

The Long, Strange Trip Continues

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Several weeks ago, the Oregon Court of Appeals dealt a blow to employers fighting medical marijuana in the workplace, letting stand an administrative decision that had granted a victory to a medical marijuana user (*Emerald Steel Fabricators Inc. v Bureau of Labor and Industries*). Where does this leave Oregon employers? Do you know what you would do if one of your employees tested positive or voluntarily disclosed medical marijuana use?

Prior to this decision, Oregon employers seemed to be winning the medical marijuana battle. Will this decision turn the tide, or was it merely a speed bump en route to ultimate victory? Certainly any decision by the second highest court in the state needs to be respected and cannot be taken lightly. Even though the decision was reached through technical grounds that are not likely to be repeated, it stands to reason that employers should tread cautiously until more definitive rulings are issued.

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