

Client Alert: Commercial Cannabis: Current Legal Landscape

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By: Andrew D. Hoeg, Andrew W. Vail

In 2020, adult-use or recreational cannabis became legal for commercial sale in Illinois. Illinois is the 11th state to legalize cannabis for adult-use, joining Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, Washington and the District of Columbia. More states likely will soon follow. To operate in this rapidly growing market, or engage with those operating in this space, there is a strong need to proactively consider and navigate a number of complex commercial legal issues.

Commercial cannabis appears to be an industry that has been weathering the new and difficult challenges that the coronavirus presents. For example, financial news outlets have recently reported a significant increase in commercial sales, and in several states commercial cannabis has been deemed an “essential” business.

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- Commercial and insurance contracts: the trend is towards enforcement, but not all federal courts are on board.
- Antitrust and black market: stay abreast of practices that may raise antitrust concerns and actions to address the black market.
- Consumer claims: guard yourself against consumer claims, including those based on experiences from the food and beverage industry and using arbitration agreements with waivers.
- IP protection and trade secrets: make sure to protect your valuable rights while avoiding infringement of others.

Any player in this growing commercial space should consider experienced counsel to help navigate this legal landscape. Jenner & Block has lawyers and practice groups with significant experience in these areas, including a working group of attorneys focused on the cross section of traditional legal issues and the growing cannabis industry, who are extremely well-positioned to provide legal counsel to address them. Please reach out to us to assist.

To read the full article, please [click here](#).

Related Attorneys

Andrew D. Hoeg

Special Counsel
ahoeg@jenner.com
+1 312 840 7837



Andrew W. Vail

Partner
avail@jenner.com
+1 312 840 8688

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