

Troutman Pepper State Attorneys General Monitor – August 2021

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Troutman Pepper's State Attorneys General team combines legal acumen and government experience to develop comprehensive, thoughtful strategies for clients. Our lawyers handle individual and multistate AG investigations, proactive counseling and litigation, and manage ancillary regulatory issues. Our successful approach has been recognized by *Chambers USA*, which ranked our practice as a leader in the industry.

REGULATORY OVERSIGHT BLOG LAUNCHES

In July, Troutman Pepper's Regulatory Practice Group launched its regulatory law blog, [Regulatory Oversight](#). Regulatory Oversight will provide in-depth analysis into regulatory actions by various state and federal authorities, including state attorneys general and other state administrative agencies, the Consumer Financial Protection Bureau (CFPB) and the Federal Trade Commission (FTC). Contributors to the blog will include attorneys with multiple specialties, including regulatory enforcement, litigation, and compliance.

Make sure you [subscribe](#) to receive the most up to date information from the blog.

CFPB ENFORCEMENT PRIORITIES

ANTICIPATING POTENTIAL CFPB ENFORCEMENT PRIORITIES AS AGENCY MARKS 10-YEAR ANNIVERSARY

By [Keith Barnett](#), [Ashley Taylor](#), and [Bonnie Gill](#)

In the 10 years since the Consumer Financial Protection Bureau (CFPB) opened its doors on July 21, 2011, the agency has in many ways upheld its mandate to look out for the public interest. Created by the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank) one year earlier, the CFPB is tasked with protecting consumers from unfair, deceptive, or abusive practices, while also arming the public with the information, steps, and tools that consumers need to make smart financial decisions. The agency has made ample use of its enforcement authority; in a blog post celebrating the agency's 10-year anniversary, Acting Director Dave Uejio noted that the CFPB had recovered approximately \$14.4 billion in relief for consumers and imposed \$1.7 billion in civil penalties to date. In addition, the agency continues its mission to educate the public by issuing

regular reports and resources on various topics, such as consumer credit, auto loans, debt collection, and potential scams and frauds.

[Read more](#)

TEAM RECOGNITION

[Chris Carlson](#), an attorney in Troutman Pepper's [nationally recognized](#) State Attorneys General Practice Group, has received the [Jefferson B. Fordham Up & Comer Award](#) from the American Bar Association (ABA) Section of State and Local Government Law. The award recognizes young practitioners (36 or under) who have demonstrated excellence in state, local, regional, and tribal government law.

Carlson was selected based on his work in the firm's State Attorneys General Practice Group and his first-hand government experience, serving as a judicial law clerk to the Honorable David A. Faber in the United States District Court and as a West Virginia Assistant Attorney General. Carlson was nominated by Troutman Pepper Partner [Ashley Taylor](#), who received the award in 1999.

[Read more](#)

LEGISLATIVE UPDATES: FTC

HOUSE PASSES BILL TO RESTORE FTC'S AUTHORITY TO SEEK MONETARY REMEDIES

By Timothy Butler, [Carlin McCrory](#), Chelsea Lamb, and Matthew White

On July 20, the U.S. House of Representatives passed legislation that would restore the Federal Trade Commission's (FTC) ability to obtain equitable monetary remedies under Section 13(b) of the FTC Act. The legislation — H.R. 2667, the Consumer Protection and Recovery Act — passed by a vote of 221-205, with all House Democrats and two House Republicans voting in favor of the bill. The legislation now moves to the Senate, where it may be incorporated into the \$3.5 trillion budget reconciliation package as a revenue-increasing "pay-for."

[Read more](#)

PIPELINE REGULATIONS

UNCLE SAM ARGUES NO FEDERAL PREEMPTION FOR MUNICIPAL PIPELINE REGULATION

By [Keith J. Barnett](#), Ketan Bhirud, and Matt Fay

The federal government's recent argument that neither federal law nor the U.S. Constitution preempted a municipal ordinance in South Portland, ME demonstrates the sometimes-complex relationship between federal, state, and local laws.

[Read more](#)

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB) UPDATE

TTB SEEKS COMPETITION-RELATED INFORMATION ABOUT AMERICAN ALCOHOL MARKET

By [John West](#) and [Nick Ramos](#)

President Biden recently issued [Executive Order 14036](#) (E.O. 14036) to create the White House Competition Council (Council), which “shall coordinate, promote, and advance Federal Government efforts to address overconcentration, monopolization, and unfair competition in or directly affecting the American economy.” 86 Fed. Reg. 36987, 36990 (July 14, 2021).

[Read more](#)

ATTORNEY GENERAL PROFILE – JOHN O’CONNOR, OKLAHOMA

NEW AG ON THE BLOCK: OKLAHOMA ATTORNEY GENERAL JOHN O’CONNOR

By [Chris Carlson](#), [Bonnie Gill](#), and [Stephen Piepgrass](#)

On July 23, Oklahoma Governor Kevin Stitt named John O’Connor, 66, to the post of attorney general. O’Connor replaces Dawn Cash, who served as acting attorney general following Mike Hunter’s resignation at the end of May for personal reasons.

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CRYPTOCURRENCY REGULATIONS

NJ REGULATORS STOP DIGITAL ASSET FIRM BLOCKFI FROM OFFERING INTEREST-BEARING CRYPTOCURRENCY ACCOUNT

By Timothy Butler, [Chris Carlson](#), Christina Sava, and Matthew White

Between July 20-22, 2021, state securities regulators in New Jersey, Texas, and Alabama took aim at BlockFi — a cryptocurrency-based platform that has raised \$14.7 billion from investors — related to the company’s interest-bearing crypto accounts. This regulatory scrutiny, brought by a bipartisan group of state securities regulators, may prove significant given that state and federal legislation has failed to enact comprehensive legislation regarding digital assets.

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DEVELOPMENTS IN FEDERAL CANNABIS LEGALIZATION LEGISLATION

SENATE DEMOCRATS UNVEIL COMPREHENSIVE NEW FEDERAL CANNABIS LEGALIZATION BILL

By Christina Sava, [Chris Carlson](#), and Siran Faulders

Democratic Senators Chuck Schumer, Cory Booker, and Ron Wyden recently unveiled the latest legislative attempt to make cannabis legal at the federal level. The [Cannabis Administration and Opportunity Act \(CAOA\)](#) is not the first attempt of its kind — several iterations of the [MORE Act](#) and the [SAFE Banking Act](#) have been

introduced multiple times. Whether or not the CAO A passes this year, it is the most comprehensive federal legalization bill thus far and offers a glimpse at how the next evolution of America's cannabis industry is likely to operate.

[Read more](#)

CCPA ENFORCEMENT

CALIFORNIA ATTORNEY GENERAL SEES "GREAT PROGRESS" WITH CCPA ENFORCEMENT

By Timothy Butler, [Carlin McCrory](#), Chelsea Lamb, and Matthew White

On July 19, and just over one year after his office began enforcing the California Consumer Privacy Act (CCPA), California Attorney General Rob Bonta announced that he is "seeing great progress" with CCPA enforcement, even while he urged Californians to take advantage of their new rights under the CCPA.

[Read more](#)

TOBACCO NEWS

CONGRESS SEEKING TO LIMIT FDA AUTHORITY OVER PREMIUM CIGARS

By [Bryan Haynes](#) and [Nick Ramos](#)

A number of U.S. representatives on both sides of the aisle recently [cosponsored](#) a [proposed bill](#), limiting the U.S. Food & Drug Administration's (FDA's) ability to regulate premium cigars. Although the House has yet to publish the text of the proposed bill, a similar [bill](#) proposed in the Senate on February 24 would prevent FDA from regulating "traditional large and premium cigars."

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

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