

Cannabis & Hemp Law

The legalization of marijuana in New Jersey and New York presents both unique opportunities and novel challenges. Businesses, entrepreneurs, investors, and individuals looking to enter the emerging marijuana industry need experienced legal counsel to assist them in navigating the complex regulatory and legal issues at the state level, while being mindful of federal level limitations. The Cannabis & Hemp Law practice group at Pashman Stein Walder Hayden has substantial experience navigating the wide spectrum of legal issues related to the marijuana and hemp industries. In addition to specific expertise related to these emerging industries, the group is able to leverage the abilities of other Pashman Stein Walder Hayden lawyers who specialize in ancillary practice areas related to these industries. Together, our multidisciplinary team provides clients with comprehensive full-service legal counsel on all cannabis-related business and legal issues.

Comprehensive Counsel for Cannabis Industry Clients

Our clients include medical marijuana operators in New Jersey; adult-use operators from other states; businesses and entrepreneurs seeking to enter various sectors of the cannabis/CBD /hemp market in New Jersey and New York, including retailers, growers, cultivators, processors, and distributors; ancillary service providers; and employers and individuals impacted by the effect of cannabis use. In addition, we represent health care professionals, patients, medical practices, and other entities regarding compliance with New Jersey's medical marijuana laws.

Our attorneys have substantial experience assisting established operators in the cannabis industry, as well as guiding companies and entrepreneurs seeking to enter the industry through the licensing application process.

Our Cannabis & Hemp Law practice group provides counsel for every step of forming and operating a cannabis business or ancillary service provider, including:

- Corporate Formation and Financing
- Licensing and Permitting for retailers, growers, cultivators, processors, and distributors
- Regulatory Compliance
- Commercial Real Estate, Land Use, and Zoning
- Health Care
- Business Litigation
- Products Liability
- Labor & Employment
- Intellectual Property

- Insurance Recovery and Liability
- Risk Management

There are numerous complexities related to medical and adult cannabis use that impact cannabis business stakeholders, including:

- Selecting appropriate real estate locations
- Municipal zoning and land use issues
- Navigating various regulations related to obtaining cannabis or hemp licenses
- Mitigating risk
- Protecting intellectual property
- Adapting to changing legalization laws and regulations

The firm also has experience working with ancillary businesses within the cannabis industry that require legal guidance to ensure regulatory compliance on issues related to employment policies and product safety.

Our Team

The Cannabis and Hemp Law practice is led by co-chairs Sean Mack and Gregg H. Hilzer.

Sean is a long-time advocate for legalization in New Jersey, who was named to the *InsiderNJ* “Insider 100 Cannabis Power” List in 2021 and 2019. Sean has extensive experience representing clients on a broad range of cannabis- and hemp-related issues, including the licensing application process, appeals of the 2018 and 2019 rounds of medical marijuana license applications, advertising, and protections under the Jake Honig Act.

Named to the *InsiderNJ* “Insider 100 Cannabis Power” List in 2021, Gregg has significant experience representing licensed cannabis operators as well as representing businesses and individuals through the licensing application process.

Raymond Brown and Alan Silber are also key members of the practice group. They have also represented operators and applicants in the cannabis space and have decades of experience working on marijuana policy issues, as well as working with state government and municipal leaders.

Our firm has been involved in New Jersey’s legalization process for years. Beginning in 2015, our team worked with New Jersey United for Marijuana Reform to draft an early version of the adult use legislation that was later introduced by Senator Scutari. As the ACLU-NJ launched NJ CAN 2020, our attorneys provided pro bono legal support, as well as advisory services regarding campaign reporting compliance. In addition, attorneys at the firm have been involved in the cannabis legalization movement by serving on the Board of Directors of NORML and the American Civil Liberties Union

of New Jersey; the Board of Advisors of the Drug Policy Formation; the American Bar Association Drug Policy Committee; and the Drug Law Reform Committee of the National Association of Criminal Defense Lawyers.

Disclaimer: Please be advised that possessing, using, distributing, and/or selling marijuana is a federal crime, regardless of whether it is legal in any state. Your compliance with state law does not equate to compliance with federal law. No legal advice that we provide is intended to provide you with any guidance or assistance in violating federal law.

Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

- Pashman Stein Walder Hayden worked with New Jersey United for Marijuana Reform and ACLU-NJ in 2015 to draft the legislation that was introduced by Senator Scutari in 2017. Senator Scutari's bill ultimately was passed into law in 2021.
- Represented appellants in appeals of the 2018 and 2019 New Jersey requests for applications for licenses for medical cannabis alternative treatment centers.
- Successfully represented marijuana operator in obtaining local approval to establish satellite medical marijuana dispensary in New Jersey
- Advised one of the original six alternative treatment centers in New Jersey on a variety of regulatory matters
- Advising retailers of CBD products on regulatory compliance and advertising requirements
- Advising medical cannabis cultivator on NJ medical cannabis laws and pending adult-use cannabis legislation
- Advising existing recreational and medical cannabis dispensaries and cultivators on NJ medical cannabis laws and pending adult-use cannabis legislation
- Advising provider of cultivation products and cultivation consulting services on NJ medical cannabis laws and pending adult-use cannabis legislation
- Advising existing cannabis testing laboratory in connection with the establishment of cannabis testing laboratory in New Jersey
- Represented National Organization for the Reform of Marijuana Laws (NORML); Garden State-NORML (GS-NORML); Coalition For Medical Marijuana-NJ (CMM-NJ); and Doctors For Cannabis Regulation (DFCR) as amici before the NJ Supreme Court in Hager v. M&K Construction, arguing in favor of requiring workers compensation reimbursement for medical marijuana
- Negotiated license agreement between extraction company and alternative treatment center

- Representation of clients in the acquisition or leasing of sites in connection with cannabis and hemp operations.
- Successfully represented owner of a condo against charges from his condo association that his use of medical marijuana in his condo violated condo association rules.
- Successfully obtained a temporary restraining order compelling a medical service provider to continue providing needed medical services, which had been denied solely because the patient obtained his medical cannabis card from the State of New Jersey.
- Advise health care professionals and entities relating to the authorization of medical cannabis and patient policies
- *Sacramento Nonprofit Collective v. Holder*, 552 Fed. Appx. 680, 682 (9th Cir. 2014) (challenging federal ban on medical marijuana on behalf of medical marijuana dispensaries)
- *State ex rel. Sajo v. Paulus*, 688 P.2d 367 (Or. 1984) (concerning whether the state followed proper procedures when they did not place the Oregon Marijuana Initiative on the voting ballot)

Resources

For updates and analysis of the dynamics in the cannabis industry, visit our [NJ Cannabis Blog](#)

- November 12, 2020 | [NJ Lawmakers Move Quickly to Introduce a Law to Legalize Adult Use Marijuana](#)
- November 9, 2020 | [New Jersey Moves Quickly \(Finally\) To Establish A Cannabis Regulatory Commission](#)
- December 27, 2019 | [New Jersey Hemp Program Rules approved by USDA](#)
- July 2, 2019 | [The Jake Honig Compassionate Use Medical Cannabis Act](#)
- August 29, 2018 | [Memorandum on Guidance Regarding Municipal Prosecutors' Discretion in Prosecuting Marijuana and Other Criminal Offenses](#)
- July 16, 2018 | [New Jersey Department of Health Division of Medical Marijuana Request for Applications](#)
- July 3, 2018 | [NY Department of Financial Services Guidance on provision of Financial Services to Medical Marijuana and Industrial Hemp-Related Business in New York State](#)
- April 30, 2018 | [State Treasurers Cannabis Banking Solution](#)
- March 23, 2018 | [NJ Health Dep't Executive Order 6 Report Final](#)
- January 23, 2018 | [Executive Order 6](#)
- January 4, 2018 | [Memorandum on Marijuana Enforcement \(Sessions Memo\)](#)
- May 2017 | [ACLU NJ Unequal & Unfair- NJ War on Marijuana users](#)
- December 14, 2016 | [Various Senators Letter to FinCen re Banking for Indirect Business](#)

- February 14, 2014 | [Expectations Regarding Marijuana-Related Business from Department of the Treasury \(FinCen Guidance\)](#)
- May 8, 2014 | [Response to Senator Questions on Marijuana Legalization](#)
- August 29, 2013 | [Memorandum on Guidance on Marijuana \(Cole Memo\)](#)
- June 2013 | [ACLU- The War on Marijuana in Black and White](#)

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