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Enforceability of Cannabis Coverage Remains Hazy, Insurance Journal

Jonathan B. Isaacson, KD partner and Andrew A. Lipkowitz, KD attorney, authored a column on the enforceability of cannabis coverage which is featured in Insurance Journal's Insuring Cannabis special issue (page 54).

While the number of states that have legalized marijuana for medical or recreational use continues to grow, the cultivation, sale, distribution and possession of marijuana remains illegal under the federal Controlled Substances Act (CSA). This dichotomy has caused uncertainty concerning the enforceability of the contractual rights of marijuana related businesses (MRBs) and the ancillary industries that serve them, like insurers.

Unfortunately, inconsistent approaches taken by courts in addressing these issues have added fuel to the fire of confusion.

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