

CANNABIS LAW (FAA5310.01)
SYLLABUS & RULES
VERMONT LAW SCHOOL – SUMMER 2023

Prof. Benjamin C. Varadi
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Prof. Timothy Fair
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Class Time: 5/30 – 6/2, Tuesday – Friday, 9:00 AM – 12:00 PM
6/5 – 6/15, Monday – Thursday, 9:00 AM – 12:00 PM

Location: Oakes 107

Office Hours: By appointment, in-person or electronically. Meetings with Prof. Varadi can be scheduled through [this link](#). 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 professor immediately by email. If your problem is of a technical nature, contact helpdesk@vermontlaw.edu as well.

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 state-legal cannabis market, and consider past and future federal cannabis policy.

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 and speaker availability.

Professionalism & Formality: In the classroom and when discussing the course, We prefer to be referred to as Professor Varadi and Professor 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 VLS 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 VLS policy, electronic correspondence is not confidential, and may be reviewed by IT staff or law school administration.

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

A demonstrated lack of professionalism, after warning, 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.

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 18. Exams turned in later on the 18th will receive half-credit. Exams will not be accepted after 11:59 PM (one minute before midnight) on June 19.

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

8B		Hemp	Farm Bill & Related Considerations
WEEK 3: THE FUTURE (AND SOME PRACTICAL CONSIDERATIONS)			
9A	6/12 <i>Assignment Due!</i>	Advertising	Advertising
9B		Labeling	Marketing & Compliance Considerations
10A	6/13	The Near Future I: Regulatory Landscape	Law & Policy Considerations
10B		Near Future II: Business & Compliance	Public Companies, Investment & ESG
11A	6/14	Rising Topics I: Cannabis	Employment, International Law
11B		Rising Topics II: Related Industry	Delta-8, Psychedelics, Etc.
12A	6/15	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 18!