

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

**MELLOW FELLOW FUN, LLC;
TASTY HAZE LLC; THE HUMBLE
HEMP SHACK LLC; and SEEDLESS
GREEN LLC,**

Plaintiffs,

v.

**GOVERNOR KAY IVEY, in her official
capacity; ATTORNEY GENERAL
STEVE MARSHALL, in his official
capacity,**

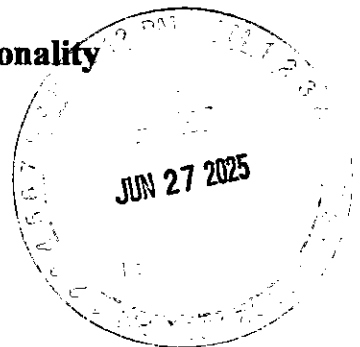
Defendants.

Civil Action No.:

CV 25-279

**Temporary Restraining Order
and Preliminary Injunctive
Relief Requested**

Claim of Unconstitutionality



VERIFIED COMPLAINT

Plaintiffs Mellow Fellow Fun, LLC, Tasty Haze LLC, The Humble Hemp Shack, LLC, and Seedless Green LLC (collectively, “Plaintiffs”), state for their Complaint against Defendants Governor Kay Ivey, in her official capacity, and Attorney General Steve Marshall, in his official capacity, (collectively, “Defendants”) as follows:

INTRODUCTION

1. On May 14, 2025, Governor Ivey signed into law Alabama House Bill 445 (“HB 445”), which provides a regulatory framework for so-called “consumable hemp products,” but restricts the possession, sale, and distribution of certain other hemp products in the state.

2. Alabama passed HB 445 seven years after the federal government enacted the Agriculture Improvement Act of 2018, Pub. L. 115-335 (the “2018 Farm Bill”). The 2018 Farm Bill established a framework for the domestic supply chain of hemp and hemp products in three ways. First, the 2018 Farm Bill decoupled hemp from marijuana under the Controlled Substances Act and exempted hemp-derived tetrahydrocannabinol (“THC”) from its definition. *See* 21 U.S.C. § 802(16)(B)(i). Second, it expanded the definition of “hemp” to include “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.” 7 U.S.C. § 16390(1). And third, it expressly prohibited individual states from interfering with the transportation and shipment of hemp and hemp products through interstate commerce. 7 U.S.C. § 10114.

3. Certain parts of Alabama’s HB 445 are sound public policy that build on the 2018 Farm Bill. For example, HB 445 requires manufacturers of “consumable hemp products” to label their products’ ingredients and provide consumer health warnings. HB 445 also provides the State’s Alcohol Beverage Control Board (“ABC”) the authority to promulgate regulations to administer and enforce the law’s provisions regarding “consumable hemp products,” which become effective January 1, 2026. These measures, among others, provide industry members welcomed guidance and ensure consumer safety.

4. But in its effort to protect its citizens, the Alabama Legislature crafted unconstitutional “exclusions” from the “consumable hemp products” definition that purport to ban the sale and possession of “smokable hemp products” and certain “synthetic hemp products.” These exclusions are found at Ala. Code § 28-12-5(b)(1)-(2) (“Exclusion Provisions”).

5. The Exclusion Provisions suffer from fatal preemption and Commerce Clause issues, as they effectively prohibit manufacturers, sellers, and other industry members, including Plaintiffs, from transporting or shipping federally protected hemp products through Alabama.¹

6. Worse still, the Exclusion Provisions are unconstitutionally vague, because they are so opaque that Plaintiffs and other industry members in Alabama cannot hope to follow them, and law enforcement cannot effectively administer them.

7. Notwithstanding these constitutional issues, the Attorney General’s Office has publicly confirmed that, beginning July 1, 2025, the Exclusion Provisions will be enforced, meaning individuals found in possession of prohibited hemp products—whatever they are—may face prosecution for a Class C felony.

¹ Plaintiffs only seek to enjoin HB 445 to the extent it affects “federally legal” hemp products as defined by the 2018 Farm Bill. That includes all “smokable hemp products” and “synthetic hemp products” that contain a “delta 9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 1639o(1).

8. As a result of HB 445, Plaintiffs are in jeopardy of criminal prosecution for possessing, transporting, or shipping federally protected hemp products in, through and out of, Alabama. Plaintiffs are also left with no clear guidance on what hemp products are banned by the statute.

PARTIES

9. Plaintiff Mellow Fellow Fun, LLC (“Mellow Fellow”) is a Delaware limited liability company that transports and ships federally legal hemp products throughout the United States. As part of its business, Mellow Fellow transports and ships federally legal hemp products through Alabama. HB 445 will ban that business activity beginning July 1, 2025. Mellow Fellow also retails federally legal hemp products to consumers in Alabama.

10. Plaintiff Tasty Haze LLC (“Tasty Haze”) is an Alabama limited liability company that processes, wholesales, and distributes federally legal hemp products in Alabama. As part of its business, Tasty Haze manufactures and sells federally legal hemp products, including hemp capsules, flowers, and teas, that are potentially banned by HB 445 starting July 1, 2025. Tasty Haze’s operations require interstate transportation, as it purchases products from California and other states.

11. Plaintiff The Humble Hemp Shack LLC (“Humble Hemp Shack”) is an Alabama limited liability company that retails federally legal hemp products. As part of its business, Humble Hemp Shack markets and sells federally legal hemp products

that are potentially banned by HB 445 starting July 1, 2025. Humble Hemp Shack operates two hemp stores in Alabama, and it ships federally legal hemp products, including hemp capsules, flowers, and teas, to consumers across the United States, including Alabama.

12. Plaintiff Seedless Green LLC (“Seedless Green”) is an Alabama limited liability company that grows, processes, and retails federally legal hemp products. As part of its business, Seedless Green grows federally legal hemp, which is potentially banned by HB 445 starting July 1, 2025. Seedless Green also purchases bulk material from hemp farmers outside Alabama.

13. Defendant Governor Kay Ivey is charged with the executive authority of the state government for the State of Alabama, including the administration and enforcement of the laws of Alabama. Governor Ivey is sued in her official capacity due to her signing of HB 445 into law and her role as chief executive overseeing law enforcement. *See* Ala. Const. art. V, § 2 (“The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled ‘the governor of the State of Alabama.’”).

14. Defendant Attorney General Steve Marshall is charged with enforcing the laws of Alabama. Attorney General Marshall is sued in his official capacity due to his enforcement responsibilities for HB 445. *See* Ala. Code § 36-15-1 (listing the Alabama Attorney General’s law enforcement responsibilities); *see also* *Lewis v.*

Baxley, 368 F. Supp. 768, 772 (M.D. Ala. 1973) (showing that the Alabama Attorney General is an appropriate defendant when a plaintiff seeks to enjoin enforcement of an unconstitutional state statute).

15. On information and belief, Defendants will each exercise their discretion and legal authority to implement and enforce HB 445 when it goes into effect on July 1, 2025.

16. Plaintiffs intend to seek an emergency temporary restraining order to prevent the enforcement of HB 445 pending the outcome of this litigation.

JURISDICTION AND VENUE

17. “[W]here an officer of the state is a defendant, as in this case, or where an agency of the state is a defendant, venue is proper only in Montgomery County, absent specific statutory authority to the contrary or waiver of objection to venue.” *Ex Parte Neely*, 653 So. 2d 945, 946 (Ala. 1995).

18. The relief sought herein is declaratory and requested pursuant to Ala. Code §§ 6-6-220 through 6-6-232.

FACTUAL ALLEGATIONS

A. Congress Legalizes Hemp Under Federal Law and Protects Its Authority to Regulate Interstate Commerce Involving Hemp

19. For years, hemp and hemp-derived products were illegal under federal law because they were encompassed within the definition of marijuana in Schedule I of the federal Controlled Substances Act.

20. That changed when Congress enacted the 2018 Farm Bill, codified in part at 7 U.S.C. § 1639o(1), and established a framework for a domestic supply chain of hemp and hemp products. A copy of the 2018 Farm Bill is attached in pertinent parts as **Exhibit 1**.

21. The 2018 Farm Bill defined “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.” 7 U.S.C. § 1639o(1).

22. The 2018 Farm Bill also removed “hemp,” as defined, from the definition of marijuana in the Controlled Substances Act, rendering it a federally legal commercial product. *See* 21 U.S.C. § 802(16)(B)(i).

23. After the 2018 Farm Bill, the “only statutory metric” under federal law “for distinguishing controlled marijuana from legal hemp is the delta-9 THC concentration level.” *AK Future LLC v. Boyd St. Distro, LLC*, 35 F.4th 682, 690 (9th Cir. 2022); *see also Anderson v. Diamondback Inv. Grp., LLC*, 117 F.4th 165, 185 (4th Cir. 2024). If a cannabis plant or any of its parts or derivatives has 0.3 percent delta-9 THC, it is a federally legal hemp; if it has greater than 0.3 percent delta-9 THC, it is federally illegal marijuana.

24. To protect the newly minted domestic supply of hemp and hemp products, Congress added a provision to the 2018 Farm Bill prohibiting states from blocking the transportation or shipment of hemp and hemp products that comply with federal law:

SEC. 10114. INTERSTATE COMMERCE.

- (a) **Rule of Construction.** Nothing in this title or an amendment made by this title prohibits the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946 (as added by section 10113)) or hemp products.
- (b) **Transportation of Hemp and Hemp Products.** No State or Indian Tribe shall prohibit the transportation or shipment of hemp or hemp products produced in accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113) through the State or the territory of the Indian Tribe, as applicable.

25. This explicit protection for hemp and hemp products in interstate commerce would be rendered meaningless if individual states, like Alabama, were permitted to criminalize the possession or shipment of hemp and hemp products. Indeed, any law purporting to ban the mere possession of federally legal hemp would frustrate the overarching goal of the 2018 Farm Bill. After all, possession is a necessary predicate to transport and shipment.

26. To be sure, the 2018 Farm Bill did not strip individual states of their authority to regulate hemp production within their own borders or prohibit the intrastate sale of certain hemp products. On the contrary, the Conference Report for

the 2018 Farm Bill provides that “state and Tribal governments are authorized to put more restrictive parameters on the production of hemp.” *See* Conference Report for Agricultural Improvement Act of 2018, p. 737-38. A true and correct copy of the relevant pages from the Conference Report is attached as **Exhibit 2**. States simply may not “alter the definition of hemp,” “put in place policies that are less restrictive,” or interfere with interstate commerce involving hemp. *Id.*

B. Alabama Benefits from the Federal Hemp Regime and Grows Its Own Market

27. Against this backdrop, Alabama passed Senate Bill 225 (“SB 225”) in 2019 to seek federal approval for its state hemp production program, aligning it with the 2018 Farm Bill. SB 225 also descheduled hemp-derived THC under Alabama law. That same year, the Alabama Department of Agriculture and Industries began issuing farming licenses to grow hemp.

28. Since the passage of SB 225, Alabama entrepreneurs, farmers, and small business owners, including Plaintiffs, have led the birth and impressive growth of the hemp industry in the state.

C. Alabama Passes HB 445 and Violates Constitutional Protections With Threats of Enforcement

29. On May 14, 2025, Governor Ivey signed HB 445 into law, finalizing a complete overhaul of Alabama’s hemp industry. *See generally* Ala. Code § 28-12-1, *et seq.* A true and correct copy of HB 445 is attached as **Exhibit 3**.

30. The statute establishes a comprehensive regulatory framework for so-called “consumable hemp products” in Alabama. To that end, HB 445 imposes strict quality, safety, and access controls on “consumable hemp products,” which will be enforced by Alabama’s ABC starting January 1, 2026.

31. Section 28-12-5 defines “consumable hemp product” as “[a] finished product that is intended for human or animal consumption and that contains any part of the hemp plant or any compound, concentrate, extract, isolate, or resin derived from hemp. The term includes, but is not limited to, products that contain cannabinoids.” Thus, any hemp product that falls under this definition is subject to HB 445’s regulatory provisions and will be bound by Alabama ABC’s rules and regulations beginning on January 1, 2026.

32. Although aspects of HB 445 regulate “consumable hemp products” in compliance with the 2018 Farm Bill, the Act improperly criminalizes two categories of hemp products, which affects significant sectors of Alabama’s fledgling hemp industry and will convert dozens of lawful business owners into criminals overnight. The Act does so in Section 28-12-5(b)(1)-(2) by excluding from the definition of “consumable hemp products” (*i.e.*, those that can be lawfully possessed, and sold) the following categories of products:

- (1) The term [consumable hemp product] excludes both of the following, which are strictly prohibited in the state: (1) Any smokable hemp product. Smokable hemp products include, but are not limited to, any plant product or raw hemp material that is

marketed to consumers as hemp cigarettes, hemp cigars, hemp joints, hemp buds, hemp flowers, hemp leaves, ground hemp flowers, or any variation of these terms to include any product that contains a cannabinoid, whether psychoactive or not.

- (2) Any products that contains psychoactive cannabinoids that are created by a chemical synthesis, modification, or chemical conversion from another cannabinoid, utilizing non-cannabis materials. This does not include a cannabinoid produced via decarboxylation of naturally occurring acidic forms of cannabinoids, such as tetrahydrocannabinol acid, into the corresponding neutral cannabinoid, through the use of heat or light, without the use of chemical reagents or catalysts, and that results in no other chemical change.

33. In short, § 28-12-5(b)(1) creates a “smokable hemp ban,” and § 28-12-5(b)(2) creates a “synthetic hemp ban.” If a hemp product is “marketed to consumers” in a way that makes the product appear “smokable,” it is “strictly prohibited in the state.” Likewise, if a hemp product contains psychoactive cannabinoids that are created by a “chemical synthesis, modification, or chemical conversion” as ineptly described in the definition, then it too is “strictly prohibited in the state.”

34. The penalty for violating the “smokable hemp ban” or the “synthetic hemp ban” is severe. According to § 28-12-61, anyone caught selling—or even possessing—a banned hemp product commits a Class C felony, punishable by up to 10 years in prison. And under § 28-12-62, banned hemp products are considered contraband that “may be seized by [ABC] or its agents or by any law enforcement officer of the state without a warrant.”

35. Because the bans concern products excluded from the “consumable hemp product” definition, they presumably go into effect on July 1, 2025, as dictated by § 3 of the statute.

36. Confirming this enforcement date, the Alabama Attorney General’s Office issued a statement notifying the public that the “smokable hemp ban” and the “synthetic hemp ban” will indeed go into effect on July 1. *See* WFSB 12 News Staff, *Alabama AG’s Office Clarifies THC Law Taking Effect in July*, WFSB 12, Jun. 11, 2025, <https://tinyurl.com/3b5c4cta>. According to the Attorney General, “[t]he criminal prohibition on the sale or possession of hemp products specifically excluded from the definition of ‘consumable hemp product’ goes into effect July 1, 2025. Possession or sale of those products on or after July 1, 2025, could subject an individual to prosecution for a Class C felony.” *Id.*

37. Industry members, including Plaintiffs, manufacture, grow, sell, possess, and transport hemp products that satisfy the 2018 Farm Bill’s THC concentration requirements but may violate HB 445’s “smokable hemp ban” and “synthetic hemp ban.” However, they are not quite sure, because § 28-12-5(b)’s definitions are so vague, it’s impossible to tell whether a particular product is included in the statewide bans. As they exist, HB 445’s “smokable hemp ban” and “synthetic hemp ban” fail to provide fair notice of what products are prohibited and

open the door for arbitrary enforcement in violation of the Due Process Clause of the Fourteenth Amendment.

38. Additionally, given that one must possess a thing to transport or ship it, HB 445's ban on mere possession of "smokable hemp products" and "synthetic hemp products," prohibits the transport and shipment of these federally permissible hemp products in, through, and out of Alabama in direct contradiction to § 10114 of the 2018 Farm Bill and the Dormant Commerce Clause. U.S. Const. art. I, § 8, cl. 3.

39. Federal law preempts HB 445's "smokable hemp ban" and "synthetic hemp ban," which conflict with the 2018 Farm Bill under the Supremacy Clause of the United States Constitution. U.S. Const. art. IV, cl. 2.

40. Plaintiffs have been, and will be, harmed by HB 445's "smokable hemp ban" and "synthetic hemp ban" as they are unable to transport, ship, or even possess products that federal law protects. Plaintiffs will also be harmed by the bans because neither they, nor law enforcement, can discern what products are included in HB 445's unconstitutionally vague definitions.

CLAIMS FOR RELIEF

Count I: Declaratory Judgment for Express Preemption Under the 2018 Farm Bill and the Supremacy Clause

41. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

42. An actual and justiciable controversy exists between Plaintiffs and Defendants regarding the lawfulness of HB 445's provisions.

43. The Supremacy Clause gives Congress the authority to preempt state law. *See* U.S. Const. art. VI, cl. 2. One way that Congress can preempt state law is through express preemption. Express preemption "occurs when Congress has manifested its intent to preempt state law explicitly in the language of [a] statute." *Cliff v. Payco Gen. Am. Credits, Inc.*, 363 F.3d 1113, 1122 (11th Cir. 2004). As with any exercise of statutory construction, the touchstone for determining Congress' intent to preempt state law is the statute's "plain wording." *Murphy v. Dulay*, 768 F.3d 1360, 1367 (11th Cir. 2014).

44. The plain wording of the 2018 Farm Bill makes clear Congress' intent to expressly preempt state laws, like HB 445, that criminalize the transport, shipment, and possession of federally legal hemp products. Section 10114 states: "No State or Indian Tribe shall prohibit the transportation or shipment of [federally legal] hemp or hemp products ... through the State or the territory of the Indian Tribe, as applicable." The rule is simple: if a state law prohibits the interstate transportation or interstate shipment of federally legal hemp products, then it is preempted by federal law.

45. HB 445's ban on the possession of "smokable hemp products" and "synthetic hemp products" is expressly preempted by the 2018 Farm Bill. According

to the plain language of HB 445, the “sale or *possession* of a hemp product specifically excluded from the definition of a consumable hemp product is strictly prohibited” and considered a Class C felony, regardless of whether such products meet the federal definition for legal hemp. *See* § 28-12-61(a)-(b) (emphasis added).

46. It is impossible to transport or ship federally legal hemp products in, through, and out of Alabama when mere possession of those products is considered a felony under state law. Indeed, any out-of-state truck driver transporting “smokable hemp products” or “synthetic hemp products” down Interstate 65 in compliance with the 2018 Farm Bill would at the same time be committing a felony in Alabama for possessing it in his cargo. That is not allowed under the 2018 Farm Bill. The same is true for an Alabama farmer who is licensed by the Alabama Department of Agriculture and Industries (“ADAI”) to grow hemp and wishes to ship it to out of state vendors. Regardless of the legality of his actions under federal law, he is potentially a felon under Alabama law.

47. HB 445 places Plaintiffs in jeopardy of criminal prosecution and precludes Plaintiffs from transporting, shipping, or even possessing “smokable hemp products” and “synthetic hemp products” that are federally legal.

48. Pursuant to Ala. Code § 6-6-223, Plaintiffs request a declaration that HB 445’s provisions criminalizing the possession of federally legal “smokable hemp

products” and “synthetic hemp products” and allowing state law enforcement to seize such products violate the 2018 Farm Bill and are preempted by federal law.

Count II: Declaratory Judgment for Violation of the Dormant Commerce Clause

49. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

50. A state law violates the Dormant Commerce Clause if it imposes an “undue burden” on interstate commerce. *Fla. Transp. Servs. v. Miami-Dade County*, 703 F.3d 1230, 1245 (11th Cir. 2012). A law unduly burdens interstate commerce under the *Pike v. Bruce Church, Inc.* balancing test if “the burden on interstate commerce clearly exceeds the local benefits.” *Id.* (quoting *Island Silver & Spice, Inc. v. Islamorada*, 542, F.3d 844, 846 (11th Cir. 2008)).

51. HB 445’s ban on the possession of “smokable hemp products” and “synthetic hemp products” imposes an undue burden on interstate commerce. As discussed above, it is impossible to transport or ship federally legal hemp products in, through, and out of Alabama when mere possession of those products is considered a felony under state law. That “undue burden” on interstate commerce far outweighs any local benefits Alabama receives by imposing the bans. As a result, HB 445’s prohibition on the possession of federally legal “smokable hemp products” and “synthetic hemp products” violates the Dormant Commerce Clause. U.S. Const. art. I, § 8, cl. 3.

52. Plaintiffs have been, and will be, harmed by HB 445's bans, as they are unable possess federally legal "smokable hemp products" and "synthetic hemp products" even if the purpose of the possession is to facilitate transport of the products in, through, and out of Alabama.

53. Pursuant to Ala. Code § 6-6-223, Plaintiffs request a declaration that HB 445's provisions criminalizing the possession of federally legal "smokable hemp products" and "synthetic hemp products" and allowing state law enforcement to seize such products violate the Dormant Commerce Clause.

Count III: Void for Vagueness

54. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

55. The Due Process Clause of the Fourteenth Amendment to the U.S. Constitution prohibits states from enforcing criminal statutes and regulations that are unconstitutionally vague and do not give fair warning of their requirements. *See Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972). "Unconstitutionally vague laws fail to provide 'fair warning' of what the law requires, and they encourage 'arbitrary and discriminatory enforcement' by giving government officials the sole ability to interpret the scope of the law." *United States v. Aggison*, 661 F. Supp. 3d 1305, 1309 (N.D. Ga. 2023) (quoting *Grayned*, 408 U.S. at 108-09). To avoid this constitutional dilemma, the Due Process Clause "insists that laws give

[a] person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.” *Id.*

56. HB 445’s definitions for “smokable hemp products” and “synthetic hemp products” are unconstitutionally vague because they do not provide a person of ordinary intelligence a reasonable opportunity to know what products are prohibited.

57. *First*, the definition of “smokable hemp products” is unconstitutionally vague. The definition seems to suggest that a hemp product capable of being smoked is only banned if it “is marketed to consumers as ...” a smokable product. Ala. Code § 28-12-5(b)(1). This internally confusing definition raises questions that industry participants, like Plaintiffs, cannot answer. For example, are “hemp flowers,” “hemp leaves,” or “ground hemp flowers” mixed with tea leaves and marketed as tea leaves, but capable of being smoked by a customer, considered an illegal “smokable hemp product?” Under HB 445’s language, the answer could be yes, but it’s impossible to tell.

58. *Second*, the definition of “synthetic hemp products” is even more opaque. According to the definition, “[a]ny product that contains psychoactive cannabinoids that are created by a chemical synthesis, modification or chemical conversion from another cannabinoid, utilizing non-cannabis materials” are outlawed in Alabama. Ala. Code § 28-12-5(b)(2). The definition “does not include

a cannabinoid produced via decarboxylation of naturally occurring acidic forms of cannabinoids, such as tetrahydrocannabinol acid, into the corresponding neutral cannabinoid, through the use of heat or light, without the use of chemical reagents or catalysts, and that results in no other chemical change.” *Id.* Like the “smokable hemp ban,” this “synthetic hemp ban” is impossibly vague and raises unanswerable questions. For instance, what does “utilizing non-cannabis materials” mean? Does it mean that the use of any non-cannabis inputs in the synthesis process (*e.g.*, solvents or reagents) is prohibited? Or does the ban only apply to products where the primary molecular building blocks come from non-cannabis sources? The statute does not say, Plaintiffs do not know, and law enforcement surely will not be able to tell what products are included in the ban on July 1.

59. Without additional guidance from ABC or the Alabama Legislature, Plaintiffs and other industry members will be left guessing at what products are covered by HB 445’s “smokable hemp ban” and “synthetic hemp ban.” Yet Plaintiffs and other industry members are exposed to criminal prosecution under HB 445 beginning on July 1 if they possess banned products. In other words, they’ll be felons for merely possessing the inventory that is currently part of their lawful daily operations.

60. Pursuant to Ala. Code § 6-6-223, Plaintiffs request a declaration that HB 445’s provisions criminalizing the possession of federally legal “smokable hemp

products” and “synthetic hemp products” and allowing state law enforcement to seize such products violate the Due Process Clause of the Fourteenth Amendment because they are unconstitutionally vague.

Count IV: Injunctive Relief

61. Plaintiffs allege and incorporate by reference all allegations in the paragraphs above.

62. To obtain a Temporary Restraining Order or Preliminary Injunction, a plaintiff must show: (1) without the preliminary relief, it would suffer immediate and irreparable injury; (2) it has no adequate remedy at law; (3) it has at least a reasonable chance of success on the ultimate merits of its case; and (4) the hardship imposed on the defendant by the preliminary relief would not unreasonably outweigh the benefit accruing to the plaintiff. *Lott v. E. Shore Christian Ctr.*, 908 So. 2d 922, 927 (Ala. 2005).

63. Unless the “smokable hemp ban” and “synthetic hemp ban” provisions in HB 445 are enjoined in their entirety, Plaintiffs are in danger of criminal prosecution and will be deprived of their federally protected right to possess, transport, and ship hemp products starting July 1, 2025. Thus, Plaintiffs would suffer immediate and irreparable injury without preliminary relief.

64. Plaintiffs have no adequate remedy at law and face irreparable harm unless this Court enjoins the provisions of HB 445 as described above. Plaintiffs’

irreparable harm includes rendering their inventory of products potentially banned by HB 445 worthless, exposing them to criminal liability, and inhibiting them from transporting or shipping commodities declared legal under the 2018 Farm Bill.

65. Plaintiffs are likely to succeed on the merits of their challenge to HB 445 given that it openly conflicts with the 2018 Farm Bill and the Supremacy and Commerce Clauses of the United States Constitution and is void for vagueness in violation of the Due Process Clause of the Fourteenth Amendment.

66. The balance of harms weighs in favor of Plaintiffs, as the injunction will not harm Defendants; it will simply place Defendants back into compliance with federal law. It will also maintain the status quo of Plaintiffs operating their businesses in compliance with state and federal law.

67. An injunction is also in the public's interests, as Alabama is not permitted to ignore federal law or criminalize conduct that federal law has declared legal.

68. Plaintiffs are entitled to a temporary restraining order, later to be made a permanent injunction, with respect to the provisions of HB 445 described above.

PRAYER FOR RELIEF

Plaintiffs request that this Court:

1. Set this matter for prompt hearing on Plaintiffs' request for a temporary restraining order;

2. Enter judgment in Plaintiffs' favor and against Defendants;
3. Declare that HB 445's provisions criminalizing the possession of federally legal "smokable hemp products" and "synthetic hemp products" and allowing state law enforcement to seize such products violate the 2018 Farm Bill and are preempted by federal law;
4. Declare that HB 445's provisions criminalizing the possession of federally legal "smokable hemp products" and "synthetic hemp products" and allowing state law enforcement to seize such products violate the Dormant Commerce Clause;
5. Declare that HB 445's provisions criminalizing the possession of federally legal "smokable hemp products" and "synthetic hemp products" and allowing state law enforcement to seize such products violate the Due Process Clause of the Fourteenth Amendment for unconstitutional vagueness;
6. Issue a temporary restraining order or preliminary injunction, later to be made permanent, enjoining Defendants (including other persons in concert or participation with them, including, but not limited to, law enforcement personnel and prosecutors' offices) from enforcing HB 445's provisions in any way that impedes interstate commerce involving federally legal hemp;
7. Issue a temporary restraining order or preliminary injunction, later to be made permanent, enjoining Defendants (including other persons in concert or

participation with them, including, but not limited to, law enforcement personnel and prosecutors' offices) from enforcing HB 445's unconstitutionally vague prohibitions on "smokable hemp products" and "synthetic hemp products" until the ABC or Alabama State Legislature provides additional guidance on what products are included in the prohibitions through regulations or statutory amendment;

8. Award Plaintiffs their costs and attorneys' fees incurred in bringing this action; and

9. Award Plaintiffs all other just and proper relief.

DATED: June 26, 2025

Respectfully submitted,

/s/ Brandon K. Essig
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ATTORNEYS FOR PLAINTIFFS

**PLEASE SERVE DEFENDANTS VIA CERTIFIED MAIL AT THE
FOLLOWING ADDRESSES:**

Governor Kay Ivey
Governor of the State of Alabama
c/o James W. Davis
OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
Montgomery, Alabama 36130-0152

Attorney General Steve Marshall
Attorney General of the State of Alabama
OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
Montgomery, Alabama 36104

VERIFICATION

In accordance with Alabama Rule of Civil Procedure 65(b),
Lee Bryan Mellow Fellow Fun, LLC, being first duly sworn in
 accordance with the law, being informed of and familiar with the facts set forth and
 the statements made in the introduction and paragraphs 1-68 of the foregoing
 verified complaint, which set forth specific facts that immediate and irreparable
 injury, loss, or damage will result, make oath that the foregoing averments are true
 to the best of my knowledge and where stated my information and belief

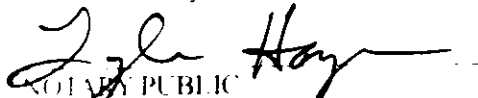
Given under my hand and official seal this 26 day of June, 2025.


 Lee Bryan

STATE OF ALABAMA
 COUNTY OF MONTGOMERY

I, the undersigned authority, a Notary Public in and for said State and
 County, do hereby certify that Lee Bryan, who is known to me,
 acknowledged before me, on this day, that, being informed of the contents of the
 instrument, he has signed, sealed, and delivered the same voluntarily, and with full
 authority for said entity

Given under my hand and official seal this 26th day of June, 2025.


 NOTARY PUBLIC

My Commission Expires 05-21-2028

[SEAL]



VERIFICATION

In accordance with Alabama Rule of Civil Procedure 65(b), Jonathan Roundy, Tasty Haze LLC, being first duly sworn in accordance with the law, being informed of and familiar with the facts set forth and the statements made in the introduction and paragraphs 1-68 of the foregoing verified complaint, which set forth specific facts that immediate and irreparable injury, loss, or damage will result, make oath that the foregoing averments are true to the best of my knowledge and where stated my information and belief.

Given under my hand and official seal this 26 day of June, 2025.

Jonathan Roundy
Jonathan Roundy

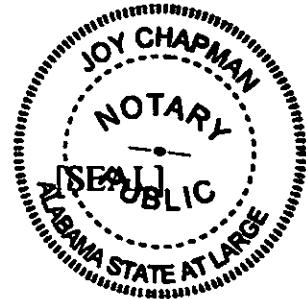
STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, the undersigned authority, a Notary Public in and for said State and County, do hereby certify that Jonathan Roundy, who is known to me, acknowledged before me, on this day, that, being informed of the contents of the instrument, he has signed, sealed, and delivered the same voluntarily, and with full authority for said entity.

Given under my hand and official seal this 26th day of June, 2025.

Joy Chapman
NOTARY PUBLIC

My Commission Expires: 23 May 2028



VERIFICATION

In accordance with Alabama Rule of Civil Procedure 65(b), Kristina Beck, The Humble Hemp Shack LLC, being first duly sworn in accordance with the law, being informed of and familiar with the facts set forth and the statements made in the introduction and paragraphs 1-68 of the foregoing verified complaint, which set forth specific facts that immediate and irreparable injury, loss, or damage will result, make oath that the foregoing averments are true to the best of my knowledge and where stated my information and belief.

Given under my hand and official seal this 26th day of June, 2025.

Kristina Beck
Kristina Beck

STATE OF ALABAMA
COUNTY OF MONTGOMERY

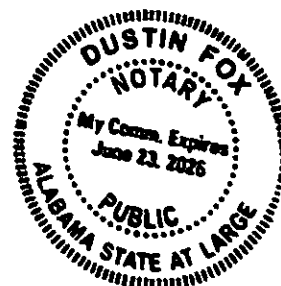
I, the undersigned authority, a Notary Public in and for said State and County, do hereby certify that Kristina Beck, who is known to me, acknowledged before me, on this day, that, being informed of the contents of the instrument, he has signed, sealed, and delivered the same voluntarily, and with full authority for said entity.

Given under my hand and official seal this 26th day of June, 2025.

Dustin Fox
NOTARY PUBLIC

My Commission Expires: June 23, 2026

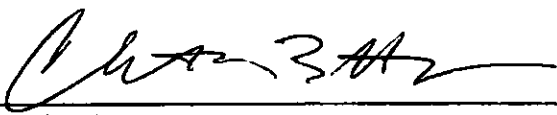
[SEAL]



VERIFICATION

In accordance with Alabama Rule of Civil Procedure 65(b), Christian Butts, Seedless Green LLC, being first duly sworn in accordance with the law, being informed of and familiar with the facts set forth and the statements made in the introduction and paragraphs 1-68 of the foregoing verified complaint, which set forth specific facts that immediate and irreparable injury, loss, or damage will result, make oath that the foregoing averments are true to the best of my knowledge and where stated my information and belief.

Given under my hand and official seal this 26th day of June, 2025.


 Christian Butts

STATE OF ALABAMA
 COUNTY OF MONTGOMERY

I, the undersigned authority, a Notary Public in and for said State and County, do hereby certify that Christian Butts, who is known to me, acknowledged before me, on this day, that, being informed of the contents of the instrument, he has signed, sealed, and delivered the same voluntarily, and with full authority for said entity.

Given under my hand and official seal this 26th day of June, 2025.


 NOTARY PUBLIC

My Commission Expires: 02/15/2028

[SEAL]

