

Washington State Bar Association
Cannabis Law Section
Executive Committee Meeting
January 3, 2023

I. Washington State Bar Association (WSBA) Cannabis Law Section Chair (Chair) Alexis Hartwell-Gobeske convened a regular meeting of the WSBA Cannabis Law Section Executive Committee ("Committee") to order at 12:00 p.m. PT. on January 3, 2023 via Zoom videotelephony due to the Covid-19 pandemic. All members of the committee were able to simultaneously hear each other and to participate.

II. Recording Secretary Emmelyn Hart called the roll and recorded the following present: Alexis Hartwell-Gobeske, Emmelyn Hart, Heather Wolf, Josh Ashby, Peter Becker, Anastasia Gilmartin, Kimberly Kwan, Jessica Kiser, and Brenda George. WSBA Sections Program Coordinator Carolyn MacGregor was also present. The Chair declared a quorum present.

III. The Chair presented the minutes from the Committee's November 1, 2022 and December 6, 2022 meetings. She waived their reading as they were distributed by electronic means. The Chair then made a motion to approve the minutes. The motion was seconded. **The motion was ADOPTED.**

IV. The Industry Update Committees reported on the following:

A. Washington Updates

1. Legislative session pre-filings

- a. HB 5080, which would expand and improve the social equity in cannabis program.
- b. SB 5069, which would allow interstate cannabis agreements.
- c. HB 1083, which would address payment terms between cannabis processors and cannabis retailers.
- d. SB 5123, which would address the employment of individuals who lawfully consume cannabis.

B. National Updates

1. U.S. Senator Rand Paul introduced the Breakthrough Therapies Act ("BTA"), which would enable the Drug Enforcement Agency to make the findings necessary to transfer breakthrough therapies involving Schedule I substances from Schedule I to Schedule II to facilitate a phased roll-out of these potentially lifesaving therapies via FDA-approved Expanded Access pilot programs. The bill would remove burdensome federal regulations that impede research and development of drugs that may be inappropriately listed in Schedule I despite their potential to save lives.

2. States

- a. Rhode Island - Starting on December 1, 2022, adults may now purchase cannabis from one of five dispensaries across the state. Over the course of the next year, the state is expected to issue licenses for an additional 28 dispensaries, including a portion

reserved for social equity applicants and worker-owned cooperatives.

b. Mississippi – The Department of Health has proposed additions and revisions to its medical program, particularly regulations related to cultivators, processors, testing facilities, transportation entities, disposal entities, and regarding work permits, advertising and marketing, and registry/ID cards.

3. New York – The state’s first licensed dispensary opened in December 2022.

C. Intellectual Property/Litigation Updates

1. *Edible Arrangements, LLC v. Green Thumb Indus., Inc.* Edible Arrangements voluntarily dismissed its federal trademark infringement lawsuit without prejudice because of the “fast-shifting economic and legal landscape of cannabis.”

V. The Chair reported the Committee’s application to expand the Section’s scope to include liquor and psychedelics has been forwarded to the WSBA Board of Governors for consideration by consent at 9:00 a.m. PDT on January 14, 2023.

VI. The Chair provided an update on the Section’s proposed 2023 Continuing Legal Education seminars.

A. Spring CLE

1. Potential venues include Seattle University School of Law, another university, and/or online. Allowing students to attend free of charge may help build the Section’s membership. An online CLE may be easier to produce more quickly.

2. Possible topics include:

- a. Pathways to becoming a cannabis attorney.
- b. Intellectual Property for regulated industries (*e.g.*, cannabis, wine, beer, psychedelics).
- c. Real Property (*e.g.*, rental vs. purchase).
- d. Doing business with the Tribes.

3. Presented quarterly (*e.g.*, March, June, September, and December).

B. Fall CLE

1. Potential venue could include Gonzaga University and involve joint presentation with the Montana State Bar.

2. Possible topics include:

- a. The Section’s new categories (*e.g.*, beer and wine).
- b. The Craft Beverage Modernization Act.
- c. Intellectual Property, trademarks in particular.
- d. Insurance (*e.g.*, smoke, Covid-19 shutdowns).
- e. Agricultural and/or environmental issues (*e.g.*, impacts of climate change on vineyards).

VII. WSBA Sections Program Coordinator Carolyn MacGregor suggested that Winter marketing focus on Section membership, especially where members will get the benefit of a full calendar year of membership. Good time to use social media, professional networks. The Sections Program Coordinator also announced that the elections process will begin shortly. A drop-in information session will be held on January 19, 2023.

VIII. The next Executive Committee meeting will be held on February 7, 2023 at 12 p.m. PDT.

IX. There being no further business, the Chair adjourned the meeting at 12:49 p.m. PDT.

/s/ Emmelyn Hart
Emmelyn Hart
Recording Secretary

Minutes approved on January ____, 2023.