

NOTICE TO ALL EMPLOYEES REGARDING THE LEGALIZATION OF MARIJUANA IN MASSACHUSETTS

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On November 8, 2016, Massachusetts voters answered “yes” to Question 4, approving the Regulation and Taxation of Marijuana Act (the “Marijuana Act”). The Marijuana Act goes into effect on December 15, 2016. It allows, among other things, adults 21 years of age and older to possess up to one ounce of marijuana in public and up to 10 ounces at home for recreational purposes and to grow up to 6 marijuana plants per person with a limit of 12 plants per home. It also provides for the establishment of a Cannabis Control Commission to regulate and license the commercial sale of marijuana (starting in January 2018).

The Marijuana Act impacts marijuana’s legality under Massachusetts law. The possession and sale of marijuana remains illegal under federal law.

Neither the Marijuana Act nor the Medical Marijuana Act requires Massachusetts employers to tolerate use, possession, or being under the influence of marijuana in the workplace.

The Marijuana Act explicitly provides as follows:

Employment. This chapter shall not require an employer to permit or accommodate conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of employers to enact and enforce workplace policies restricting the consumption of marijuana by employees.

Frequently Asked Questions about Marijuana Legalization in Massachusetts

Q: Can I bring Marijuana to work?

A: No. You may not bring it to the work site or have it in your possession on the work premises or in a work vehicle and if you do you will be subject to disciplinary action up to and including termination of employment.

Q: Can I come to work under the influence of Marijuana?

A: No. You may not come to work under the influence of either alcohol or marijuana and if you do you will be subject to disciplinary action up to and including termination of employment.

Q: Does the legalization of Marijuana in Massachusetts change our Company drug testing policies or procedures?

A: No. Our Company Substance Abuse Policy and testing procedures remain the same. Marijuana is still illegal under federal law and its use is still prohibited. Employees who are currently subject to drug testing under our current testing policy procedures will remain subject to testing in accordance with those procedures.

Q: What happens if an employee tests positive for marijuana?

A: Employees who test positive for marijuana will be subject to disciplinary action, up to and including termination, in accordance with our Substance Abuse Policy.

Q: But can an employee use marijuana outside of the workplace such that he/she is not under the influence while at work, for example, on weekends or days off?

A: We understand that a person can test positive for marijuana for days or even weeks after using it. As stated above, employees who test positive will be subject to disciplinary action, up to and including termination, in accordance with our Substance Abuse Policy.

Our Substance Abuse Policy is for your benefit as well as the company's benefit. Your compliance is expected and required so that we may have a drug-free work place. If you have any questions regarding this notice or the Company's Substance Abuse Policy, please contact _____, Human Resource Director, or _____, Safety Director.