

# 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

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08.05.2020

Seventh Circuit Lights the Way for State Regulation of Smokable Hemp

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08.03.2020

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

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05.15.2020

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

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05.01.2020

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

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04.24.2020

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

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04.10.2020

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

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04.10.2020

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

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03.25.2020

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

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03.05.2020

The Chronicle: American Adult-Use Marijuana Laws - Licensing

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03.02.2020

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

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02.29.2020

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

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02.19.2020

The Chronicle: American Adult-Use Marijuana Laws - Regulator

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02.18.2020

The Chronicle: American Adult-Use Marijuana Laws

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02.13.2020

Credit Unions Ask Senate Banking Committee to Make Cannabis Banking Safe

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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

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02.10.2020

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

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01.08.2020

Court Stays CBD Class Action Until FDA Rolls Out Regulation

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01.07.2020

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

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12.31.2019

EU Court Rules Cannabis Trademark Unregistrable as Contrary to Public Policy

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12.12.2019

Are Bank Regulators "Mellowing Out" on Cannabis?

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11.26.2019

How to Protect Your Brand From Counterfeiters

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11.05.2019

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

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10.18.2019

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

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10.10.2019

Cannabis Consumer Class Actions: The Implicit and Indispensable Ascertainability Requirement

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08.30.2019

Mexico to Issue Regulations Governing Medicinal Cannabis Use

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08.27.2019

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

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08.27.2019

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

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08.22.2019

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

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08.20.2019

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

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08.06.2019

Canna We Talk Cannabis? Emerging Topics in Cannabis Law

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08.01.2019

CBD Health Claims Spur FDA Warning & Product Seizure Threats

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07.22.2019

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

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07.16.2019

How Half-Baked Labels Can Destroy a Cannabis Business

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07.10.2019

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

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05.14.2019

Cannabis Real Estate Lease and Risk Management Considerations

*C-Suite Quarterly Magazine*

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05.03.2019

Florida Hemp: Is Green the New Orange?

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04.17.2019

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

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04.01.2019

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

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## Our Team

## Key Contacts



Brad S. Markoff  
SHAREHOLDER

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## 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



Simon A. Gaugush

SHAREHOLDER

---

Tampa

☎ 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



Christopher Smart

SHAREHOLDER

---

Tampa

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

## Related Industries

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