Overview

The growth of the cannabis industry necessitates well-informed legal counsel. Solid legal advice is often hard to find given the localized regulation of the field and fast-developing nature of this area of the law. Businesses and insurers operating in this space routinely grapple with the impact of these new regulations on their organizations. Avoiding difficulties – if not disaster – hinges on the intelligent and consistent handling of interrelated governance, commercial, employment, product liability, risk management and coverage issues. Startups in particular face daunting and often unanticipated legal challenges that may undermine otherwise sound business plans.

Wilson Elser’s Cannabis Law practice assists growers, processors, distributors and vendors within the legalized cannabis industry as well as organizations outside the industry impacted by cannabis legalization. Collectively, our attorneys command the experience to tackle the legal issues of greatest importance in this space, such as corporate formation and governance, commercial transactions, product liability, professional liability, labor and employment, intellectual property, licensing and regulatory issues, tax assistance and insurance coverage analysis.

Whether representing business entities, individuals or insurance carriers, we form multidisciplinary teams to deploy those resources best aligned with our clients’ needs. These collaborations frequently spawn innovative resolutions to complex legal problems and generate substantial cost and time efficiencies, as clients need not coordinate the efforts of multiple law firms.

Wilson Elser attorneys are well acquainted with the regulations governing this industry and the policies and politics behind them. We continually monitor regulatory bodies to keep clients current with changes in licensing and regulations lest they unknowingly run afoul of the latest requirements. When necessary, we are quite literally by each client’s side, providing counsel at regulatory hearings.

Legal services provided by the attorneys in our Cannabis Law practice include:

- Business Formation & Governance
- Commercial Transactions
- Regulatory Compliance
- Labor & Employment
- Professional Liability
- Product Liability
- Intellectual Property
- Insurance Coverage
- Tax Assistance
- General Counsel Services

Disclaimer

The possession, distribution and manufacturing of marijuana are illegal under federal law. State law, which may in some jurisdictions decriminalize such activity under certain circumstances, is superseded by federal law. Violation of federal drug laws
carries serious penalties, with the federal government reserving the right to seize and seek civil forfeiture of real or personal property facilitating the sale of marijuana and money or proceeds accruing from such transactions. Although the U.S. Department of Justice has noted that an effective state regulatory system and a marijuana operation's compliance therein should be considered in the exercise of investigative and prosecutorial discretion, its authority to prosecute violations of federal law is not diminished by the passage of state laws that may decriminalize such activity. Law or policy covering this industry may change at any time.