

Oregon Employers Claim Victory in Medical Marijuana Battle

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Last month in this column, I reviewed Oregon's law on medical marijuana in the workplace, describing the confusion and uncertainty that surrounded the law. Shortly thereafter, the Oregon Supreme Court handed employers a comprehensive victory in the long-running battle. The court's April 15 decision in *Emerald Steel Fabricators Inc. v. Bureau of Labor and Industries* stated that employers need not accommodate an employee's use of medical marijuana. The decision means that employers can rest comfortably knowing they can consistently enforce their zero-tolerance drug policies without regard to medical marijuana.

This decision could not be better for Oregon employers. The highest court in the state has now said that employers need not accommodate medical marijuana users in the workplace. Employers should feel free to consistently apply zero-tolerance policies, consistently disciplining those who violate the policy and refusing to hire those applicants who fail drug screenings, regardless of medical marijuana registry status. It is recommended that this policy be issued in writing to applicants and employees, and that employers clearly indicate that medical marijuana is prohibited like any other controlled substance. Employers need not engage in any interactive process to determine whether the medical marijuana use should be accommodated or excepted.

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