

EXHIBIT

I

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

HW PREMIUM CBD, LLC,
AJ's HEALTH AND WELLNESS d/b/a
AMERICAN SHAMAN, E. KRIEGER
LAND, LLC d/b/a 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-SMR-SBJ

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 MATHEW MILLER

I, Mathew Miller, 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' Supplement Brief in Support of Their Motion for Preliminary Injunction.

3. As I have previously stated, I am the owner of ICanna, LLC, (“ICanna”) located at 2316 230th Street, Ames, Iowa. ICanna manufactures and sells products that Iowa has defined as “consumable hemp products.” ICanna’s manufacturing and retail operations are both licensed and registered with the Iowa Department of Health and Human Services (“DHHS”).

4. To sell products in Iowa, ICanna is required to upload all products to Iowa’s DHHS Consumable Hemp Registration Portal (“portal”) for the division’s review and approval.

5. Despite not receiving any notice or guidance that ICanna would be required to resubmit for DHHS approval ICanna’s previously approved products, ICanna’s retail entity submitted its products for approval through the portal. I have not received any communication from DHHS regarding the approval of these products.

6. However, on July 1, 2024, my previously approved products remained on the portal as “approved.”

7. As of July 15, 2024, the previously approved products for ICanna’s retail store are no longer visible on the portal. It is my understanding that this means that the products have been removed from the portal, including my previously approved non-THC products. The only visible products are the ones that were submitted on July 1, 2024 that are still pending. *See Exhibit 1.*

8. As of July 15, 2024, ICanna’s manufacturing portal still shows products with more than 10mg per package as “approved.” Yet those same products are removed on my retailer portal.

9. I have previously reached out to DHHS with specific questions about the new laws. Specifically, I inquired of DHHS how to calculate how much THC is in a certain product and whether cannabidiol, or CBN (a derivative of the Cannabis sativa L. plant) would count towards the total amount of THC in a particular product. *See Exhibit 2.* DHHS responded to state

that it would not count CBN in THC and that DHHS will look “closest at compounds that can be intoxicating” and that DHHS does not have “a comprehensive list of what ‘counts’ towards total THC.” *Id.*

10. This response leaves manufacturers like ICanna in a difficult position to understand what is legal under the new Hemp Amendments, and how manufacturers or retailers are supposed to determine how much THC is in a particular serving or container for a product. This response shows that DHHS is targeting only intoxicating cannabinoids, but the law is written much broader to include even non-intoxicating products.

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

Executed this 15th day of June 2024.

A handwritten signature in black ink, appearing to read "Mathew Miller", is written over a horizontal line.

Mathew Miller

EXHIBIT 1

Add new product

Make any necessary edits to products directly on the datatable

SKU	Acti...	Brand...	Product ...	Prod...	Total THC per Serving	Total THC per Container	City ...	S...	Manufa...	COA	
1	TH...	Yes	Happy Can	Black Ch...	Edible	2.5	10.0	Des Moines	IA	https://...	https://...
2	TH...	Yes	Happy Can	Green A...	Edible	2.5	10.0	Des Moines	IA	https://...	https://...
3	TH...	Yes	Happy Can	Waterme...	Edible	2.5	10.0	Des Moines	IA	https://...	https://...
4	TH...	Yes	Happy Can	Black Ch...	Edible	4.0	4.0	Des Moines	IA	https://...	https://...
5	TH...	Yes	Happy Can	Limited E...	Edible	2.5	5.0	Des Moines	IA	https://...	https://...
6	TH...	Yes	Happy Can	Tropical ...	Edible	4.0	4.0	Des Moines	IA	https://...	https://...
7	FT...	Yes	Forgotten Trails	Organic ...	Edible	0.0	0.0	Ames	IA	https://i...	https://...

Approved products in the table below may only be made inactive. No other edits are allowed. Non-Compliant products will not be displayed.

This table currently has no data to display

[← Use Excel File](#)

[Save and Exit](#)

[Submit Product List →](#)

EXHIBIT 2

From: [CannCompliance, IDPH](#)
Sent: Monday, February 19, 2024 1:30 PM
To: matm@icannallc.com
Subject: Consumable Hemp THC Calculation

Hi Matthew,

I had an email forwarded to me last week about THC calculations. We don't have a comprehensive list, but we don't count CBN in THC after doing extensive research and consulting with DIA and other states. As a general guidance, we look closest at compounds that can be intoxicating, although we maintain authority to limit total THC as any isomer, derivative, or analog of THC.

While we don't have a comprehensive list of what "counts" towards total THC, we will always address questions about specific compounds.

Please let me know if you have any questions I can answer!

Thanks!

Bureau of Cannabis Regulation
Division of Compliance
Iowa Department of Health and Human Services
321 E. 12th St, Des Moines IA 50319
877-214-9313

cann.compliance@idph.iowa.gov
[HHS.iowa.gov](https://www.hhs.iowa.gov)



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