



# Marijuana Law

Expanded Legalization,  
Regulatory Reforms,  
Business Concerns



Review of recent federal law,  
policy and banking updates, and  
expectations for the next few years



Learn about different types of insurance  
available for the cannabis industry  
as well as regulatory compliance



Analysis and practice tips as the issues  
evolve in this area to include product  
liability, employment considerations,  
and workers' compensation issues



June 22-23, 2017

Hotel 1000

Seattle, Washington

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**resources**  
to build  
your practice ■

**T**here is little dispute that 2016 continued a streak of the most significant years in marijuana policy since President Richard M. Nixon signed the Controlled Substances Act into law over 45 years ago. On November 8, 2016, California, Nevada, Massachusetts, and Maine all voted to legalize recreational marijuana—doubling the number of legal-marijuana states to eight. Arkansas, Florida, and North Dakota legalized medical marijuana for specific medical conditions. Early indicators suggest that 2017 will see even more reforms across the country. With medical marijuana now legal in 29 states and the District of Columbia, insurers, employers, and business owners are being confronted with new challenges as well as opportunities. In today's ever-changing legal landscape, is your practice prepared to navigate the nuances of complex cannabis regulation, law, and policy? And in response to audience demand, the challenges involved in insuring marijuana businesses is a significant topic of this year's seminar. Please join us as we guide you through legal considerations faced by businesses, insurers, and employers dealing with the reality of legalized growing, sale, and use of marijuana.



**Matthew Y. Biscan**  
Program Chair



**Stephen O. Plunkett**  
Law Institute



**Melissa K. Roeder**  
Program Vice Chair



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PRESENTED BY **DRI's Medical Liability and Health Care Law, Employment and Labor Law, Insurance Law, AND Drug and Medical Device Committees**



## What You Will Learn

- Insurance issues
- The legislative environment
- Product liability issues
- Regulatory compliance
- Banking and business law
- Business aspects of marijuana
- Employment concerns

## PROGRAM SCHEDULE

### WEDNESDAY, JUNE 21

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

### THURSDAY, JUNE 22

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Rimkus Consulting Group Inc.**

8:00 a.m. **Welcome and Introduction**

**Stephen O. Plunkett**, *Bassford Remele PA*,  
Minneapolis, MN

**Matthew Y. Biscan**, *Satriana & Biscan LLC*,  
Denver, CO

8:10 a.m. **Marijuana Policy: The Past Is Prologue**

The landscape of marijuana legalization is changing constantly. One driving force behind the policy advances in the United States—from medical marijuana to recreational legalization—is the Marijuana Policy Project. Hear an overview of current and pending marijuana laws and likely trends.

**Rob Kampia**, *Marijuana Policy Project*,  
Washington, DC

9:05 a.m. **Medical Marijuana Insurance and Surety Solutions**

In the face of legalization and a risk-averse insurance and regulatory environment, what solutions and structures are available to obtain protection for industry liabilities such as workers' compensation and product liability concerns?

**Karen A. Canton**, *Capstone Brokerage*,  
Las Vegas, NV

10:00 a.m. **Refreshment Break**

10:15 a.m. **Product Liability Concerns for Marijuana Businesses**

Grow technology, food and drug contamination, medical efficacy, labeling, and accidental ingestion; the list of product liability concerns for marijuana products is as long as for any other product in the pharmaceutical and food industries. Existing pharmaceutical law might not be a good fit. What is the product liability

*Click on any speaker name to view bio.*

ity environment for cannabis and its ancillary products?

**Jenny A. Covington**, *Bowman and Brooke LLP*,  
Minneapolis, MN

11:10 a.m. **The Use and Effect of the Science of Toxicology in Marijuana Cases**

Marijuana has the potential to affect various aspects of cognitive behavior, including memory and decision making. As the use of this psychoactive drug increases, so do the potential challenges in accurately interpreting testing, determining possible impairment, and dealing with marijuana-related vehicle and workplace accidents. Listen to a comprehensive discussion of the current state of the science with regard to marijuana and how toxicology can be used to help understand clinical results relative to drug use and impairment.

**Annette B. Santamaria, PhD, MPH, DABT**,  
*Rimkus Consulting Group Inc.*, Houston, TX

12:05 p.m. **Lunch (on your own)**

1:15 p.m. **Representation of the Marijuana Business: Regulatory and Tax Issues**

Representing a marijuana business includes tax, antitrust, and securities issues, and in particular, unique matters of business development and technology. Learn about these issues from a practitioner with an extensive I-502 practice in Washington State and how they could play in other legalized states.

**J. Daniel Bariault**, *Business Advocate Law PLLC*,  
Seattle, WA

2:10 p.m. **What About the Banks? And the Reservations? And the SEC?**

Banking continues to be a matter of concern in the marijuana industry given the Schedule 1 status of cannabis. Get an update on banking issues as well as a look at alternative business models on Native American reservation land and the SEC's examination of the marijuana industry.

**Susan B. Zaunbrecher**, *Dinsmore & Shohl LLP*,  
Cincinnati, OH

3:05 p.m. **Refreshment Break**

3:20 p.m. **Store Fronts and Inventory: The Regulatory Environment for Retailers**  
 Marijuana retail concerns are, as a matter of business, not terribly different from any other store. But unlike a convenience or clothing store, the regulatory concerns present an entirely different environment. Looking in particular at the regulatory regimes of Washington and California, this session will explore the legal implications of opening a retail outlet, including currency options for conducting business.

**Myles Harlow Kahn**, *Foundry Law Group*, Seattle, WA

4:15 p.m. **Ethical Implications of Marijuana for Lawyers**  
 The recent developments in marijuana laws and regulations have created an ethical minefield for practitioners. Can lawyers advise clients who own or provide services to marijuana dispensaries or grow operations? Can lawyers invest in marijuana dispensaries? Can lawyers use marijuana without committing an ethical violation? Does it make a difference whether it is recreational or medicinal marijuana? This presentation will examine how various states have answered these questions and other ethical considerations involving marijuana law.

**Mark J. Fucile**, *Fucile & Reising LLP*, Portland, OR

5:15 p.m. **Adjourn**

5:30 p.m. **Networking Reception**

6:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

FRIDAY, JUNE 23

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

8:00 a.m. **Announcements**

**Melissa K. Roeder**, *Foley & Mansfield PLLP*, Seattle, WA

8:05 a.m. **Marijuana and Employment Law**

As more states legalize marijuana use, employers struggle to keep up with the conflict

between state and federal law and the expectations of applicants and employees who are recreational and medical marijuana users. What is the current status of the law and how can an employer adjust its personnel policies to protect itself from risk in this rapidly changing and often ambiguous legal landscape?

**Kenneth J. Diamond**, *Winterbauer & Diamond PLLC*, Seattle, WA

9:05 a.m. **Growers and Retailers: Insurable Interests?**

What complications for the insurance industry does legalization pose? And how do growers and retailers obtain protection for a product that is otherwise excluded from insurance under traditional underwriting standards?

 **Brenda Powell Wells, PhD, CPCU, AAI, CRIS**, *East Carolina University*, Greenville, NC

10:00 a.m. **Refreshment Break**

10:15 a.m. **Property and Casualty Coverage for the Hard to Insure: The Whys and Hows of Marijuana**

Learn about insuring cannabis crop and finished stock, from clones to shipments en route to retailers. Find out what safety and security measures carriers require from retailers to cover this property.

 **Doug Banfelder**, *Stratton Agency*, San Carlos, CA

11:10 a.m. **Paying for the Product: The Brave “New” World of Bitcoin**

Explore the legal, regulatory, and business concerns associated with the use of Bitcoin to conduct financial transactions in the marijuana industry.

**Brian E. Klein**, *Baker Marquart LLP*, Los Angeles, CA

12:05 p.m. **The View from the State**

Receive an overview of I-502 and its implementation, an update on litigation involving the state, and a review of current Washington State Liquor and Cannabis Board rulemaking.

**Bruce L. Turcott**, *Washington State Office of the Attorney General*, Olympia, WA

1:00 p.m. **Adjourn**

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## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MLE credit by the State Bar of California for up to **12** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please **check the DRI website at [dri.org](http://dri.org)** for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **Hotel 1000, 1000 First Avenue, Seattle, WA 98104** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$289 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit **dri.org** and go to the **DRI Marijuana Law Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 206.957.1000** and mention the **DRI Marijuana Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **May 23, 2017**, to be eligible for the group rate. Requests for reservations made after **May 23, 2017** are subject to room and rate availability.

### Registration Policy

**Save \$100 when you register by May 23, 2017.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks and networking receptions. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **May 30, 2017** (*please allow 10 days for processing*). Registrations received after **May 30, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **May 30, 2017**. Cancellations received after **May 30** and on or before **June 6, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **June 6** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **May 23, 2017**. After **May 23**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Marijuana Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## Hotel Accommodations

## FACULTY *Click on any name to view bio.*

 **Doug Banfelder**, Stratton Agency, San Carlos, CA

**J. Daniel Bariault**, Business Advocate Law PLLC, Seattle WA

**Matthew Y. Biscan**, Satriana & Biscan LLC, Denver, CO

**Karen A. Canton**, Capstone Brokerage, Las Vegas, NV

**Jenny A. Covington**, Bowman and Brooke LLP,  
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**Annette B. Santamaria, PhD, MPH, DABT**, Rimkus Consulting  
Group Inc., Houston, TX

**Bruce L. Turcott**, Washington State Office of the  
Attorney General, Olympia, WA

 **Brenda Powell Wells, PhD, CPCU, AAI, CRIS**,  
East Carolina University, Greenville, NC

**Susan B. Zaunbrecher**, Dinsmore & Shohl LLP, Cincinnati, OH

**View faculty bios on the Marijuana Law Seminar webpage;**  
*click on "View speakers" button.*

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- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

# Marijuana Law Seminar

June 22-23, 2017

Hotel 1000 | Seattle, WA

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to fax or mail

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Please list any special needs \_\_\_\_\_

Are you a first-time attendee at this DRI seminar?  Yes  No

How many attorneys \_\_\_\_\_ What is your primary  
are in your firm? \_\_\_\_\_ area of practice? \_\_\_\_\_

## REGISTRATION FEE

Registration fee includes seminar attendance, networking events and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before May 23, 2017	After May 23, 2017	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, <b>register by May 30, 2017.</b></i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
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<input type="checkbox"/> Group Discount*	\$775	\$875 (*as defined on page 3)	

## PAYMENT METHOD

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## DIVERSITY AND INCLUSION IN DRI: A STATEMENT OF PRINCIPLE

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Committed to Diversity