

# Avoiding the Smoke When Banking Cannabis



March 16, 2020  
DoubleTree by Hilton, Mt. Vernon  
March 23, 2020  
CBAI Headquarters, Springfield  
March 24, 2020  
DoubleTree by Hilton, Lisle/Naperville

# Course Introduction

Despite the expansion of legal cannabis (both hemp and marijuana) at the state level, federal banking agencies have provided limited guidance for banks looking to develop policies, procedures and standard practices for providing banking services to the expanding cannabis industry. With uncertain federal expectations and limited comfort from Congressional action, how can banks engage with cannabis and provide needed banking services to the rapidly expanding industry? This presentation reviews the current state of guidance and provides a step-by-step plan for engaging with the cannabis industry.

## Who Should Attend?

Leadership, senior management, operations, compliance and risk management all benefit from attending.

### KEY TOPICS:

- Understanding the terminology around cannabis, hemp and marijuana, including the legal status of each
- Approaching the decision to provide financial services to cannabis-related businesses
- The legal landscape at the state and federal level related to cannabis
- Key regulatory guidance for banking cannabis-related businesses
- Developing a framework for providing financial services to cannabis-related businesses
- The Cannabis Regulation and Tax Act and its impact on a drug-free work environment

# Agenda

- |      |   |       |  |
|------|---|-------|--|
| I.   | Introductions   | VI.   | Developing a Framework for Providing Financial Services to Cannabis-Related Businesses |
| II.  | Overview of the Terminology Used in the Context of Cannabis                 | a.    | Risk Assessment  |
|      | a. Cannabis   | b.    | Policies and procedures  |
|      | b. Marijuana  | c.    | Personnel  |
|      | c. Hemp   | d.    | Training   |
|      | d. CBD and CBD oil  | VII.  | Human Resources and Employment Matters   |
|      | e. THC  | a.    | Protections for employers  |
|      | f. Cannabis-related businesses  | b.    | Pre-employment and random drug testing   |
|      | g. Marijuana-related businesses   | c.    | Requests for reasonable accommodation  |
| III. | Legal Landscape of Cannabis   | d.    | Impairment on the job  |
|      | a. Federal level  | e.    | Due process for employees  |
|      | b. State level – Illinois   | f.    | Amendments to the Illinois Right to Privacy in the Workplace Act                       |
| IV.  | Regulatory Guidance and Considerations from the Bank Regulatory Perspective | g.    | NLRA implications for non-unionized employers  |
|      | a. FinCEN   | h.    | Practical considerations and unintended consequences                                   |
|      | b. Department of Justice  | VIII. | Conclusions  |
|      | c. Federal banking agencies   |       |  |
|      | d. State agencies   |       |  |
| V.   | Deciding to Provide Financial Services to Cannabis-Related Businesses       |       |  |
|      | a. Risks  |       |  |
|      | b. Opportunities  |       |  |
|      | c. Risk appetite  |       |  |
|      | d. Board discretion   |       |  |

# About the Presenters

**Leonard W. Sachs** chairs the Labor and Employment Group at Howard & Howard Attorneys PLLC, and manages the firm's Peoria office. Sachs earned his degrees from Northwestern University, Evanston, IL, and the University of Illinois College of Law, Champaign-Urbana. He practices labor and employment law exclusively for management clients across the country. For many clients, he takes a proactive approach to employment-litigation avoidance by becoming an active part of the human-resource team. For example, he regularly counsels clients on managing excessive employee absences and leave abuses consistent with the Family and Medical Leave Act and disability discrimination laws. He also has been peer-rated as an "Illinois Super Lawyer," and an "Illinois Leading Lawyer," and has been recognized by the "Best Lawyers in America." Howard & Howard Attorneys PLLC is a business law firm with offices in Michigan, Illinois, Nevada and California.

**Joseph E. Silvia**, is an attorney in the Chicago office of Howard & Howard Attorneys PLLC where he concentrates his practice in the financial institutions industry on mergers, acquisitions, strategic transactions, general corporate matters, private equity, financial technology, and bank and consumer finance regulation. Silvia advises clients and writes and speaks to industry groups on topics related to the corporate activities and supervision of financial institutions, including state and federal regulation with respect to retail banking, third party risk management, anti-money laundering and OFAC compliance, cannabis, payments and digital currencies. Silvia previously served as counsel to the Federal Reserve Bank of Chicago, where he focused on bank, bank holding company, and savings and loan holding company supervision and regulation, as well as consumer finance and compliance matters. Silvia is an adjunct professor of law at Chicago-Kent College of Law where he teaches a course in consumer banking law.

# Registration Fees

Fees include hand-out materials, refreshment breaks and lunch. An income-tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills.

## Cancellation Policy

Registrants cancelling two days prior to each seminar receive 100% refund; one day prior, 50%; the day of the seminar, no refund. **All cancellations must be made in writing prior to the seminar day. Invoices and training materials will be sent to all "no shows."**

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First Registration .....	\$465
Each Additional Person .....	\$445

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**\*\*Only financial institutions/firms eligible for CBAI membership.**

# Registration Form

## AVOIDING THE SMOKE WHEN BANKING CANNABIS

### Please specify preferred date and location.

- March 16, 2020, DoubleTree by Hilton, Mt. Vernon  
 March 23, 2020, CBAI Headquarters, Springfield  
 March 24, 2020, DoubleTree by Hilton, Lisle/Naperville

### Please Print

Name of Bank \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Tel. No. \_\_\_\_\_

Name/Title \_\_\_\_\_

E-Mail \_\_\_\_\_

(E-mail addresses are required for registration)

Name/Title \_\_\_\_\_

E-Mail \_\_\_\_\_

(E-mail addresses are required for registration)

I have special needs, please contact me before the seminar.

### Please select your payment method.

- Check Enclosed                       Check in Mail  
 Pay at Door                               Credit Card\*

*\*If you are paying by credit card, please fill out the following information.  
(Visa, MasterCard & Discover accepted).*

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Fax it in:  
(217) 585-8738



Call it in:  
(800) 736-2224 (Illinois only)  
(217) 529-2265

### Dates and Locations

#### March 16, 2020

DoubleTree by Hilton, Mt. Vernon  
222 Potomac Blvd  
Mt Vernon, IL 62864  
618/244-7100

#### March 23, 2020

SHAZAM Education Center  
CBAI Headquarters  
901 Community Drive  
Springfield, IL 62703  
217/529-2265

#### March 24, 2020

DoubleTree by Hilton, Lisle/Naperville  
3003 Corporate West Drive  
Lisle, IL 60532  
630/505-0900

### Agenda

Registration begins at 8:30 a.m. The seminar runs from 9 a.m. to approximately 4 p.m. A Continental breakfast and lunch are provided.

### Continuing Education

CBAI is a registered Public Accounting Continuing Professional Education (CPE) provider by the Illinois Dept. of Financial and Professional Regulation.

### For More Information

Tracy McQuinn, Senior Vice President  
Melinda McClelland, Vice President  
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