

Cannabis Business Blog

Recap of Moving Forward Under Measure 91 (Presentations Included)

By Jared Van Kirk on 4.16.15 | Posted in Business, Events, Oregon

We'd like to thank everyone who attended our seminar, "Moving Forward Under Measure 91," last Friday, in Portland! It was a great event, and we were even featured as part of a KGW-TV news segment.

As promised, we've included links to presentations by GSB attorneys, the Oregon Liquor Control Commission, League of Oregon Cities and Association of Oregon Counties. Beginning next week we will begin our blog series addressing questions that we may not have been able to get to during the Q & A. **Make sure to keep checking back here, or subscribe to our blog for updates!**

OVERVIEW OF MARIJUANA BUSINESS PLANNING

Andy Aley, Garvey Schubert Barer

Claire Hawkins, Garvey Schubert Barer

Jared Van Kirk, Garvey Schubert Barer

Hal Snow, Garvey Schubert Barer

CITY AND COUNTY PERSPECTIVE

Sean O'Day, General Counsel, League of Oregon Cities

Rob Bovett, Legal Counsel, Association of Oregon Counties

William Kabeiseman, Garvey Schubert Barer

OREGON LIQUOR CONTROL COMMISSION

Tom Towslee, Acting Communication Director, Marijuana Programs, Oregon Liquor Control Commission

Warning Regarding Federal Law: The possession, distribution, and manufacturing of marijuana is illegal under federal law, regardless of state law which may, in some jurisdictions, decriminalize such activity under certain circumstances. Penalties for violating federal drug laws are very serious. For example, a conviction on a charge of conspiracy to sell drugs carries a mandatory minimum prison term of five years for a first offense and, depending on the quantity of marijuana involved, the fine for such a conviction could be as high as \$10 million. In addition, the federal government may seize, and seek the civil forfeiture of, the real or personal property used to facilitate the sale of marijuana as well as the money or other proceeds from the sale. Although the U.S. Department of Justice (DOJ) recently rescinded its guidance regarding prioritization of criminal prosecutions of individuals and entities operating in compliance with effective state regulatory systems, DOJ left in place long standing guidance to federal prosecutors regarding how to exercise this discretion. Individuals and companies are cautioned to consult with experienced attorneys regarding their exposure to potential criminal prosecution before establishing business operations in reliance upon the passage of state laws which may decriminalize such activity. Federal authority to prosecute violations of federal law as crimes or through seizures and forfeiture actions is not diminished by state law. Indeed, due to the federal government's jurisdiction over interstate commerce, when businesses provide services to marijuana producers, processors or distributors located in multiple states, they potentially face a higher level of scrutiny from federal authorities than do their customers with local operations.