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Client Alert

What Do Employers Need to Know/Do Preparing for Legal Marihuana in Michigan?

December 6, 2018

On November 6, 2018, the voters of the State of Michigan approved Proposal 18-1 by a vote of 56% - 44% in support. This voter-approved law authorizes the recreational use of marihuana by adults in the State of Michigan over the age of 21. The law becomes effective today, on December 6, 2018. As a resident of the State of Michigan and as an employer, we wanted to keep you informed of what to expect.

Beginning on December 6, it is now legal for individuals to possess up to two and a half (2.5) ounces of marihuana for recreational use. Individuals may use marihuana in private residences but recreational marihuana cannot be consumed in public. Also, individuals are now allowed to grow up to twelve (12) plants for personal use. However, the retail sale of marihuana and marihuana related products (i.e. edibles, oils, lotions, etc.) is not expected to be approved until 2020.

As an employer, you retain certain rights with respect to your personnel policies and procedures. Specifically, Section 4(3) of the new law expressly reserves the right for employers to continue to prohibit their employees from using recreational marihuana as a condition of employment (i.e. a workplace drug policy). Employers are also authorized to test for marihuana use in pre-employment job screenings, consistent with company policy.

As this new law comes into effect, we should all be reminded that this is a good time for employers to review and update their Human Resources policies and procedures.

If you have any questions, please do not hesitate to contact Partners Stephanie Ottenwess or Matthew Schenk at (313) 965-2121.