

Notice to law enforcement authorities: What is contained within this package might look like marijuana, but it is actually a legal industrial hemp derivative. Recent historic legislation establishes the legality of industrial hemp produced in state pilot agricultural programs. Congress provides the requisite definition for allowable amounts of THC. industrial hemp' means the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis". An important legal distinction also appears in the first sentence of this bill, stating: "Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), chapter 81 of title 41, United States Code, or any other Federal law". The term "notwithstanding" was widely used by the 114th Congress as a way to supersede previous laws that may apply, without going through the process of overturning them. This confirms that hemp cannot be considered "marijuana" under the CSA.

Consolidated Appropriations Act, Sec. 763 (2016) This legislation was the omnibus federal budget for FY2016. According to 7 U.S.C. §5940, the term "industrial hemp" means the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol (Delta-9 THC) concentration of not more than 0.3% on a dry weight basis. Only the Delta-9 THC level is relevant, not Delta-8 THC, this hemp derivative has a Delta-9 THC level well below 0.3% on a dry weight basis and as a derivative, therefore, this derivative is hemp, not marijuana, and is perfectly legal to possess and sell. This right applies in any state pursuant to the Full Faith and Credit Clause, Article VI, Section 1 of the Constitution, the Supremacy Clause, Article VI, Section 2 of the Constitution, and the Equal Protection Clause, Section 1 of the Fourteenth Amendment.

The information provided in this letter does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available within this letter are for general informational purposes only. Information within this letter may not constitute the most up-to-date legal or other information.

Readers of this letter should contact their attorney to obtain advice with respect to any particular legal matter including decisions on what products are, or are not, legal to sell. No reader, user, or browser of our website should act or refrain from acting on the basis of information within this letter without first seeking legal advice from counsel in the relevant jurisdiction. Only your individual attorney can provide assurances that the information contained herein – and your interpretation of it – is applicable or appropriate to your particular situation. Use of, and access to, this website or any of the links or resources contained within the site do not create an attorney-client relationship between the reader, user, or browser and website authors, contributors, contributing law firms, or committee members and their respective employers.

Laws can and may ultimately be up to the interpretation of a court, judge, and/or jury. Law and/or legal enforcement contrary to our interpretation of the legality of Delta 8 THC may occur. You agree that CannaClear LLC, and all associated companies and persons, are not liable for any losses arising from your decision to buy, sell, use, and/or distribute any and all products containing Delta 8 THC.

The views expressed at, or through, this letter are those of the individual authors writing in their individual capacities only – not those of CannaClear LLC as a whole. All liability with respect to actions taken or not taken based on the contents of this site are hereby expressly disclaimed. The content on this posting is provided "as is;" no representations are made that the content is error-free.

