

## Cannabis Law

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Participation in the medical and adult-use marijuana markets raises important legal and regulatory questions and considerations. The Cannabis Law team of Wilentz, Goldman & Spitzer, P.A. unites experienced lawyers across various legal disciplines to provide legal advice and representation to businesses and individuals in all aspects of cannabis commerce and use in New Jersey.

We represent dispensaries, cannabis research organizations, retail businesses, growers, distributors, municipalities, patients, caregivers, physicians, hospitals, medical practices, and others doing business in, or impacted by, the legal cannabis market in New Jersey. We also represent individuals in matters arising from cannabis use, including employment matters as well as family and criminal law matters.

The 2021 adoption of personal cannabis Rules by the [New Jersey Cannabis Regulatory Commission](#) (CRC) has opened access to the New Jersey market for both existing and new market entrants. The CRC has begun the licensing process for several classes of business licenses in the state, including a newly created microbusiness license, which provides small business operators access to this new market. CRC Rules were developed to promote social equity, safety and provide access to the cannabis marketplace in New Jersey. These Rules also grant municipalities control over how they want cannabis businesses to operate within their jurisdiction.

Since the inception of New Jersey's medical marijuana program in 2010, members of our team have guided healthcare provider clients to navigate the state and federal regulatory framework. Our team is led by attorneys who frequently write, speak, and educate attorneys, healthcare providers, and other market participants across the spectrum of cannabis law topics.

- Angelo Cifaldi is an attorney, a registered pharmacist, and an adjunct professor of Pharmacy Law at Rutgers College of Pharmacy.
- Michael Schaff is a past Co-Chair of the NJSBA's Cannabis Law Committee (2018-2023), former Chair of the NJSBA's Health Law Section, and co-authors the *New Jersey Law Journal's* monthly cannabis law column. In addition, Michael co-leads Wilentz's prominent health law practice, which is ranked among the top health law practices in New Jersey by *Chambers USA*.
- Darren Gelber is the chair of the Wilentz Criminal Law group and served as an Assistant District Attorney in Bronx, NY.

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The Wilentz Cannabis team provides representation in a number of different areas of law impacted by medical marijuana and the adult-use cannabis markets, including:

### Health and Pharmacy Law

Since the inception of legal medical marijuana, members of our group have advised healthcare professionals and hospitals regarding medical marijuana, in connection with licensing, HIPAA, compliance, and in hearings before the Drug Enforcement Agency and other regulatory agencies and related pharmacy-focused issues. We have also advised active medical marijuana dispensaries.

## **Corporate Structure and Transactions**

We provide guidance in corporate structuring and compliance with the new cannabis corporate regulations, including: entity selection and registration, drafting governance documents, capital contribution negotiations, corporate governance and business operations, negotiating and revising commercial contracts and other corporate transactions, drafting employment agreements, and mergers and acquisitions.

## **Banking**

Our banking lawyers help to structure, negotiate, document and close all types of financial transactions. They are prepared to help lenders and borrowers navigate the conflicting laws regarding funding of or investments associated with cannabis entities.

## **Real Estate, Zoning and Land Use**

Our team of attorneys have extensive experience in handling the acquisition and leasing of commercial, retail, industrial and institutional properties, and obtaining approvals and permits for a wide range of uses. Our attorneys can provide these services as they relate to the acquisition, zoning, permitting, and construction of cannabis facilities, including both retail and production. In addition, we guide municipalities in their decision to permit or prohibit cannabis businesses within their borders, and in connection with regulating the sale and use within their jurisdiction.

## **Energy and Renewables**

Our energy team understands utility tariffs and is well-positioned to guide cannabis industry producers to achieve energy efficiencies and secure energy savings. As large-scale electricity users, energy costs are a substantial component of overall production costs for the industry. While New Jersey has some of the highest electricity rates, it has some of the most generous financial incentives for renewable generation and energy efficiencies. Our attorneys assist clients regularly in navigating these complex programs and have extensive experience advising on renewable and energy management contracts and transactions, siting of energy facilities, on-site generation, power purchase agreement (PPA), financial incentives, and renewable energy generation.

## **Labor and Employment**

Our employment team represents businesses of all sizes, as well as individuals, to ensure compliance with the new state cannabis regulations. Our employment services include business drug-testing compliance and practices, drafting and revising corporate handbooks, compliance with all disability/reasonable accommodation requirements, employment contract disputes, wrongful discharge or failure to hire/promote, and other potential employment issues that may arise due to legal cannabis use.

## **Criminal**

Our criminal team represents individuals in all phases of interaction with law enforcement authorities seeking to investigate or enforce alleged violations of marijuana-related laws, ranging from subpoena compliance, civil forfeiture matters, criminal investigations and prosecutions, and appellate matters. We also assist clients in securing acceptance into available diversionary programs to avoid prosecution or incarceration and securing expungements of prior arrests or convictions related to marijuana offenses.

Disclaimer: Per federal law, under the Controlled Substances Act, marijuana is categorized as a Schedule I controlled substance. Possession, use, distribution, and/or sale of cannabis is a Federal crime and is subject to related Federal policy, regardless of any state law that may authorize certain marijuana activity. Compliance with state marijuana law does not equal compliance with federal law. Legal advice provided by Wilentz, Goldman & Spitzer, P.A. is designed to counsel clients regarding the validity, scope, meaning, and application of existing and/or proposed cannabis law. Wilentz, Goldman & Spitzer, P.A. will not provide guidance or assistance in circumventing or violating Federal or state cannabis law or policy, and any advice provided by Wilentz, Goldman & Spitzer, P.A. should not be construed as such.