferred, because customers will buy elsewhere. Customer relationships lost during this period are unlikely to come back. And to my knowledge the Company has no way to recover money damages from DEA for these losses.

28. The November 29 deadline also threatens the Company's licenses. Under the Final Order and DEA's regulations, a Timely Applicant's authority to keep operating depends on its holding the required state medical marijuana license. Under the May 8 Letter, an Oklahoma registrant's OBNDD registration depends on its DEA registration or protected timely-applicant status. Since the Guidance issued, Oklahoma dispensary and retail licensees have taken non-uniform approaches to and interpretations of the Guidance, so the Company faces different compliance obligations on nearly every order, which disrupts its operations. Based on recent communications, I understand that Oklahoma regulators and Oklahoma operators view the absence of timely-applicant status for distribution activities as making a licensee noncompliant with Oklahoma law. The Company disputes that view as applied to it, because its transport

activities are coincident to its timely manufacturer application. But it has been unable to get a definitive answer from either OBNDD or DEA. If DEA or OBNDD adopts that view, the Company faces denial of its pending DEA application and loss of its OBNDD registration and OMMA licenses. OBNDD has stated that it will not consider administrative action before January 1, 2027, which is only weeks away, and that statement does not limit DEA.

29. If the November 29, 2026 deadline is stayed, the Company can keep doing business with its existing state-licensed Oklahoma customers and suppliers while this petition is decided. It can avoid the losses and costs described above and keep its business, its employees, and its licenses.

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

Executed on November 18, 2026, in Salem, Oregon.

Gabriel B. Parton Lee
General Counsel, NW Confections OK 241AA LLC

Index of Exhibits

Exhibit	Description
A	OMMA Processor License No. PAAA-DJU1-98AA
B	OMMA Transportation License No. PAAA-DJU1-98AA
C	OBNDD Registration No. 10018643
D	OBNDD renewal payment receipt (Aug. 13, 2026)
E	OBNDD Director's Letter (May 8, 2026)
F	Email exchange between the declarant and OBNDD (July 16–17, 2026)
G	DEA Diversion website screenshots (May 8 and May 14, 2026)
H	OBNDD email to registrants (June 1, 2026)
I	DEA Form 225 manufacturer application receipt, W26092269E (June 24, 2026)
J	DEA Form 225 distributor application receipt, W26104422F (July 8, 2026)
K	Timely Applicant list and application status screenshots (Nov. 15, 2026)
L	DEA email and Timely Applicant Information (Oct. 30, 2026)
—	[Withheld pending sealing order] List of affected Oklahoma customers with twelve-month and average monthly sales

EXHIBIT A

OMMA Processor License No. PAAA-DJU1-98AA

State of Oklahoma

License Certificate

NON-TRANSFERABLE

Processor

HEREBY GRANTED TO

NW Confections OK 241AA LLC

241 Arbor Court, Oklahoma City, OK, 73127

The license issued by the Oklahoma Medical Marijuana Authority to certify the above has fulfilled the requirements of 63 O.S. §§ 420 et seq.; 63 O.S. §§ 427.1 et seq.; 63 O.S. §§ 428 et seq.; and the Oklahoma Administrative Code at Title § 442. The license is subject to the representations made on the application therefor and may be suspended or revoked for cause as provided by law and rule. The licensee shall observe and comply with all applicable laws, ordinances, rules, and regulations of the State of Oklahoma.

Adria Berry
Executive Director
Oklahoma Medical Marijuana Authority

OKLAHOMA
Medical Marijuana Authority

License Number: PAAA-DJU1-98AA

Expiration Date: 01/13/2028

State of Oklahoma

License Certificate

NON-TRANSFERABLE

TRANSPORTATION LICENSE ONLY

Processor

HEREBY GRANTED TO

NW Confections OK 241AA LLC

241 Arbor Court, Oklahoma City, OK, 73127

The license issued by the Oklahoma Medical Marijuana Authority to certify the above has fulfilled the requirements of 63 O.S. §§ 420 et seq.; 63 O.S. §§ 427.1 et seq.; 63 O.S. §§ 428 et seq.; and the Oklahoma Administrative Code at Title § 442. The license is subject to the representations made on the application therefor and may be suspended or revoked for cause as provided by law and rule. The licensee shall observe and comply with all applicable laws, ordinances, rules, and regulations of the State of Oklahoma.

Adria Berry
Executive Director
Oklahoma Medical Marijuana Authority

OKLAHOMA
Medical Marijuana Authority

License Number: PAAA-DJU1-98AA

Expiration Date: 01/13/2028

EXHIBIT B

OMMA Transportation License No. PAAA-DJU1-98AA

State of Oklahoma

License Certificate

NON-TRANSFERABLE

Processor

HEREBY GRANTED TO

NW Confections OK 241AA LLC

241 Arbor Court, Oklahoma City, OK, 73127

The license issued by the Oklahoma Medical Marijuana Authority to certify the above has fulfilled the requirements of 63 O.S. §§ 420 et seq.; 63 O.S. §§ 427.1 et seq.; 63 O.S. §§ 428 et seq.; and the Oklahoma Administrative Code at Title § 442. The license is subject to the representations made on the application therefor and may be suspended or revoked for cause as provided by law and rule. The licensee shall observe and comply with all applicable laws, ordinances, rules, and regulations of the State of Oklahoma.

Adria Berry
Executive Director
Oklahoma Medical Marijuana Authority

OKLAHOMA
Medical Marijuana Authority

License Number: PAAA-DJU1-98AA

Expiration Date: 01/13/2028

State of Oklahoma

License Certificate

NON-TRANSFERABLE

TRANSPORTATION LICENSE ONLY

Processor

HEREBY GRANTED TO

NW Confections OK 241AA LLC

241 Arbor Court, Oklahoma City, OK, 73127

The license issued by the Oklahoma Medical Marijuana Authority to certify the above has fulfilled the requirements of 63 O.S. §§ 420 et seq.; 63 O.S. §§ 427.1 et seq.; 63 O.S. §§ 428 et seq.; and the Oklahoma Administrative Code at Title § 442. The license is subject to the representations made on the application therefor and may be suspended or revoked for cause as provided by law and rule. The licensee shall observe and comply with all applicable laws, ordinances, rules, and regulations of the State of Oklahoma.

Adria Berry
Executive Director
Oklahoma Medical Marijuana Authority

OKLAHOMA
Medical Marijuana Authority

License Number: PAAA-DJU1-98AA

Expiration Date: 01/13/2028

EXHIBIT C

OBNDD Registration No. 10018643

Bureau of Narcotics and Dangerous Drugs Control
OKLAHOMA

REGISTRANT	REGISTRATION #	ISSUE DATE	EXPIRATION DATE
NW Confections OK 241AA LLC	10018643	09/03/2025	10/31/2026

ADDRESS

Wyld
241 Arbor Court
Oklahoma City Oklahoma 73127

SCHEDULES	BUSINESS ACTIVITY/REGISTRATION TYPE
1 MMO	Process

Discipline: None

Donnie Anderson

DONNIE ANDERSON, Director

Section 304 (63 OS 3-304) of the Uniform Controlled Dangerous Substances Act provides that the Director may limit, condition, deny, suspend, or revoke a registration to manufacture, distribute, dispense, prescribe, administer, or use for scientific purposes a controlled dangerous substance.

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, OR BUSINESS ACTIVITY AND IT IS NOT VALID AFTER THE EXPIRATION DATE. CERTIFICATE MUST BE READILY RETRIEVABLE AT ALL TIMES.

EXHIBIT D

OBNDD renewal payment receipt (Aug. 13, 2026)

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Thursday, August 13, 2026 5:58 PM
To: Gabriel Parton Lee
Subject: Transaction Receipt from OKLAHOMA BUREAU OF NARCO for $2512.00 (USD)

RECEIPT FOR OBNDD REGISTRATION PAYMENT

Order Information	
Description:	Goods or Services
Invoice Number	REN202610018-2026-45
Customer ID	REN202610018

Billing Information
Gabriel Parton Lee
1695 Church St SE
Salem, Oregon 97302
gabe@nwconfections.com

Shipping Information

Total: $2512.00 (USD)

Payment Information	
Date/Time:	13-Aug-2026 15:57:46 PDT
Transaction ID:	81747743329
Payment Method:	Visa xxxx0915
Transaction Type:	Purchase
Auth Code:	055746

Merchant Contact Information
OKLAHOMA BUREAU OF NARCO
OKLAHOMA CITY, OK 73105
US
jmcguire@obn.ok.gov
THANK YOU FOR YOUR PAYMENT FOR OBNDD REGISTRATION

EXHIBIT E

OBNDD Director's Letter (May 8, 2026)

J. KEVIN STITT
Governor

DONNIE ANDERSON
Director

OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
419 N.E. 38th Terrace
Oklahoma City, Oklahoma 73105
TELEPHONE 405-521-2885 · 1-800-522-8031

May 8, 2026

To: OBNDD Marijuana Business Registrants

Re: OBNDD Director's Guidance Regarding the United States Department of Justice (USDOJ) Final Order concerning scheduling of Marijuana and the OBNDD registration requirements[1]

On April 28, 2026, the U.S. Department of Justice issued AG Order No. 6754-2026 (hereinafter "Final Order") rescheduling some marijuana to Schedule III of the Controlled Substances Act (CSA). This letter is being sent to inform you about the impact that this has on your responsibilities as an OBNDD registrant.

OBNDD Medical Marijuana Manufacturers and Distributors are Required to Provide Proof of Possessing a Schedule III Registration From the DEA

Pursuant to the Final Order, marijuana in any form covered by a state medical marijuana license was placed in Schedule III of the CSA. Therefore, a manufacturer or distributor participating in a state's medical marijuana program is required to obtain a registration from the United States Drug Enforcement Administration (DEA). Consistent with 63 O.S. §2-101 et. seq. and Title 475 of the Oklahoma Administrative Code, every registrant who is a distributor or manufacturer of medical marijuana products must comply with federal law and, as such, shall be required to obtain a DEA registration. Failure to obtain a DEA registration could result in OBNDD administrative sanctions up to and including the potential revocation of an registrant's OBNDD registration(s). This is consistent with the requirements in place for other Schedule III registrants currently regulated by OBNDD.

[1] It should be noted that this guidance only applies to OBNDD administrative requirements. This is not intended to take a position as to potential administrative requirements of any other agency, state or federal. Furthermore, this guidance also does not apply to potential criminal penalties, either state or federal, for engaging in the manufacturing or distribution of marijuana.

Information Concerning Potential OBNDD Administrative Action Related to the Manufacturing or Distribution of Marijuana without the Proper DEA Registration.

According to the Final Order, any state licensed medical marijuana manufacturer or distributor who has applied to DEA for the appropriate DEA registration within sixty days of the Final Order's publication in the Federal Register may engage in the manufacture, distribution and/or dispensing of medical marijuana products during the pendency of its DEA application. The DEA administrator is required to make every effort to process those applications received during this sixty-day period within six months.

To ensure compliance with these federal regulations and minimize any impact on lawfully operating entities, OBNDD will not consider pursuing administrative action on medical marijuana businesses registered with OBNDD for the manufacturing or distribution of marijuana without the required DEA registration until January 1, 2027. It is strongly recommended that all OBNDD registrants authorized to manufacture or distribute medical marijuana apply for the appropriate DEA registration within the sixty-day period after the April 28, 2026, publication of the Final Order. By timely submitting an application to the DEA, a registrant will not be subjected to OBNDD administrative action for the manufacturing, or distribution of marijuana without a DEA registration while the DEA application filed within the sixty-day period remains pending. Failure to timely submit an application to the DEA would render any manufacturing or distribution of medical marijuana products without a DEA registration to be in violation of the Final Order. These activities could subject a registrant to OBNDD administrative sanctions up to and including the potential revocation of an registrant's OBNDD registration(s).

Questions Concerning Compliance

OBNDD cannot provide legal advice concerning compliance with federal law or Oklahoma statutes. Furthermore, nothing included in this letter is intended to be taken as legal advice concerning the obligations of a registrant set forth in either federal law or Oklahoma statutes. This letter is merely being provided to inform medical marijuana businesses of their administrative responsibilities. If there are additional questions concerning compliance with either federal, state, or administrative law, a registrant should consult with an attorney.

Respectfully,

Donnie Anderson
Director
Oklahoma Bureau of Narcotics
and Dangerous Drugs Control

EXHIBIT F

Email exchange between the declarant and OBNDD (July 16–17, 2026)

From: Hutchison, James <JHutchison@obn.ok.gov>
Sent: Friday, July 17, 2026 8:52 AM
To: Gabe Parton Lee; McGuire, Jessica
Subject: RE: OBNDD Director's Order re Rescheduling and DEA Permits

Mr. Lee,

We cannot provide any legal advice. The Director's May 8th letter merely affirmed the Order of the United States Department of Justice concerning the rescheduling of state licensed medical marijuana and is consistent with both state and federal law which requires any person who manufactures or distributes controlled dangerous substances within or into the State of Oklahoma be registered with both the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Drug Enforcement Administration.

Any questions you may have concerning your pending applications should be addressed to the Drug Enforcement Administration.

Thank you,

James Hutchison | Assistant General Counsel
Oklahoma State Bureau of Narcotics
and Dangerous Drugs Control
419 NE 38th Terrace
Oklahoma City, OK 73105
HQ: (405) 521-2885
Email: jhutchison@obn.ok.gov

NOTHING IN THIS EMAIL SHALL BE CONSTRUED AS A POLICY, RULE, OR DIRECTIVE OF THE OKLAHOMA BUREAU OF NARCOTICS UNDER ANY CIRCUMSTANCES.

NOTICE: This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, distribution or use of the contents of this message are prohibited. If you have received this e-mail in error, please destroy it and notify me immediately.

From: Gabe Parton Lee <Gabe@nwconfections.com>
Sent: Thursday, July 16, 2026 5:25 PM
To: McGuire, Jessica <jmcguire@obn.ok.gov>; Hutchison, James <JHutchison@obn.ok.gov>
Subject: [EXTERNAL] Re: OBNDD Director's Order re Rescheduling and DEA Permits

Good afternoon OBNDD team:

My name is Gabe Parton Lee, and I am the General Counsel for NW Confections OK 241AA LLC, a licensed medical marijuana processor and transporter.

I'm writing to seek clarification on the May 8, 2026 letter from Director Anderson relating to the DEA registration for medical marijuana licensees in Oklahoma.

I acknowledge that the letter makes the request for licensees to apply within the initial 60-day period for expedited processing. We applied for both our processor license and transportation license, processor license within the 60-day period; transporter license outside the 60-day period, and I'll explain why:

- As part of the application process for transporters, there was no option to select "medical marijuana" under the Schedule III non-narcotic list of controlled substances. The only option available each time we reviewed the application was "Gamma Hydroxybutyrate". This is, obviously, a controlled substance we do not transport in Oklahoma.
- We ultimately determined that it was best practice to comply with the Director's letter by applying without selecting a drug code, which we believe may result in a rejection with the DEA.

My question is threefold:

- If, through the DEA's proposed "expedited processing" we do not receive our license even with the early-application, what can we do to maintain compliance under state law?
- What is the OBNDD's expected process to deal with licensees who were unable to file the application to transport medical marijuana in the initial 60 days? This is still a valid application.
- There's also likely new licensees or newly acquired licenses that are incapable of applying in the 60-day initial timeframe; will these licenses be subject to administrative penalty or enforcement if they were never capable of applying for the license in the initial 60 days?

Thank you for your consideration, I would be happy to get on a call to discuss.

Cheers,
Gabe

Gabe Parton Lee
General Counsel

phone: 971.221.9077
email: Gabe@nwconfections.com
sites: wyldcanna.com | goodtidecannabis.com | wyldcbd.com | wyldhemp.com



CONFIDENTIALITY NOTICE

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

EXHIBIT G

DEA Diversion Control Website Screenshots (May 8 and May 14, 2026)

Exhibit G — Screenshot taken May 8, 2026

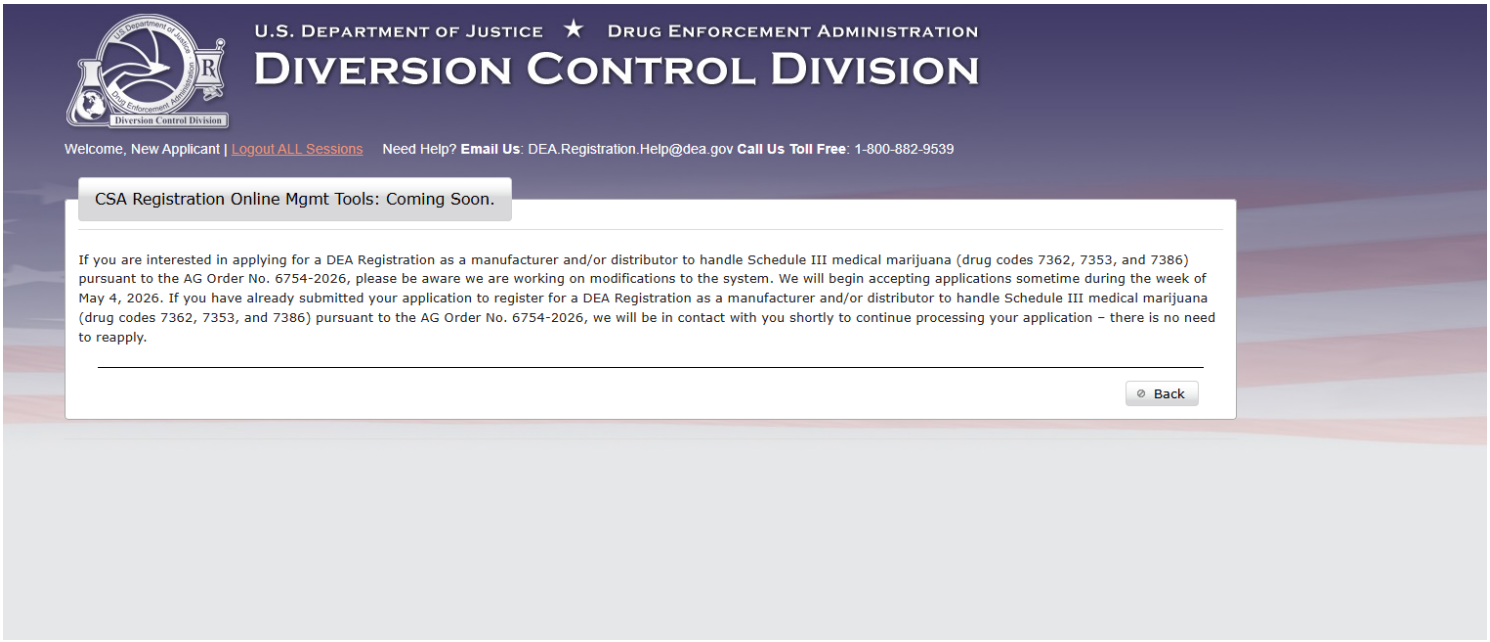


Exhibit G — Screenshot taken May 14, 2026

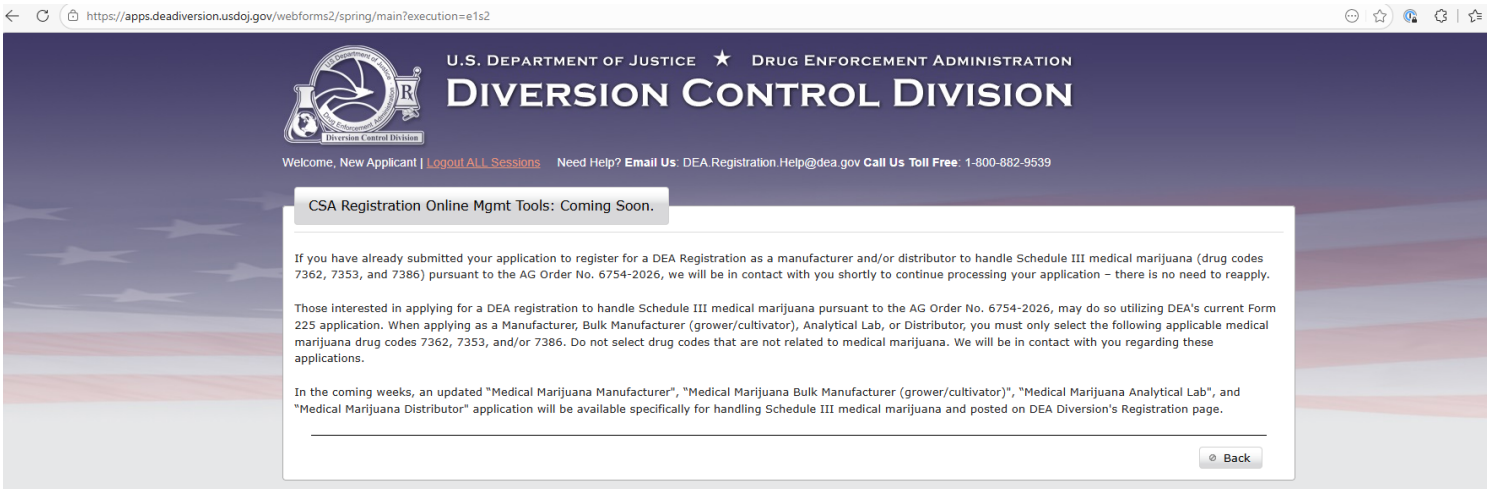


EXHIBIT H

OBNDD Email to Registrants (June 1, 2026)

Outlook

OBNDD Renewals Open July 1

From Oklahoma Bureau of Narcotics & Dangerous Drugs Control <OBN@public.govdelivery.com>
Date Mon 6/1/2026 2:24 PM
To Gabe Parton Lee <Gabe@nwconfections.com>

Bureau of Narcotics & Dangerous Drugs Control
OKLAHOMA

Dear Registrant,

This is a reminder that OBN renewal applications open on **July 1.**

To ensure your registration remains active, you must submit your renewal application before **September 1.**

Important Renewal Deadlines:

• Renewals submitted before September 1 are considered timely.
• If you submit your renewal after September 1 and it is not approved before October 31, your registration will become INACTIVE.
• Once inactive, your registration will remain inactive until the renewal is approved.

Important: If the business name or business address has changed, or if a new owner has been added with the licensing authority, a new application must be submitted. **You cannot renew an existing registration if the information on your registration does not match your current license.**

Additional reminder, you still have time to submit the required application for a DEA registration. Per the Final Rule, "...any applicant that submits an application within **60 days of the publication of this rule** in the Federal Register may engage in the manufacture, distribution, and/or dispensing of marijuana or products containing marijuana for medical purposes in conformity with a state-issued license during the pendency of the application."

There are several types of DEA registration applications.

- A registered dispenser may dispense marijuana and products containing marijuana **to individuals** authorized by state law to possess marijuana and products containing marijuana for medical purposes, subject to the limitations of its state license.
  - **If you are applying for registration as a medical marijuana dispensary, please use the Medical Marijuana Dispensary Registration Portal via the following URL: https://mmapplication.diversion.dea.gov.**

- A registered distributor may receive marijuana and products containing marijuana **from registered manufacturers** and transfer marijuana and products containing marijuana **to registered dispensers or other registered distributors**, subject to the limitations of its state license.

- A registered marijuana manufacturer may cultivate, produce, process, package, label, and transfer marijuana and products containing marijuana **to registered distributors or other registered manufacturers**, subject to the limitations of its state license.

PER DEA REGISTRATION: "*If you have already submitted your application to register for a DEA Registration as a manufacturer and/or distributor to handle Schedule III medical marijuana (drug codes 7362, 7353, and 7386) pursuant to the AG Order No. 6754-2026, we will be in contact with you shortly to continue processing your application – there is no need to reapply.*

Those interested in applying for a DEA registration to handle Schedule III medical marijuana pursuant to the AG Order No. 6754-2026, may do so utilizing DEA's current Form 225 application. ***When applying as a Manufacturer, Bulk Manufacturer (grower/cultivator), Analytical Lab, or Distributor, you must only select the following applicable medical marijuana drug codes 7362, 7353, and/or 7386.*** *Do not select drug codes that are not related to medical marijuana. We will be in contact with you regarding these applications.*

In the coming weeks, an updated "Medical Marijuana Manufacturer", "Medical Marijuana Bulk Manufacturer (grower/cultivator)", "Medical Marijuana Analytical Lab", and "Medical Marijuana Distributor" application will be available specifically for handling Schedule III medical marijuana and posted on DEA Diversion's Registration page." [emphasis added]

Thank you,

Oklahoma Bureau of Narcotics

This email was sent to gabe@nwconfections.com using GovDelivery Communications Cloud on behalf of: Oklahoma Bureau of Narcotics & Dangerous Drugs Control · 419 N.E. 38th Terrace · Oklahoma City, OK 73105

GRANICUS Communications

EXHIBIT I

DEA Form 225 Manufacturer Application Receipt, W26092269E (June 24, 2026)

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: W26092269E **Submission Date**: Wed Jun 24 15:51:21 EDT 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) NW CONFECTIONS OK 241AA LLC	**(First, MI)**	Application Complete. Tracking Number: 15289891 Fee Paid: 3699
TAX IDENTIFYING NUMBER and/or XX-XXXXX08	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 241 ARBOR CT		

CITY OKLAHOMA CITY	**STATE** OK **ZIP CODE** 73127-6423
APPLICANT'S BUSINESS PHONE NUMBER 9712219077	**POC CELL PHONE NUMBER** 9712219077
POC NAME GABE PARTON LEE	**POC EMAIL ADDRESS** LEGAL@NWCONFECTIONS.COM
REGISTRATION CLASSIFICATION	
BUSINESS ACTIVITY: MANUFACTURER	**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N
Drug Schedules: 3N	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. PAAA-DJU1-98AA State: OK Expire Date: 01-14-2027

State Controlled License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 3699

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1
Bulk, Synthesizer - Extractor								
Dosage Form					X			
Repacker - Relabeler					X			
Non-Human Consumption								

EXHIBIT J

DEA Form 225 Distributor Application Receipt, W26104422F (July 8, 2026)

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: W26104422F **Submission Date**: Wed Jul 08 20:17:57 EDT 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) NW CONFECTIONS OK 241AA LLC	**(First, MI)**	Application Complete. Tracking Number: 15346048 Fee Paid: 1850
TAX IDENTIFYING NUMBER and/or XX-XXXXX08	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 241 ARBOR CT		

CITY OKLAHOMA CITY	**STATE** OK **ZIP CODE** 73127-6423
APPLICANT'S BUSINESS PHONE NUMBER 9712219077	**POC CELL PHONE NUMBER** 9712219077
POC NAME GABE PARTON LEE	**POC EMAIL ADDRESS** LEGAL@NWCONFECTIONS.COM
REGISTRATION CLASSIFICATION	
BUSINESS ACTIVITY: DISTRIBUTOR	**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N
Drug Schedules: 3N	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. PAAA-DJU1-98AA State: OK Expire Date: 01-14-2027

State Controlled License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 1850

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1
Bulk, Synthesizer - Extractor								
Dosage Form								
Repacker - Relabeler								
Non-Human Consumption								

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: GABRIEL B PARTON LEE

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 225 Form 225 ApprovedOMB Form No. 1117-0012 Expires: 07/31/2028(15 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT K

DEA Application Status Screenshots (Nov. 15, 2026)

Exhibit K — Manufacturer application W26092269E status, November 15, 2026

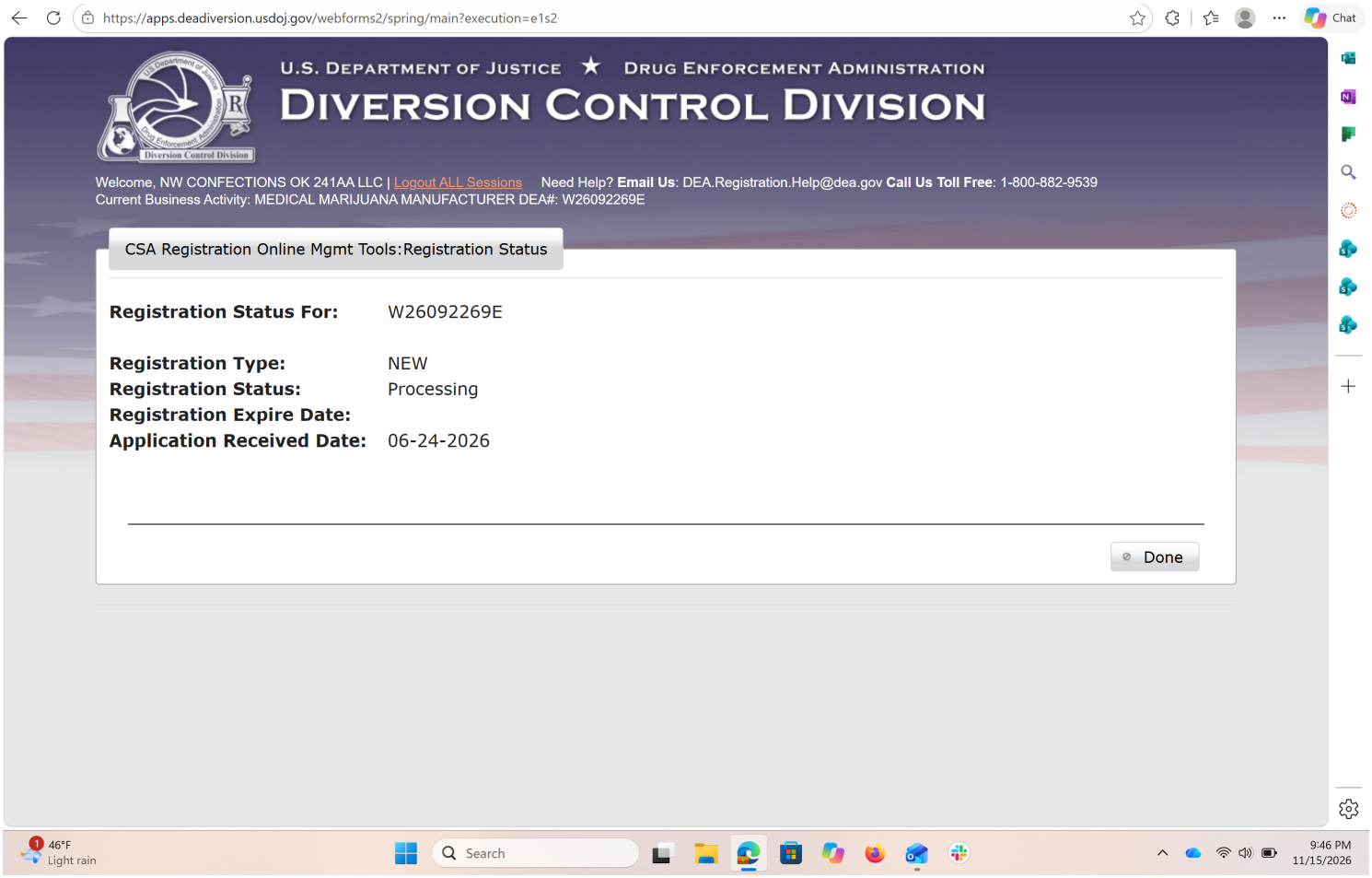


Exhibit K — Distributor application W26104422F status, November 15, 2026

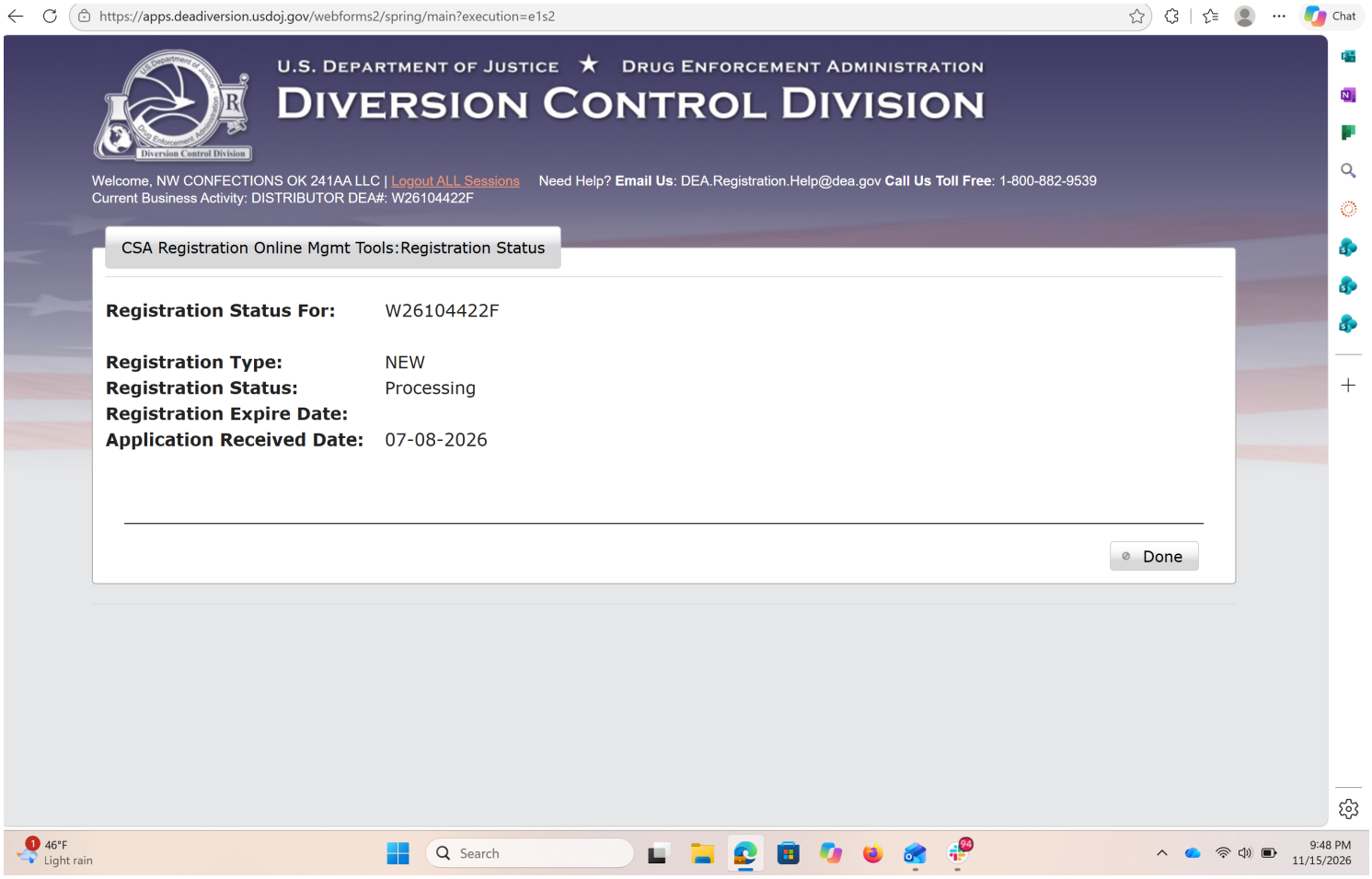


EXHIBIT L

DEA Email to Timely Applicants (October 30, 2026) and
DEA Medical Marijuana Timely Applicant Information

From: DEA Diversion Control Division <medical.marijuana.application@dea.gov>
Sent: Fri, 30 Oct 2026 18:22:02 +0000
To: LEGAL@NWCONFECTIONS.COM
Subject: Permissible Activities for DEA Medical Marijuana Timely Applicants
Attachment: Timely Applicant Information for Medical Marijuana Applicants 10.30.2026.pdf

---

You don't often get email from medical.marijuana.application@dea.gov. Learn why this is important

DEA Medical Marijuana Timely Applicants

Dear Timely Applicant,

Attached is information regarding Permissible Activities for DEA Medical Marijuana Timely Applicants Information.

Please direct any questions to your local field division office which can be located at DEA Contact Us - Search Utility.

Please note this mailbox is not monitored. Do not reply to this email, as responses will not be reviewed or addressed.

To unsubscribe from this newsletter, click here.

DEA Medical Marijuana Timely Applicant Information

Title: Activities of Entities Holding State Medical Marijuana Licenses Who Applied for DEA Registration under the April 28, 2026 Final Rule between April 28, 2026, to June 26, 2026, under 21 CFR 1301.13(k)(7).

Summary: This information addresses the permissible activities that applicants for DEA registration to handle schedule III medical marijuana—who submitted complete applications to DEA between April 28, 2026, to June 26, 2026—may continue to engage in while their DEA applications remain pending. Applicants who submitted complete applications within 60 days of publication of the April 28, 2026 Final Rule can continue dispensing ("Timely Dispenser Applicants"), manufacturing ("Timely Manufacturer Applicants"), or distributing schedule III medical marijuana ("Timely Distributor Applicants" and, collectively with Timely Dispenser Applicants and Timely Manufacturer Applicants, the "Timely Applicants") pursuant to their state medical marijuana license during the pendency of their application before DEA, and may distribute schedule III medical marijuana to and obtain schedule III medical marijuana from Timely Applicants and DEA registrants.

To Whom it Applies: Entities that submitted complete applications pursuant to 21 CFR 1301.13(k) for a DEA registration to handle schedule III medical marijuana, marijuana extract, and/or naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4) (collectively, "schedule III medical marijuana"), between April 28, 2026 to June 26, 2026—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—and therefore have been granted special authorities by 21 CFR 1301.13(k)(7).

Question: What activities may Timely Applicants engage in while their applications before DEA are pending?

Answer:

1. Under 21 CFR 1301.13(k)(7), any applicant that submitted a complete schedule III medical marijuana registration application between April 28, 2026, to June 26, 2026, (i.e., within 60 days of the publication of the April 28, 2026 Final Rule) can dispense, manufacture, or distribute schedule III medical marijuana, marijuana extract, and naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4), as applicable (collectively, "schedule III medical marijuana activities") pursuant to its state medical marijuana license during the pendency of the application before DEA.

2. To have submitted a complete schedule III medical marijuana application and be considered a "Timely Applicant," the applicant must have submitted payment of the applicable registration fee as well as a completed application between April 28, 2026, to June 26, 2026.

3. Sub-paragraph 21 CFR 1301.13(k)(7) allows Timely Applicants to engage in regulated activities "notwithstanding" the requirement in 21 CFR 1301.13(a), which states, "No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a Certificate of Registration is issued by the Administrator to such person."

4. Therefore, all Timely Applicants—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—can engage in schedule III medical marijuana activities, as defined above, that otherwise would require a DEA registration.

5. Accordingly, Timely Applicants can engage in schedule III medical marijuana activities with other Timely Applicants. For example, a Timely Distributor Applicant can distribute schedule III medical marijuana to a Timely Dispenser Applicant and can obtain schedule III medical marijuana from a Timely Manufacturer Applicant.

6. Timely Applicants can also engage in schedule III medical marijuana activities with DEA registrants that hold a registration to handle schedule III medical marijuana. For example, a DEA-registered dispensary can continue receiving schedule III medical marijuana from a Timely Distributor Applicant.

7. Timely Applicants and DEA registrants may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026, or that have not applied for a DEA schedule III medical marijuana registration, until those entities become DEA registrants. As specified in 21 CFR 1301.13(k)(7), those entities remain subject to the prohibition under 21 CFR 1301.13(a).

8. If a Timely Applicant or DEA registrant engages in schedule III medical marijuana activities with someone other than a Timely Applicant or DEA registrant, such conduct could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration, respectively. Timely Applicants and registrants therefore should take adequate steps to confirm the status of all entities with which they will conduct schedule III medical marijuana activities. During this transitional period, adequate due diligence steps generally would include, at a minimum:

    - Obtaining from Timely Applicants (if dispensers) a copy of the "Marijuana Dispensary Information Submission" confirmation received from DEA at the time of application submission and verifying the Timely Applicant's document control number (DCN) via the DEA Diversion Control Website;

- Obtaining from Timely Applicants (if manufacturers or distributors) a copy of the submission confirmation provided by DEA at the time of application submission and verifying the Timely Applicant's DCN via the DEA Diversion Control Website;
- Obtaining from DEA registrants a copy of the registrant's DEA certificate of registration;
- Obtaining a copy of the entity's relevant state license and verifying its status is active; and
- Maintaining records of all due diligence conducted.

9. Entities that hold a DEA registration to handle schedule III medical marijuana must maintain all records required for schedule III controlled substances pursuant to 21 CFR part 1304, as the Administrator has concluded that all such records are necessary to comply with federal statutory and treaty obligations. If a DEA registrant engages in a transaction with a Timely Applicant, records maintained pursuant to 21 CFR part 1304 can include the Timely Applicant's DCN number where a DEA registration number would otherwise be required.

10. DEA recognizes that some states require entities holding state medical marijuana licenses to send *de minimis* quantities of schedule III medical marijuana to state-licensed third-party laboratories for testing. Such testing can help protect public safety and prevent unlawful products from entering the market. DEA further recognizes that, at this time, some Timely Applicants and registrants may not have access to analytical laboratories that are DEA-registered to handle schedule III medical marijuana. Therefore, to the extent such laboratories are unavailable and notwithstanding paragraph 8 above, DEA does not intend to penalize registrants and Timely Applicants for sending *de minimis* quantities of schedule III medical marijuana to a laboratory that is not DEA-registered to conduct analytical testing of schedule III medical marijuana, provided that (1) the analytical laboratory is located in the same state, and (2) the Timely Applicant/registrant retains detailed records of all such distributions.

    Because the closed system of distribution established by the Controlled Substances Act and 21 CFR 1301.13(a)[1] generally require Timely Applicants and DEA registrants to use a DEA-registered analytical laboratory, this exercise of the Administrator's discretion applies only when the use of a DEA-registered laboratory would violate state law. Specifically, it applies only to the extent that either (1) no entities anywhere in the United States are registered with DEA to conduct analytical testing of schedule III medical marijuana, or (2) state law prohibits the Timely Applicant/registrant from sending schedule III medical marijuana to an analytical laboratory in a different state, and no entities in the Timely Applicant/registrant's state are registered with DEA to conduct analytical testing of schedule III medical marijuana.

[1] Analytical laboratories are not covered by 21 CFR 1301.13(k)(7) and therefore remain subject to 21 CFR 1301.13(a).

Note that this information does not permit Timely Applicants and registrants to receive schedule III medical marijuana from non-DEA-registered analytical laboratories.

11. DEA recognizes Timely Applicants may require additional time to verify the status of their existing trading partners as Timely Applicants or registrants and to make necessary adjustments to their supply chain to comply with this information. Accordingly, Timely Applicants are expected to complete these activities and establish compliant supply chains no later than November 29, 2026.

    Timely Dispenser Applicants and Timely Distributor Applicants may continue to possess, dispense, and distribute existing inventories of schedule III medical marijuana acquired prior to the issuance of this information, including inventory previously obtained from entities that do not qualify as Timely Applicants or DEA registrants. Such inventory may continue to be used in otherwise authorized activities.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department of Justice policies.

EXHIBIT 5

Standard Wellness Declaration
(Maloof Declaration, Standard Wellness Utah, LLC)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STANDARD WELLNESS UTAH, LLC, et al., Petitioners, v. UNITED STATES DRUG ENFORCEMENT ADMINISTRATION Respondents.	No. 26-[____]

DECLARATION OF JARED MALOOF IN SUPPORT OF PETITION FOR REVIEW AND EMERGENCY MOTION FOR STAY

I, Jared Maloof, declare as follows:

I. Background and Basis of Knowledge

1. I am the Chief Executive Officer of Standard Wellness Utah, LLC ("Standard Wellness Utah") and of The Forest Murray, LLC ("The Forest Murray") (together, the "Utah Entities"). I have been CEO of Standard Wellness Utah since July 2019. I am over 18 years of age and competent to make this declaration.
2. I make this declaration on personal knowledge. I also rely on business records the Utah Entities keep in the ordinary course of business, which I have reviewed and which are kept under my supervision, and on communications between the Utah Entities' personnel and our business partners, which I describe below. If called as a witness, I could and would testify competently to the facts below.
3. To protect confidential commercial information, I describe the Utah Entities' customers, suppliers, and other business partners generically rather than by name. That information includes non-public information about third parties' DEA application status.[1]

II. The Utah Entities and Their State Licenses

4. Standard Wellness Utah is a Utah limited liability company. It holds Utah medical cannabis license No. 7001-20173. It operates cultivation and processing facilities at 2850 N. Mule Ranch Road, Corinne, Utah, and at 1901 S. 5100 W., Ogden, Utah.

---

[1]Given the emergency nature of this motion and the November 29, 2026 compliance date, Petitioners have not had time to seek an order permitting the underlying documents to be filed under seal. Those documents include customer and supplier communications, a chart identifying Utah market participants by DEA application status, a table of those participants' DEA application control numbers, and financial records. Petitioners will promptly file those materials under seal, or subject to a protective order, upon the Court's request or entry of an appropriate order.

5. The Forest Murray is a Utah limited liability company. It holds Utah medical cannabis pharmacy license No. 7005-1. It operates a medical cannabis pharmacy at 6041 S. State Street, Murray, Utah.

6. Standard Wellness Utah is a wholly owned subsidiary of Standard Wellness Holdings, LLC ("Standard Wellness"). The Forest Murray, LLC is 71.94% owned by Standard Wellness Holdings, LLC. Standard Wellness also has businesses in Ohio, Missouri, and a minority interest in businesses in Maryland. Those businesses are organized independently and operate separately from the Utah Entities. They cannot keep the Utah Entities running. Because of the company's financing structure, cash cannot move freely between affiliates; transferring cash from another operating affiliate would require the consent of the company's lending partners.

7. Standard Wellness Utah employs approximately 42 people. It sells wholesale medical cannabis products to Utah medical cannabis pharmacies. Processed products (e.g. vaporization devices, edibles, topicals and concentrates) account for approximately 70% of its wholesale sales in Utah. Every processed product depends on oil that Standard Wellness Utah purchases from other Utah licensed processors.

III. The Utah Entities' DEA Applications

8. The Utah Entities did not apply for DEA registration between April 28 and June 26, 2026. At that time, the Utah Entities understood that the only benefit of applying during that window was expedited review, and they understood that DEA's application portal would remain open indefinitely. They were also uncertain whether they could apply for cultivation or processing activities. They did not understand that the timely-application window would determine which Utah businesses could deal with one another. DEA's online application portal for manufacturers opened on October 5, 2026.

9. After DEA issued the Information on October 30, 2026, the Utah Entities applied as described below.

a. On November 3, 2026, Standard Wellness Utah submitted manufacturer applications for its Corinne facility (Control Number M26170780E) and its Ogden facility (Control Number M26170977E). It paid the $3,699 registration fee for each.

b. On November 4, 2026, The Forest Murray submitted a dispensary application (Control Number M26171634J) and paid the $794 fee.

c. On November 4, 2026, Standard Wellness Utah submitted a distributor application (Control Number M26171653F) and paid the $1,850 fee.

Copies of DEA's application receipts are attached as **Exhibits A–D**, with taxpayer identification numbers redacted under Fed. R. Civ. P. 5.2.

10. Each application states that the applicant will handle medical marijuana and will not handle recreational marijuana. All four applications remain pending.

IV. The October 30, 2026 Timely Applicant Information

11. DEA's October 30, 2026 "DEA Medical Marijuana Timely Applicant Information" (the "Information") states that timely applicants "may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026." It warns that doing so "could be potential grounds for denial" of a timely applicant's application. It requires timely applicants to "establish compliant supply chains no later than November 29, 2026."

12. DEA's timely applicant list identifies applicants only by control number, not by name. The Utah Entities have therefore determined other companies' status in two ways. First, for most Utah market participants, the Utah Entities received the company's DEA application control number by email directly from that company and checked those numbers against DEA's timely applicant list. Second, for companies whose control numbers we do not have, we rely on the companies' own statements to us about their status, made by email or by phone. The descriptions below are based on those control-number checks and communications.

V. The Utah Market After November 29

13. Based on those control-number checks and communications, the Utah medical cannabis market will split into two separate groups on November 29.

a. **Timely group.** DEA's timely applicant list includes nine Utah manufacturer applications. Based on our communications, those applications belong to five Utah producers as some producers applied for more than one location. After November 29 those producers may sell only to the 14 Utah pharmacies that are timely applicants, which belong to seven pharmacy operators.

b. **Non-timely group.** Seven producers, including Standard Wellness Utah, are not timely applicants. Only two Utah pharmacies are not timely applicants: The Forest Murray and a pharmacy that opened on November 13, 2026, after the application window had closed, and that has never purchased product from Standard Wellness Utah. That pharmacy is in Grand County, a remote part of the state that had 229 of Utah's approximately 118,000 registered medical cannabis patients as of November 1, 2026 (Utah Medical Cannabis Data – October 2026 Report).

14. Four out of the seven pharmacy operators applied on time for their pharmacies but not for their production or wholesale operations. After November 29, their own pharmacies will not be able to stock products they themselves produce. Based on information and belief, many Utah wholesale companies did not know that cultivation, processing, and distribution activities could be included in an application filed through DEA's dispensary portal.

15. A chart showing these groups, with each company identified, and a table listing each company's Utah license numbers and DEA application control numbers, will be provided under seal as described in footnote 1.

VI. Irreparable Harm to the Utah Entities

A. Loss of Standard Wellness Utah's timely-applicant wholesale customers

16. Standard Wellness Utah currently sells at wholesale to fifteen Utah pharmacy locations. From August through October 2026, its billed wholesale sales to those pharmacies averaged approximately $724,300 per month.

17. Fourteen of those locations are timely applicants. Although one operator has told Standard Wellness Utah that it intends to continue purchasing from us after the November 29 compliance deadline, whether it in fact will remains unclear given that doing so would violate the Information. After November 29, Standard Wellness Utah expects to lose its sales to the other twelve timely locations. Those sales averaged approximately $275,900 per month from August through October 2026, or about 38% of Standard Wellness Utah's billed wholesale sales to pharmacies.

18. Between November 12 and November 17, 2026, in phone calls, pharmacy operators and many processors told Standard Wellness Utah that they will work only with timely applicants. Each of them, except one operator that has not yet given a final answer, cited DEA's timely-applicant status as the reason it would stop buying from or selling to the Utah Entities. One large pharmacy operator told us on November 17 that it will quarantine all Standard Wellness Utah inventory in its stores until further notice and is evaluating returning that product.

a. A multi-location pharmacy operator, which has bought approximately $70,000 per month from Standard Wellness Utah over the past three months, told us by phone on November 17, 2026 that it will work only with timely applicants.

b. The day before, Standard Wellness Utah had delivered approximately $80,000 of product to a different operator, which it now says it will quarantine.

c. A third pharmacy operator, which buys about $114,000 per month across four locations, has not refused outright but has not yet responded, and we expect it to work only with timely applicants.

d. Three processors told us by phone on November 12, 16, and 17, 2026 that they will work only with timely applicants.

Erin Macavinta, Standard Wellness Utah's Director of Operations, participated in each of these calls, and Scott Ericson, its Chief Operating Officer, also participated in one of them. Ms. Macavinta reported the substance of each call to me on the day it occurred or shortly thereafter, in the ordinary course of her duties.

19. After November 29, Standard Wellness Utah's only remaining established pharmacy customer will be its affiliate, The Forest Murray. The only other non-timely pharmacy opened on November 13, 2026, and has never purchased from Standard Wellness Utah. The Forest Murray cannot absorb the lost volume. Substantially increasing its purchases of affiliated product could expose the Utah Entities to a claim that they are engaged in an "anticompetitive business practice" as Utah law defines that term, Utah Code § 4-41a-102(4).

B. Loss of oil supply

20. Standard Wellness Utah produces approximately 7% of the oil it uses and buys the rest from Utah processors. Two of those processors, which together supply approximately 16% of its oil, are timely applicants and have told us they will stop selling to Standard Wellness Utah after November 29. Standard Wellness Utah buys approximately 55% of its oil from a non-timely processor under a supply agreement that expires on December 31, 2026. We expect to renew that

agreement, but if that supply stopped, Standard Wellness Utah could not make its processed products, which account for approximately 70% of its wholesale revenue.

21. To my knowledge, there is no other lawful source of oil in Utah that could replace the supply we will lose. Some pharmacy operators are timely applicants for their retail operations but not for their wholesale operations. Standard Wellness Utah has never bought distillate oil from them.

C. Inventory and timing

22. Standard Wellness Utah currently holds the following inventory:

a. Finished product: approximately 39,891 units, valued at approximately $963,218 at wholesale value.

b. Oil: approximately 11,742 grams of distillate (about $64,581), 3,560 grams of concentrates (about $27,841), and 1,593 grams of RSO (about $6,692).

Once purchases from and sales to timely applicants stop on November 29, its available-for-sale inventory will last about five weeks, provided there is no more production.

D. Harm to the workforce and operations

23. Standard Wellness Utah anticipates staff reductions beginning January 1, 2027, as a result of the approximately 38% reduction in wholesale sales described above. If it cannot continue sourcing bulk oil from other processors, it will immediately cut its staff by about 60%, from 42 employees to 18. If The Forest Murray's revenue is severely affected by its reduced product assortment, Standard Wellness Utah's wholesale operations will be affected as well, which may destabilize the business.

24. The Forest Murray can continue operating, but with a dramatically smaller variety of products. Today, approximately 38% of its product, roughly $340,000 per month, comes from suppliers that are timely applicants. After November 29, it will lose those products.

25. The Utah Entities' monthly financial statements for 2025 and January through October 2026 show that the business is growing and profitable. Standard Wellness Utah reported total revenue of approximately $6.10 million in 2025 and $7.24 million in January through October 2026, including approximately $1.03 million in October 2026. The Forest Murray reported total revenue of approximately $5.75 million in 2025 and $10.79 million in January through October 2026. Before the November 29 cutoff, some customers have accelerated orders; one placed its December order early, adding approximately $35,994. These statements will be provided under seal as described in footnote 1.

E. The harm is permanent

26. Standard Wellness Utah has spent six years winning shelf space in the 14 timely pharmacies. Its October revenue has grown each year:

a. October 2022: approximately $192,000

b. October 2023: approximately $304,000

c. October 2024: approximately $428,000

d. October 2025: approximately $474,000

e. October 2026: approximately $1.03 million

These figures reflect Standard Wellness Utah's wholesale revenue. October 2026 was its best revenue month.

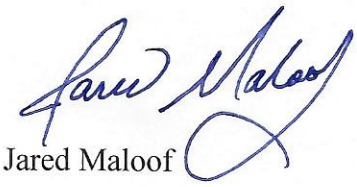
27. Once another operator takes that shelf space, Standard Wellness Utah would have to do significant work to rebuild availability and trust with the pharmacies and their patients. If 60% of the production team is laid off, it will take significant time to train new staff, restore standard operating procedures, and return to current quality and pace. I do not expect Standard Wellness Utah could regain these relationships even if the Information were later set aside.

28. The Utah Entities have no way to recover from DEA the revenue, customers, shelf space, or goodwill they will lose if the Information takes effect on November 29, 2026. That harm will begin on November 29 and will grow every day the Information remains in effect.

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

Executed on November 18, 2026, in Salt Lake City, Utah.

_____



Jared Maloof

Chief Executive Officer, Standard Wellness Utah, LLC and The Forest Murray, LLC

Index of Exhibits

A — DEA application receipt, Control No. M26170780E (redacted)

B — DEA application receipt, Control No. M26170977E (redacted)

C — DEA application receipt, Control No. M26171634J (redacted)

D — DEA application receipt, Control No. M26171653F (redacted)

— [Withheld pending sealing order] Utah supply-chain chart identifying market participants by DEA status

— [Withheld pending sealing order] Table of Utah market participants' license numbers and DEA application control numbers

— [Withheld pending sealing order] Customer and supplier communications

— [Withheld pending sealing order] Financial summaries

EXHIBIT A

DEA Form 225 Manufacturer Application Receipt, Standard Wellness Utah, LLC Corinne, Utah Facility, Control No. M26170780E (Nov. 3, 2026)

From: DEA Registration - Do Not Reply <dontreplyplease@dea.gov>
Sent: Tue, 03 Nov 2026 19:48:08 UTC
To: Brent Ryan <bryan@standardwellness.com>
Subject: DEA Registration Application Receipt
Attachment: Registration application receipt, Control Number M26170780E

Dear STANDARD WELLNESS UTAH, LLC,

Attached you should find your registration application receipt for Control Number M26170780E.

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: M26170780E **Submission Date**: Tue Nov 03 14:48:06 EST 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) STANDARD WELLNESS UTAH, LLC	**(First, MI)**	Application Complete. Tracking Number: 15698182 Fee Paid: 3699
TAX IDENTIFYING NUMBER and/or XX-XXXXX82	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 2850 N MULE RANCH RD		
CITY CORINNE	**STATE** UT	**ZIP CODE** 84307-7700
APPLICANT'S BUSINESS PHONE NUMBER 3125452510	**POC CELL PHONE NUMBER** 3125452510	
POC NAME BRENT RYAN	**POC EMAIL ADDRESS** BRYAN@STANDARDWELLNESS.COM	
REGISTRATION CLASSIFICATION		
BUSINESS ACTIVITY: MEDICAL MARIJUANA MANUFACTURER		**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N
Drug Schedules: 3N	Will your firm be handling medical marijuana?: YES Will your firm be handling recreational marijuana?: NO	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. 7001-20173 State: UT Expire Date: 12-31-2026

State Controlled License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 3699

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1
Bulk Growing					X			
Extraction					X			
Processing					X			
Repackager					X			

SELECTED DRUG CODES:

DRUG CODES:
7353 7362 7386

BULK DRUG CODES:
7353 7362 7386

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: BRENT RYAN

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 225 Form 225 ApprovedOMB Form No. 1117-0012 Expires: 07/31/2028(15 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT B

DEA Form 225 Manufacturer Application Receipt, Standard Wellness Utah, LLC Ogden, Utah Facility, Control No. M26170977E (Nov. 3, 2026)

From: DEA Registration - Do Not Reply <dontreplyplease@dea.gov>
Sent: Tue, 03 Nov 2026 23:19:50 UTC
To: Brent Ryan <bryan@standardwellness.com>
Subject: DEA Registration Application Receipt
Attachment: Registration application receipt, Control Number M26170977E

Dear STANDARD WELLNESS UTAH, LLC,

Attached you should find your registration application receipt for Control Number M26170977E.

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: M26170977E **Submission Date**: Tue Nov 03 18:19:49 EST 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) STANDARD WELLNESS UTAH, LLC	**(First, MI)**	Application Complete. Tracking Number: 15700415 Fee Paid: 3699
TAX IDENTIFYING NUMBER and/or XX-XXXXX82	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 1901 S 5100 W		
CITY OGDEN	**STATE** UT	**ZIP CODE** 84401
APPLICANT'S BUSINESS PHONE NUMBER 3125452510	**POC CELL PHONE NUMBER** 3125452510	
POC NAME BRENT RYAN	**POC EMAIL ADDRESS** BRYAN@STANDARDWELLNESS.COM	
REGISTRATION CLASSIFICATION		
BUSINESS ACTIVITY: MEDICAL MARIJUANA MANUFACTURER		**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N
Drug Schedules: 3N	Will your firm be handling medical marijuana?: YES Will your firm be handling recreational marijuana?: NO	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. 7001-20173 State: UT Expire Date: 12-31-2026

State Controlled License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 3699

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1
Bulk Growing					X			
Extraction					X			
Processing					X			
Repackager					X			

SELECTED DRUG CODES:

DRUG CODES:
7353 7362 7386

BULK DRUG CODES:
7353 7362 7386

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: BRENT RYAN

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 225 Form 225 ApprovedOMB Form No. 1117-0012 Expires: 07/31/2028(15 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT C

DEA Form 224 Dispensary Application Receipt, The Forest Murray, LLC
Control No. M26171634J (Nov. 4, 2026)

From: DEA Registration - Do Not Reply <dontreplyplease@dea.gov>
Sent: Wed, 04 Nov 2026 23:02:31 UTC
To: Brent Ryan <bryan@standardwellness.com>
Subject: DEA Registration Application Receipt
Attachment: Registration application receipt, Control Number M26171634J

Dear THE FOREST MURRAY, LLC,

Attached you should find your registration application receipt for Control Number M26171634J.

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: M26171634J **Submission Date**: Wed Nov 04 18:02:30 EST 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 224 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) THE FOREST MURRAY, LLC	**(First, MI)**	Application Complete. Tracking Number: 15706461 Fee Paid: 794
TAX IDENTIFYING NUMBER and/or	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
XX-XXXXX34		
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address)		
6041 S STATE ST		
SUITE C		
CITY MURRAY	**STATE** UT **ZIP CODE** 84107	
APPLICANT'S BUSINESS PHONE NUMBER 3125452510	**POC CELL PHONE NUMBER** 3125452510	
POC NAME BRENT RYAN	**POC EMAIL ADDRESS** BRYAN@STANDARDWELLNESS.COM	
REGISTRATION CLASSIFICATION		
BUSINESS ACTIVITY: MEDICAL MARIJUANA DISPENSARY	**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N	
Drug Schedules: 3N	Will your firm be handling medical marijuana?: YES Will your firm be handling recreational marijuana?: NO	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. 7005-1 State: UT Expire Date: 04-22-2027

Additional State License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 794

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1

SELECTED DRUG CODES:

DRUG CODES:
7353 7362 7386

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: BRENT RYAN

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 224 Form 224 ApprovedOMB Form No. 1117-0014 Expires: 04/30/2028(12 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT D

DEA Form 225 Distributor Application Receipt, Standard Wellness Utah, LLC
Corinne, Utah Facility, Control No. M26171653F (Nov. 4, 2026)

From: DEA Registration - Do Not Reply <dontreplyplease@dea.gov>
Sent: Wed, 04 Nov 2026 23:20:23 UTC
To: Brent Ryan <bryan@standardwellness.com>
Subject: DEA Registration Application Receipt
Attachment: Registration application receipt, Control Number M26171653F

Dear STANDARD WELLNESS UTAH, LLC,

Attached you should find your registration application receipt for Control Number M26171653F.

Completed Internet Form - NOT FOR SUBMISSION **DEA/Control Number**: M26171653F **Submission Date**: Wed Nov 04 18:20:22 EST 2026	**APPLICATION FOR REGISTRATIONUNDER CONTROLLED SUBSTANCES ACT OF 1970**	**Form** DEA 225 Completed Internet Receipt. NOT FOR SUBMISSION
NAME: Applicant or Business (LAST) STANDARD WELLNESS UTAH, LLC	**(First, MI)**	Application Complete. Tracking Number: 15706551 Fee Paid: 1850
TAX IDENTIFYING NUMBER and/or XX-XXXXX82	**SOCIAL SECURITY NUMBER**	For more information regarding SSN/TIN, See Note 3 under ADDITIONAL INFORMATION below
PROPOSED BUSINESS ADDRESS. (When entering a P.O. box, you are required to enter a street address) 2850 N MULE RANCH RD		
CITY CORINNE	**STATE** UT	**ZIP CODE** 84307
APPLICANT'S BUSINESS PHONE NUMBER 3125452510	**POC CELL PHONE NUMBER** 3125452510	
POC NAME BRENT RYAN	**POC EMAIL ADDRESS** BRYAN@STANDARDWELLNESS.COM	
REGISTRATION CLASSIFICATION		
BUSINESS ACTIVITY: MEDICAL MARIJUANA DISTRIBUTOR		**INDICATE HERE IF YOU REQUIRE ORDER FORMS.** N
Drug Schedules: 3N	Will your firm be handling medical marijuana?: YES Will your firm be handling recreational marijuana?: NO	

State License/Liability Information

You must be currently authorized to prescribe, distribute, dispense, conduct research, or otherwise handle the controlled substances in the schedules for which you are applying under the laws of the state or jurisdiction in which you are operating or propose to operate.
Failure to provide VALID and ACTIVE state licenses will be cause to declare the application as defective and it will be withdrawn **WITHOUT refund.**

State License No. 7001-20173 State: UT Expire Date: 12-31-2026

State Controlled License No. Expire Date:

1. Has the applicant ever been convicted of a crime in connection with controlled substance(s) under state or federal law, or been excluded or directed to be excluded from participation in a medicare or state health care program, or any such action pending?	N
2. Has the applicant ever surrendered (for cause) or had a federal controlled substance registration revoked, suspended, restricted or denied, or is any such action pending?	N
3. Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N
4. If the applicant is a corporation (other than a corporation whose stock is owned and traded by the public), association, partnership, or pharmacy, has any officer, partner, stockholder or proprietor been convicted of a crime in connection with controlled substance(s) under state or federal law, or ever surrendered or had a federal controlled substance registration revoked, suspended, restricted or denied, or ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?	N

Registration Fee: Registration Fee Paid: 1850

Certification for Fee Exemption (if applicable)			
Certifying Official's Name		**Certifying Official's Title**	
Certifying Official's Phone		**Certifying Official's Email**	
Name of Fee Exempt Institution			

Practitioner Information (if applicable)			
National Provider ID		**Professional Degree**	
Date of Birth		**Graduation Year (Medical/Professional School)**	
Medical/Professional School			

Manufacturer Details (if applicable)

Category/Schedule	1	2	2N	3	3N	4	5	L1

SELECTED DRUG CODES:

DRUG CODES:
7353 7362 7386

Application Certification:

WARNING: 21 USC 843(d), states that any person who knowingly or intentionally furnishes false or fraudulent information in the application is subject to a term of imprisonment of not more than 4 years, and a fine under Title 18 of not more than $250,000, or both.

By typing my full name in the space below, I hereby certify that the foregoing information furnished on this electronic DEA application is true and correct and understand that this constitutes an electronic signature for purposes of this electronic DEA application only.

* Name of Applicant (For individual registrants, the registrant themselves MUST complete this E-Signature) or name of Officer of the Corporation/Company

e-Signature: BRENT RYAN

This electronic DEA application must be certified by the applicant/registrant, if an individual; by a partner of the applicant, if a partnership; or by an officer of the applicant, if a corporation, corporate division, association, trust, or other entity. See 21 C.F.R § 1301.13(j) for more information on who can certify this application

ADDITIONAL INFORMATION

Form 225 Form 225 ApprovedOMB Form No. 1117-0012 Expires: 07/31/2028(15 minutes)

1. No registration will be issued unless a completed application form has been received (21 CFR 1301.13).
2. In accordance with the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number. The OMB number for this collection is (See Above). Public reporting burden for this collection of information is estimated to average (See Above) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information.
3. The Debt Collection Improvements Act of 1996 (31 U.S.C. §7701) requires that you furnish your Taxpayer Identification Number (TIN) or Social Security Number (SSN) on this application. This number is required for debt collection procedures if your fee is not collectible.
4. **PRIVACY ACT NOTICE:**
   Providing information other than your SSN or TIN is voluntary; however, failure to furnish it will preclude processing of the application. The authorities for collection of this information are §§302 and 303 of the Controlled Substances Act (CSA) (21 U.S.C. §§ 822 and 823). The principle purpose for which the information will be used is to register applicants pursuant to the CSA. The information may be disclosed to other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes, State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes, and person registered under the CSA for the purpose of verifying registration. For further guidance regarding how your information may be used or disclosed, and a complete list of the routine uses of this collection, please see the DEA System of Records Notice "Controlled Substances Act Registration Records" (DEA-005), 52 FR 47208, December 11, 1987, as modified.

EXHIBIT 6

Emergency Request to DEA to Rescind Deadline in October 30, 2026 DEA Medical Marijuana Timely Applicant Information (emailed on November 16, 2026)

BLANKROME
717 Texas Avenue | Suite 1400 | Houston, TX 77002

Phone: *+1 (713) 632-8607*
Fax: *+1 (713) 228-6605*
Email: *shane.pennington@blankrome.com*

November 16, 2026

VIA EMAIL AND
FEDERAL EXPRESS OVERNIGHT
Terrance C. Cole
Administrator
U.S. Drug Enforcement Agency
8701 Morrissette Drive
Springfield, VA 22152
DEA.ADDO.Attorneys@dea.gov
dea.registration.litigation@dea.gov

Re: Emergency Request to Rescind Deadline in October 30, 2026 DEA Medical Marijuana Timely Applicant Information

Dear Mr. Cole:

We are writing on behalf of our clients, three state-licensed medical marijuana manufacturers and/or dispensers. Standard Wellness, LLC is a Utah medical cannabis manufacturer that submitted untimely applications for Schedule III DEA registration; Verde Americano, LLC is an Arizona medical cannabis manufacturer and dispenser that submitted applications applications between April 28 and June 26, 2026; and NW Confections OK 241AA LLC is an Oklahoma medical cannabis manufacturer that submitted an application between April 28 and June 26, 2026 (collectively, the "Affected Parties").

Each of these clients is facing imminent, adverse consequences resulting from the Medical Marijuana Timely Applicant "Information" the DEA issued on October 30, 2026 (https://www.deadiversion.usdoj.gov/drugreg/Timely-Applicant-Information-for-Medical-Marijuana-Applicants.pdf). In particular, each will suffer immediate consequences as a result of the November 29, 2026 deadline the Information sets—to wit, after that date, prohibiting applicants who submitted applications between April 26 and June 26, 2026 from doing business with non-registered entities that did not submit an application between April 26 and June 26, 2026 (¶ 7), and threatening the denial of the former's application and/or revocation of its registration if it violates said prohibition (¶ 8).

Requested Relief

The Information is contrary to law and unlawful for at least three reasons, as set forth more fully below. Via this letter, the Affected Parties hereby request that DEA **immediately** suspend the November 29, 2026 deadline set forth in the Information. The Affected Parties request this relief from DEA no later than **5:00 PM Eastern Time on November 17, 2026.**

The tight turnaround is necessitated by DEA's conduct, which (1) imposed imminent deadlines in the Information, set to become effective immediately following the Thanksgiving holiday nonetheless (thus making access to the courts more difficult); and (2) provided less-than-30-days' notice of this deadline via the Information. Further, the Affected Parties understand that DEA has been informed of the Information's unlawfulness previously by other medical cannabis manufacturers and distributors, who also have requested that DEA suspend the November 29 deadline in the Information. As such, DEA already should be considering this request from other parties, and it will suffer no prejudice by the Affected Parties' requested deadline.

If DEA does not suspend the November 29 deadline by November 17, 2026, then the Affected Parties will file a petition for review and motion for emergency stay in the D.C. Circuit on November 18, 2026. Time is, therefore, of the essence.

Bases for Relief

The Department of Justice issued a final order on April 28, 2026 moving marijuana subject to a state medical marijuana license from Schedule I to Schedule III of the Controlled Substances Act. The final order discusses expedited registration for early applicants. A federal regulation outlines that process for early applicants. It directs the Administration to provide an expedited review process for entities already holding state marijuana licenses who seek registration as a marijuana manufacturer, distributor, or dispenser. And it provides a grace period to them, permitting their continued operation in compliance with state law while DEA adjudicates their applications:

> *(7) Expedition. The Administrator shall make every effort to process all applications submitted within 60 days of the publication of this regulation in the Federal Register within six months. Notwithstanding subsection (a), any applicant that submits an application within 60 days of the publication of this rule in the Federal Register* ***may engage in the manufacture, distribution, and/or dispensing of marijuana or products containing marijuana for medical purposes in conformity with a state-issued license during the pendency of the application.***

21 FR 1301.13(k)(7)(emphasis added).

BLANKROME

In conflict with both the final order and the regulation, the Information imposes—for the first time—a November 29 compliance deadline. That November 29 deadline conflicts with the grace period set forth under the final order and the regulation—specifically, it ignores whether those applications are still pending with the DEA on November 29, 2026. **The "Information" is therefore contrary to law. (5 U.S.C. § 706(2)(A), (C)).**

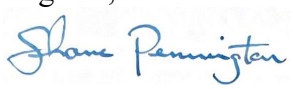
In addition, the Information binds DEA and regulated parties and changes the regulation's terms. It is therefore a **legislative rule issued without notice and comment, and it is therefore procedurally improper. (5 U.S.C. §§ 553(b)–(d), 706(2)(D)).**

Further, the Information is arbitrary and capricious, as it **ignores important aspects of the problem and the reliance interests it created.** Specifically, DEA set the deadline and drew the "timely" line without accounting for its own portal gap and field guidance. It also failed to provide fair notice of the "timely" deadline, among other issues.

For each of these reasons, among others, the Information is contrary to law and arbitrary and capricious. The Affected Parties therefore reiterate their request that DEA suspend the November 29 deadline by November 17, 2026, or else the Affected Parties will have no choice but to pursue this relief in court.

Thank you for your prompt consideration of this request.

Regards,



Shane Pennington
Blank Rome LLP
(713) 632-8067
Shane.pennington@blankrome.com