



# ADVOCACY UPDATE

*The Greater Springfield Chamber of Commerce is the voice for business in Springfield and Sangamon County and has an obligation to its members to represent their interests to all levels of government and to the public. The Chamber supports laws and ordinances that encourage entrepreneurship, development, job creation and investment. The Chamber opposes public policy that creates unnecessary regulation and/or burden on the business community that will hamper the creation of new jobs and wealth.*

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## **Recreational Marijuana: What it means for employers**

The Illinois General Assembly recently approved the use of recreational marijuana. The Greater Springfield Chamber of Commerce will be providing educational opportunities for our members before the law takes effect on January 1, 2020. Until then here are some quick questions and answers regarding the law and its impact on employers. A big thank you to our friends with The Illinois Manufacturing Association for providing this summary.

**When will the law take effect:** Illinoisans and non-residents will be able to use recreational cannabis beginning on January 1, 2020.

**Who will be able to use or possess recreational cannabis:** Individuals over the age of 21 years can possess or use cannabis. Illinois residents may possess no more than 30 grams of cannabis while non-resident can possess no more than 15 grams.

**Where can recreational cannabis be used:** Recreational cannabis may not be used in public spaces. Local governments may authorize the use of private clubs where cannabis can be used.

**Can local governments opt out of the law:** Yes. Local units of government may opt out of the law meaning that they can ban the operation of marijuana cultivators or dispensaries. Cities and counties may also issue reasonable zoning regulations such as a minimum distance from a school or church.

**Can individuals grow their own cannabis:** No. Recreational cannabis may not be grown in homes. Medicinal cannabis patients, who must have a medical card from a licensed physician, may be able to maintain up to 5 plants in their residence without a cultivation or craft grower license. The plants must be secure from unauthorized access.

**Can an employer maintain a zero-tolerance policy or safe and drug free workplace:** Yes. Employers may adopt reasonable zero tolerance or drug free workplace policies or employment policies concerning drug testing, smoking, consumption, storage, or the use of cannabis in the workplace or while on call.

**Can an employer discipline an employee for violating its policies regarding cannabis:** Yes. An employer may discipline or terminate an employee for violations of the employer's workplace drug policy.

**How can an employer determine if an employee is impaired:** An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a good faith belief that an employee manifests specific, articulable symptoms while working that decrease or lessen the employer's performance of duties and tasks. Symptoms may include speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating machinery or equipment, disregard for the safety of others, involvement in any accident that results in serious damage to equipment or property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others.

**Can an employee contest an impairment finding:** Yes. If an employer elects to discipline an employee on the basis of impairment by cannabis, the employer must afford the employee a reasonable opportunity to contest the basis of that determination.

We will continue to monitor this as well as other legislation that impacts our members and the business community. For more information about The Chamber's Policy Agenda, click the following link, <http://bit.ly/2H0vjnZ>.