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Labor and Employment – Appeals Court Affirms That Private Employers Are Not Subject To The Michigan Medical Marihuana Act

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Appeals Court Affirms That Private Employers Are Not Subject To The Michigan Medical Marihuana Act

In 2008, Michigan passed the Michigan Medical Marihuana Act ("MMMA"), which provides certain protections for the medical use of marijuana. For private sector employers, the key question about the MMMA has been whether the MMMA protects an employee with a medical marijuana card from disciplinary action by the employer under its work rules or drug testing policy. Affirming a decision by a trial court, the Sixth Circuit Court of Appeals, on September 19, 2012, answered that question: the MMMA "does not regulate private employment" and, accordingly, does not protect an employee "against disciplinary action by a business." *Casias v. Wal-Mart Stores*, 2012 U.S. LEXIS 19634 (6th Cir. 2012).

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