

Cannabis & Industrial Hemp

Cannabis and industrial hemp are emerging industries that are quickly gaining mainstream market share. The stakes are high. As nationally respected practitioners across multiple practice areas, including corporate and regulatory law, local, state and federal government relations, natural resources, land use, real estate, litigation, employment and intellectual property, we draw on our firsthand knowledge to minimize risk and deliver comprehensive solutions for the full spectrum of clients in this space, both those directly touching the plant and those tangential to the industry or impacted by it.

Our team is at the forefront of cannabis and hemp policy in state legislatures across the country and in Washington, D.C. We help shape the legislative policies and regulatory framework for these industries from the ground up. We also possess decades of unmatched experience at the front lines of land use, real estate and water law representing agricultural interests in the top cultivation and retail markets of Southern California, the Central Coast, the Central Valley, Colorado and Nevada. We develop innovative strategies, seize opportunities and know how to reach stakeholders across the industry.

Our multidisciplinary approach and network of connections are far-reaching across all segments of the cannabis, industrial hemp and CBD industries. We understand the urgency businesses and investors face at all stages: from site acquisition and due diligence, to business formation, banking and protecting one's competitive advantage, to state and local regulatory compliance and approval, to bringing product to market.

Representative Matters

- Counsel to Cadiz, Inc. in establishing a joint venture with Glass House Farms. The joint venture, doing business as SoCal Hemp Co, has the potential to be the largest vertically integrated, commercial hemp operation in the state of California. SoCal Hemp cultivates organic, sun-grown hemp and hemp-derived products, including CBD, on up to 9,600 acres at the Cadiz Ranch in San Bernardino County.
- Advised a major Las Vegas casino regarding policy implications of marijuana legalization with respect to employees and guests, and modified policies accordingly.
- Regulatory and compliance counsel for a major Las Vegas hotel and casino to ensure the resort's policies related to guest and employee consumption of medical and recreational cannabis are consistent with all applicable Nevada laws and regulations.
- Regulatory counsel to the Florida Trucking Association related to medical cannabis and legalization's impact on its drivers and member companies.
- Provided risk assessment and advised on lease restrictions for prospective tenant selling hemp-derived CBD products.
- Counsel to Dixie Brands, Inc. related to its CBD, medical cannabis, and recreational cannabis product lines.
- Land use litigation counsel for a cannabis company's challenge to the City of Santa Barbara's denial of application for a retail cannabis license for intended downtown Santa Barbara storefront. The litigation alleges that the City was arbitrary and capricious in the application of its ordinance, including its application of the buffer requirement, its scoring of applicants, and its denial of an opportunity to appeal the staff level decision to the City Council.
- Handled UCC Financial Statement filings on behalf of cannabis business.
- Federal lobbying representation for the Cannabis Trade Federation (CTF), the largest cannabis trade association in the country. Representation includes strategic counsel to CTF's efforts to pass the STATES Act and SAFE Banking Act to remedy the incongruity between state and federal law on cannabis, including protections for financial services institutions that provide banking services for legal cannabis-related businesses and providing federal protections to cannabis businesses that are in compliance with state law.

- Trademark counseling and prosecution for California companies that design and sell smoking devices and other goods relating to the cannabis industry.
- Represent an international company that provides cannabis infused food and drink products in California Prop 65 litigation.
- Represents shareholder of a hemp growing operation in a shareholder dispute.
- Representing a cannabis company in litigation with an industry consultant related to breach of representations and competencies with more than \$5 million at issue.
- Regulatory counsel to the City of Henderson, Nevada, as they transitioned their medical marijuana program to include recreational marijuana following the legalization by ballot initiative for adult use.
- Brownstein is providing land use and cannabis permitting counsel to a cannabis cultivator, working through the County of Santa Barbara Coastal Development Permit process for existing greenhouses, including abandonment of unpermitted greenhouses and improvement of existing greenhouses for growing cannabis and plant processing.
- Defend cannabis cultivator against neighbor appeal of an approved County land use permit for outdoor cannabis cultivation.
- Trademark counseling, brand protection and prosecution for a large, vertically-integrated medicinal and recreational cannabis cultivation, production and distribution company in Nevada.
- Representing significant cannabis agriculture company in bet the company litigation involving nuanced aspects of the California Corporations Code combined with cannabis licensing related issues.
- Brownstein is providing land use and cannabis permitting counsel to a large Central Coast cultivator, including working through the County of Santa Barbara Development Plan and Coastal Development Permit process for existing greenhouses and expansion or replacement of existing structures for cannabis cultivation, processing and extraction.
- Strategic brand development and trademark portfolio management for Dixie Brands Inc, a leading developer of THC-infused products.
- Brownstein represents the Nevada Dispensary Association before the Nevada Legislature and Nevada's Executive Branch. Our government relations team works collaboratively with the Association to identify, in their infancy, issues that negatively or positively impact the Association's interests and implement an appropriate strategy for each issue.
- Regulatory and compliance counsel for large regional bank related to hemp-related business and service providers deposit accounts.
- Counsel to a large global alcohol company seeking regulatory and compliance guidance on cannabis laws in the United States and how cannabis laws interface with state and federal alcohol licensing.
- Represents lending institution in preparing policies for real estate secured loans where the tenant is a CBD manufacturer.

News & Events

- Brownstein Forms Cannabis and Industrial Hemp Industry Group

Publications

- Brand Strategy 101: Developing, Clearing and Protecting Cannabis Trademarks
- Cannabis Policy Update (December 2018)
- Colorado Bills that Could Affect Development in 2019

Meet The Team

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