

CANNABIS

Supporting an Ever-Changing and Expanding Industry

The cannabis industry has seen dramatic changes over the past decade and is on the cusp of an exciting time. Whether your business includes marijuana or hemp-derived products or whether you service this industry, the rules and regulations are continually evolving at both the state and federal levels as this industry experiences rapid growth.

Buchanan is one of the few national firms that stands ready to assist clients in navigating these changes as a number of states explore legislative changes or ballot initiatives to expand their current regulation of cannabis. We have several prominent locations including 16 offices located in Florida, Pennsylvania, California, Delaware, New York, North Carolina, New Jersey, and Washington, D.C.

Our multidisciplinary attorneys and government relations professionals leverage our deep understanding of the intricate business and legal challenges faced by companies and entrepreneurs in this sector. Our team was specifically designed to deliver tailored solutions to address a wide array of issues, including corporate affairs, regulatory compliance, legislative oversight, labor and employment needs, tax, intellectual property and litigation.

How We Can Help You

Cannabusinesses: From Seed to Sale, Labor, and Beyond

Our Cannabis Industry Group has deep experience with all matters associated with cannabusinesses. A few examples of some of the transactional services we offer include:

- Real estate and land use/zoning issues for growers, processors, distributors, and retailers
- Corporate matters, such as risk evaluation, contracts, mergers and acquisitions, and shareholder agreements
- Tax attorneys that can help guide cannabusinesses through potential classification changes
- Labor and employment matters of every type, including immigration
- Commercial litigation, including product liability, unfair competition, and class action litigation
- Financing, including non-traditional banking structures, venture capital, and private equity

The Regulatory Compliance Puzzle

Our regulatory and administrative law attorneys can provide assistance and guidance on state or local regulations for companies who sell or service cannabis related products, while also considering the impact of the federal government's current prohibition.

We help our clients:

- Assist with state licensing matters and procurement regulations to help clients challenge or defend administrative decisions
- Comply with individual state medical and recreational marijuana laws as well as federal and state agricultural regulations governing hemp
- Navigate restrictions imposed by the Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA)
- Understand FDA and healthcare law, including product warnings and labeling
- Work through investigations, information requests, and subpoenas

Advocating for Your Business and Building Relationships in Government

Counseling you on regulatory compliance is critical. But we don't stop there. To truly support our cannabis industry clients, our government relations teams in Florida, Pennsylvania and Washington, D.C. work on behalf of many businesses and organizations to create support for expansion and growth of this emerging industry among elected officials and staff. We can build the strategic relationships needed to head off opposition to advance the industry's future.

Protecting Your Intellectual Property & Innovations

From developing new strains to fresh thinking in marketing and business practices, cannabis business is all about innovation – innovation that needs to be protected. Few firms have our level of experience protecting agricultural and medical-related intellectual property. Our intellectual property attorneys have experience obtaining U.S. plant patents, which can be used to protect novel strains of cannabis, and obtaining traditional utility patents, which can be used to protect new growing methods and equipment and new medical treatments.

Winning Courthouse Litigation

When we go to trial, we go to win. Should litigation ever become necessary, our attorneys are prepared to defend you and your business in all federal, state, and local jurisdictions, including trial and appellate courts. Our litigation practice is consistently rated Tier 1 National by U.S. News & World Report. We have more than 150 top-flight litigators on board to protect your business.

A Seasoned Team

Our multidisciplinary legal and government relations professionals are consistently recognized and listed in The Best Lawyers in America®. The “Lawyer of the Year” recognition is awarded to individual lawyers with the highest overall peer-feedback for a specific practice area and geographic region. We understand that this industry deserves the experience and knowledge of the top rated attorneys and government relations professionals to help ensure that clients achieve their full potential as the industry experiences the natural growing pains expected under the current changing environments.

OUR TEAM IS DEEPLY ENTRENCHED IN THE INDUSTRY

Buchanan’s Cannabis Law practice has been ranked Nationwide in the Chambers USA since 2019. We are well-positioned within our states and in D.C. to remain at the forefront as the federal government evaluates anticipated changes to classifications in the upcoming year.

Advancing Our Clients’ Goals

Clearing the Way to Capitol Hill for Cannabinoid Drugs

Using relationships with lawmakers on both sides of the aisle, we helped to obtain approval for research protocols from the DEA for investigation cannabis drugs for our pharmaceutical clients, including one that treats epilepsy. We were able to obtain this result due to our deep understanding of medical marijuana laws and our relationships with lawmakers, FDA, and DEA.

Guiding You Through the State Licensing Maze

Each state that has legalized the production and distribution of medical and/or recreational cannabis has its own complex rules and procedures for the licensing of growing, processing and distribution of cannabis products. Our team has worked with clients to obtain cannabis licenses in a number of these states. And as the laws change, we will work to keep our clients in compliance.

Moving Medical Cannabis Research Forward

Research on the medical uses of cannabinoid compounds is expanding rapidly but still requires DEA and FDA approval. We assisted a pharmaceutical company with obtaining research registration from the DEA and FDA to proceed with their investigation of synthetic cannabinoids as a treatment for serious skin diseases. We provided similar assistance to another pharmaceutical company developing next-generation cannabinoid therapeutics for transdermal delivery for patients with severe unmet medical needs.

Helping A Dietary Cannabinoid Producer Stay in Compliance

Our attorneys counseled a leading producer and marketer of dietary cannabinoid ingredients regarding the marketing of its products, including providing advice on the legal status of cannabinoids in hemp derived dietary supplements and their appropriate labeling.

Disclaimer:

Possessing, using, distributing, and/or selling marijuana or marijuana-based products is illegal under federal law, regardless of any state law that may decriminalize such activity under certain circumstances. Although federal enforcement policy may at times defer to states’ laws and not enforce conflicting federal laws, interested businesses and individuals should be aware that compliance with state law in no way assures compliance with federal law, and there is a risk that conflicting federal laws may be enforced in the future. No legal advice we give is intended to provide any guidance or assistance in violating federal law.