

Marijuana Legalization: Workplace Woes Over Weed and Beyond

Jim Hammerschmidt presented at Federal Bar Association's 2019 Annual Meeting and Convention in Tampa, FL on September 5, 2019.

A description of the presentation is below.

The attitude toward the use of marijuana for recreational and medicinal purposes is changing rapidly across the country. Federal law, however, specifically the Controlled Substances Act, continues to classify marijuana as a Schedule I controlled substance. The hash of laws is not only complicated for prosecutors, state officials, law enforcement officers, and individuals, but it also creates a host of questions and issues, some without any clear answer, for employers. This program will explore the legal landscape surrounding marijuana laws in the United States, including a discussion led by the Deputy Solicitor General of the State of Nebraska regarding the novel constitutional law case filed by the States of Nebraska and Oklahoma against Colorado in the United States Supreme Court under the Supremacy Clause. The program will also explore the many challenges employers and their legal counsel can expect to face situations regarding medical versus recreational use laws, background checks, disciplinary policies, impairment and drug use policies, at-work vs. personal time activities, disability accommodations, and even discrimination against marijuana users.

Jim is Co-President of the firm, Chair of the Employment Law group and a member of its Litigation and Appellate Practice groups.