



## The Impact of Legalized Marijuana On Your Business

California legalized the use of marijuana last year and the impact will be felt on all businesses. The new California initiative would allow adults to grow as many as six plants for personal use. In addition, the ballot measure allows retail sales of marijuana by licensed shops and imposes a 15% excise tax.

Many states have legalized, or are in the process of legalizing, the use of marijuana. While many people are sky high with joy, it is no laughing matter for employers. There are 23 states that have legalized marijuana for medical reasons. With these changes come real concerns for employers about how to manage employees who use marijuana.

When states first began to legalize marijuana, the prevailing opinion was that workers' compensation systems would not pay for medical marijuana use. Marijuana use still remains illegal under the Federal Controlled Substance Act of 1970, The Drug-Free Workplace Act of 1988, and The Omnibus Transportation Employee Testing Act of 1991.

### **Risk Management Keys to Dealing with Marijuana in the Workplace**

We recommend that you always consult with an attorney for all employment and legal related issues.

- Many legal experts tell employers to treat marijuana like alcohol or other drugs.
- If a person has a medical marijuana use permit, an employer must consider that.
- Employers can still require certain conditions to be met for use of equipment and job safety concerns.
- Employers are required to make reasonable accommodations for the medical needs of any employee, as long as the accommodation does not create a threat or danger to others.
- Marijuana remains illegal under federal law. To date, state courts have generally held that an employee's right to use medical marijuana does not impose an obligation on employers to accommodate that use under state law.
- Employers can ask about illegal drug use during interviews and that is not protected.
- It is important for all employers to comply with state and federal laws.