

## Approval of Michigan Marijuana Proposal Brings Changes for Employers

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November 7, 2018

Michigan voters have approved Proposal 18-1 ("the Act"), which will legalize possession, use and cultivation of marijuana, marijuana products and industrial hemp by persons 21 years of age and older. The Act also authorizes commercial sales of marijuana through state-licensed retailers. The Act will take effect 10 days after the official certification of the vote.

The initiative which authorized Proposal 18-1 is four pages long and addresses many issues regarding state licensing, taxation and municipalities' rights and obligations under the Act.

**What does this mean for employers?** Of particular importance to employers are the following effects/provisions:

- The Act does not change federal law, which still prohibits use, possession, cultivation and delivery of marijuana, or federal regulations such as DOT regulations for CDL holders.
- The Act does not require an employer to permit or accommodate marijuana in the workplace.
- The Act does not prohibit an employer from disciplining an employee for violating a workplace drug policy; in other words, an employer may continue to test and may refuse to hire, may discharge or otherwise discipline an employee who violates a workplace policy.
- The Act does not permit an employee to report to work while under the influence of marijuana.
- The Act does not permit a person to consume marijuana in a public place or smoke marijuana where prohibited by the owner, occupier or manager of property.
- The Act does not permit a person to possess marijuana or accessories or possess or consume marijuana on the grounds of a public or private pre-K or K-12 school, in a school bus or on the grounds of a correctional facility.

If you would like to implement, update or revise a workplace drug policy or have questions, please contact your Miller Canfield attorney.