

# Troutman Pepper State Attorneys General Monitor – August 2022

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## New Team Members

### TROUTMAN PEPPER EXPANDS LEADING STATE ATTORNEYS GENERAL PRACTICE WITH TWO TOP PARTNERS IN ORANGE COUNTY

[Clayton Friedman](#) and [Michael Yaghi](#), two leading authorities in the state attorneys general space, have joined Troutman Pepper's nationally recognized State Attorneys General Practice Group in Orange County, CA as partners. The pair previously practiced at Crowell & Moring LLP, where Friedman founded and led the firm's state AG practice.

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## Regulatory Oversight Podcast

### WHAT IS A MONITORSHIP? A CONVERSATION WITH AFFILIATED MONITORS PRESIDENT VIN DICIANNI

By [Ashley Taylor](#)

In this *Regulatory Oversight Podcast* episode, Affiliated Monitors President and Founder Vin DiCianni joins Troutman Pepper Partner Ashley Taylor to discuss what role monitorships can play in federal, state, and private enforcement actions. During the episode, Vin and Ashley examine independent monitoring as a viable and effective resource that attorneys general offices should consider as a possible resolution for consumer protection matters.

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### WHAT THE BUDDING CANNABIS INDUSTRY CAN LEARN FROM THE ESTABLISHED ALCOHOL INDUSTRY

By [Nick Ramos](#), Christina Sava, and [Stephen Piepgrass](#)

In this episode of *Regulatory Oversight*, Troutman Pepper attorneys Nick Ramos, Christina Sava, and Stephen Piepgrass offer thoughts on how to incorporate, or not incorporate, regulatory approaches from the alcohol industry into the cannabis industry.

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## Regulatory Oversight Blog

Make sure to visit Troutman Pepper's [Regulatory Oversight](#) blog to receive the most up-to-date information on regulatory actions and [subscribe](#) to our mailing list to receive a monthly digest.

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.

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## Right-to-Repair Enforcement

### FTC MAKES GOOD ON ITS PROMISE TO RAMP UP RIGHT-TO-REPAIR ENFORCEMENT

By [Stephen Piepgrass](#) and Abbey Thornhill

As detailed in our articles earlier this year, the “right to repair” movement has gained significant steam in the last year. The right to repair movement is an effort focused on ensuring that consumers and aftermarket businesses have the ability to repair, maintain, and/or modify the devices and equipment consumers purchase. In July 2021, President Biden issued an executive order asking the Federal Trade Commission to draft “right-to-repair” rules to increase consumers’ ability to repair equipment on their own or at after-market repair shops. Less than a month later, the FTC unanimously announced that it would ramp up its enforcement against illegal repair restrictions.

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## Alcohol Updates

### MODEL LAW PROPOSES TIGHTER REQUIREMENTS FOR DIRECT-TO-CONSUMER ALCOHOL SHIPPING

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

The Uniform Law Commission, which writes model laws proposing more clarity in key areas of state law, recently adopted the Uniform Alcohol Direct-Shipping Compliance Act (Model Law), receiving quite a bit of attention within the alcoholic beverage industry.

[Read more](#)

### THE FIFTH CIRCUIT ALLOWS LARGER CRAFT BREWERS TO SELL BEERS TO-GO

By [John West](#), [Nick Ramos](#), and Eric Smith\*

The Fifth Circuit Court of Appeals recently ruled in favor of a craft beer producer over the Texas Alcohol Control Board (TABC) in a case that asked which brewers can sell beer to customers for off-premises consumption. The plaintiff, CANarchy Craft Brewery Collective, challenged TABC's interpretation of a 2019 amendment to the Texas Alcoholic Beverage Code, which led TABC to order CANarchy to cease and desist selling beers-to-go to consumers. In an opinion foaming over with beer puns, Circuit Judge Cory T. Wilson ruled against TABC and affirmed the lower court's holding that the statute in question did not restrict CANarchy's ability to sell beers for off-premises consumption.

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## FDA Regulations

### INDUSTRY COMMENTS LOOM LARGE IN DC COURT, FINDING FDA REGULATION OF PREMIUM CIGARS "ARBITRARY AND CAPRICIOUS"

By [Bryan Haynes](#) and [Michael Jordan](#)

On July 5, the U.S. District Court for the District of Columbia ruled that the decision of the Food and Drug Administration (FDA) to "deem" premium cigars subject to the same federal law as other tobacco products like cigarettes was "arbitrary and capricious." In reaching this conclusion, Judge Amit Mehta relied heavily on industry comments regarding the relative public health risks and negligible youth use of premium cigars, as well as related studies — which the court said FDA either ignored or glossed over. The opinion underscores the importance of the role of public comments in agency rulemaking.

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## South Dakota and Vermont AG Updates

### NEW STATE AG ON THE BLOCK: SOUTH DAKOTA ACTING AG MARK VARGO

By Ketan Bhirud, [Chris Carlson](#), and [Namrata Kang](#)

On June 28, Governor Kristi Noem appointed Mark Vargo, Pennington County state's attorney, as the acting attorney general of South Dakota to serve the remainder of former Attorney General Jason Ravnsborg's term. Vargo will hold the position until the next elected attorney general takes office in January 2023. Former Attorney General Marty Jackley is running on the Republican ticket. The Democratic Party is holding its convention on July 8 and 9.

[Read more](#)

### NEW STATE AG ON THE BLOCK: VERMONT AG SUZANNE YOUNG

By Ketan Bhirud, [Chris Carlson](#), and [Namrata Kang](#)

Vermont Governor Phil Scott appointed Republican Suzanne Young as Vermont Attorney General, effective July 5, to fill the vacancy left by Attorney General TJ Donovan, who resigned earlier this month. She will hold the

position until the next elected attorney general takes office in January 2023. The primaries for both parties will take place on August 9. Until Young's appointment, Chief Deputy Attorney General Joshua Diamond oversaw the office.

[Read more](#)

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*\*Eric Smith is a 2022 summer associate with Troutman Pepper and is not admitted to practice law in any jurisdiction.*

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

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