

Cannabis

Barclay Damon's multidisciplinary Cannabis Team represents individuals and organizations participating in or impacted by cannabis operations, including large and small private and public-sector employers, both union and non-union. With a distinguished history of representing businesses in highly regulated fields, Barclay Damon attorneys are exceptionally qualified to counsel clients across the full spectrum of cannabis-related legal issues.

For businesses operating in the emerging and rapidly evolving cannabis industry, access to experienced attorneys is central to navigating the legal complexities affecting the marketplace. Members of Barclay Damon's Cannabis Team understand the multifaceted statutory and regulatory frameworks that impact such businesses. This allows our attorneys to efficiently assist clients in complying with statutory and regulatory requirements.

For clients involved in the cannabis space, we have the capabilities necessary to help businesses establish a reliable foundation for long-term success, and we routinely counsel them as they grow. To provide timely guidance, members of the team monitor legislative developments and industry trends throughout the United States and Canada and promptly report those developments to our clients, enabling them to agilely respond to changes in the legal landscape.

Our Cannabis Team is supported by the following Barclay Damon practice areas:

- Canada-US Cross-Border
- Commercial Litigation
- Corporate
- Environmental
- Health Care
- Health Care & Human Services Providers
- Insurance Coverage & Regulation
- Labor & Employment
- Land Use & Zoning
- Project Development
- Real Estate
- Regulatory
- Tax
- Torts & Products Liability Defense
- Trademarks, Copyrights & IP Transactions
- White Collar

Representative Matters

- Counseled multiple hemp-derived cannabis organizations on corporate structure and capitalization.
- Represented a buyer in the acquisition of property to be used for hemp cultivation and subsequent site development.
- Prepared applications for industrial hemp operations resulting in licensure.
- Counseled hemp-derived businesses on trademark, copyright, and branding matters.
- Prepared and negotiated partnership agreements, shareholder agreements, operating agreements, and joint venture agreements for multiple companies in the hemp industry.

- Advised on security law and related issues when raising funds from investors.
- Represented licensed hemp-derived cannabis operators in regulatory compliance matters and related investigations.
- Assisted hemp companies in negotiations with an information technology provider for proprietary seed-to-sale tracking software.
- Advised financial institutions on hemp-derived cannabis issues and business opportunities and risks under the Farm Act of 2019.
- Counseled multiple clients on employment law issues, including employee drug testing, zero-tolerance drug policies, and compliance with the Americans With Disabilities Act requirements for reasonable accommodations.
- Counseled hemp-derived cannabis clients on zoning and land use matters.
- Assisted a hemp client with nonprofit and campaign finance compliance.
- Advised hemp clients in lease negotiations for commercial and industrial properties and prepared lease agreements on behalf of both cannabis companies and landlords.
- Counseled a hemp client in a landlord-tenant dispute.
- Represented hemp-derived cannabis companies in litigation involving disputes over ownership rights, joint ventures, and development agreements.
- Represented a client through all phases of development for a large-scale greenhouse facility, including securing project incentives, environmental reviews, zoning, permitting, and infrastructure upgrades.
- Prepared supply agreements for industrial hemp farmers and CBD oil extract producers.

Disclaimer: Possessing, using, distributing, or selling marijuana or marijuana-based products is illegal under federal law, even where a state law decriminalizes or legalizes such activities. Compliance with state law does not assure compliance with federal law. Any information on our website or in other written materials is not intended to provide any assistance in violating federal law.

Representative Experience

- Counseled and assisted a client with a supply agreement for biomass.
- Represented a federally recognized tribal sovereign government in preparing, submitting, and securing approval from the USDA on its tribal hemp administration and production plan.
- Led internal and external business and legal teams creating regulatory reports for hemp processing and cultivating clients.
- Assisted a beverage company in obtaining industrial hemp processing and growing licenses for the production of CBD-infused dietary supplement drinks.
- Counseled a client regarding federal agency jurisdiction and interstate commerce in the cannabis industry.
- Counseled and assisted a client on employment law issues, including intellectual property assignments, nondisclosure, noncompetition, and nonsolicitation agreements.
- Assisted with a client's successful application for the regulatory authorization to grow and to process hemp, and counseled the client on internal corporate issues and licensing compliance.
- Assisted a client with relocating and consolidating its separate hemp-based cannabis operations, including environmental diligence for the property acquisition and preparing the client's successful application to the amended regulatory authorization.
- Assisted with a client's successful application for the regulatory authorization of hemp-related activities and advised on all matters pertaining to the organization's start up, staffing, security, operations, and tax issues involved in the business.

- Assisted client in applying for and obtaining registered organization status as one of the first five registered organizations authorized to grow, produce, and distribute in NYS under the NYS Compassionate Care Act. Continuing working on maintaining status and assisting with regulatory compliance. Researched pharmaceutical-grade honey for use in a medical lozenge. Handling facility issues.
- Created a NY LLC that can acquire, possess, manufacture, sell, deliver, transport, distribute, and dispense marijuana for certified medical use.