

EXHIBIT

A

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

HW PREMIUM CBD, LLC,
AJ's HEATH AND WELLNESS d/b/a
AMERICAN SHAMAN, GREENE GOODS
MARKET & GREENHOUSES, GREEN
ONYX INC. d/b/a YOUR CBD STORE,
BEYOND CBD, LLC dba BEYOND CBD,
CAMPBELL'S NUTRITION CENTERS,
INC., TCI ENTERPRISE, INC. d/b/a SKY
HIGH, ICANNA, LLC, YOUR CBD
STORES FRANCHISING, LLC,

Case No. 4:24-cv-00210-SHL-HCA

Plaintiffs,

v.

GOVERNOR KIM REYNOLDS in her official
capacity, DIRECTOR OF IOWA DEPARTMENT
OF HEALTH AND HUMAN SERVICES KELLY
GARCIA in her official capacity, COMMISSIONER
OF IOWA DEPARTMENT OF PUBLIC SAFETY
STEPHAN BAYES in his official capacity, and IOWA
SECRETARY OF AGRICULTURE MIKE NAIG
in his official capacity,

Defendants.

DECLARATION OF RICK WAGAMAN

I, Rick Wagaman, do hereby attest as follows:

1. I am over the age of majority, am competent to testify, and I have personal knowledge of the matters addressed in this declaration.
2. This declaration is submitted in support of Plaintiffs' Supplemental Brief in Support of Their Motion for Preliminary Injunction.
3. As I've stated previously, I own HW Premium CBD, LLC, which operates a consumable hemp store which does business under the name "HW CBD." It is a family-owned

business.

4. In order to sell hemp products in Iowa, every entity is required to submit products for approval on the Consumable Hemp Registration Portal (“portal”) which is operated by the Iowa Department of Health and Human Services (“DHHS”).

5. I have complied with these requirements since HW CBD’s inception.

6. HW CBD sells a variety of products that fall within both the “full spectrum” or “broad spectrum” categories that are common terms within the industry.

7. As of today, all products that were submitted to the portal and approved by DHHS prior to July 1, 2024 are still on my portal as “approved” products. These include products with no serving size noted, as well as products that have a combined total of more than 10 mg. within a particular package, bottle or jar. A copy of the list of products that are approved by DHHS is attached as Exhibit 1 hereto.

8. As part of the product submission prior to July 1, 2024, the portal did not require HW CBD to identify the amount of THC per “serving size.” It only required that HW CBD identify the number of cannabinoids contained within the product and a certificate of analysis for the product. However, my understanding is that the total cannabinoids was not a precursor for product approval under either the Farm Bill or the Iowa Hemp Act as it existed prior to July 1.

9. Now that the Hemp Amendments are in effect, as part of the post-July 1, 2024 product submission requirements, HW CBD is required to identify the amount of THC (in milligrams) in a serving and per container for the product. There is no longer a requirement to identify the cannabinoids per serving or per container. And there is no definition or guidance on the DHHS portal website as to how to determine “per serving” or “per container” THC information on a product by product basis – or at all, for that matter.

10. I have received no guidance that I am required to resubmit through the portal the products that HW CBD sells, despite what the Defendants' counsel stated at the preliminary injunction hearing.

11. Through my discussions with other hemp retailers, it is my understanding that DHHS has removed products from other retailers' portals, but they have not done so on HW CBD's portal. Some of the products removed on other retailers' or manufacturers' portals still appear as approved on HW CBD's portal website at DHHS.

12. Based on my review of guidance documents provided by DHHS, it appears that DHHS and policymakers do not understand what is being outlawed. For example, on the Iowa's Medical Cannabis Program white paper (found here: <https://publications.iowa.gov/49709/>), DHHS refers to "broad spectrum THC products" and HF 2605. However, broad spectrum products do not have THC in them. Moreover, this document states that "[m]any pediatric patients use a broad-spectrum oral form product that contains less than 4mg THC/serving but may contain greater than 10mg THC/container." However, this is inaccurate because, again, broad spectrum products do not contain THC.

13. It is my understanding that the State, based on its testimony at the July 11, 2024 hearing, does not intend to set "serving sizes." However, that is exactly what the Hemp Amendments are doing when it limits "4mg total THC per serving."

14. Further, most manufacturers make consumable hemp products for a 30-day supply. The Hemp Amendments' 10mg per "container" limit will impact the availability of these previously approved-products, many of which are non-intoxicating (e.g. tinctures, creams). This limitation will harm the consumer because not only does this limit access to these products (because manufacturers are just not making products with the Hemp Amendments specifications)

but it will also cost the consumer more to because they have to buy more just in smaller quantities (for example, for someone who takes 1mg of a THC product per day is now required to buy three 10mg bottles instead of just one 30mg bottle).

15. The lack of guidelines for enforcement is not some speculative assertion. When Iowa first permitted the use and sale of consumable hemp products, it is my understanding that some jurisdictions were inspecting and shutting down stores and confiscating products while other jurisdictions were not taking any action. We are trying to avoid the same situation here, which is very imminent.

16. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of July 2024.



Rick Wagaman

EXHIBIT 1

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CH Portal - Manage Products/Update Food License

SKU	Active	Bra...	Pro...	Status	Pro...	Total ...	Total TH...	City ...	Stat...	Man...	COA
FG-252201	Yes	WYLD CBD	WYLD CB...	Approved	Oral			Clackamas	OR	https://w...	https://wyldc...
69535	Yes	WYLD CBD	WYLD CB...	Approved	Oral			Clackamas	OR	https://w...	https://wyldc...
FG-252202	Yes	WYLD CBD	WYLD CB...	Approved	Oral			Clackamas	OR	https://w...	https://wyldc...
FG-252203	Yes	WYLD CBD	WYLD CB...	Approved	Oral			Clackamas	OR	https://w...	https://wyldc...
RG25	Yes	MuscleMX	MuscleM...	Approved	Edible			Salt Lake ...	UT	https://m...	https://f7s3s...
RG10	Yes	MuscleMX	MuscleM...	Approved	Edible			Salt Lake ...	UT	https://m...	https://f7s3s...
RLC	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
RLM	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
RMC	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
RSC	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
RPS	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
RPOD-100	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
EG10	Yes	MuscleMX	MuscleM...	Approved	Edible			Salt Lake ...	UT	https://m...	https://f7s3s...
EG25	Yes	MuscleMX	MuscleM...	Approved	Edible			Salt Lake ...	UT	https://m...	https://f7s3s...
AMC	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
ASC	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
APS	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
APOD-100	Yes	MuscleMX	MuscleM...	Approved	Topical			Salt Lake ...	UT	https://m...	https://f7s3s...
TN.SPFS.60	Yes	Lazarus	Lazarus ...	Approved	Oral			Portland	OR	https://w...	https://lazar...
GMY.SLP...	Yes	Lazarus	Lazarus ...	Approved	Edible			Portland	OR	https://w...	https://lazar...

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CH Portal - Manage Products/Update Food License

CAP.SLP5...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
CAP.SL50...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
TN.O.FS5...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
TN.O.FS5...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
TN.CBG.I...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
CAP.ENY...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
CAP.ENY...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
CAP.ENY...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
BSTK.REC...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
BSTK.REC...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
BSTK.UN...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
BSTK.UN...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
TN.CBGC...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
TN.O.CB...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
TN.ISO50...	Yes	Lazarus	Lazarus ...	Approved	Oral		Portland	OR	https://w...	https://lazar..
GMY.ENY...	Yes	Lazarus	Lazarus ...	Approved	Edible		Portland	OR	https://w...	https://lazar..
CRM.SKR...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
CRM.BIR...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
LOT.UN2...	Yes	Lazarus	Lazarus ...	Approved	Topical		Portland	OR	https://w...	https://lazar..
MO.O.FS...	Yes	Lazarus	Lazarus -...	Approved	Topical		Portland	OR	https://w...	https://lazar..
SG100.100	Yes	Lazarus	Lazarus -...	Approved	Oral		Portland	OR	https://w...	https://lazar..

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SG100.40	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SG50.40	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SG200.40	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SF50.10	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SG50.200	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SG25.200	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SG25.40	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
SG25.BP10	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
COCO4	Yes	Lazarus	Lazarus -...	Approved	Topical	Portland	OR	https://w...	https://lazar..
BLM.UN5...	Yes	Lazarus	Lazarus -...	Approved	Topical	Portland	OR	https://w...	https://lazar..
TN.FS.SL...	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
TN.FS.SL...	Yes	Lazarus	Lazarus -...	Approved	Oral	Portland	OR	https://w...	https://lazar..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Oral	Janesville	WI	https://w...	https://docu..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Oral	Janesville	WI	https://w...	https://docu..
HWCBD...	Yes	American...	HW CBD ...	Approved	Edible	Janesville	WI	https://w...	https://docu..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Topical	Janesville	WI	https://w...	https://docu..
HWCBD...	Yes	American...	HW CBD ...	Approved	Topical	Janesville	WI	https://w...	https://docu..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Topical	Janesville	WI	https://w...	https://docu..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Topical	Janesville	WI	https://w...	https://docu..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Topical	Janesville	WI	https://w...	https://docu..
HWCBD-...	Yes	American...	HW CBD ...	Approved	Oral	Janesville	WI	https://w...	https://docu..

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CH Portal - Manage Products/Update Food License

HWCBD-...	Yes	American...	HW CBD ...	Approved	Edible	Janesville	WI	https://w...	https://docu...
HWCBD-...	Yes	American...	HW CBD ...	Approved	Edible	Janesville	WI	https://w...	https://docu...
HWCBD-...	Yes	American...	HW CBD ...	Approved	Edible	Janesville	WI	https://w...	https://docu...
HWCBD-...	Yes	American...	HW CBD ...	Approved	Oral	Janesville	WI	https://w...	https://docu...
HWCBD-...	Yes	American...	HW CBD ...	Approved	Oral	Janesville	WI	https://w...	https://docu...
100177	Yes	Green Ro...	Green Ro...	Approved	Oral	Deerfield...	FL	https://gr...	https://labsh...
44116	Yes	Green Ro...	Green Ro...	Approved	Edible	Deerfield...	FL	https://gr...	https://labsh...
101501	Yes	Green Ro...	Green Ro...	Approved	Edible	Deerfield...	FL	https://gr...	https://labsh...
100217	Yes	Green Ro...	Green Ro...	Approved	Oral	Deerfield...	FL	https://gr...	https://labsh...
FGR-331	Yes	Elixinol	Elixinol E...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-320	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://elixin...
FRG-300	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-124	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-329	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
PKP-330	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-128	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-127	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-138	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
PKP-159	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-115	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-116	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...

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CH Portal - Manage Products/Update Food License

FGR-325	Yes	Elixinol	Elixinol D...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-101	Yes	Elixinol	Elixinol - ...	Approved	Topical	Westmin...	CO	https://el...	https://cdn.s...
FGR-134	Yes	Elixinol	Elixinol - ...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-336	Yes	Elixinol	Elixinol - ...	Approved	Edible	Westmin...	CO	https://el...	https://cdn.s...
FGR-119	Yes	Elixinol	Elixinol - ...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-137	Yes	Elixinol	Elixinol - ...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-136	Yes	Elixinol	Elixinol - ...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
FGR-256	Yes	Elixinol	Elixinol - ...	Approved	Oral	Westmin...	CO	https://el...	https://cdn.s...
10148	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10147	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10145	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10144	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10079	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10078	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10070	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10073	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10072	Yes	Charlotte...	Charlotte...	Approved	Oral	Boulder	CO	https://w...	https://www...
10263	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10135	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10086	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10087	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...

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CH Portal - Manage Products/Update Food License

10264	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10136	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10085	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10262	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
10134	Yes	Charlotte...	Charlotte...	Approved	Edible	Louisville	CO	https://w...	https://www...
599906	Yes	CannaCell	CannaCel...	Approved	Topical	Petaluma	CA	https://a...	https://cdn.s...
1552	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1553	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1507	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1528	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1509	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1527	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1506	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1508	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...
1525	Yes	Buddah T...	Buddha T...	Approved	Edible	Carlsbad	CA	https://w...	https://www...

Finish