

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO – CIVIL DIVISION**

TITAN LOGISTICS GROUP LLC,
15200 Brookpark Road
Cleveland, OH 44135,

Case No.:

Judge:

and

FUMEE SMOKE AND VAPE, LLC,
7831 Cincinnati-Dayton Road
West Chester, OH 45069.

and

**INVICTA PARTNERS LLC d/b/a/
INVICTA NUTRACEUTICALS**
870 East Crescentville Road
Cincinnati, Ohio 45246

Plaintiffs,

v.

MIKE DEWINE,
*In his official capacity as Governor of the
State of Ohio*
Riffe Center, 30th Floor
77 South High Street
Columbus, Ohio 43215

and

**OHIO DEPARTMENT OF
AGRICULTURE,**
8995 E. Main Street
Reynoldsburg, Ohio 43068

Defendants.

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Plaintiffs Titan Logistics Group LLC, Fumee Smoke & Vape, LLC, and Invicta Partners LLC d/b/a/ Invicta Nutraceuticals, (“Plaintiffs”) hereby move this Court, pursuant to Ohio Civ.R. 65, for a temporary restraining order and preliminary injunction prohibiting Governor Mike

DeWine (“Governor DeWine”) and the Ohio Department of Agriculture (“ODA” and collectively “Defendants”) from implementing and enforcing Executive Order No.2025-05D. The reasons in support of this Motion are set forth more fully in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Jonathan R. Secrest

Jonathan R. Secrest (0075445)

Kevin D. Shimp (0097660)

DICKINSON WRIGHT PLLC

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Counsel for Plaintiffs

MEMORANDUM IN SUPPORT

I. INTRODUCTION

In January 2024, Governor DeWine requested the Legislature take action to regulate the sale of hemp products. In doing so, Governor DeWine admitted he did not have authority to ban or regulate the sale of hemp products and it was a matter for legislative action. Now, because the Legislature has not acted, Governor DeWine took matters into his own hands and unlawfully issued Executive Order No. 2025-05D (the “Executive Order”). *Executive Order attached hereto as Exhibit 1.* Governor DeWine’s actions are a clear usurpation of the Legislature’s power. Further, the Executive Order conflicts with duly enacted statutes that authorize the sale of hemp and hemp products.

II. STATEMENT OF FACTS

Hemp is a lawful product authorized by federal and state law. The 2018 Farm Bill allows products made with delta-9 tetrahydrocannabinol to be classified as hemp – rather than marijuana which remains a controlled substance at the federal level – if it contains a concentration of not more than 0.3 percent of Delta-9 THC. *Compl.* at ¶¶ 7, 8, see also U.S.C. § 1639o(1). Ohio’s lawmakers quickly followed Congress’ lead and adopted the same definition of hemp with the enactment of Senate Bill (“S.B.”) 57 in 2019. (See R.C. 928.01(C)). *Id.* at ¶¶ 9, 10.

However, S.B. 57 did not institute any significant regulation on the sale of hemp products in the Revised Code. That deliberate decision from the Legislature may have caught the attention of Governor DeWine, but personal opposition to a law is insufficient to grant a governor authority to ban a product that Ohio’s Legislature deems lawful. In fact, nearly two years ago, Governor DeWine acknowledged in a press conference that he lacks the authority to ban hemp products. (“I would be very happy to have a ban. This is up to the legislature.” BeMiller, *What is delta-8 THC?*

Gov. Mike DeWine wants to keep Ohio kids from getting 'diet weed', Columbus Dispatch (Jan. 17, 2024); “I cannot do anything without action by the state legislator [sic].” Henry, *Ohio Capital Journal*, *Gov. DeWine supports banning delta-8 products; retailers favor enforcing age restrictions*, (Jan. 19, 2024). *Id.* at ¶ 12.

Despite his initial comments, Governor DeWine issued the Executive Order pursuant to Ohio’s emergency rulemaking authority under Revised Code (“R.C.”) 119.03. *Id.* at ¶ 16. The Procedural Manual of Ohio’s Joint Committee on Agency Rule Review explains the emergency rulemaking power as follows:

The state’s health, safety or welfare may require a rule to be effective immediately. If it is an O.R.C. 119.03 rule, the agency must seek a Governor’s executive order authorizing an emergency rule. The agency is required to file the emergency rule with JCARR, but JCARR has no jurisdiction over the rule. When the emergency rule is filed with JCARR, it is effective for 120 days. If an emergency rule is filed pursuant to O.R.C. 119.03(G)(2), it is effective for 180 days. In most cases the agency will file a non-emergency permanent rule with JCARR about the same time, so when the emergency rule expires a permanent rule can be in place.

Joint Committee on Agency Rule Review, *Procedural Manual* (Oct. 2023 edition), <https://www.jcarr.state.oh.us/assets/files/procedures-manual-10-3-2023-906.pdf>, p. 7 (accessed Oct. 8, 2025). Ironically, Governor DeWine limited his own emergency rulemaking authority under R.C. 119.03(G)(2) when he removed hemp from the controlled substance list by signing S.B. 57 on July 30, 2019.

The Executive Order also comes as the legislature is considering amendments to Ohio’s hemp laws that would either ban most non-marijuana dispensary sales of hemp derived products or regulate them in a manner that will allow traditional retailers to sell hemp products—a clear indicate that regulating the sale of hemp products is a matter for lawmakers. *Id.* at ¶¶ 13, 14. Legislative deliberations on potential hemp reforms have been carefully considered and debated for nearly two years, but the lack of passing legislation does not vest Governor DeWine with the

authority to stand in the shoes of lawmakers and enact his preferred public policy. To allow otherwise would violate longstanding principles of the separation of powers.

III. LAW AND ARGUMENT

A. Legal Standard.

R.C. 2727.02 provides:

A temporary order may be granted restraining an act when it appears by the petition that the plaintiff is entitled to the relief demanded, and such relief, or any part of it, consists in restraining the . . . continuance of such act, the . . . continuance of which, during the litigation, would produce great or irreparable injury to the plaintiff, or when, during the litigation, it appears that the defendant is doing, threatens or is about to do...such act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual.

In determining whether to grant injunctive relief, a court must consider four factors: (1) the likelihood that the applicant will prevail on the merits; (2) a demonstration that the applicant will suffer irreparable injury if the relief is not granted; (3) whether third parties will suffer harm if the injunction is granted, and; (4) whether the public interest will be served if the injunction is granted. *Vanguard Transp. Systems, Inc. v. Edwards Transfer & Storage Co.*, 109 Ohio App.3d 786, 790 (10th Dist. 1996); *Procter & Gamble Co. v. Stoneham*, 140 Ohio App.3d 260, 267 (1st Dist. 2000). Courts recognize that no one factor is determinative. *Toledo Police Patrolman's Assn., Local 10, IUPA, AFL-CIO-CLC, v. Toledo*, 127 Ohio App.3d 450, 469 (6th Dist. 1998). Rather, all of the factors must be balanced before reaching a decision. *Id.*

The overarching goal of injunctive relief is to preserve the status quo pending a final adjudication of a case on its merits. *Yudin v. Knight Indus. Corp.*, 109 Ohio App.3d 437, 439 (6th Dist. 1996); *Procter & Gamble Co.*, 140 Ohio App.3d at 267. The most important function of a temporary restraining order is to serve “as a means of preserving the court’s ability to grant effective, meaningful relief after a determination on the merits.” *Gobel v. Laing*, 12 Ohio App.2d 93, 94 (10th Dist. 1968). A temporary injunction is necessary to preserve the status quo that has

been in effect since 2019 and prevent any actions of the parties from making null and unenforceable a final judgment. *See Gries Sports Ents., Inc. v. Cleveland Browns Football Co.*, 26 Ohio St.3d 15 (1986).

In this case, Plaintiffs’ request for injunctive relief will serve to preserve the status quo—thousands of retailers rely on the sale of hemp products to remain in business, numerous manufacturers and distributors rely on the ability to manufacture and distribute hemp products, and countless consumers rely on hemp products for their therapeutic relief. *Compl.* at ¶ 12. Permitting the Executive Order to take effect will prevent Plaintiffs, and countless others, from having any meaningful remedy. The retailers, manufacturers, and distributors of hemp products employ thousands of workers who will be left without jobs if the Executive Order takes effect.

B. Plaintiffs Satisfy the Requirements for a Temporary Restraining Order and Preliminary Injunctive Relief.

Plaintiffs are entitled to the requested temporary restraining order and a preliminary injunction because: (1) there is a substantial likelihood they will prevail on the merits of its claims; (2) without injunctive relief, Plaintiffs will suffer irreparable harm by losing their businesses; (3) no third-parties will suffer harm; and, (4) the public interest would not be adversely affected by granting the requested relief.

1. Plaintiffs will succeed on the merits of their underlying claims.

a. The Executive Order violates the separation of powers doctrine.

When it enacted S.B. 57, the Legislature clearly signaled its desire to permit the sale of hemp products in Ohio. Indeed, Governor DeWine previously recognized he lacked authority to ban or regulate the sale of hemp products because that was a legislative function. The separation of powers doctrine “represents the constitutional diffusion of power within our tripartite government,” where the legislative power of the state is vested in the General Assembly, the

executive power in the Governor, and the judicial power in the courts. *Norwood v. Horney*, 2006-Ohio-3799, at ¶ 114-15, citing Ohio Constitution, Article II, Section 1; Article III, Section 5; Article IV, Section 1. “ ‘[P]owers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments.’ ” *State v. Bodyke*, 2010-Ohio-2424, ¶ 44, quoting *State ex rel. Bryant v. Akron Metro. Park Dist. of Summit Cty.*, 120 Ohio St. 464, 473 (1929). Here, the Executive Order improperly exercises powers vested with the Legislature. This is particularly so because the Executive Order conflicts with S.B. 57 and R.C. Chapter 928, which implements the bill.

R.C. § 928.01 defines hemp and hemp products:

(C) “Hemp” means 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 three-tenths per cent on a dry weight basis.

(F) “Hemp product” means any product, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, that is made with hemp. “Hemp product” includes cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any other product containing one or more cannabinoids derived from hemp, including cannabidiol.

Currently, Hemp and Hemp Products are legal for sale in Ohio; however, the Executive Order would invalidate large portions of S.B. 57 and R.C. Chapter 928 and now make the sale of such products illegal. The Executive Order states:

WHEREAS, accordingly, there is a need to clearly prohibit the manufacture, distribution, and sale of intoxicating hemp in Ohio by further clarifying in the Ohio Administrative Code that intoxicating hemp is not “hemp” or a “hemp product.” This clarification will not impede the manufacture, distribution, or sale of “hemp” or “hemp product” and does not conflict with Section 928.02(D) of the Ohio Revised Code (ORC)....

Executive Order, p. 2 [emphasis in original]. Nowhere in S.B. 57, the Ohio Revised Code, or the Ohio Administrative Code is there a definition of “intoxicating hemp.” This is a made up term.

Because there is no definition for “intoxicating hemp,” and no means of differentiating “intoxicating hemp” from “hemp products,” retailers and ODA cannot determine what is a “hemp product” and what is “intoxicating hemp.” The Executive Order will therefore operate to ban the sale of all hemp products, despite the Legislature specifically authorizing retailers to sell these products.

The Executive Order authorizes ODA to implement rules that conflict with statutory mandates. Any such rules are invalid. “If an administrative rule exceeds the statutory authority established by the General Assembly, the agency has usurped the legislative function, thereby violating the separation of powers established in the Ohio Constitution.” *McFee v. Nursing Care Mgt. of Am., Inc.*, 126 Ohio St.3d 183, 2010-Ohio-2744, ¶ 24, citing *Burger Brewing Co. v. Thomas*, 42 Ohio St.2d 377, 384-85 (1975). Accordingly, an administrative “rule which conflicts with a statute is invalid.” *Kelly v. Accountancy Bd. of Ohio*, 88 Ohio App.3d 453, 457 (10th Dist.1993), citing *Athens Home Telephone Co. v. Peck*, 158 Ohio St. 557 (1953); see also *Woodbridge Partners Group, Inc. v. Ohio Lottery Comm.*, 99 Ohio App.3d 269, 273 (“It is axiomatic that administrative rules are valid unless they are unreasonable or in clear conflict with the statutory intent of the legislation governing the subject matter.”).

Any rules implemented by ODA prohibiting the sale of hemp or hemp products conflict with the unambiguous language of the statute permitting the sale of hemp products in Ohio. Accordingly, the Executive Order commands ODA to implement and enforce rules that violate the separation of powers doctrine.

b. Governor DeWine lacked a basis to invoke emergency rulemaking.

Governor DeWine purports to invoke emergency rulemaking authority pursuant to R.C. § 3715.74:

WHEREAS, Section 3715.74 of the ORC authorizes the Governor to declare a consumer product emergency if the Governor has a reasonable basis to believe that one or more units of a consumer product have been adulterated and that further sale or use of the consumer product presents a threat to the public health and safety....

Executive Order, p. 2. Products containing hemp, however, are not adulterated. R.C. § 928.02(D) states, “Notwithstanding any other provision of the Revised Code to the contrary, the addition of hemp or a hemp product to any other product does not adulterate that other product.” It is statutory law that products containing “hemp” and “hemp products” are not adulterated; yet, Governor DeWine’s basis for invoking emergency is that these products are adulterated. The Executive Order conflicts with the express terms of the Revised Code and effectively determines all hemp products are adulterated.

2. Absent injunctive relief, Plaintiff will suffer irreparable harm for which there is no adequate remedy at law.

A plaintiff must show actual irreparable harm or the threat of such harm when seeking an injunction. *Solutions v. Hoelzer*, 2009–Ohio–772, ¶ 32 (6th Dist.); *Convergys Corp. v. Tackman*, 2006–Ohio–6616, ¶ 9 (1st Dist.). Irreparable harm is “an injury for which there is no plain, adequate, and complete remedy at law, and for which money damages would be impossible, difficult, or incomplete.” *Columbus v. State*, 2023-Ohio-2858, ¶ 19 (10th Dist.).

Hemp product bans have been shown to irreparably harm businesses. In July 2023, a Virginia law restricting hemp-derived cannabinoid products in the state went into effect. Immediately after the law’s implementation, an August 2023 economic impact study found that the law had a significant and profound negative impact on business that dealt with or sold hemp-derived products: 81.25% of businesses went out of business, soon would go out of business, or moved out of the state within thirty days of the ban taking effect. Beau Whitney, *Virginia Hemp Ban: The Economic Impacts of SB 903*, Whitney Economics (Aug. 30, 2023).

Here, Plaintiffs will not be able to remain in business if the Executive Order goes into effect

because the impact in Virginia will be replicated in Ohio. For example, hemp products make up 25% of Plaintiff Fumee Smoke & Vape, LLC's ("Fumee") sales. *See Fumee Affidavit attached hereto as Exhibit 2*. Any ban on hemp products will require Fumee to immediately terminate 50% of its staff. *Id.* Furthermore, Plaintiff Titan Logistics Group, LLC will be forced to permanently cease its business operations because hemp products account for nearly 100% of its sales. *Titan Affidavit attached hereto as Exhibit 3 at ¶ 7*. "A risk of loss or damage to a business entity qualifies as irreparable harm." *Franks v. Rankin*, 2012-Ohio-1920, ¶ 36 (10th Dist.).

Even if Plaintiffs are somehow able to remain in business, which they will not, they will suffer significant lost revenues. *Titan Affidavit*, ¶ 5. While lost revenues are compensatory damages, Plaintiffs cannot recover those damages from Defendants.

3. No Third Party Will be Harmed by an Injunction.

There is no harm to any third parties if an injunction is granted. To the contrary, numerous consumers of hemp products rely on them for their therapeutic qualities. The VFW recently recognized the potential therapeutic benefits of hemp products for veterans, particularly as an alternative to alcoholic products. Veterans of Foreign Wars, *VFW, Torch Drinks LLC Announce a First-of-its-Kind Alliance to Make THC Beverages Available to Eligible VFW Posts*, <https://www.vfw.org/media-and-events/latest-releases/archives/2025/10/vfw-torch-drinks-llc-announce-a-first-of-its-kind-alliance> (last accessed Oct. 8, 2025). Consumers, such as our veterans, will be deprived of the beneficial use of hemp products if the Executive Order takes effect. For example, Kristen Kamer regularly uses hemp-infused products to treat her anxiety and chronic and undiagnosable health conditions. *Kamer Affidavit attached hereto as Exhibit 4*. Ms. Kamer has suffered daily for years from migraines and unexplainable numbness. *Id.* The only remedy for these debilitating symptoms has been the hemp-infused products she buys at her local vape shop, which has an over 21-year-old requirement to enter the store. *Id.* Since using the

products, her pain and anxiety have decreased dramatically. *Id.* If the Executive Order were to take effect, Ms. Kamer would no longer be able to purchase these products, which would negatively impact her quality of life. *Id.*

4. An Injunction Will Serve the Public Interest.

In January 2024, Governor DeWine admitted he did not have authority to ban the sale of hemp products. In January 2024, Governor DeWine correctly stated that any ban or regulation of the sale of hemp products would have to come from the Legislature. Indeed, Governor DeWine implored the Legislature to act. Now, because the Legislature is still carefully considering and vigorously debating the issue, Governor DeWine took matters into his own hands and unlawfully issued the Executive Order. Governor DeWine's actions are a clear usurpation of the Legislature's power. The public interest will be served by preventing a sitting governor from taking unilateral, unlawful action anytime the Legislature does not timely take action he/she requests.

C. No Bond is Necessary.

Pursuant to Civ.R. 65(C), a bond is generally required to "secure the party enjoined for damages he may sustain, if it is finally decided that the order or injunction should not have been granted. This Court, however, may excuse the posting of a bond if there is no proof of likelihood of harm to the party being enjoined. *Vanguard*, 109 Ohio App.3d at 793 ("A[]s the preliminary injunction merely required [defendant] to refrain from taking actions, which he was already obligated to refrain from doing . . . [defendant] could suffer no additional damages for which bond was necessary[.]"). Here, Plaintiffs request the Court enjoin Defendants from taking unlawful action and preserve the status quo. As such, no bond is necessary.

IV. CONCLUSION

For the reasons set forth herein, Plaintiffs respectfully request this Court issue a temporary restraining order and preliminary injunction restraining Defendants from implementing and enforcing the Executive Order.

Respectfully submitted,

/s/ Jonathan R. Secrest

Jonathan R. Secrest (0075445)

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2025, I electronically filed the foregoing with the Clerk of the Court by using the e-Filing system which will send a notice of electronic filing to all counsel of record.

/s/ Jonathan R. Secrest
Jonathan R. Secrest (0075445)

EXHIBIT 1



MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2025-05D

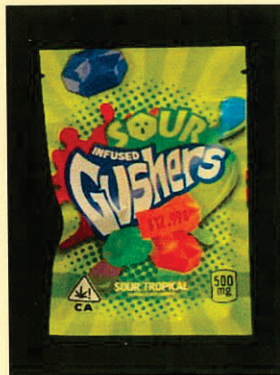
The Emergency Amendment of Rules 901:14-1-01 and 901:14-2-01 of the Ohio Administrative Code by the Ohio Department of Agriculture and Declaration of an Adulterated Consumer Product Emergency

WHEREAS, hemp is a legal, non-intoxicating plant; and

WHEREAS, numerous manufacturers create intoxicating hemp by extracting compounds or creating new compounds from hemp that cause a high or psychoactive effects similar to marijuana; and

WHEREAS, the availability and abuse of intoxicating hemp products are a serious threat to public health and safety; and

WHEREAS, intoxicating hemp is being marketed in stores across Ohio as candy, gummy candy, cookies, and other products that are attractive to children, and the packaging often mimics commercially available candy and cookies; and



WHEREAS, Ohio children are currently legally able to purchase intoxicating hemp products without presenting any form of age-verification or identification; and

WHEREAS, intoxicating hemp products available for sale in Ohio are typically not placed in child-resistant packaging; and

WHEREAS, intoxicating hemp products are currently being advertised and sold in retail establishments across Ohio, including near schools, playgrounds, and churches; and

WHEREAS, there are no mandatory testing protocols in Ohio to ensure the safety of intoxicating hemp; and

WHEREAS, when subject to testing, intoxicating hemp products have been found to contain contaminants such as pesticides, mold, and solvents¹; and

WHEREAS, marijuana typically contains a very small amount of delta-8-THC and a larger amount of delta-9-THC, in contrast intoxicating hemp products contain much larger amounts of delta-8-THC. It is therefore obvious that delta-8-THC poisonings are a result of intoxicating hemp and not marijuana; and

WHEREAS, according to data from Ohio Poison Control Centers, there have been hundreds of reports of intoxicating hemp (delta-8-THC) poisoning in Ohio over the last several years, including reports involving children under the age of six, the majority of whom received emergency care or were hospitalized after ingesting intoxicating hemp; and

WHEREAS, the foregoing demonstrate an immediate need to address the dangers of intoxicating hemp and its serious threat to public health and safety; and

WHEREAS, there is a need to clearly prohibit the manufacture, distribution, and/or sale of intoxicating hemp in Ohio by further clarifying in the Ohio Administrative Code that intoxicating hemp is not “hemp” or a “hemp product.” This clarification will not impede the manufacture, distribution, or sale of “hemp” or a “hemp product” and does not conflict with Section 928.02(D) of the Ohio Revised Code (ORC) because although the addition of “hemp” or a “hemp product” does not adulterate a consumer product, the addition of intoxicating hemp does; and

WHEREAS, Section 928.03 of the ORC authorizes the Ohio Department of Agriculture to adopt rules regarding standards and procedures for the regulation of hemp cultivation and processing; and

WHEREAS, Section 119.03(G) of the ORC authorizes the Governor, on the request of a State agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for one hundred and twenty (120) days; and

¹ See, e.g., Missouri Department of Health and Senior Services, Health Advisory, Health Advisory: Health Risks Associated with Hemp-Derived Intoxicating Cannabinoids (accessed Oct. 8, 2025).

WHEREAS, the Ohio Department of Agriculture has requested a determination whether an emergency exists that requires the amendment of rules 901:14-1-01 and 901:14-2-01 of the Ohio Administrative Code (OAC) on an emergency basis and that would therefore permit the Ohio Department of Agriculture, pursuant to Section 928.03 of the ORC, to immediately amend these rules; and

WHEREAS, Section 3715.74 of the ORC authorizes the Governor to declare an adulterated consumer product emergency if the Governor has a reasonable basis to believe that one or more units of a consumer product have been adulterated and that further sale or use of the consumer product presents a threat to public health and safety; and

WHEREAS, the Ohio Department of Agriculture and the Ohio Department of Health have requested an adulterated consumer product emergency for consumer products containing intoxicating hemp pursuant to ORC 3715.74.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Ohio Department of Agriculture, that an emergency exists requiring the immediate amendment of rules 901:14-1-01 and 901:14-2-01 of the OAC.

I hereby order that the procedures prescribed by Section 119.03 of the ORC with respect to the adoption or amendment of the specified rules be suspended and that the Ohio Department of Agriculture be permitted to amend the rules immediately by filing them electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (JCARR).

I hereby order that this Executive Order be filed in electronic form with the Ohio Department of Agriculture, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

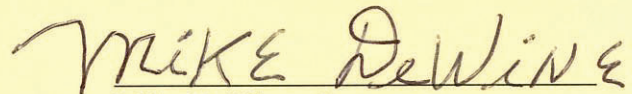
I signed this Executive Order on October 8, 2025, in Columbus, Ohio. This Executive Order will go into effect on October 14, 2025, at 12:01 a.m., and it will expire one hundred and twenty (120) days from the effective date of the emergency rules, or upon the adoption of the rules through the normal JCARR process, whichever is sooner.

FURTHER, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution and laws of the State of Ohio, do hereby order and direct that there is a reasonable basis to believe that intoxicating hemp, as defined in emergency rule 901:14-2-01 of the Ohio Administrative Code, and intoxicating hemp products have been adulterated and that further sale or use of intoxicating hemp and intoxicating hemp products present a threat to the public health and safety. **Pursuant to ORC 3715.74, I hereby declare an adulterated consumer product emergency for consumer products containing intoxicating hemp.** Accordingly, I hereby order and direct:

1. All consumer products containing intoxicating hemp must be removed from public display by all retailers,
2. No consumer products containing intoxicating hemp may be sold or offered for sale during the pendency of this emergency, and
3. Any retailer who possesses consumer products containing intoxicating hemp must segregate these units from other merchandise and dispossess them in a lawful manner, which includes but is not limited to returning them to the manufacturer or supplier, or holding them for disposition by law enforcement officers, officials of the Department of Agriculture, or officials of local health departments.

I hereby direct that this adulterated consumer product emergency order be filed with the Secretary of State, Department of Agriculture, Department of Health, and the State Board of Pharmacy.

This adulterated consumer product emergency order will go into effect on October 14, 2025, at 12:01 a.m., and it will remain in place for ninety (90) days unless modified or terminated by my order. Pursuant to ORC 107.42, this consumer product emergency order will terminate ninety (90) days from the effective date of this order, unless otherwise extended by division (C) of ORC 107.42.


Mike DeWine, Governor



ATTEST:

Frank LaRose, Secretary of State

EXHIBIT 2

COUNTY OF BUTLER

)

) ss:

STATE OF OHIO

)

AFFIDAVIT OF OMAYR DAAS

I, Omayr Daas, after first being duly cautioned and sworn, hereby depose and state as follows:

1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.
2. I am a member of Fumee Smoke & Vape, LLC ("Fumee").
3. I have personal knowledge of Fumee's business operations and sales.
4. Hemp products account for approximately 25% of Fumee's sales.
5. Sales of hemp products result in approximately \$30,000 in retail revenue a month.
6. If a ban on the sale of hemp products goes into effect, Fumee projects needing to almost immediately terminate 50% of its staff.
7. I have reviewed the allegations in the Verified Complaint, and they are true and accurate to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.



Omayr Daas

Sworn to before me, and subscribed in my presence, this 8th day of October 2025.



TABATHA ANDERSON
Notary Public, State of Ohio
My Commission Expires 10/10/2028


EXHIBIT 3

COUNTY OF CUYAHOGA)

) ss:

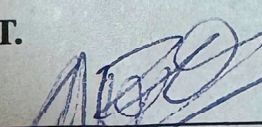
STATE OF OHIO)

AFFIDAVIT WESLEY BRYANT

I, Wesley Bryant, after first being duly cautioned and sworn, hereby depose and state as follows:

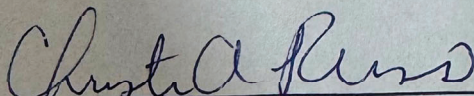
1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.
2. I am the founder and owner of Titan Logistics Group, LLC ("Titan").
3. I have personal knowledge of Titan's business operations and sales.
4. Hemp products account for almost 100% of Titan's sales. This inventory will degrade with approximately \$150,000 of it rendered unusable within the next thirty days.
5. If a ban on the sale of hemp product goes into effect, Titan is projecting a loss of inventory at MSRP of approximately \$2,428,000.
6. If a ban on the sale of hemp product goes into effect, Titan's estimated physical cost and product loss is estimated at \$1,083,500.
7. If a ban on the sale of hemp products goes into effect, Titan will be forced to permanently cease business operations.
8. In addition to Titan ceasing business operations, its creditors will not receive payment on amounts due and owed, which exceed \$150,000.

FURTHER AFFIANT SAYETH NAUGHT.



Wesley Bryant

Sworn to before me, and subscribed in my presence, this 8th day of October 2025.



Notary Public



EXHIBIT 4

COUNTY OF COSHOCTON)
) ss:
STATE OF OHIO)

AFFIDAVIT OF KRISTIN IRENE KAMER

I, Kristin Irene Kamer, after first being duly cautioned and sworn, hereby depose and state as follows:

1. I am over the age of eighteen (18) and I have personal knowledge of the facts set forth in this Affidavit and am competent to testify as to those facts.

2. I am a 54-year old woman residing in Coshocton County, Ohio.

3. For the last several years, I have suffered daily from chronic migraines and nearly daily occurrences of my hands, arms, or legs going numb. This includes occasions of severe pain in my hands, arms, and legs.

4. I have seen several doctors, including a neurologist, and had an MRI that did not reveal any apparent multiple sclerosis or other abnormalities. Unfortunately to date, none of the doctors I have seen have been able to diagnose nor treat my migraines or the repeated numbness and pain in my extremities.

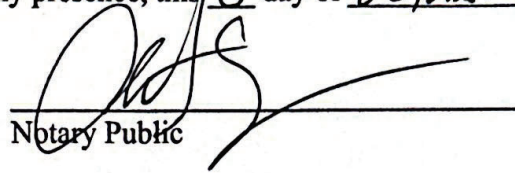
5. I am unable to take prescribed migraine medication as I suffered a T.I.A. from such a prescription about fifteen years ago. I am in near constant pain and take doses of Ibuprofen every several hours. Unfortunately, the normal doses of Ibuprofen are not enough to dull my migraines.

6. Because of my medical issues and the inability to find a diagnosis and adequate treatment, I have severe anxiety and trouble sleeping. For the past two years, I have taken hemp-infused gummies that I purchase twice a month from my local vape shop. The shop has a "over 21" requirement to enter the store and has the hemp gummies behind the counter.

7. The hemp-gummies reduce my anxiety and pain and help me to receive a decent night's sleep. The inability to legally purchase and use the hemp-infused gummies will cause my anxiety to greatly increase, my pain to worsen daily, and I will not be able to soundly sleep. This will negatively impact my quality of life, more than already is occurring.


Kristin Irene Kamer

Sworn to before me, and subscribed in my presence, this 8 day of October, 2025.


Notary Public



Anthony L. Seegers, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.