

Troutman Pepper Cannabis Communications Newsletter — December 12, 2023

WRITTEN BY

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Troutman Pepper's Cannabis Practice helps clients throughout their business cycle enter or expand into the cannabis space. Our team combines the resources of attorneys in areas such as licensing and taxation, regulatory compliance, corporate and transactional, intellectual property, and real estate, among others, to provide comprehensive services.

Our Cannabis Practice provides advice on issues related to applicable federal and state law. Marijuana remains an illegal controlled substance under federal law.

CANNABIS REGULATORY UPDATES

WHEN GREEN GOES UP IN SMOKE: UNRAVELING THE POWER TUSSLE BETWEEN STATE AND LOCAL AUTHORITIES IN MARIJUANA REGULATION

By Jean Smith-Gonnell and [Dascher Pasco](#)

Recently, the City of Denver's Department of Public Health and Environment (DDPHE) ordered, among other things, the destruction of Titan Health LLC's (Titan Health) marijuana plants that it deemed to "hav[e] evidence of spider mite influx." Titan Health appealed the DDPHE's Notice of Violation (NOV), not only due to the lack of evidence warranting such an extreme remedy, but also because the NOV exceeded the City of Denver's authority.^[1] In fact, according to Titan Health, Colorado state law specifically preempted the NOV. While the merits of the appeal were not ultimately heard, this case exemplifies the importance of understanding state preemption and the limitations placed on localities' authority.

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HHS RELEASES HIGHLY REDACTED RESCHEDULING LETTER TO DEA: AN ANALYSIS OF EXEMPTION 5 TO FOIA

By [Agustin Rodriguez](#), [Stephen C. Piepgrass](#), Jean Smith-Gonnell, and [Cole White](#)

The principle of open government is foundational to a healthy democracy, and the availability of government records upon request from the public is one of its chief cornerstones. In the U.S., the primary mechanism by which the public gains access to government records is the Freedom of Information Act (FOIA).^[1] FOIA serves as a pivotal tool for ensuring governmental transparency by allowing the public to make requests to governmental

entities to access specific government records.

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GEORGIA'S MEDICAL MARIJUANA PROGRAM: DEA BUSTS THE LOW-DOSE THC PARTY BEFORE IT STARTS

By Jean Smith-Gonnell, [Agustin Rodriguez](#), and [Carmen Williams](#)

Despite the federal ban on the sale, use, and possession of cannabis in the U.S., in October, Georgia became the first U.S. state to allow pharmacies to sell low-dose tetrahydrocannabinol (THC) products. Pursuant to statutes passed by the Georgia General Assembly in 2019, certain Georgia pharmacies approved by the Georgia Board of Pharmacy, are permitted to sell low-dose THC products containing up to 5% THC, the intoxicating component found in the cannabis plant. The 5% cap is far lower than the allowable THC levels in most states.

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REGULATORY OVERSIGHT PODCAST

BUDDING REGULATIONS: NAVIGATING THE CANNABIS REGULATORY LANDSCAPE

By [Stephen C. Piepgrass](#), Jean Smith-Gonnell, and [Cole White](#)

In the latest episode of *Regulatory Oversight*, Troutman Pepper RISE attorneys Jean Gonnell and Cole White are joined by AGA's Bruce Turcott, legal editor of the *Cannabis Law Deskbook*, to discuss the evolution of cannabis regulation in Colorado and Washington, the first two states to legalize marijuana. They discuss the challenges and successes of implementing cannabis laws, including the development of licensing systems, the impact of local authority on licensing, and the role of receiverships in the industry.

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