

Cohen & Grigsby Medical Marijuana Disclosures and Acknowledgments

Notwithstanding the passage of Pennsylvania's Medical Marijuana Act legalizing the use of marijuana or hemp for certain medical purposes in the Commonwealth of Pennsylvania, the manufacture, sale and/or distribution of marijuana, cannabis and/or hemp violates Federal Law, specifically including, but not limited to, the Controlled Substances Act (codified as amended at 21 U.S.C. §§ 801-889 (2006)). Accordingly, entering this industry involves the potential risk to you of exposure to criminal liability and the consequences thereof.

Furthermore, you should be aware that, in a Memorandum issued on August 29, 2013, the U.S. Department of Justice has advised U.S. Attorneys that it does not intend to seek to enforce the Controlled Substances Act or to prosecute individuals or entities engaged in marijuana-related activities in states that have enacted laws that make such activities lawful under state law. This enforcement position may change, whether due to a change in Presidential or Department of Justice leadership or otherwise.

The engagement of our firm is subject to certain terms and conditions. Ask your Cohen & Grigsby attorney for a description of those terms and conditions before deciding whether to pursue medical marijuana business opportunities in Pennsylvania.

Moreover, upon the engagement of our firm, we will require that you acknowledge that our representation of you is contingent upon the recognition and adherence to the following priorities:

1. Preventing the distribution of cannabis to minors except as otherwise allowed by legislation that legalizes medical marijuana or hemp in the Commonwealth of Pennsylvania;
2. Preventing revenue from the sale of cannabis from going to criminal enterprises;
3. Preventing the diversion of cannabis from states where it is legal under state law in some form to other states;
4. Preventing state-authorized cannabis activity as a cover or pretext for the trafficking of other illegal drugs or activity;
5. Preventing violence and the use of firearms in the cultivation and distribution of cannabis;
6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with cannabis use;

7. Preventing the growing of cannabis on public lands and the attendant public safety and environmental dangers posed by cannabis production on public lands; and
8. Preventing cannabis possession or use on federal property.

Finally, please be advised that Pennsylvania's Medical Marijuana Act requires the development of regulations that will address the growing, transportation, formulation, dispensing and use of medical marijuana. These regulations, which may take a substantial period of time to implement, will further define the scope of the lawful conduct of enterprises in this new and emerging field. You should consider these circumstances before deciding to pursue business opportunities in this area.

Copyright © 2016 by Cohen & Grigsby, P.C. (No claim to original U.S. Governmental material.)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of Cohen & Grigsby, P.C. The hiring of a lawyer is an important decision that should not be based solely on advertisements. Before you decide, ask us to send you free written information about Cohen & Grigsby's qualifications and experience.