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December 6, 2016

Special Update for All Employers

Legalization of Marijuana in California for Recreational Use

Greetings everyone and Happy Holidays (yes, it **is** December already):

Our office has received numerous inquiries from clients asking about the impact of Prop 64 (legalization of marijuana for recreational use in California) on employer's workplace rules. The answer is: "none." Employers may continue to enforce drug-free workplace rules, including exclusion of marijuana (and alcohol) from the workplace. The new law of course also has no impact on safety sensitive job positions covered by Department of Transportation (DOT) rules and regulations.

There is specific language written into the new law that specifically allows employers to continue enforcing their Drug Free Workplace policies, including marijuana. The 3 "Purpose and Intent" of Prop 64 states:

"The purpose of the Adult Use of Marijuana Act is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana. *It is the intent of the people in enacting this act to accomplish the following:*

(r) Allow public and private employers to enact and enforce workplace policies pertaining to marijuana."



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Prop 64 also states:

“Nothing in Section 11362.1 shall ...restrict...:

(f) The rights and obligations of public and private employers to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or prevent employers from complying with state or federal law.” (CA Health & Safety Code § 11362.45)

As always, please feel to contact us if you have any question or comments.

Sincerely,

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