



# Frost Brown Todd Hemp Industry Services

## Hemp's American Revival

After decades of prohibition, the U.S. hemp industry has been reborn in recent years, thanks to a 2014 federal pilot program regime that distinguishes the agricultural commodity from its psychoactive cousin, marijuana. Now that hemp has been permanently legalized thanks to the 2018 Farm Bill, a multi-billion-dollar industry looms, from construction, car paneling and clothing to popular food products such as hemp-derived cannabidiol (CBD).



**Frost Brown Todd  
has been uniquely  
positioned at the  
forefront of hemp's  
re-emergence.**

### Creating the Legal and Regulatory Regime

Frost Brown Todd's (FBT's) government relations subsidiary, CivicPoint LLC, has led the hemp industry's lobbying efforts over the past decade. Working side-by-side with then-Kentucky Agriculture Commissioner James Comer, passage was secured in Kentucky for one of the nation's first hemp bills. CivicPoint then worked closely with U.S. Senate Majority Leader Mitch McConnell and others to help them craft key federal statutes, including the 2014 Farm Bill and subsequent Omnibus Law riders, which now empower businesses in 40 states to grow and sell industrial hemp products under new pilot programs. As General Counsel for the US Hemp Roundtable, the industry's leading national business trade association, we worked intimately with Leader McConnell to develop and secure passage of permanent federal hemp legalization that was included in the 2018 Farm Bill, while simultaneously lobbying policymakers in more than a dozen states as they develop their legal and regulatory regimes.

### Legal Counsel to Hemp Farmers and Businesses

Meanwhile, Frost Brown Todd is recognized as one of the nation's leading law firms in representing hemp clients as they navigate these emerging legal and regulatory frameworks. FBT litigators assisted Commissioner Comer in the modern era's first major federal court lawsuit, successfully securing importation of hemp seeds that were blocked by the Drug Enforcement Administration. In succeeding years, FBT attorneys have assisted agribusiness and food and CBD sellers in federal and state regulatory matters and through corporate transactions, litigation, and intellectual property disputes as well as Food and Drug Administration counsel.

## What FBT Can Do for You

While many mature and startup companies benefitted from the 2014 pilot program regime, they are poised – as well as newcomers to the industry – to take full advantage of permanent hemp legalization. This includes growers, processors, manufacturers, marketers and retail sellers. The legal and regulatory issues surrounding the hemp industry—particularly concerning edible products, such as hemp-derived CBD—continue to evolve quickly, with hemp-knowledgeable law firms few and far between. Most firms servicing the clients in the hemp marketplace operate either smaller, specialty boutique firms or focus primarily on marijuana clients, with hemp as a secondary service line. Others looking to service the market are just now integrating into the industry. For these reasons, FBT has emerged as the leading national, full-service law firm for the hemp industry. Not only have our attorneys been there since the beginning of the resurgence, but we've done so in a geographical footprint overlapping with what many industry professionals see as the epicenter for hemp seed and crop production.

**FBT attorneys currently represent more than three dozen hemp-related companies. These clients range from Fortune 500 agribusinesses to small startup companies, encompassing every element of the industry, from seed and farming to processing and final products. Our services have entailed a variety of subject matters, including litigation, corporate formation, regulation and intellectual property. We have the substantive legal knowledge, backed by relevant industry experience, to offer the right advice and solutions for your needs.**



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## Specifically, FBT attorneys have assisted clients in the following ways:

### Legal/Regulatory

- » Advised clients on the legality of hemp and hemp-derived products under federal law and the laws and regulations of all 50 states.
- » Coordinated with regulatory officials and local law enforcement to respond to hemp-related activities and policy guidance.
- » Defended hemp companies in administrative hearings before state Departments of Agriculture.
- » Prepared grower and handler/processor pilot program licenses for clients.
- » Conducted corporate employee training for marketing and selling hemp-derived products.
- » Reviewed and structured clients' controls and processes for importing and exporting industrial hemp and derivative products.

### FDA Counsel

- » Provided counsel to hemp clients on FDA labeling requirements.
- » Vetted client websites for compliance with FDA, state and federal hemp laws and regulations.
- » Advised clients on permissible marketing and efficacy claims regarding hemp-derived CBD in accordance with FDA and FTC regulations.
- » Evaluated hemp products' labeling and packaging for permissibility of product-related claims, including dietary and medical claims.

### Intellectual Property

- » Worked with the U.S. Patent and Trademark Office to secure intellectual property rights for hemp clients.
- » Advised hemp-seed clients on issues relating to Plant Variety Protection (PVP), i.e., the intellectual property regime for agriculture.
- » Advocated for clients concerning the improper use of their intellectual property and exclusivity agreements.

### Corporate

- » Developed and registered corporate and LLC structures for new hemp companies
- » Drafted distribution, grower, supply and joint venture agreements for hemp-related businesses.
- » Advised and documented loan transactions involving industrial hemp and hemp-derived products as collateral.
- » Conducted due diligence and advised clients in connection with acquisitions of hemp-related businesses.

## Your Frost Brown Todd Team



**Jonathan S. Miller** | Member-in-Charge, Lexington office  
Lexington | 859.244.3218 | [jmiller@fbtlaw.com](mailto:jmiller@fbtlaw.com)  
Service Areas: Legislation and Regulation

Jonathan has emerged as one of the nation's leading hemp lawyers, while serving as one of the industry's leading advocates for legalization. Upon leading successful lobbying efforts that laid the groundwork for the current hemp pilot program regime, Miller now serves as trusted counsel to dozens of companies in the industrial hemp space. In 2014, Miller helped lead the successful battle against the DEA's efforts to ban importation of hemp seed, and he now serves as general counsel to the US Hemp Roundtable, the industry's leading business trade association, which led the fight to securing permanent federal legalization of hemp and continues to address the development of hemp-friendly state regulation. Prior to joining FBT, Miller spent nearly two decades in public service, where he held numerous senior positions in state and federal government, including two terms as Kentucky's elected State Treasurer, in addition to serving as Kentucky's Secretary of Finance and Administration, Deputy Chief of Staff of the U.S. Department of Energy, and Legislative Director for Congressman Jim Cooper.



**Kimera J. Hall** | Member  
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Service Areas: Regulated Business

Kimera represents clients in a variety of general corporate, commercial and day-to-day business matters, including commercial contract negotiation, review and drafting, with an emphasis on supply and distribution arrangements. She has emerged as a trusted counsel for hemp and hemp-derived CBD companies on issues relating to FDA and FTC regulation. Additionally, she focuses her practice on mergers and acquisitions and has assisted in acquisition and joint venture deals involving various industries. Most recently, she completed M&A transactions in both the food and beverage industry and the insurance industry.



**Keeana Sajadi Boarman** | Member  
Lexington | 859.244.7553 | [kboarman@fbtlaw.com](mailto:kboarman@fbtlaw.com)  
Service Areas: Corporate

There are few attorneys who have engaged in more corporate and transactional matters in the emerging hemp market than Keeana. She has helped clients structure their new hemp-related businesses, advised companies and investors in connection with investments in hemp-related businesses, documented loan transactions involving industrial hemp as collateral, and advised buyers looking to acquire hemp-related businesses. She focuses her corporate practice on mergers and acquisitions and financing and real estate transactions, but she also has extensive experience advising clients on a broad range of transactional matters related to their business and operations.



**Karlyn A. Schnapp, Ph.D.** | Member  
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Service Areas: Intellectual Property

Karlyn represents domestic and international clients in intellectual property matters, with an emphasis on patent and trademark prosecution and counseling. With a PhD in organic chemistry, Karlyn brings a unique insight into the protection of intellectual property associated with hemp-derived products. This includes expertise in the biosynthesis of CBD, small-molecule synthesis generally, and methods of manufacture for CBD and CBD-derived products.



**Daniel J. Cameron** | Senior Associate  
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Service Areas: Regulation, Litigation and Law Enforcement Liaison

Daniel served as Senate Majority Leader Mitch McConnell's General Counsel from 2015 to 2017 and was a key player in the development of the new federal hemp legal regime. Now with FBT, Daniel advises clients on a wide variety of hemp legal issues and serves as a trusted liaison to law enforcement officials.

## Your Frost Brown Todd Team Cont.



**Jan de Beer** | Member

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Service Areas: Corporate and International Trade

Jan practices in the areas of international regulation and trade, focusing on import and export matters, customs regulations, labeling requirements, and transaction licensing. He has experience counseling clients on their responsibilities under the Foreign Corrupt Practices Act (FCPA), the Department of Commerce's Export Administration Regulations (EAR), and the Department of State's International Traffic in Arms Regulations (ITAR). In addition to advising on U.S. embargoes and sanctions, Jan assists companies with the importation and exportation of hemp and hemp products, providing guidance on U.S. laws and regulations, while working with such agencies as U.S. Customs and Border Protection.



**Nolan M. Jackson** | Associate

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Service Areas: Regulation and Litigation

As part of his business litigation practice, Nolan advises hemp clients on myriad issues, including risk mitigation under federal, state, and local laws and regulations. He has analyzed hemp-related business activities, including import and export, under the laws of all 50 states and U.S. federal territories. Nolan has also successfully defended hemp clients before regulatory and law enforcement officials and conducted trainings on legally marketing and selling hemp-derived products, including CBD oil. Additionally, among other written works, Nolan co-authored with Jonathan Miller a comprehensive legal survey of hemp law for the Journal of Animal and Environmental Law of the University of Louisville Brandeis School of Law.



**Brooke Parker Robertson** | Government Relations Specialist

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Service Areas: Legislation and Regulation

In her role directing the work of state lobbyists across the country for the US Hemp Roundtable, Brooke has developed an unparalleled knowledge of regulatory and legal regimes in all 50 states. Brooke leverages that expertise on behalf of FBT clients, representing their interests before key regulatory authorities, navigating the permitting process, and helping them secure economic development incentives, public grants, and loans on the state and federal level. Further, as the incorporator of the new U.S. Hemp Farmers Association, Brooke has developed keen insight on emerging agricultural policies and technologies.



**Julie A. McConihay** | Managing Associate

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Service Areas: Intellectual Property

Julie has emerged as a leading resource for clients on hemp Plant Variety Protection (PVP), the intellectual property regime for agricultural products. Prior to joining the firm six years ago, Julie served as in-house counsel to the Procter & Gamble Company for over nine years, during which time she provided holistic Intellectual Property support for P&G Billion Dollar Brands. Julie's current practice includes developing and executing all aspects of global intellectual property strategies for a wide array of companies in the consumer goods and biotech industries.



**Carte P. Goodwin** | Member-in-Charge, Charleston office

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Service Areas: Intellectual Property, Litigation and Appellate

As a former U.S. Senator, Carte's legal career is punctuated by terms of public service. Carte has developed and managed a diverse practice and client portfolio, including extensive appellate and litigation experience, as well as advising businesses on matters including intellectual property, government relations, regulatory proceedings and commercial acquisitions. When a U.S. Attorney in West Virginia instituted a misguided lawsuit against state licensed hemp growers, Carte served as lead counsel in federal court defending the farm group from prosecutorial action.



**Richard E. Plymale** | Member

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Service Areas: Litigation

Dick is a former Assistant U.S. Attorney and General Counsel to the University of Kentucky. He led the litigation efforts in U.S. Federal court on behalf of Kentucky farmers to permit the importation of hemp seed into Kentucky.