

How Can Counsel for Recreational Marijuana Companies Defend Against Failure to Warn Lawsuits?

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Hinshaw attorney Michael Adams recently published a byline in DRI's *For the Defense* magazine on the rising risk of failure to warn lawsuits confronting the recreational marijuana industry. With the marijuana industry one of the fastest growing industries in the United States, it is reasonable to anticipate that more tort-based lawsuits will be filed against it. In the article, Adams compares defenses used in failure to warn lawsuits filed against the alcohol and tobacco industries, and discusses what lessons those claims may have for marijuana companies.

Adams notes that under federal law marijuana remains an illegal Schedule I drug under the Controlled Substances Act. As such, defendants in the retail marijuana industry cannot invoke defenses based on federal labeling requirements. Instead, failure to warn claims against the recreational marijuana industry implicate state regulatory schemes, as well as the common law. Adams reviews potential defenses available based on compliance with state statutes and regulations, as well as the process of assessing whether product warnings and instructions are adequate.

[Read the full article](#) (PDF)

“Failure to Warn Claims Against the Recreational Marijuana Industry” was published by DRI's *For the Defense Magazine*, April 2021.

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