

Troutman Pepper Cannabis Communications Newsletter — November 14, 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.

SAVE THE DATE

Cannabis Law: From Licensing to Operations (CLE)

Date: Tuesday, December 5, 12:00 – 1:30 p.m. ET

Location: Virtual

More details coming soon

CANNABIS + TRADEMARKS

HIGH STAKES: EIGHT TIPS (AND ONE BONUS) FOR CANNABIS PROFESSIONALS ON THE BUDDING WORLD OF TRADEMARKS

By [Michael Hobbs](#), [Jean Smith-Gonnell](#), and [Brooke Watson](#)

Apologies for the cannabis puns in the title, but they are required by law. Okay, you are correct. That is not true. But it is true that trademark protection is important for individuals in the cannabis industry. Earlier this month, Ohio became the 24th state in the U.S. to legalize recreational marijuana. As more states pass laws to legalize marijuana, the conversation returns to the likelihood that Americans might see a law with nationwide reach. A federally applicable law (or lack thereof) becomes significant in the context of obtaining a trademark registration for cannabis products and services. Even if the products or services are legal under state law, the U.S. Patent and Trademark Office (USPTO), which oversees the registration of federal trademarks, requires that use of the mark be federally lawful before it will issue a federal trademark registration.

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CORPORATE TRANSPARENCY IN THE CANNABIS INDUSTRY

THE CORPORATE TRANSPARENCY ACT AND ITS CONNECTION TO CANNABIS

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

Effective on January 1, 2024, the Corporate Transparency Act (CTA) will require all nonexempt entities to report certain identifying information of its beneficial owners (as defined below) and company applicants (as defined below) to the Department of Treasury's Financial Crimes Enforcement Network (FinCEN).

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RFID TECHNOLOGY UPDATES

TAGGING OUT: THE RFID DEBATE IN CANNABIS COMPLIANCE

By [Jean Smith-Gonnell](#) and [Cole White](#)

The cannabis industry has witnessed significant growth in recent years, marked by the legalization of medical and/or recreational marijuana in 38 states, Washington D.C., and three territories. Alongside this expansion comes the need for robust regulatory frameworks to ensure compliance and safety within the industry. One such regulatory component that has stirred considerable debate over the years is the use of Radio Frequency Identification (RFID) tag technology in state track-and-trace systems. While RFID tags can offer significant benefits to both regulators and business owners when compared to traditional barcodes, the costs imposed on licensed businesses often outweigh the benefits that state regulators receive from requiring the use of the technology. In fact, in the Colorado Department of Revenue – Marijuana Enforcement Division's (MED) latest draft rules governing the industry, the agency removed references to the requirements for RFID technology, a step that could signal the beginning of the end of state-mandated RFID tracking of cannabis products.

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HEMP UPDATES

FEDERAL JUDGE SAYS VIRGINIA DID NOT OVERSTEP ITS AUTHORITY IN REGULATING INTOXICATING HEMP PRODUCTS

By [Jean Smith-Gonnell](#), [Agustin Rodriguez](#), [Michael Jordan](#), and Christina Sava

On October 30, Virginia's hemp industry suffered an early [defeat](#) in its effort to overturn Virginia SB 903, a law that imposed stricter limitations on hemp products than what is currently required under federal law.

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