



## Now That Pot's Legal, What Happens To Employees Who Use?

News

1.22.14

Danielle Urban was quoted in an article entitled “Now That Pot’s Legal, What Happens To Employees Who Use?” featured on a Reuters.com blog.

Even though many states, including Colorado, have statutes precluding employers from acting against employees who take part in legal activities outside of the workplace, like smoking a cigarette on your break, that protection doesn’t extend to using marijuana when state law bumps into the federal ban on pot.

A Colorado intermediate appeals court reached that conclusion in a case involving a Dish Network employee, a quadriplegic who was authorized to use the drug medicinally before Colorado passed its broad pot legalization law.

Even though he claimed he only used marijuana lawfully, on his own time and in compliance with Colorado’s restrictions on medicinal use, a divided appeals court held that medical marijuana usage is not a protected “lawful activity” because pot is federally prohibited.

“That’s the piece that employers need to make clear to employees that you can be fired for using marijuana outside of work,” said Danielle.

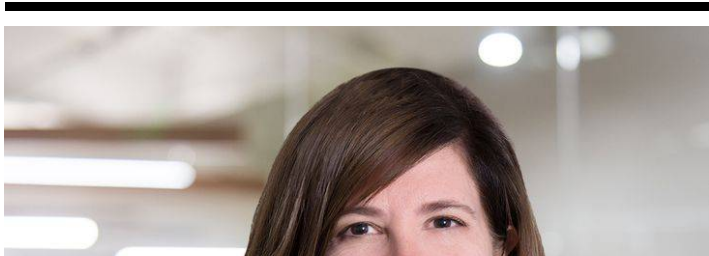
Danielle said that the state appeals court was well aware that recreational use of marijuana was coming to Colorado when it issued the ruling.

[Read more.](#)

---

Please reach out to our [Media team](#) for any news inquiries.

### ***Related People***





**Danielle S. Urban, CIPP/E**

Partner

303.218.3650

Email