

# MARIJUANA IN MICHIGAN



What the Michigan Regulation and Taxation of Marihuana Act means for **employers**.

## NEW LAW

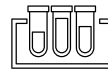
The Michigan Regulation and Taxation of Marihuana Act (MRTMA) allows adults 21 years of age or older to use and possess up to 2.5 ounces of marijuana and grow up to 12 marijuana plants in their residence for recreational use. It also authorizes state-licensed retailers to engage in commercial sale of marijuana.

## IMPACTS ON THE WORKPLACE

Employers may have to address some of these issues related to the legalization of recreational use of marijuana:



Workplace safety issues



Alcohol and Drug Testing Policies



Defining cannabis impairment



Medicinal cannabis use



Consumption during work-related events

## WHAT DOES THIS MEAN FOR EMPLOYERS?

**MYTH:** The MRTMA restricts an employer's right to maintain a zero-tolerance drug and alcohol policy.

**REALITY:** Under the law, an employer does not have to permit or accommodate recreational marijuana use in any workplace or on the employer's property.

### EMPLOYERS...

- ✓ **CAN** continue to prohibit the possession, distribution, manufacture, and/or consumption of any form at work.
- ✓ **CAN** continue to prohibit employees from coming to work under the influence of marijuana.
- ✓ **MAY** continue to drug test.
- ✓ **CAN** refuse to hire, can discipline, or can discharge a person who tests positive for marijuana, otherwise violates a workplace drug policy, or comes to work under the influence of marijuana.

## CHALLENGES FOR EMPLOYERS

Unfortunately, the MRTMA does not define what "under the influence" means. Until Michigan passes additional laws or regulations, employers may find it helpful to review laws in states that have already permitted recreational marijuana use. (For example, in Colorado, a person may be charged with impaired driving if their drug test shows a THC level of 5 ng/ml)