CANNABIS LAW (FAA5310.01) SYLLABUS & RULES VERMONT LAW SCHOOL – SUMMER 2024

Prof. Benjamin C. Varadi <u>bvaradi@vermontlaw.edu</u> Prof. Timothy Fair tim@vermontcannabissolutions.com

Class Time: 5/28 - 5/31, Tuesday – Friday, 9:00 AM – 12:00 PM

6/3 - 6/13, Monday – Thursday, 9:00 AM – 12:00 PM

Location: Oakes 208

Office Hours: By appointment, in-person or electronically. Meetings with Prof. Varadi can be scheduled through <u>this link</u>. Meetings with Prof. Fair can be scheduled by calling his office at (802) 540-9333.

Notice: This document is intended as a general guide. The professors reserve the right to make modifications (and almost certainly will) based on course progression, guest speaker availability, and otherwise.

Web Platform: Microsoft Teams has been selected for class messaging, resource-sharing, and coordination because among the available options, it is the platform you are most likely to interact with in practice. It is your sole responsibility to check Teams regularly, as we will be using it heavily for course assignments, discussion, resource access and announcements. If you are unable to access the Team for this class at any time, for any reason, you must notify the professors immediately by email. If your problem is of a technical nature, also contact helpdesk@vermontlaw.edu.

Course Description: This course will survey historical and policy considerations relating to cannabis regulation and enforcement, explore the current and anticipated regulatory landscapes, and integrate considerations of note to practitioners in this rapidly developing field. Cannabis law is changing quickly, and portions of it are likely to change even during the term of this three-week class. In exploring the topic, we will consider other areas of law as they relate to the field, and how legal thinkers can best prepare themselves for future opportunities and challenges.

Objectives & Outcomes: By the end of the course, students should have an understanding of the historical development of cannabis regulation, contemporary policy considerations, guiding law in the area and considerations of practical interest. We will, *inter alia*, develop an understanding of the regulatory frameworks governing the seed-to-sale marketplace in the statelegal cannabis market, and consider past and future federal cannabis policy.

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Text(s): No print text will be required. **All readings and assignments, including your first assignment, will be posted to Teams prior to each class.** Please bring your full focus, attention and skill to each individual reading and assignment along with the accompanying discussion.

Lecture Format: We will endeavor to divide each day into two sessions, with a brief break between them. Whether class days are divided evenly will depend on topic.

Professionalism & Formality: In the classroom and when discussing the course, we prefer to be referred to as Professors Varadi and Fair. In casual conversation not related to the course, informal address is welcome. We will clarify your appellations in class, although you are welcome to email us in advance if that is your preference.

You are expected to comport yourself professionally as that term is commonly understood at VLGS and in law practice. When in doubt, endeavor to arrive timely and prepared, minimize disruption, communicate clearly, and demonstrate respect and courtesy for the classroom and your peers.

Written correspondence should be drafted formally, viz., as to a court clerk or more senior counsel. Per VLGS policy, electronic correspondence is not confidential, and may be reviewed by IT staff or law school administration.

School policy also prohibits eating in class. Beverages are permitted.

A demonstrated lack of professionalism may adversely impact your participation score (discussed below).

Attendance: Vermont Law School requires that students attend all summer class sessions. Missing more than one class is grounds for the Registrar to withdraw or fail a student. The professors do not have the authority to make exceptions. If you are unable to attend a given session due to medical, religious, or other circumstances truly beyond your control, you must email Prof. Varadi as soon as practicable.

Evaluation: This is a small, summer class with a challenging schedule. We will be learning collaboratively. Accordingly, 30% of your grade will be evaluated based on class participation and preparedness. You are not required to have the right answers, but are expected to be prepared, participate, and to bring intellectual rigor and good faith effort to class interaction. Transactional law can attract practitioners who are not enthusiastic about extemporaneous public speaking, and we will endeavor to provide opportunities for advance preparation where possible. If you prefer to complete participatory activities through Teams in lieu of class conversation, please email Prof. Varadi.

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20% of your grade will be assessed based on written assessments due before lecture begins on June 5 and 12. These assignments will be discussed further in class and are intended to demonstrate your synthesis of the material covered in the prior week. Grading will be based on accuracy, completeness, and presentation. Assignments turned in late, but before the end of the final class lecture, will receive half-credit. Assignments turned in after the final lecture will not be accepted.

The remaining 50% of your grade will be based on an open-book, take-home final exam, due no later than 11:59 AM (one minute before noon) on Sunday, June 16. Exams turned in later on the 16th will receive half-credit. Exams will not be accepted after 11:59 PM (one minute before midnight) on June 16.

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Course Plan: Following is an *aspirational* lecture timeline. Guest lectures and related adjustments to be announced upon final confirmation.

| Class | Date | Subject | Topics | | |
|------------------|-----------------|-----------------------------------|--|--|--|
| WEEK 1: THE PAST | | | | | |
| 1A | 5/28 | Introduction | Course Introduction, Terminology, Botany | | |
| 1B | | | Contemporary Seed-to-Sale Overview | | |
| 2A | 5/29 | History | Prehistory to the Controlled Substances Act | | |
| 2B | | | CSA to Early "Legalization" | | |
| 3A | 5/30 | Criminal Enforcement | CSA Enforcement, Criminal Issues in "Legal" States | | |
| | | | Criminal Enforcement cont'd. | | |
| 4A | 5/31 | Federalism | Federalism & Preemption | | |
| 4B | | Dormant Commerce Clause | Issues in Licensure & Interstate Commerce | | |
| | | WEEK 2: THE PRE | SENT | | |
| 5A | 6/3 | Medical "Marijuana" | History & Regulation | | |
| | Assignment Due! | | | | |
| 5B | | Contemporary Regulation | State Law Comparison | | |
| 6A | 6/4 | Licensure & Compliance | Licensure Considerations | | |
| 6B | | Intellectual Property | Copyright, Patent, Trademark | | |
| 7A | 6/5 | Transacting Business | Banking & Taxes | | |
| 7B | | Business Entities & Investment | Formation, Compliance | | |
| 8A | 6/6 | Real Property | Real Estate & Land Use | | |

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| 8B | | Hemp | Farm Bill & Related Considerations | | |
|--|-----------------|--|---|--|--|
| WEEK 3: THE FUTURE (AND SOME PRACTICAL CONSIDERATIONS) | | | | | |
| 9A | 6/10 | Advertising | Advertising | | |
| | Assignment Due! | | | | |
| 9B | | Labeling | Marketing & Compliance Considerations | | |
| 10A | 6/11 | The Near Future I: Regulatory Landscape | Law & Policy Considerations | | |
| 10B | | Near Future II: Business & Compliance | Public Companies, Investment & ESG | | |
| 11A | 6/12 | Rising Topics I: Cannabis | Employment, International Law | | |
| 11B | | Rising Topics II: Related Industries | Delta-8, Psychedelics, Etc. | | |
| 12A | 6/13 | Legal Ethics | ABA Model Rules and Related Considerations | | |
| 12B | | Social Equity | Social Equity Regulation & Enforcement | | |

REMINDER: TAKE-HOME EXAM IS DUE ONE MINUTE BEFORE NOON ON JUNE 16!

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