

A pineapple with its green crown sits in a field of green grass. The background is a bright blue sky with soft white clouds. A white rectangular box with a dark teal border is centered over the image, containing the conference title and dates.

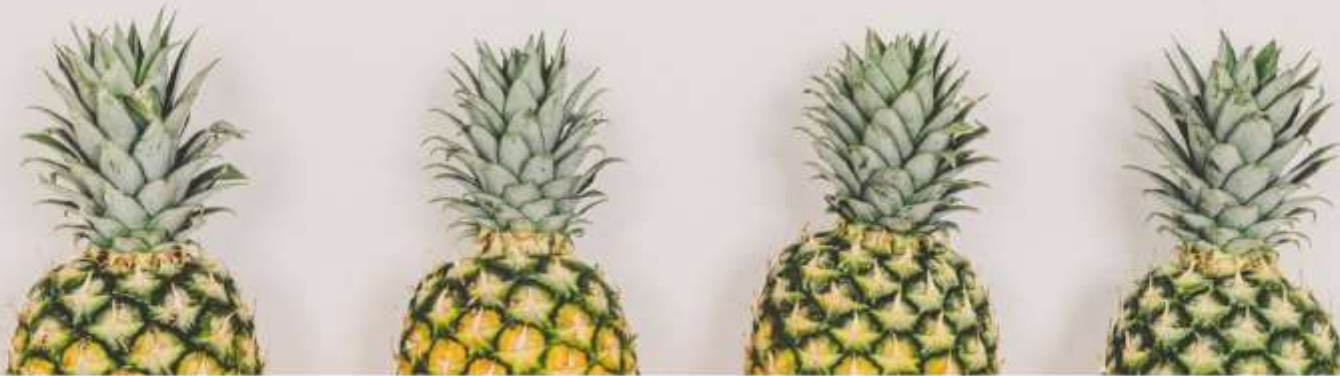
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*Reefer Madness:
The Impact on
Employers*

2017 HOSPITALITY
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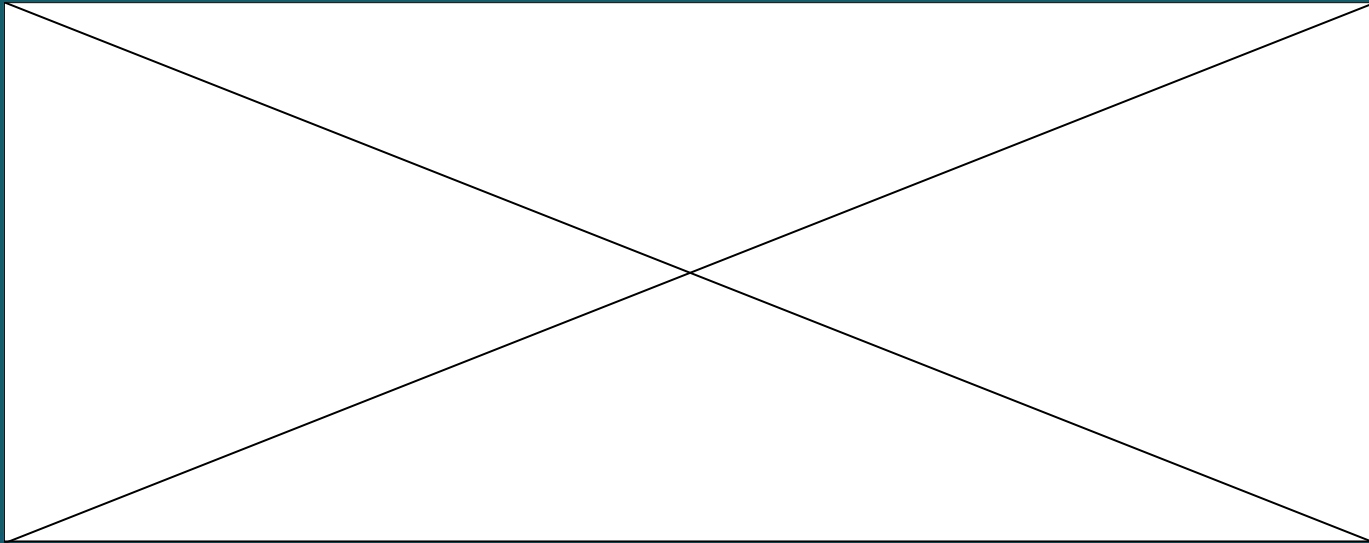
Steve Roppolo

Regional Managing Partner

- Fisher Phillips, Houston, TX
- Nearly three decades representing hospitality employers in labor and employment matters



Did Our Grandparents Have it Right?



Or Maybe Our Parents?



Eighties, Anyone?



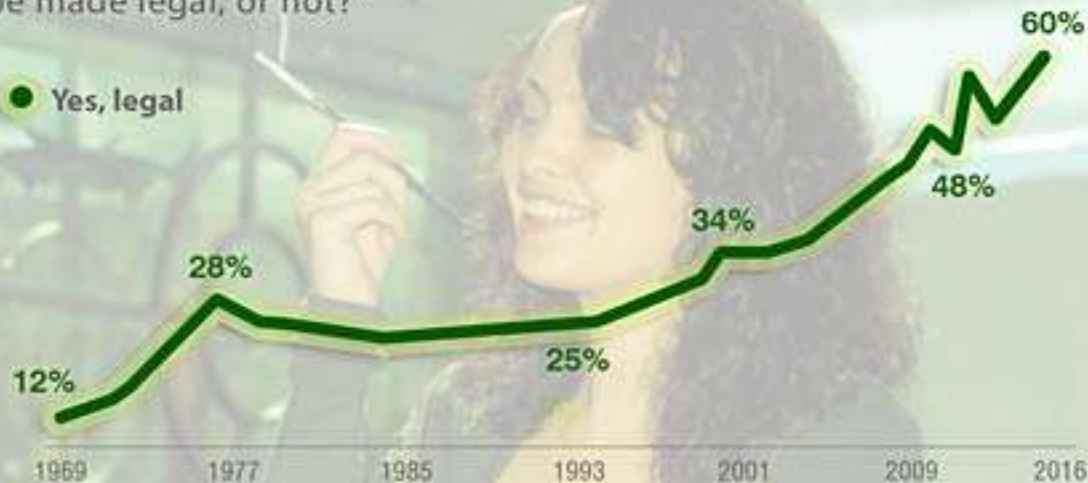
Twenty-First Century Madness



GALLUP POLL: Americans' Views on Legalizing Marijuana

"Do you think the use of marijuana should be made legal, or not?"

● Yes, legal

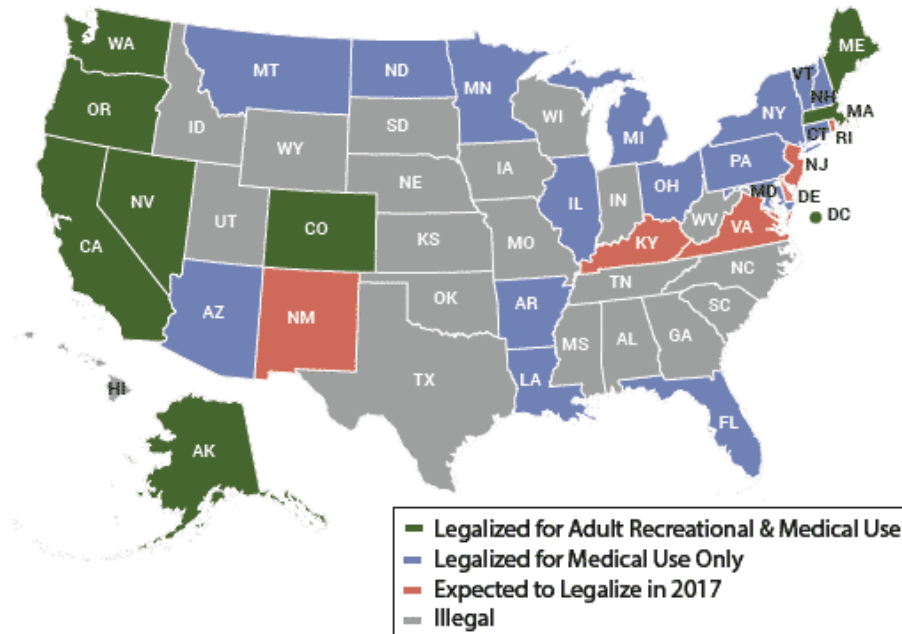


NORML



States That Have Legalized Marijuana

After Nov. 8, these states now allow some form of legalized marijuana.



Sources: Money Morning Staff Research



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2017 Texas Cannabis Legislation

Home » Legislation/Policy » Republican legislators sign on to medical marijuana bill in Texas

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Republican Legislators Sign On To Medical Marijuana Bill In Texas

Stephen Carter | April 4, 2017



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New policy to decriminalize marijuana in Harris County will save time, money, DA's office says

by Brian Rogers Updated 10:05 pm, Thursday, February 16, 2017

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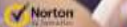
Photo: Michael Cragg, Houston Chronicle

IMAGE 1 OF 17

Marijuana reform activist from the Houston NORMAL group, Carlos Cobello, center, takes a picture of Harris County district attorney Kim Ogg, left, after she announced a new policy to decriminalize low-level possession of marijuana Thursday, Feb. 16, 2017 in Houston. The new policy means that most misdemeanor offenders with less than four ounces of marijuana will not be arrested, ticketed or required to appear in court if they agree to take a four-hour drug education class.

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Windows Taskbar: 3:10 PM 2/16/2017



Wonkblog

Sessions on enforcing federal marijuana laws: 'It won't be an easy decision'

By Christopher Ingraham January 10



The image shows a screenshot of a web browser displaying a blog post. The browser's address bar shows a URL starting with 'http://www.wonkblog.com'. The page title is 'Sessions on enforcing federal marijuana laws: 'It won't be an easy decision''. The author is identified as Christopher Ingraham, with the date January 10. There are two images: one of a man speaking at a podium and another of a man in a blue jacket in a snowy landscape with the 'Cabela's' logo. The browser's taskbar at the bottom shows various application icons and the system clock.



So What is an Employer to Do?

1. Marijuana is still federally an illegal drug
2. Employers can still enforce drug policies and drug test employees
3. So far, courts have not treated marijuana the same as traditional prescription drugs
4. So far, employers do not need to accommodate marijuana.



The Courts. . . .

- *Several courts have all held employers may prohibit marijuana use in their workforces:*
 - 2008, California – state law only protects individuals from criminal prosecution; employer free to refuse to hire
 - 2010, Oregon - no employer should be forced to accommodate marijuana
 - 2011, Washington - employees terminated for medical marijuana use – even offsite – have no basis to sue their employers.



The Courts. . . .

- *Several courts have all held employers may prohibit marijuana use in their workforces:*
 - 2012, Montana - medical marijuana users and providers have no special right to their employment despite state law.
 - 2015, Colorado - employers are still free to prohibit use and can still discipline and terminate for positive test
 - January 2016, New Mexico - state law does not require employers to accommodate medical marijuana use.



But Be Careful. . . .

- The District of Columbia passed the Prohibition of Pre-Employment Marijuana Testing Act of 2015, which prohibits employers from testing employees for marijuana use until after a conditional offer for employment has been made.



And Practically Speaking

- Will a “zero tolerance” policy on marijuana reduce my pool of qualified candidates to an unacceptable level?
- Will failing to test for marijuana increase workplace injuries or absenteeism?
- Will treating marijuana differently than other illegal drugs create problems in my workplace?

