

1. Record Nr.	UNINA9910823625003321
Titolo	Diploma in child health . Volume 2 : a practical study guide / / Anil Garg [and four others] ; production editors, Mike Bengé ; cover design, Phil Morash ; page layout and typesetting, Phil Morash
Pubbl/distr/stampa	Hove, England : , : Pavilion, , 2014 2014
ISBN	1-909810-79-7 1-909810-80-0
Descrizione fisica	1 online resource (156 pages) : color illustrations, photographs
Disciplina	613.0432
Soggetti	Children - Health and hygiene Pediatrics
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Bibliographic Level Mode of Issuance: Monograph

2. Record Nr.	UNINA9910827377003321
Titolo	Cannabis Law : A Primer on Federal and State Law Regarding Marijuana, Hemp, and CBD / / edited by Barak Cohe and Michael C. Bleicher
Pubbl/distr/stampa	Chicago, Illinois : , : American Bar Association, , [2021] ©2021
ISBN	1-64105-827-7
Descrizione fisica	1 online resource (256 pages)
Disciplina	343.73076353
Soggetti	Marijuana - Law and legislation - United States Marijuana industry - Law and legislation - United States Marijuana - Law and legislation - United States - States
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Includes index.
Nota di contenuto	Intro -- Title Page -- Copyright Page -- Contents -- Editor's Note -- Preface -- Acknowledgments -- Chapter 1 : Basic Issues: The Tension between Federal and State Law and Policy -- 1. Introduction -- 2. Definitions -- 3. Overview of Law and Regulation -- 3.1 Federal Law and Enforcing Agencies -- 3.1.1 U.S. Congress and DOJ -- 3.1.2 U.S. Food and Drug Administration (FDA) -- 3.1.3 Federal Trade Commission (FTC) -- 3.1.4 U.S. Department of Agriculture (USDA) -- 3.1.5 U.S. Department of Treasury (Treasury) -- 4. Cannabis and Hemp: Enforcement -- 4.1 DOJ -- 4.2 FDA and FTC -- 4.3 Treasury -- 5. Proposed and Pending Federal Legislation -- 5.1 Decriminalization -- 5.2 Banking -- 5.3 Looking Forward -- 6. States -- 7. Afterword -- Chapter 2 : Transactional Considerations -- 1. Introduction -- 2. Private Company Transactions -- 2.1 Federal Legal Considerations -- 2.2 State Regulatory Considerations -- 2.2.1 Transfers of Applicable Licenses -- 2.2.2 Restrictions on Ownership of Cannabis Businesses -- 2.2.3 Reporting Requirements for Owners of Cannabis Businesses -- 2.3 Contract Considerations -- 2.3.1 Structure -- 2.3.2 Representations, Warranties, and Indemnification -- 2.3.3 Covenants and Conditions -- 2.3.4 Dispute Resolution -- 2.3.5 Minority Investments and Joint Ventures -- 3. Public Company Transactions -- 3.1 Disclosure Requirements -- 3.2 Exchange Rules -- Chapter 3 :

Banking and Finance Issues -- 1. Introduction -- 2. Federal Controlled Substances Act -- 3. Dual-Banking System -- 4. Bank Secrecy Act and Anti-Money Laundering Laws -- 4.1 Asset Forfeiture -- 4.2 Fines and Imprisonment -- 4.3 Bank Regulator Oversight -- 4.4 BSA Requirements -- 4.4.1 Establish Written Internal Policies, Procedures, and Controls -- 4.4.2 Conduct Independent Testing -- 4.4.3 Designate a BSA/AML Compliance Officer.

4.4.4 Provide Ongoing Training to Relevant Employees -- 4.4.5 Customer Due Diligence -- 5. Suspicious Activity Report Filing -- 5.1 Hemp Business and SARs -- 6. Currency Transaction Reporting -- 7. Federal Legislation -- 8. State Marijuana Banking Innovations -- 9. Identifying a Bank for MRBs -- 10. Payments for Marijuana -- Chapter 4 : Employment -- 1. Federal Law Grants Employers Greater Rights to Regulate Cannabis in the Workplace -- 2. Cannabis and the Hiring Process -- 2.1 Background Checks and Consideration of Cannabis-Related Arrests and Convictions in Hiring Decisions -- 2.2 Pre-Employment Drug Testing -- 2.3 Consideration of an Applicant's Participation in a Medical Cannabis Program or an Applicant's Off-Duty Use of Cannabis -- 3. Cannabis Use during Employment -- 3.1 On-Duty Use or Possession of Cannabis Products -- 3.2 Off-Duty Use of Cannabis Products -- 3.3 Post-Hiring Drug Testing for Cannabis Use -- 3.4 Accommodating Cannabis Use -- 3.4.1 Accommodating Cannabis Use under the Americans with Disabilities Act -- 3.4.2 Accommodating Medical Cannabis Use under State Law -- 3.4.3 Accommodating Recreational Cannabis Use under State Law -- 4. Carve-Outs from State Cannabis Laws -- 4.1 Safety-Sensitive Positions -- 4.2 Exception for Compliance with Federal Law, Contracts, Funding, or Licensing Requirements -- 4.3 Job Positions Regulated by Federal Agencies -- 5. Related Topics Associated with Cannabis Use and Employment -- 5.1 Workers' Compensation Benefits -- 5.2 Unemployment Benefits -- Chapter 5 : Cannabis and Real Property -- 1. Acquisition of Real Property for Cannabis-Related Uses -- 1.1 Real Estate Broker Issues -- 1.2 Financing Issues -- 1.2.1 Investors -- 1.2.2 Banks and Other Financial Institutions -- 1.2.3 Hemp and Hemp Derivatives -- 1.3 Title Insurance Issues and Real Estate Due Diligence -- 1.4 Property Insurance.

2. Commercial Leasing for Cannabis-Related Uses -- 2.1 Leasing Due Diligence and Loan Document Review -- 2.2 Enforcement Issues -- 2.3 Drafting Considerations -- 2.3.1 License Contingency or Condition Subsequent Clause -- 2.3.2 Permitted Use -- 2.3.3 Applicable Laws/Compliance with Laws -- 2.3.4 Rent and Form of Payment -- 2.3.5 Security and On-Site Cash -- 2.3.6 Landlord's Access -- 2.3.7 Tenant Improvements -- 2.3.8 Common Areas/Odors/Etc -- 2.3.9 Utilities and Operating Expenses -- 2.3.10 Environmental Concerns -- 2.3.11 Insurance and Indemnification -- 2.3.12 Surrender and Other End-of-Term Provisions -- 3. Forfeiture -- 4. Use Restrictions -- 5. Conclusion -- Chapter 6 : Tax Law Issues -- 1. Federal Income Tax Issues -- 1.1 General Principles -- 1.2 Internal Revenue Code Section 280E-Operating Expenses Not Deductible -- 1.2.1 "Trafficking" -- 1.2.2 "Controlled Substances" -- 1.2.3 Application to Non-Cannabis Lines of Business -- 1.2.4 Application to Internal Revenue Code Section 199A -- 1.2.5 Constitutional Issues-Eighth Amendment -- 1.2.6 Constitutional Issues-Fifth Amendment -- 1.2.7 Constitutional Issues-Sixteenth Amendment -- 1.3 Reductions to Gross Income-Internal Revenue Code Section 471 (Cost of Goods Sold) -- 1.3.1 Resellers -- 1.3.2 Producers -- 1.4 Reductions to Gross Income-Internal Revenue Code Section 164 (Taxes) -- 1.5 Internal Revenue Code Section 501(c)-Exempt Organizations -- 2. State Tax Issues -- 2.1 Income Taxes --

2.1.1 California -- 2.1.2 Colorado -- 2.1.3 Illinois -- 2.1.4 Oregon --
2.2 Other General Business Activity Taxes -- 2.3 General Retail Sales
Taxes -- 2.3.1 "Sales" -- 2.3.2 Exemptions -- 2.3.3 Business Inputs
Exemptions or Incentives -- 2.4 Cannabis Excise Taxes -- 2.4.1
Weight-Based Excise Taxes -- 2.4.2 Price-Based Excise Taxes -- 2.4.3
Stamp Taxes -- 2.5 Non-Marijuana Forms of Cannabis (Hemp and
CBD).

Chapter 7 : Marketing -- 1. Marketing Cannabis Products in the United
States -- 1.1 Cannabis, Marijuana, and Hemp -- 1.2 Cannabis
Derivatives -- 1.3 Legality of Advertising Cannabis Products -- 2.
Regulatory Framework for Hemp and Hemp Derivative Advertising --
2.1 Federal Advertising Laws -- 2.1.1 FTC -- 2.1.2 Lanham Act --
2.1.3 Federal Food, Drug, Dietary Supplements, and Cosmetics
Regulation -- 2.2 State Laws -- 2.2.1 Mini-FTC Acts and Consumer
Protection Laws -- 2.2.2 State Hemp and Hemp Derivative Laws -- 2.3
National Advertising Division -- 3. Advertising Basics -- 3.1 Identifying
an Advertising Claim -- 3.2 Puffery -- 3.3 Disclosures -- 3.4
Substantiating Advertisement Claims -- 3.4.1 Generally -- 3.4.2
Scientific Claims -- 3.5 Health Claims -- 3.5.1 Generally -- 3.5.2
Examples of Prohibited Health Claims -- 3.6 Advertising Issues
Regulated by the FDA -- 3.6.1 Drug Advertising -- 3.6.2 Dietary
Supplement Advertising -- 3.6.3 Food Product Advertising -- 3.6.4
Cosmetic Advertising -- 3.6.5 Unapproved New Animal Products -- 4.
Special Advertising Issues -- 4.1 Endorsements and Testimonials --
4.2 Comparative Advertising -- 4.3 Price Advertising -- 4.4 Contest
and Sweepstakes Promotions -- 5. Marijuana and Marijuana Derivative
Advertising -- 5.1 Federal Law -- 5.2 State Laws -- 6. Conclusion --
Chapter 8 : Trademarks -- 1. Federal Overview of Cannabis Trademarks
-- 1.1 The Federal Lanham Act and the Lawful Use in Commerce
Requirement -- 1.2 Compliance with the Controlled Substances Act --
1.3 The 2018 Farm Bill and Examination Guide 1-19 -- 2. Alternative
Trademark Protection for the Cannabis Industry and Its Limitations --
2.1 State Trademark Registrations -- 2.2 Federal Registration for
Ancillary Goods or Services -- 3. Trademark Infringement and Dilution
-- 3.1 Likelihood of Confusion -- 3.2 Dilution by Tarnishment -- 4.
Takeaways.

Chapter 9 : Patent Law in the Cannabis Industry -- 1. Introduction -- 2.
How Can the Industry Protect Its IP? -- 2.1 Utility Patents -- 2.2 Design
Patents -- 2.3 Plant Patents -- 2.4 Plant Variety Certifications -- 3.
Why Is Patentability Important? -- 3.1 Marketability for Future
Consolidation -- 3.2 Enforceability in the Courts -- 3.3 Potential for
Patent Challenges via Inter Partes Review -- 4. Conclusion -- Chapter
10 : Cannabis Litigation: Trends and Considerations -- 1. Cannabis and
Civil Litigation -- 1.1 Types of Cases -- 1.1.1 Consumer Protection --
1.1.2 Products Liability and Negligence -- 1.1.3 California Proposition
-- 1.1.4 Contract Law -- 1.1.5 Class Actions -- 1.2 Common Defenses
-- 1.2.1 Pleading with Specificity -- 1.2.2 Reasonable Consumer -- 1.3
Preemption -- 1.4 Primary Jurisdiction -- 2. Conclusion -- Chapter 11 :
Insurance Considerations for the Cannabis Industry -- 1. Overview of
Basic Insurance Products -- 1.1 Comprehensive General Liability -- 1.2
Property Loss and Business Interruption Insurance -- 1.3 Commercial
Crime or Fidelity Insurance -- 1.4 Cyber Insurance -- 1.4.1 Network
Security -- 1.4.2 Privacy -- 1.4.3 Business Interruption -- 1.4.4
Directors and Officers (D&O) Liability -- 2. Overview of Key
Risks and the Corresponding Insurance Product -- 2.1 Product Liability
-- 2.2 Fires, Bugs, and Other Sources of Property Loss -- 2.3 Theft --
2.4 Improper Release of Customer Information -- 2.5 Loss of Share
Value -- 3. Judicial Guidance -- 4. Conclusion -- Chapter 12 :

Bankruptcy -- 1. Introduction to Bankruptcy, Receiverships, and Assignments for the Benefit of Creditors -- 2. Treatment of Cannabis in Bankruptcy Cases -- 3. Treatment of Cannabis in Receiverships and ABCs -- 3.1 Receiverships -- 3.2 ABCs -- Chapter 13 : Regulation of Cannabis-Containing Products in the U.S. Food and Beverage Supply. 1. Federal Food Safety Oversight.

Sommario/riassunto

Until now, there has been no single reference to guide cannabis lawyers along the full continuum of potential legal needs challenging the industry. This treatise fills that gap from a sophisticated perspective by flagging key issues in more than a dozen practice areas and covering the impact of cannabis law from U.S. state and federal, as well as Canadian, enforcement and regulatory agencies.
