

## Michael B. Jordan

Associate

Richmond

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Michael draws on a diverse range of experiences in government and private practice to help clients navigate complex regulatory issues. He focuses primarily on heavily regulated industries, such as tobacco, nicotine, and cannabis.

### OVERVIEW

Michael represents clients in government investigations and enforcement actions, and proactively counsels them on all aspects of complying with federal and state regulations. He advises companies at all levels of the supply chain, including manufacturers, importers, exporters, distributors/wholesalers, and retailers (including online retailers).

Michael guides clients through a wide variety of federal, state, and local issues, ranging from questions related to licensure and permitting, excise taxes, sales and use taxes, pre-market authorization requirements, and advertising and marketing restrictions. He has a deep understanding of the laws and regulatory requirements enforced by the U.S. Food and Drug Administration (FDA), Alcohol and Tobacco Tax and Trade Bureau (TTB), the Bureau of Alcohol, Tobacco, and Firearms (ATF), the Federal Trade Commission (FTC), and state taxing and licensing authorities.

Michael also has an active pro bono practice. He represents asylum seekers in removal proceedings before the Executive Office for Immigration Review, as well as assists veterans seeking upgrades to their discharge status so they may obtain veterans' benefits.

### REPRESENTATIVE MATTERS

- Successfully obtained a stay from the Third Circuit on behalf of an e-cigarette company in its challenge of the FDA's regulatory framework for electronic nicotine delivery systems.
- Advised tobacco product and nicotine manufacturers on FDA premarket authorization requirements to sell their products in the U.S. and assist with postmarket authorization reporting requirements.
- Negotiated favorable resolution of claims brought by ATF against multistate wholesaler under the Contraband Cigarette Trafficking Act (CCTA) and the Prevent All Cigarettes Trafficking (PACT) Act.
- Advised companies on compliance obligations associated with consent judgments and settlement agreements with state attorneys general.
- Provided comprehensive legal support and strategic counsel to an international tobacco company, ensuring

compliance with federal, state, and local regulatory requirements, such as licensing, permitting, excise tax, and sales and use tax laws.

- Successfully negotiated settlement of a civil investigative demand brought by a state attorney general's office regarding online retailer's delivery sales of tobacco products.
- Counseled companies on the implications of draft federal regulations and state legislation affecting tobacco and nicotine products.
- Advised cannabis company with respect to Department of Justice enforcement priorities for the production and sale of cannabis products on tribal lands, and the state of regulation of intoxicating hemp-derived products.
- Advised premium cigar manufacturers with respect to FDA user fee disputes and refund claims.
- Counseled a national distributor of tobacco products regarding state excise tax laws and possible constitutional challenges to the same.
- Assisted international tobacco company in obtaining a favorable opinion from state taxing authority regarding calculation of tobacco products excise tax.
- Successfully obtained refund of nearly one million dollars after long delay by the TTB in processing the claims.
- Aided client in obtaining records from the FDA under the Freedom of Information Act (FOIA) pertaining to the agency's regulation of tobacco products.
- Counseled tobacco products manufacturer with state certification issues under Master Settlement Agreement complementary legislation and compliance with FDA rules and regulations.
- Assisted international tobacco company in obtaining favorable settlement of multimillion-dollar state excise tax assessment.
- Secured the dismissal of removal proceedings in U.S. immigration court in pro bono representation of asylum seekers fleeing persecution in Central America.

## TOP AREAS OF FOCUS

- Regulatory Investigations, Strategy + Enforcement
- Tobacco + Nicotine
- White Collar Litigation + Investigations

## ALL AREAS OF FOCUS

- Business Litigation
- Cannabis
- Enforcement Actions + Investigations
- Government + Regulatory
- Government + Regulatory Litigation
- Hemp + Hemp Derivatives Industry
- Regulatory Investigations, Strategy + Enforcement
- State Attorneys General
- Tobacco + Nicotine
- White Collar Litigation + Investigations

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Food and Drug Law Institute (FDLI) New to FDA Law and Regulation Planning Committee (2024-2025)

- Virginia Bar Association
- Federal Bar Association
- American Bar Association

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- William & Mary Law School, J.D., *cum laude*, 2020, editor-in-chief, *William & Mary Bill of Rights Journal*
- New York University, M.A., 2014
- University of Virginia, B.A., 2012

### BAR ADMISSIONS

- Virginia

### COURT ADMISSIONS

- Supreme Court of Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of International Trade

### CLERKSHIPS

- Hon. Robert J. Krask, U.S. District Court, Eastern District of Virginia, 2020-2021

### LANGUAGES

- Spanish

## PUBLICATIONS

- Co-author, *Troutman Pepper Regulatory Oversight Blog*.
- Co-author, “High Court E-Cig Ruling Opens Door For FDA Challenges,” *Law360*, August 29, 2025.
- Co-author, “Are State ENDS Directories Preempted? Federal Courts Are Split,” *Regulatory Oversight* and *Tobacco Law Blog*, July 24, 2025.
- Co-author, “Supreme Court Says Affected Retailers May Challenge ENDS Manufacturer’s Marketing Denial Orders,” *Regulatory Oversight* and *Tobacco Law Blog*, July 10, 2025.
- Co-author, “New Mississippi Cigarette and ENDS Directory Laws Take Effect in July,” *Regulatory Oversight* and *Tobacco Law Blog*, June 16, 2025.
- Co-author, “Unpacking the Illicit E-Cigarette Crackdown by State AGs,” *Law360*, March 19, 2025.
- Co-author, “Supreme Court Weighs Vape Venue Dispute,” *Regulatory Oversight* and *Tobacco Law Blog*, February 3, 2025.
- Co-author, “Federal Appellate Court Agrees that FDA Cannot Regulate “Premium Cigars,”” *Regulatory Oversight* and *Tobacco Law Blog*, January 29, 2025.

- Podcast, “12 Days of Regulatory Insights: Day 9 – Trends in the Tobacco Industry,” *Regulatory Oversight Podcast*, December 17, 2024.
- Co-author, “\$11M Cigarette Drawback Dispute Could Have Significant Consequences for FTZ Importers,” *Regulatory Oversight* and *Tobacco Law Blog*, October 11, 2024.
- Co-author, “FDA Says Agency Will Enforce the Cigarette Graphic Warning Rule in December 2025, But Pending Litigation Could Still Derail Those Plans,” *Regulatory Oversight* and *Tobacco Law Blog*, September 30, 2024.
- Co-author, “New Jersey Issues Notice of Violations and Fines to Retailers Allegedly in Violation of the State’s Flavor Ban,” *Regulatory Oversight* and *Tobacco Law Blog*, August 30, 2024.
- Co-author, “ATF Rift With California Tribe Could Expand State Authority Over Tribal Tobacco Sales,” *Regulatory Oversight* and *Tobacco Law Blog*, August 5, 2024.
- Co-author, “PACT Act Basics: Five Things You Should Do if ATF Comes Knocking,” *Regulatory Oversight* and *Tobacco Law Blog*, June 7, 2024.
- Co-author, “What’s at Stake for the Premium Cigar Industry as DC Circuit Considers FDA Appeal?,” *Regulatory Oversight* and *Tobacco Law Blog*, April 23, 2024.
- Co-author, “US Supreme Court Declines to Hear Challenge to California’s Flavor Ban,” *Regulatory Oversight* and *Tobacco Law Blog*, February 9, 2024.
- Co-author, “FDA Maintains Heightened Enforcement Against Sellers of Illegal E-Cigarettes,” *Regulatory Oversight* and *Tobacco Law Blog*, December 21, 2023.
- Co-author, “FDA Ramps Up Enforcement Against Flavored Disposable E-Cigarettes as External Pressures Mount,” *Regulatory Oversight* and *Tobacco Law Blog*, September 29, 2023.
- Co-author, “What RJ Reynolds’ Calif. Suit Means for Tobacco Regulation,” *Law360*, June 27, 2023.
- Co-author, “Inside FDA’s Response to Reagan-Udall Foundation Report: Spotlight on the Science and Application Review Task Force,” *Regulatory Oversight* and *Tobacco Law Blog*, March 22, 2023.
- Co-author, “FDA Won’t Use Its Existing Authority to Regulate CBD After All,” *Regulatory Oversight* and *Tobacco Law Blog*, January 31, 2023.
- Co-author, “Residency Rules in Cannabis Industry May Not Withstand Constitutional Scrutiny,” *Cannabis Law Journal*, January 2022.
- Co-author, “Massachusetts Supreme Judicial Court Affirms Punitive Damages Award Against Philip Morris USA Inc. in Spite of Master Settlement Agreement Release,” *Tobacco Law Blog*, September 20, 2021.