



STRATEGIES IN MANAGING TODAY'S WORKFORCE



Medical Marijuana And The Workplace

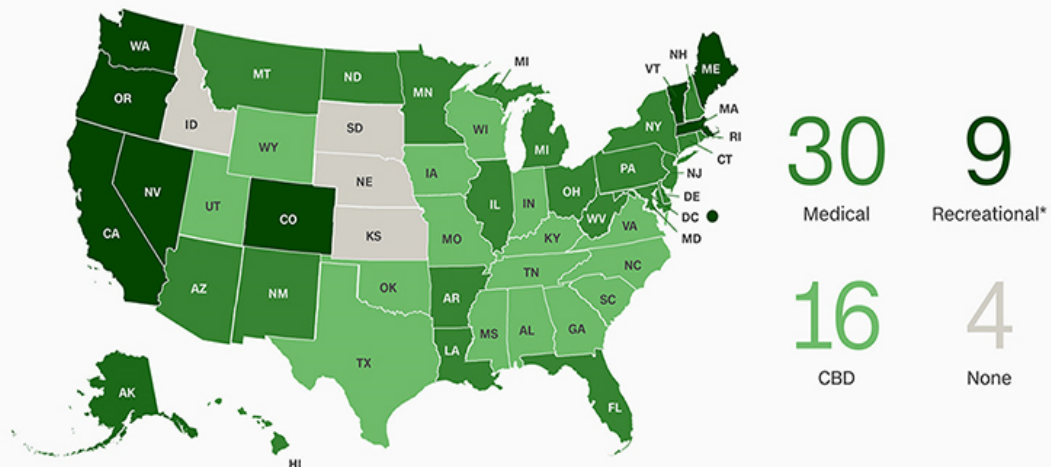
- > **Ilanit Fischler** – Fisher Phillips, Fort Lauderdale
- > **Chip LaMarca** – Florida State Representative

#FPFL19

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United States of Marijuana

The state of the union is strong for marijuana, a \$9 billion industry. Recreational weed is legal in nine states and Washington, D.C. Medical marijuana is legal in 30 states, but it's still prohibited by the federal government.



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The Feds – Is Cannabis Here to Stay?



- > 64% of Americans surveyed by the Gallup Poll last year said they favor outright legalization
- > Yet, Cannabis remains an illegal Schedule 1 drug under federal law.
- > The DEA refused to reschedule in August 2016, but now allows research



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Medical Marijuana in Florida



- > There is a constitutional right to use medical marijuana for individuals with certain “debilitating medical conditions” as determined by a licensed state physician. These specifically include:
 - > Cancer, epilepsy, glaucoma, the human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis.
- > It also includes a catch-all category for other conditions “of the same kind or class as or comparable” to those enumerated, if a physician believes that the medical use of marijuana would “likely outweigh the potential health risks for a patient.”

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Medical Marijuana and Workplace Accommodations



- > "This section does not require an employer to **accommodate the medical use of marijuana** in any workplace or **any employee working while under the influence** of marijuana."
- > Do employers may have to accommodate medical marijuana use by applicants or employees **outside** of the workplace if they are not working under the influence? What does it mean to work **under the influence**?

Medical Marijuana Policies



- > If the employer chooses to move forward with drug testing, it should work with counsel to draft a policy that will address the various issues to be covered, including:
 - > Expectations and behaviors that violate the policy
 - > Types of testing and detection
 - > Inspection issues
 - > Consequences for a positive test
 - > Result of refusal to test

Takeaways



- > Don't ignore the issue – it's here to stay
- > Consider your industry, company culture and business needs
- > Consider your state and the applicable laws
- > Update your policy that considers both and apply it uniformly
- > AND, stay up to date – watch your legal alerts, read your blogs, and follow your favorite employment attorney on Twitter.

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THANK YOU

FOR JOINING US

Ilanit Fischler
ifischler@fisherphillips.com
954.847.4723

Chip LaMarca
@ChipLaMarca



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