

Introduction to the 2025-2026 Edition

We receive positive and productive feedback on the *Cannabis Law Deskbook* from a diverse audience that appreciates its comprehensive treatment of cannabis law and regulation. We are grateful that readers find it valuable.

The pace of cannabis legalization and policymaking, with its surrounding issues and debates, has not lessened since publication of the last edition of the *Cannabis Law Deskbook*. Ohio legalized adult-use cannabis, several states inaugurated regulatory programs, others revised existing program rules, and litigation continued apace on several fronts. To keep pace with these movements, the editor and contributing authors of the Cannabis Law Deskbook have continued to monitor developments and present them to you here in this 2025-2026 Edition.

We tracked major issues and reforms. We added new Chapter 10B on intellectual property, covering patents, copyright, trademarks, trade secrets, and the potential effect of federal legalization. Significant improvements, revisions, and additions have been made to existing chapters. Here are some highlights:

- Chapter 4: Added discussion of recent cases highlighting the federal government’s ability to criminalize intrastate cannabis activities under the Commerce Clause and Necessary and Proper Clause; updated information on the status of the pending Drug Enforcement Administration rulemaking for the rescheduling of cannabis.
- Chapter 9: Incorporated findings from the National Academies’ 2024 report, “Cannabis Policy Impacts Public Health and Equity”; updated information on contaminant testing, with specific discussion of Oregon’s evolving aspergillus fungus testing requirements and related legal developments; added information on recent reports from Colorado and Washington on the health risks associated with high-potency THC products, as well as additional information on cannabinoids derived from hemp and the diverse legal landscape across states; added a new subsection focusing on increased cannabis use among older adults.
- Chapter 9B: Updated case law discussion of private causes of action for employment discrimination claims under state legalization frameworks and accommodations for medical

cannabis patients required under state disability laws; expanded discussion of challenges to adverse employment actions under the Americans with Disabilities Act; added a new discussion of medical cannabis use during pregnancy as grounds for child neglect under state law.

- Chapter 10: Updated information on which states impose an excise tax at the time of production or transfer of cannabis, as well as local taxation measures in several states and petitions to the Supreme Court regarding I.R.C. Section 280E.
- Chapter 10A: Added discussion of recent bankruptcy and receivership actions.
- Chapter 10B: Updated case law discussion of cannabis trademark disputes.
- Chapter 11: Updated case law discussion of warrantless vehicle search based on cannabis odor alone in Michigan.
- Chapter 13: Updated discussion of which states offer licenses for consumption and hospitality lounges; updated case law discussion on labor peace agreements.
- Chapter 15: Added references to ownership requirements in several new states; updated dormant Commerce Clause litigation status.
- Chapter 19: Added updated information on state restrictions for THC content per serving and per package.
- ● Chapter 21: Updated case law discussion on substantive due process rights.
- Chapter 22: Updated penalties sections; added discussion of several recent and notable enforcement actions.
- Chapter 23: Updated information on which states provide for government-to-government adult use cannabis agreements by statute.
- Chapter 25: Updated discussion of state regulation of hemp-derived cannabinoids; updated information on cases discussing federal preemption of state regulatory efforts under the 2018 Farm Bill.
- Chapter 26: Incorporated findings from Canada's 2024 Legislative Review of the Cannabis Act.
- Chapter 32: Updated discussions on the status of the regulation of cannabis in the Netherlands, Malta, United Kingdom, and Germany.

Additional topics will be considered for future editions of the Deskbook as we determine how it can best serve the need for accurate and thorough information on topics related to cannabis reform. Readers can take confidence in the dedication of the authors, as nationally recognized subject matter experts, to the

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ongoing task of monitoring developments in cannabis law and drafting updates, including interim updates, for the Deskbook versions on Westlaw, the Proview eBook, and future print editions.

Finally, we wish to express ongoing gratitude to our contributing authors and Thomson Reuters and its editorial team for their commitment to the Deskbook. As we look to the future, we expect the content of the *Cannabis Law Deskbook* will continue to evolve along with the pace and direction of developments in the field of cannabis law, providing readers with access to insights found nowhere else.

Cole White, Editor
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