



Cannabis

Overview

As more U.S. states legalize marijuana for medical and recreational use, cannabis is one of the nation’s fastest growing industries. Yet the legal landscape is challenging because, although evolving, federal law still makes possessing, buying, or selling marijuana a federal crime. Varying workplace regulations across the U.S. also force cannabis businesses – including cultivators, processors, distributors, dispensaries, and retailers – along with more traditional employers to navigate fluid, often disparate laws affecting nearly every facet of the workplace from union organizing to drug testing to established employment laws.

Drawing on industry experience and the extensive resources of a premier management-side labor and employment law firm, the Fisher Phillips Cannabis Industry Group helps businesses across all sectors navigate this unique legal landscape.

Cannabis Businesses

Employers in the cannabis industry must comply with the same laws governing every other workplace. Our team helps clients across the industry understand and meet complex labor and employment laws and regulations governing their operations. Our prevention and compliance advice reflects our members’ specific industry experience. This knowledge plus the breadth of our litigation experience means we can deftly handle discrimination, retaliation, harassment, and wage and hour employee lawsuits and defend you in local, state, and federal agency charges and investigations.

COMMON QUESTIONS WE HAVE HELPED ANSWER INCLUDE:

COMPLIANCE

Drawing on our experience across the employment law spectrum, our team members routinely provide advice and counsel covering a host of day-to-day compliance questions, such as:

- What are my workplace drug testing obligations given that I sell, cultivate, and/or distribute cannabis and THC containing products?
- I am a cannabis cultivator. Are there any unique wage-hour rules for my employees?
- Do I have to conduct criminal background checks?
- Can I provide my employees with medical benefits?
- Can customers tip? How do I pay my budtenders correctly if customers leave tips?
- My employees have begun union organizing efforts, how can I respond?
- What is a Labor Peace Agreement?
- How can I protect my unique processing or cultivation methods from competitors?
- Do I need an employee handbook?

LEGAL CLAIMS

Our team uses this same breadth of experience to appear in courts or agency workplace investigations on behalf of cannabis industry employers involved in wage-hour, discrimination, harassment, trade secrets, labor organizing, and other workplace claims. Our team has represented cannabis industry employers before the federal Department of Labor (DOL), the National Labor Relations Board (NLRB), the Equal Employment Opportunity Commission (EEOC), and similar state or municipal enforcement agencies.

Our clients include:

- Cultivators
- Multi and single location retailers
- Dispensaries
- Distributors
- Third party staffing
- Testing and quality control laboratories
- Brand marketing and packaging
- Private investors
- Other supporting industries, such as product extraction and security

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Cannabis Industry Map

