

The Cannabis Industry

Overview

The cannabis industry faces many of the same issues that the alcohol industry has faced. Bond has long worked with these clients on licensing and regulatory compliance, marketing, advertising and product packaging, financing, trademark and copyright protection and more.

We represent businesses and individuals at every level of the cannabis supply chain and have multiple contacts at the Office of Cannabis Management (OCM). Bond's multidisciplinary cannabis team includes attorneys with experience in business, litigation, intellectual property, tax, real estate, cybersecurity and labor and employment.

With the enactment of the Marihuana Regulation and Taxation Act (MRTA) in 2021, New York State entered the unsettled legal landscape of the multibillion-dollar cannabis industry, with its complex web of regulations affecting cultivators, processors, retail dispensaries, distributors, delivery services, employers and municipalities. Following the enactment of MRTA, the cannabis space has continued to grow, which brings not only expanded opportunities, but also complex legal challenges in what will be a highly regulated industry. New York's 'budding' cannabis industry now includes opportunities for those interested in recreational adult-use cannabis, medical cannabis and cannabinoid hemp and cannabidiol (CBD). Succeeding in this environment requires the full-service solutions powered by superior connections and knowledge that Bond provides.

We can assist with:

- Business formation: creation of by-laws, formation resolutions, creation of company record book, publishing requirements, etc.
- Compliance with federal and state regulations, including those established by the new NYS Office of Cannabis Management and Cannabis Control Board
- Compliance with federal and state tax laws, including establishing strategies for addressing the different treatment of income and expenses under state and federal law
- Business licensing and zoning issues
- Real estate and land use issues
- Labor and employment advice and counseling, including workplace issues (e.g., drug testing, collective bargaining agreements)
- Negotiating commercial leases and license agreements for office, retail, agriculture and other workspaces
- Drafting terms and conditions, terms of use, service agreements and privacy policies
- Intellectual property services, including non-disclosure agreements, trademarks and copyrights
- Litigation arising from business disputes, regulatory issues or any other commercial litigation that might arise within the industry
- Debt and equity fundraising, investment and private placements

Representative Matters

Primary Office Contacts

Albany, NY

Jennifer L. Tsyn

Syracuse, NY

Jeffrey B. Scheer

- Represented successful New York Medical Marijuana Registered Organization in application process and operational matters.
- Represented successful Ohio Medical Marijuana cultivation provisional license holder and operator.
- Represented several cannabis businesses in a multitude of jurisdictions in regulatory and operational matters, including application preparation, banking relationships, equity raises, mergers/acquisitions and related transactional matters.
- Represented New York Medical Marijuana Registered Organization in all aspects of labor and employment matters, including union labor peace agreements and union labor negotiations.
- Counseled cannabis organizations on capitalization, corporate structure and financing arrangements.
- Advised cannabis organizations and retailers on all matters related to submission of applications for licenses to grow, process and/or dispense cannabis in several jurisdictions.
- Assisted cannabis businesses with planning and implementation of robust social equity programs.
- Represented licensed organizations in labor and employment matters, including efforts to establish a union within the licensed organizations .
- Advised existing and new businesses on the utilization and sale of hemp and CBD products, both in their original form and infused into current product offerings.
- Facilitated private equity fundraising deals for a proposed chain of dispensaries in Oregon and Colorado.
- Assisted with private equity transactions with minority and women owned business enterprises (MWBES) and service-disabled veteran owned small businesses (SDVOSB) where the structuring is important to maintain the control requirements for the certification.
- Prepared application for a retail dispensary license for a cannabis business supported by New York State grants.
- Assisted a sole proprietorship affiliated with “social and economic equity” in applying for conditional cannabis business licenses.
- Formation of affiliated entities and a series of private placements to raise capital for a chain of cannabis dispensaries in Oregon, Colorado and Nevada.

Disclaimer: Even if a state law decriminalizes certain activities related to marijuana or marijuana-based products, those activities are still illegal under federal law. None of the information provided in these materials is intended to aid any activity that violates any state or federal law.