

**U.S. Department of Justice
Drug Enforcement Administration
Office of Chief Counsel**

Washington, DC 20537

February 7, 2002

Susan Christian, Esquire
Motions Attorney
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
San Francisco, California 94119-3939

Re: Hemp Industries Association, et al. v. Drug Enforcement Agency, et al., No. 01-71662

Dear Ms. Christian:

Thank you for contacting my co-counsel, Rose A. Briceno, United States Department of Justice, and speaking to me afterwards, regarding the above matter. Please accept this letter to memorialize our discussion.

It is my understanding that the Court of Appeals wishes to know whether the Drug Enforcement Administration (DEA) was planning to commence enforcement action while the petitioners' motion for a stay is pending, given that the grace period published in the interim rule ended yesterday (February 6). In view of the Court's inquiry, DEA will extend the grace period (set forth in the interim rule and summarized below) for an additional 40 days, through March 18, 2002. As we discussed, this should allow the Court to rule on the motion prior to the expiration of the grace period. Also as we discussed, respondents will file their written response to the motion by February 15, 2002.

Extension of Grace Period:

On October 9, 2001, DEA published in the Federal Register (66 Fed. Reg. 51,539) an interim rule which exempted from control certain THC-containing industrial products, processed plant materials used to make such products, and animal feed mixtures. With respect to those products that were not exempted from control under the interim rule, DEA provided in the interim rule a 120-day grace period ended February 6, 2002. However, DEA will now extend the grace period for an additional 40 days, under the same terms as previously set forth in the interim rule. Therefore, the terms of the extended grace period are as follows:

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Any person who currently possesses a THC-containing "hemp" product not exempted from control under the October 9, 2001 interim rule has until March 18, 2002 to dispose of such product. However, during this extended grace period (as was the case during the prior grace period), no person may use any THC-containing "hemp" product for human consumption (as defined in the interim rule); nor may any person manufacture or distribute such a product with the intent that it be used for human consumption within the United States.

I will immediately notify opposing counsel and provide them a copy of this letter. In addition, DEA will take the appropriate steps to ensure that the public is notified of the extension of the grace period. Thank you for your attention to this matter.

Sincerely yours,

Daniel Dormont
Senior Attorney
Drug Enforcement Administration

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