

Nathalie Bougenies

 Associate

☎ 503.205.2515 📍 Portland Office
✉ nathalie.bougenies@millernash.com
🐦 @millernashllp

“I am a conscientious and reliable creative thinker and problem-solver. These qualities, along with my commitment to understanding each client’s business and goals, allow me to help clients navigate highly complex, regulated industries.”

Nathalie Bougenies assists cannabis and hemp businesses in a variety of corporate transactions and regulatory compliance issues. She helps clients navigate the complex regulatory landscape of cannabis and hemp products intended for human consumption, and advises on FDA enforcement and issues under the Food, Drug & Cosmetic Act. Nathalie also assists domestic and international clients on the sale, distribution, marketing, labeling, and importation of these products. Nathalie frequently speaks on regulatory issues related to hemp and cannabis, and has made national media appearances, including on NPR’s “Marketplace.” She also authors a weekly column for *Above the Law* discussing cannabis policy and regulation.

During law school, she served as a Fellow with the U.S. Chamber of Commerce Global Innovation Policy Center in Washington, D.C., where she researched complex IP issues, including counterfeiting and patent reforms, and advocated on behalf of Fortune 500 Companies for stronger IP rights and global enforcement.

Nathalie was born and raised in Belgium and has lived and studied in Africa, Asia, Europe, and North America. She utilizes her broad international background to assist overseas clients with their foreign direct investment into the United States and offers unique and valuable insight to clients in their cross-border transactions.

Professional Activities

- Multnomah Bar Association, Member
- Oregon State Bar, Member
 - Business Law Section
 - Intellectual Property Section
- Oregon Women Lawyers
- American Bar Association
- International Cannabis Bar Association
 - Oregon Cannabis Law Section

Education

J.D., University of Oregon School of Law, 2016

- Executive Editor, *Oregon Law Review*, 2015-2016
- Associate Editor, *Oregon Law Review*, 2014-2015
- Moot Court Board Member, 2014-2015

B.A., Saint Martin’s University, *summa cum laude*, political science and international relations, 2007

Bar Admissions

Oregon, 2016

Languages

French
Spanish

Civic Activities

- Lane County Legal Aid & Advocacy Center, 2011-2012

Representative Experience

Cannabis — Regulatory

- Advise clients on the regulatory framework and legality of manufacturing, selling, and marketing hemp-derived products in the U.S. and overseas.
- Provide guidance to cannabis companies in reviewing their marketing tools, including websites, product labels and descriptions, and social media platforms, to ensure compliance with state laws and potential U.S. Food & Drug Administration and U.S. Federal Trade Commission compliance issues.
- Assist cannabis clients with license application and regulatory compliance.

Cannabis — Ancillary Businesses

- Provide guidance to financial institutions offering services to cannabis-related businesses, including drafting of internal policies and procedures and that of cannabis-specific customer agreements and other related documents.

Corporate Transactions

- Structure, negotiate, and draft a wide range of transactional documents, such as governance documents, purchase and sale agreements, white label agreements, and licensing agreements.
- Represent businesses as buyers and sellers in negotiating and drafting merger and acquisition transactional documents and managing closings.

Publications

- “What’s Up with Pet CBD?” *Cannabis Business Times* (May 2022)
- “What Does the Ninth Circuit’s Ruling on the Legality of Delta-8 THC Mean for the Industry?” *Above the Law* (May 2022)
- “How Many More Warning Letters Will the FDA Issue before Promulgating Meaningful Regulations?” *Above the Law* (May 2022)
- “Did the DEA Seed Letter Abolish the ‘Source Rule’?” *Above the Law* (Apr. 2022)
- “FDA Warning Letters Are Pearls of Wisdom,” *Above the Law* (Apr. 2022)
- “Congress Understands the Need to Regulate CBD,” *Above the Law* (Mar. 2022)
- “The Hemp Advancement Act: A Good or a Bad Omen for the Hemp Industry?” *Above the Law* (Mar. 2022)
- “Are States Crossing the Lines?” *Above the Law* (Feb. 2022)
- “Cannabis Taxpayers, the IRS Is Here to Help (Seriously!)” *Above the Law* (Jan. 2022)
- “Why Cannabis Companies Should Care about Their Online Accessibility,” *Above the Law* (Dec. 2021)
- “The DEA Declares Delta-8 THC Is Not a Controlled Substance... But Does It?” *Above the Law* (Nov. 2021)
- “Brand Influencers: A Lucrative, Yet Risky Marketing Strategy for Cannabis Companies,” *Above the Law* (Nov. 2021)
- “Hemp-Derived Products: The Law Does Not Stop at Labeling Requirements,” *Above the Law* (Oct. 2021)
- “California Finally Jumps on the CBD Bandwagon,” *Above the Law* (Sept. 2021)
- “Stop Censoring CBD,” *Above the Law* (Aug. 2021)
- “The ‘THC In Milligrams’ Limit: A New Approach to Regulating Hemp Products,” *Above the Law* (Aug. 2021)
- “I Took a Delta-8 Gummy Before Going on a Run, Things Got Weird—Really Weird,” *Refinery29*, quoted (Aug. 2021)
- “The Unveiling of the CAOA: How the Senate Proposes to Regulate Marijuana,” *Above the Law* (July 2021)

- “Will Sha’Carri Richardson’s Suspension Help Marijuana Legalization over the Finish Line? *Above the Law* (July 2021)
- “House Appropriations Committee Seeks Clarity on 0.3% THC Rule in Hemp Industry,” *Cannabis Business Times*, quoted (July 2021)
- “Hemp Industries Association Urges Regulation, Not Prohibition, of Delta-8 THC,” *Above the Law* (June 2021)
- “Is 2021 the Year Marijuana Becomes Federally Legal? Probably Not.” *Above the Law* (June 2021)
- “How California Sneakily Banned CBD Cosmetics,” *Above the Law* (June 2021)
- “Some Pa. Stores Sell Delta-8 THC, Which Promises a Weed-Like High. Is it Legal?” *The Times*, quoted (Feb. 2021)
- “One Last Chance to Fix DEA’s Controversial Hemp Rule,” *The Leaf Online*, quoted (Sept. 2020)
- “CBD and Hemp Industry Threatened by New DEA Rule,” *Vaping360*, quoted (Aug. 2020)
- “Devil in the Details: Hemp Contracts Crucial as Litigation Jumps,” *AgWeb*, quoted (Nov. 2019)
- “Hemp Pitfalls and Promise: Alarm Sounded by Midwest Grower,” *AgWeb*, quoted (Sept. 2019)
- “Is Flying with CBD Legal? The Answer Is Far More Complicated than You’d Think,” *Mic*, quoted (May 2019)
- “The Untold Story of Patents and Innovation,” U.S. Chamber of Commerce, *Above the Fold*, coauthor (Apr. 2016)

Presentations

- “Opportunities at the Intersection of Hemp and Marijuana,” CWCBEexpo (Nov. 2021)
- “CBD and Social Media: Using Brand Protection PR™ to Avoid Pitfalls,” Move the Stairs, podcast (Oct. 2021)
- “Law Panel: Our Future: The Legal Landscape of the CBD Industry,” USA CBD Expo (June 2021)
- “Distributor Requirements for Hemp and Dietary Supplements: Pitfalls to Avoid,” Asa Waldstein, Regulatory Education Series (June 2021)
- “California Cannabis and Hemp Business Considerations,” The Seminar Group (Apr. 2021)
- “CBD Considerations in the Pacific Northwest,” The Seminar Group (Mar. 2021)
- “2nd Annual Food Label Claims: Risk Management & Substantiation Conference,” Q1 Productions (Dec. 2020)
- “Hemp & CBD Track: The Regulatory Framework of Hemp CBD Products: Can’t We All Just Get Along?” Marijuana Law Conference (Nov. 2020)
- “Cannabis E-Commerce: Legal and Regulatory Problems and Solutions for Online Marketing and Sales,” Lawline (Nov. 2020)
- “Hemp + CBD Q&A,” CBDx Retail Virtual Event (Oct. 2020)
- “FDCA and the FDA’s Position on CBD,” The Pennsylvania Bar Institute’s Medical Marijuana and Hemp Law Symposium (Sept. 2020)
- “How to Navigate the Marketing Landscape of Hemp-Derived CBD Foods and Dietary Supplements,” Q1 Productions (Aug. 2020)
- “How to Market & Sell CBD Products Online,” ASD Market Week (June 2020)
- “Regulation of non-THC Cannabinoids,” JD Supra: The Cannabis Law Sessions (June 2020)
- “Year End Spectacular Double Episode—Part One,” Lancaster Farming Podcast (Dec. 2019)
- “The Business of Marijuana in Oregon,” The Seminar Group (May 2019)
- “Cities and States Are Confused About Whether CBD Products Are Legal,” *Marketplace*, podcast appearance (Mar. 2019)
- “Industrial Hemp Podcast: Episode 9,” Lancaster Farming Podcast (Oct. 2018)

Recognition & Honors

- Recognized as one of the Global Top 200 Cannabis Lawyers by *Cannabis Law Report & Cannabis Law Journal*, 2021-2022
- Selected for inclusion as an Oregon Super Lawyer—Rising Star, 2019-present
- U.S. Chamber of Commerce, Global Innovation Policy Center, Fellow, spring 2016
- 1884 Public Spirit Award, University of Oregon School of Law, 2013-2014

Personal Activities

Nathalie loves the arts and spends most of her free time in museums and movie theaters. She also enjoys long daily walks, listening to music, and cooking meals from scratch.