



Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward
Secretary of Agriculture

November 15, 2023

Senator Terry Rice, Co-Chair
Representative Jeff Wardlaw, Co-Chair
Arkansas Legislative Council

Dear Senator Rice and Representative Wardlaw:

Act 629 of the 2023 legislative session amended the law "concerning certain Delta THC substances; to prohibit the growth, processing, sale, transfer, or possession of industrial hemp that contains certain Delta THC substances; to include Delta-8, Delta-9, and Delta-10 THC in the list of schedule VI controlled substances; to declare an emergency and for other purposes."

On September 7, 2023 the United States District Court for the Eastern District of Arkansas, Central Division, issued an order in ongoing litigation enjoining the Defendants, which includes the Arkansas Department of Agriculture and the Arkansas State Plant Board, from enforcing Act 629. This ruling also impacts the Department's actions under Act 565 of the 2021 legislative session.

Pursuant to ACA 25-15-216 (b)(5)(C)(i), an agency shall not be required to appear before the Legislative Council or its appropriate subcommittee if a newly enacted law requiring the new, amended, or repealed rule is the subject of litigation.

Due to the above-mentioned circumstances the Department of Agriculture requests to be excused from the monthly updates on the industrial hemp rule under Act 565 of 2021 and Act 629 of 2023 until the litigation is resolved.

We appreciate your consideration. Please let me know if additional information is needed.

Respectfully,

Wesley W. Ward
Secretary of Agriculture
State of Arkansas