Frost Brown Todd Attorneys Earn Dismissal in Groundbreaking Hemp Lawsuit

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The United States District Court for The Southern District of West Virginia dismissed the case against a West Virginia farm cultivating industrial hemp. Frost Brown Todd Member-in-Charge of the Charleston office Carte Goodwin and associate Elise McQuain successfully argued the hemp grown by Alternative Medicinal Options under the West Virginia industrial hemp pilot program did not violate the Controlled Substance Act.

In September 2018, the United States Attorney filed suit against Matt Mallory of Commonwealth Alternative Medicinal Options. The U.S. Attorney ultimately aimed to shut down the operation claiming it violated federal law by harvesting and transporting certain cannabis plants across state lines and by failing to follow the guidelines outlined in their license issued by the West Virginia Department of Agriculture. The court rejected these arguments, concluding that the 2014 Farm Bill, as further bolstered by the 2018 Farm Bill, had removed industrial hemp from the controlled substances list and holding that the federal government had no jurisdiction to inject itself into areas of oversight that Congress had reserved to the states.

“This is a significant win for the hemp industry not only in West Virginia but the United States,” said Goodwin. “Hemp is not the same as marijuana and should not be treated the same. It is an agricultural product that opens a new source of revenue for farmers and businesses across the country. Frost Brown Todd’s attorneys, including our Lexington Member-in-Charge and head of our hemp industry team Jonathan Miller, have spearheaded the efforts to launch the industrial hemp pilot program and legalize hemp. We are proud to continue those efforts representing hemp entrepreneurs everywhere.”

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