

# LAW WEEK COLORADO



## Melissa Kuipers Blake *Brownstein Hyatt Farber Schreck*

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# LAWYERS OF THE YEAR

### DOUG CHARTIER LAW WEEK COLORADO

A lot of lawyers find themselves practicing in an area they’d never have dreamed of being in when they first joined the bar. Case in point, Melissa Kuipers Blake: She and the people around her hardly predicted she’d make a career out of helping shape state and federal marijuana policy.

“My parents are Southern Baptists who still don’t quite understand that I’m actually making a living working in cannabis,” she said.

Kuipers Blake, who co-chairs Brownstein’s cannabis and industrial hemp practice group, calls cannabis “the most aggressive, exciting, dynamic practice area I’ve ever served in politics.” She said marijuana is a “hugely important product to consumers” with growing voter support despite its federally illegal status.

That tension fascinated her about cannabis policy when she first got involved in it seven years ago, and her marijuana business clients’ unique position imbues her practice with a sense of purpose.

“To have companies that are existing ... throughout the country in fear of federal prosecution simply for going to work — that’s an energy I can get behind, to try and fix that for those individuals,” Kuipers Blake said, “and to say, ‘If you’re compliant with state law, you don’t deserve to be in fear of federal law or federal incarceration simply by following what the state law says.’”

Kuipers Blake has worked in politics since she was a page for Charlie Crist, then a Florida

Republican State Senator, more than 20 years ago. But government relations work takes on a different spin when it’s for a product wholly prohibited by the federal government and 11 states. Even as that latter number was ticking down years ago, many lawmakers still had walls up when Kuipers Blake approached them for support on pro-cannabis measures.

“With cannabis, it’s either ‘I don’t like the products and I’ve been told to vote No for the last 25 years with the War on Drugs,’” Kuipers Blake said. “Or it’s ‘I don’t really know anything about it, I don’t want to know anything about it, so why are you in my office?’”

But in 2019, Kuipers Blake has continued to see the tide turn for cannabis, and some of those reluctant legislators are starting to return more calls and even invite her and her team to their offices in Washington.

One of cannabis’ biggest milestones in Congress this year was the passage of the Secure and Fair Enforcement (or SAFE) Banking Act out of the House of Representatives. The bill wouldn’t federally legalize marijuana in any way, but it would create a safe harbor for financial institutions to do business with marijuana-related businesses without punishment from federal banking regulators. Kuipers Blake, who worked on pushing the bill, said the SAFE Banking Act would allow more marijuana businesses to “operate in the light” by accessing larger banking systems rather than being limited to the few local credit unions that are less involved in interstate commerce and willing to take the risk.

In 2019, the SAFE Banking Act had been

reintroduced for the seventh time, and it became a “really aggressive political vehicle” in Washington when the Democrats assumed the House majority last year. The challenge was to temper the excitement around the bill’s momentum and avoid packing so much marijuana reform into it that it would be unpalatable to the Republican-controlled Senate. “That was the balancing act ... that we had to do to get it out of the House,” Kuipers Blake said.

Kuipers Blake also worked with Colorado Sen. Cory Gardner on this year’s iteration of the STATES Act. She said the bill is “beautiful in its simplicity,” leaving cannabis on Schedule One under the Controlled Substances Act but exempting people from the CSA’s marijuana enforcement if they’re compliant with state law where the drug is legal.

That language gives lawmakers room to support the STATES Act as a states’ rights issue, and it leaves the situation unchanged for states where marijuana remains illegal, Kuipers Blake said.

While there’s some bipartisan momentum behind the STATES Act, it still faces hurdles in the form of reluctant Republicans. “A lot of Republicans will tell you, ‘I believe a lot in states’ rights, and I think the way this bill is drafted makes a lot of sense, but I’m just not ready to vote on a cannabis bill yet,’” she said. “That’s the precipice we’re standing on.”

When it comes to standing out in the field of cannabis law — an increasingly crowded field in Colorado — it helps to be an early adopter. Kuipers Blake draws upon her experience working in marijuana policy dating back before the Amend-

ment 64 became effective in Colorado.

“It’s just a matter of continuing to build expertise and credibility, and certainly being a part of the political process and shaping federal law gives clients a lot of comfort,” she said.

Knowing the industry players also helps, she said. For businesses, politics can be a key factor in securing cannabis business licenses from states, and from local governments even more so. Having “a broad perspective on cannabis, ranging from political to legal to regulatory, gives clients the comfort they need” to operate in a “highly regulated, somewhat scary space,” Kuipers Blake said.

While her niche of legal work doesn’t seem to spring naturally from her Southern military upbringing, her main nonprofit work does. Kuipers Blake is the founder and CEO of Baking for the Troops, a nonprofit that prepares and sends care packages of baked goods to military members deployed overseas.

She’d started out baking cookies and brownies for friends serving abroad to give them “a taste of home,” and 10 years ago, she’d mobilized enough friends and family in the care package effort that she decided to make it a formal organization.

Baking for the Troops recently held its biggest annual event, a holiday bake with about 50 volunteers, using Epicurean Catering’s kitchen at Mile High Stadium and putting together care packages for hundreds of service members.

“It’s just been this beautiful trajectory of a passion,” Kuipers Blake said. •

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