

Cannabis Law

Overview

Carlton Fields counsels and represents clients who cultivate, process, and dispense cannabis and cannabis products as well as ancillary businesses. Our attorneys are actively representing clients in both the hemp and marijuana industries. We advise cultivators, retailers, manufacturers, and investors in starting, funding, and insuring their businesses while addressing legal and regulatory hurdles faced by cannabis industry entrepreneurs. Some of the services offered to our marijuana industry clients include:

- Participation in the process to create a regulatory structure
- Preparing applications for licensure
- Ensuring ongoing regulatory compliance
- Corporate structuring and governance
- Tax advice, specifically navigating the provisions of Section 280(e)
- Mergers and acquisitions
- Land use assistance for dispensary locations

We have assisted clients in obtaining licenses through both application and litigation in highly regulated markets. We have also helped clients sell their licenses when appropriate. Carlton Fields also counsels clients who do business with companies involved in the legal medical and recreational marijuana industry, including banks and credit unions, real estate firms, landlords, and insurance companies. We advise on:

- All aspects of banking compliance and engagement with prudential regulators and FinCEN regarding cannabis-related businesses and civil regulatory investigations at the state and federal levels.
- Legal and ethical considerations arising from the production, sale, and use of the proceeds of the sale of marijuana, including under 18 U.S.C. § 1956, the federal money laundering statute.
- Issues faced by title insurance companies, lenders, creditors, real estate owners, developers, and investors that negotiate with and insure cannabis-related businesses.

- Land use regulations at the local level regarding the siting of dispensaries, urban farming, and other cannabis-related businesses.
- Labor and employment issues, including developing company policies and restrictions about employees' legal drug use.
- All aspects of tax issues.
- Intellectual property, marketing, and labeling laws.
- Emerging issues related to this evolving industry, including potential antitrust implications.

Our interdisciplinary team combines decades of experience in business, real estate, financial, and insurance litigation and counseling, as well as former federal bank regulators, state and federal drug and narcotics prosecutors, attorneys in health care, tax, IP, First Amendment rights, antitrust and competition law, and employment attorneys. Our professionals serve in various state bar associations' cannabis committees and write and speak on cannabis industry issues regularly. Our attorneys work in states across the country as the hemp and marijuana industries spread nationwide.

Insights

11.12.2020

Ledgers and Law: Roadblocks Facing the Cannabis Industry

08.05.2020

Seventh Circuit Lights the Way for State Regulation of Smokable Hemp

08.03.2020

In the Weeds With the Farm Bill: 7th Circuit Says States Can Regulate Smokable Hemp but Can't Go Too Far

05.15.2020

The Chronicle: American Adult-Use Marijuana Laws - Other Licenses

05.01.2020

Conflict Within the Southern District of Florida: Should the Primary Jurisdiction Doctrine Be Applied to Stay Class Actions Relating to CBD?

04.24.2020

The Chronicle: American Adult-Use Marijuana Laws - Retail Licenses

04.10.2020

The Chronicle: American Adult-Use Marijuana Laws - Health and Safety

04.10.2020

COVID-19 Causes High Uptick in Cannabis Sales, Delays State Regulation

03.25.2020

The Chronicle: American Adult-Use Marijuana Laws - Cultivation Licenses

03.05.2020

The Chronicle: American Adult-Use Marijuana Laws - Licensing

03.02.2020

Canna We Talk Cannabis? Not So Patently Obvious: Patent Infringement in the Cannabis Industry

02.29.2020

THC: To Cap or Not to Cap; That Is the Question

02.19.2020

The Chronicle: American Adult-Use Marijuana Laws - Regulator

02.18.2020

The Chronicle: American Adult-Use Marijuana Laws

02.13.2020

Credit Unions Ask Senate Banking Committee to Make Cannabis Banking Safe

02.12.2020

So You Want to Enter the Cannabis Industry — Antitrust Basics for the New Market Entrant

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So You Want to Enter the Cannabis Industry — Antitrust Basics for the New Market Entrant

02.10.2020

Canna We Talk Cannabis? Cybersecurity Risks Bring Growing Pains to Cannabis Businesses

01.08.2020

Court Stays CBD Class Action Until FDA Rolls Out Regulation

01.07.2020

House Members Strongly Urge Senate Banking Committee to Make “Legal” Cannabis SAFE for Banking

12.31.2019

EU Court Rules Cannabis Trademark Unregistrable as Contrary to Public Policy

12.12.2019

Are Bank Regulators "Mellowing Out" on Cannabis?

11.26.2019

How to Protect Your Brand From Counterfeiters

11.05.2019

Is Cannabis Banking Safe Yet? It's a Definite, Maybe

10.18.2019

Cannabis Companies - Don't Let Your Valuable Trade Secrets Go Up in Smoke

10.10.2019

Cannabis Consumer Class Actions: The Implicit and Indispensable Ascertainability Requirement

08.30.2019

Mexico to Issue Regulations Governing Medicinal Cannabis Use

08.27.2019

National Credit Union Administration Gives Credit Unions the Green Light to Serve Lawfully Operating Hemp Businesses

08.27.2019

National Credit Union Administration Gives Credit Unions the Green Light to Serve Lawfully Operating Businesses

08.22.2019

You Can Transport Hemp Across State Lines, But State Governments May Object

08.20.2019

Five Federal Financial Agency Heads Issue Letters Regarding Provision of Financial Services to the Hemp Industry

08.06.2019

Canna We Talk Cannabis? Emerging Topics in Cannabis Law

08.01.2019

CBD Health Claims Spur FDA Warning & Product Seizure Threats

Cannabis Industry Journal

07.22.2019

Global Protection For Cannabis Trademarks: Real Or Smoke And Mirrors?

Innovate Magazine

07.16.2019

How Half-Baked Labels Can Destroy a Cannabis Business

Cannabis Industry Journal

07.10.2019

Florigrown v. DOH: Florida's Vertical Integration Requirement for Medical Marijuana Licensees Held Unconstitutional

05.14.2019

Cannabis Real Estate Lease and Risk Management Considerations

C-Suite Quarterly Magazine

05.03.2019

Florida Hemp: Is Green the New Orange?

04.17.2019

Senate Follows House Seeking to Make Cannabis Banking "S.A.F.E."

04.01.2019

Is Cannabis Banking "SAFE"? Marijuana and Its Secure and Fair Enforcement

Our Team

Key Contacts



Brad S. Markoff

SHAREHOLDER

Additional Members



David P. Burke

SHAREHOLDER

Tampa

☎ 813.229.4207



Siena Carnevale

ASSOCIATE

New Jersey

☎ 973.828.2616



Richard A. Denmon

SHAREHOLDER

Tampa

☎ 813.229.4219



Aaron C. Dunlap

SHAREHOLDER

Tallahassee

☎ 850.425.3395



Kevin A. Foreman

ASSOCIATE

Washington, D.C.

📞 [202.965.8174](tel:202.965.8174)



Simon A. Gaugush

SHAREHOLDER

Tampa

📞 [813.229.4227](tel:813.229.4227)



Merrick L. Gross

SHAREHOLDER

Miami

☎ 305.530.4046



Heather M. Jonczak

SHAREHOLDER

Miami

☎ 305.539.7242



William Mark Levinson

SHAREHOLDER

Los Angeles

☎ 310.843.6336



Jin Liu

SHAREHOLDER

Tampa

☎ 813.229.4209



Kevin P. McCoy

SHAREHOLDER

Tampa

☎ 813.229.4272



Haroon N. Mian

ASSOCIATE

New York

☎ 212.380.9589



Dean A. Morande

SHAREHOLDER

West Palm Beach

☎ 561.650.8014



Mark A. Neubauer

SHAREHOLDER

Los Angeles

☎ 310.843.6310



Edward J. Page

SHAREHOLDER

Tampa

📞 813.229.4308



Scott P. Pence

SHAREHOLDER

Tampa

📞 813.229.4322



Rahul P. Ranadive

SHAREHOLDER

Miami

📞 305.539.7237



Alan Rosenthal

SHAREHOLDER

Miami

📞 305.539.7301



Madelyn Spatt Shulman

OF COUNSEL

New York

☎ [212.785.8048](tel:212.785.8048)



Christopher Smart

SHAREHOLDER

Tampa

☎ [813.229.4142](tel:813.229.4142)



Benjamin E. Stearns

OF COUNSEL

Tallahassee

☎ 850.425.3383



Nora A. Valenza-Frost

OF COUNSEL

New York

☎ 212.380.9631



Barry Leigh Weissman

SHAREHOLDER

Los Angeles

📞 310.843.6322



Michael G. Zilber

ASSOCIATE

Miami

📞 305.530.4058

Related Capabilities

Practices

- Banking, Commercial, and Consumer Finance
- Administrative Litigation and Appeals
- Antitrust and Trade Regulation
- Business Transactions
- Corporate Law and Governance
- Employee Benefits, Compensation & ERISA
- Government Affairs and Lobbying
- Government Law & Consulting

Industries

- Banking, Commercial, and Consumer Finance
- Securities & Investment Companies

- Intellectual Property
- Labor & Employment
- Mergers and Acquisitions
- Private Equity and Venture Capital
- Public and Private Offerings
- SEC Enforcement
- Tax
- White Collar Crime & Government Investigations