

What Ohio Employers Need To Know About Medical Marijuana

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Earlier this month, Ohio Gov. John Kasich signed House Bill 523 into law, making Ohio the 25th state to legalize medical marijuana. Those with HIV/AIDS, Alzheimer's, cancer, epilepsy, glaucoma, or one of several other medical conditions may qualify for medical marijuana with their doctor's recommendation. Many employers may be concerned that come September when the law goes into effect, employees will start coming into work under the influence, affecting both safety and productivity in the process. They likely don't need to worry, though – the new law has built in several protections for employers. Nothing in the new medical marijuana law:

- Requires employers to permit or accommodate an employee's use, possession, or distribution of medical marijuana;
- Prohibits employers from disciplining, terminating, refusing to hire, or otherwise taking an adverse employment action because of that person's use, possession, or distribution of medical marijuana;
- Prohibits employers from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;
- Interferes with any federal laws (remember, marijuana use, medical or otherwise, is still illegal under federal law);
- Permits an employee to sue an employer for disciplining, terminating, refusing to hire, or otherwise taking an adverse employment action because of that person's use, possession, or distribution of medical marijuana.

The law even goes so far as to say that "[a] person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause ... if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana." Ohio employers have more than two months to prepare for the new law by reviewing their employment policies and determining their stance toward marijuana use now that it will in some circumstances be legal pursuant to state law.

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