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Dormant Commerce Clause Issues Are Evolving In Cannabis



Can states restrict ownership of licensed businesses to state residents only? The answer to this question would generally be a straightforward no — states cannot attempt to provide undue, preferential treatment to their own citizens over those from other states.

But federal courts have reached different conclusions when it comes to state-legal marijuana operations.

For instance, in the [U.S. Court of Appeals for the First Circuit](#), the appellate panel **concluded last year** in *Northeast Patients Group v. United Cannabis Patients and Caregivers of Maine* that the U.S. Constitution precluded states from implementing residency requirements for dispensary ownership in Maine.

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Authors

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