

Cannabis in the Workplace

Many employers are struggling with compliance issues stemming from the patchwork of overlapping and conflicting cannabis regulations. This includes issues related to lawful use and privacy versus impairment and safety concerns. With the spread of legalization and cannabis-related employment lawsuits on the rise, it's now more important than ever for employers to understand how to protect themselves, their employees and their customers.

We guide employers through the shifting legality of cannabis derivatives under federal and state laws. For example, our attorneys are well versed in the Cannabis Regulation Tax Act (and various other state laws), which has considerable pitfalls for employers enforcing a drug free workplace. We help employers remain in compliance with the American with Disabilities Act (ADA) for employees who use cannabis for a medical condition and request reasonable accommodations.

We advise employers on the following:

- Creating no tolerance-drug free workplace policies
- Updating drug testing policies and practices
- Remaining in compliance with the Americans with Disabilities Act while navigating disability law issues (e.g., interactive process for reasonable accommodations)
- Properly handling employees who report to work while under the influence of cannabis
- Management training on reasonable suspicion

Firm News

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, January 23, 2023

37 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023

Firm News, August 18, 2022

Heather Bailey Recognized as a Top Author of 2021 by JD Supra for Employer Liability Issues

Firm News, *Automatic Merchandiser*, June 20, 2022

PROFESSIONALS

Heather A. Bailey
Partner

Jeffrey A. Risch
Partner

Sara Zorich
Partner

In the Media

How Employment Regulation Might Shift Under the Biden Administration, and What Businesses and Workers Need to Know -- *Business Insider* Interviews and Quotes Beverly Alfon
Media Mention, *Business Insider*, January 21, 2021

Alerts

COVID-19 Employer Updates – Where Do We Stand Now?
Article, *Amundsen Davis Labor & Employment Alert*, February 10, 2022

OSHA's COVID-19 Vaccination Mandate is Dead, Now What?
Article, *Amundsen Davis COVID-19 Alert*, January 25, 2022

Federal Contractors' Alert: Your Vaccine Mandate Has Been Halted....Again
Article, *Amundsen Davis COVID-19 Alert*, January 24, 2022

OSHA ETS: What Health Care Providers Need to Know
Amundsen Davis Labor & Employment Alert, June 18, 2021

STIMULUS 2.0: The Consolidated Appropriations Act 2021 – Key Provisions for Employers
Amundsen Davis Labor & Employment Alert, December 22, 2020

CDC Now Provides Two Options for Shortened Quarantine Time
Amundsen Davis Labor & Employment Alert, December 3, 2020

Employees Entitled to Leave Because Camp is Closed? Yes.
Amundsen Davis Labor & Employment Alert, July 2, 2020

ATTENTION Paycheck Protection Program Loan Recipients: REVISED Forgiveness Application Issued
Amundsen Davis Labor & Employment Alert, June 23, 2020

Key Takeaways for PPP Borrowers: The Forgiveness Application is Finally Out!!
Amundsen Davis Labor & Employment Alert, May 18, 2020

Why You Need to Pay Attention to How the Feds Are Approaching the Meat and Poultry Processing Industry
Amundsen Davis Labor & Employment Alert, April 28, 2020

Missouri Mandates Social Distancing and St. Louis County and City Order "Stay At Home"
Amundsen Davis Labor & Employment Alert, March 23, 2020

Families First Coronavirus Response Act: What It Means For Employers
Amundsen Davis Labor & Employment Alert, March 15, 2020

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Events

Trump 2.0 – What Employers Must Recognize and Know in 2025 and Beyond
Speaking Engagement, Connor & Gallagher OneSource; Webcast, March 6, 2025

Human Resources- Legal Updates
Speaking Engagement, Valley Industrial Association (VIA), Webcast, December 11, 2024

Hot Topics in Labor & Employment
Speaking Engagement, Employee Benefits Association of Northern Illinois, Seminar; Rockford, IL, December 4, 2024

11th Annual New Laws Forum
Speaking Engagement, Illinois Chamber of Commerce, Seminar; Lisle, IL, December 4, 2024

Amundsen Davis's Leadership & Management 2024 Certification Training Series
Event, Webcast, September - November 2024

Overview to Stay Compliant Within Employment Laws
Speaking Engagement, Lorman, Webcast, November 4, 2024

Amundsen Davis's Tenth Annual Labor & Employment Fall Seminar
Event, Amundsen Davis, Livestream, September 4, 2024

Drug Testing Employees in Light of the Sky-High Use of Cannabis
Speaking Engagement, Illinois Chamber of Commerce, Webcast, August 29, 2024

ABC Illinois Regional Meeting
Speaking Engagement, Associated Builders and Contractors of Illinois, Seminar; Quincy, IL, July 10, 2024

ABCIL Northwest Regional Luncheon Meeting
Speaking Engagement, Associated Builders and Contractors of Illinois, Seminar, July 9, 2024

Employee Benefits in 2024 — Innovative Trends Shaping Our Future
Speaking Engagement, Brown & Brown, Seminar; Oak Brook, IL, February 28, 2024

2024 Labor & Employment Law Update
Speaking Engagement, Illinois Lumber & Material Dealers Association, ILMDA Expo; Bloomington, IL, February 15, 2024

2024 State and Federal Employment Law Update
Speaking Engagement, Illinois Chamber of Commerce, Seminar; Springfield, IL, February 13, 2024

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Marijuana and Other Drugs

Speaking Engagement, Associated Builders and Contractors of Illinois; Webcast, February 1, 2024

10th Annual New Laws Forum

Speaking Engagement, Illinois Chamber of Commerce, Seminar, Lisle, IL, December 5, 2023

Amundsen Davis's Ninth Annual Labor & Employment Fall Seminar

Event, Livestream, September 13, 2023

Drug Testing & Reasonable Suspicion Training: What Managers and Supervisors Need to Know for 2023 and Beyond

Speaking Engagement, Illinois Chamber of Commerce, Webcast, May 11, 2023

Illinois, Wisconsin, and Federal Employment Law Update

Speaking Engagement, Illinois Chamber of Commerce, Webcast, April 27, 2023

Labor & Employment Law Update 2023

Speaking Engagement, Valley Industrial Association, Webcast, February 8, 2023

Substance Abuse Mandates - What you can and cannot do

Speaking Engagement, Associated Builders and Contractors of Illinois, Coffee & Construction Webcast, January 19, 2023

Eighth Annual Labor & Employment Fall Seminar

Event, Amundsen Davis, Live-stream, September 21, 2022

L&E Legal Updates + Business Succession Planning

Independent Pharmacy Cooperative Conference 2022, Seminar; San Diego, CA, April 14, 2022

How to be the Employer Everyone Wants to Work for in 2022: Recruitment, Retention and More

Event, Amundsen Davis's Complimentary Indiana Labor & Employment Conference; Indianapolis, IN, March 3, 2022

COVID-19 Testing: What Employers Need to Know

Event, Amundsen Davis, Webcast, January 10, 2022

Weed in the Workplace: How Marijuana Use Impacts Job Safety

Corkill Insurance; Webcast, December 16, 2021

The Very Latest on Vaccine Mandates for the Illinois Employer: Focusing on the Manufacturing Industry

Illinois Chamber of Commerce, Webcast, December 8, 2021

OSHA's Vaccine Mandate: What Does It Really Mean For Private Employers?

Valley Industrial Association; Webcast, November 17, 2021

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New COVID-19 Vaccine Mandates & Related Developments
The Horton Group; Webcast, November 16, 2021

Vaccine Mandates- Their Impact on Your Business and What to Expect
2021 NAMA Fly-In NE VOICE Advocacy Summit, Seminar; Washington, DC,
November 16, 2021

Responding to EEOC & IDHR Charges of Discrimination
Illinois Chamber of Commerce, Webcast, November 16, 2021

Rules, Tools, and Q&A - COVID Vaccine & Testing Mandate for the Workplace
Connor & Gallagher OneSource; Webcast, November 11, 2021

COVID-19 Lawsuits: What Businesses Can Do to Diminish Risks & Avoid Liabilities
Illinois Chamber of Commerce, Webcast, November 2, 2021

Biden Vaccine Mandates: What Employers Need to Know
Illinois Chamber of Commerce, Webcast, October 28, 2021

Seventh Annual Labor & Employment Fall Seminar
Event, Amundsen Davis, Seminar; Oak Brook, IL, September 29, 2021

New COVID-19 Vaccine Mandates & Related Developments
The Horton Group; Webcast, September 17, 2021

Illinois/Missouri: Big Changes in 2020 & 2021 and What's Shaping Up for 2021
Illinois Chamber of Commerce; St. Louis, MO, September 16, 2021

Illinois/Indiana: Big Changes in 2020 & 2021 and What's Shaping Up in 2021
Illinois Chamber of Commerce, Webcast, September 14, 2021

Overview to Stay Compliant Within Employment Laws
Lorman, Webcast, September 1, 2021

Recruiting & Retaining Employees in 2021
Illinois Manufacturers' Association, Webcast, August 31, 2021

Illinois/Wisconsin: Big Changes in 2020 & 2021 and What's Shaping Up in 2021
Illinois Chamber of Commerce, Webcast, August 25, 2021

New HR Forms for 2021-2022: What Every HR Manager Must Know!
Illinois Chamber of Commerce, Webcast, August 19, 2021

NAMA Show - Diverse and Inclusive Workplaces: How to Effectuate a Culture That
Benefits Everyone, Including the Employer
New Orleans Ernest N. Morial Convention Center; New Orleans, Louisiana,
August 18, 2021

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NAMA Show - An Interactive Legal Workshop on Liability and HR Issues Facing Employers Today
New Orleans Ernest N. Morial Convention Center; New Orleans, Louisiana,
August 17, 2021

Recruiting & Retaining Employees in 2021: Being Creative while Avoiding Legal Pitfalls
Event, Amundsen Davis, Webcast, August 10, 2021

Can I Terminate or Refuse to Hire the Medicinal Cannabis User? What Employers Need to Know
Illinois Chamber of Commerce, Webcast, June 22, 2021

New Pay Data Reporting Obligations & Criminal Conviction Restrictions Impacting Illinois Employers
Illinois Chamber of Commerce, Seminar; Naperville, IL, June 3, 2021

The Biden Administration: What Businesses Need to Know
Clear Law Institute, Webcast, May 19, 2021

What You Need to Know as You Transition Your Team Back to the Office
AssuredPartners, Webcast, May 12, 2021

Negotiate, Persuade, and Close the Candidate
Lorman Education Services; Webcast, May 5, 2021

NEW Illinois Law Prohibiting Use of Criminal Convictions: An Employer's Guide
Event, Amundsen Davis, Webcast, April 29, 2021

Model Employee Policies Handbook Update - What's Changed for Illinois Employers?
Illinois Chamber of Commerce, Seminar; Naperville, IL, April 21, 2021

2021 Educational Series: "2021 Labor & Employment Laws Updates Impacting Trucking Employers"
Mid-West Truckers Association, Inc., Webcast, April 12, 2021

Gearing up for President Biden's Emergency COVID-19 Workplace Rules
Illinois Chamber of Commerce, Webcast, March 23, 2021

American Rescue Plan: What Employers Must Know Now
Event, Amundsen Davis, Webcast, March 23, 2021

Major Labor & Employment Changes Today and Tomorrow under the Biden Administration
Event, Amundsen Davis, Webcast, March 17, 2021

COVID-19 Vaccine in the Workplace
Aurora Regional Chamber of Commerce, Webcast, March 10, 2021

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To Mandate Vaccines or Not: What Employers Need to Understand
Illinois Landscape Contactors Association, Webcast, March 3, 2021

To Mandate Vaccines or Not: What Employers Need to Understand
Illinois Chamber of Commerce, Webcast, March 2, 2021

Labor Law Hot Topics and COVID-19 – What It Means for Employers
Illinois Lumber and Material Dealers Association; Webcast, February 25, 2021

Terminating the Problem Employee
Illinois Chamber of Commerce, Webcast, February 23, 2021

A New Era of Workplace Regulation on Illinois Employers
Illinois Manufacturers' Association, Webcast, February 16, 2021

COVID-19 Vaccinations and Employer Responsibilities
Illinois Association Chamber of Commerce Executives, Webcast, February 11, 2021

The Legal Implications of Managing a Remote Workforce
AssuredPartners, Webcast, February 10, 2021

Berwyn Development Corporation Seminar on COVID-19 Vaccination and
Required Testing
Berwyn Development Corporation, Webcast, February 2, 2021

COVID Safety & Health Concerns in the Workplace
Employee Benefits Association of Northern Illinois, Webcast, January 27, 2021

Mandatory Vaccines and Other Options for Employers During this Year's Cold &
Flu Season
Rockford Chamber of Commerce, Webcast, January 13, 2021

How Employees Can Better Manage this Year's Cold & Flu Season
Illinois Chamber of Commerce, Webcast, December 4, 2020

Election 2020 and the Merit Shop: How Should Merit Shop Contractors Prepare
for Upcoming DOL Policy and Regulatory Actions?
Associated Builders and Contractors' Legal and Policy Forecast Conference;
Webcast, December 3, 2020

7th Annual New Laws Virtual Forum for Illinois Employers
Illinois Chamber of Commerce, Webcast, December 2, 2020

To Mandate Vaccines or Not: What Employees Need to Understand
Illinois Chamber of Commerce, Webcast, November 18, 2020

Reasonable Suspicion Training for Managers
Waubensee Community College, Webcast, November 11, 2020

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Impact of the 2020 Election on the Workplace

Illinois Chamber of Commerce, Webcast, November 10, 2020

Business Owner's Guide to Preventing Gender Bias in the Workplace

Lorman Education Services, Webcast, November 3, 2020

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments

Event, Amundsen Davis, Webcast, October 29, 2020

Chicago Fair Workweek Ordinance: Separating Fact from Fiction

Illinois Chamber of Commerce, Webcast, October 28, 2020

Sexual Harassment and Discrimination in the Workplace for Employers – *Are You Prepared Both Proactively & Reactively for the Illinois Workplace Transparency Act?*

Event, Amundsen Davis, Webcast, October 22, 2020

The Illinois Prevailing Wage Certified Transcript of Payroll

Illinois Chamber of Commerce, Webcast, October 21, 2020

Illinois Mandatory Anti-Sexual Harassment Prevention Training

Chicago Healthcare Risk Management Society, Webcast, October 15, 2020

Illinois Minimum Wage & Overtime During these Unprecedented Times

Illinois Chamber of Commerce, Webcast, October 13, 2020

Train the Trainer: Anti Sexual Harassment Training Mandatory in Illinois

Illinois Chamber of Commerce, Webcast, October 8, 2020

Trends & Technical Issues Impacting Employment Based Immigration in Light of COVID-19 and the Election Year

Illinois Chamber of Commerce, Webcast, October 6, 2020

Illinois Mandatory Anti-Sexual Harassment Prevention Training

Chicago Healthcare Risk Management Society, Webcast, September 24, 2020

The 7 Deadly Sins of Documenting Discipline

Clear Law Institute, Webcast, September 16, 2020

How to Confront and Discipline Employees in the Age of COVID-19

Illinois Chamber of Commerce, Webcast, September 15, 2020

Conducting an Internal HR Audit in 2020 and Beyond

Illinois Chamber of Commerce, Webcast, September 10, 2020

COVID-19 Executive Orders, Back-to-School and Other Concerns

Finishing Contractors Association of Illinois, Webcast, September 1, 2020

Illinois Mandatory Anti-Sexual Harassment Training

Lorman Education Services, Webcast, August 27, 2020

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Race, Religion, and Politics in the Workplace: What Employers Need to Know
Event, Amundsen Davis, Webcast, August 19, 2020

What Employers Need to Know Related to COVID-19 and Childcare
Illinois Chamber of Commerce, Webcast, August 17, 2020

Managing Employee Marijuana Use in the Workplace Webinar
Paycor, USI, Webcast, August 13, 2020

Re-Opening the Economy: Preparing to Return to the Workplace
The Chamber of Manitowoc County; Webcast, May 19, 2020

Up in Smoke: A Briefing for Employers on the Impact of Legal Adult-Use Cannabis
and the Workplace
National Automatic Merchandising Association, Seminar; Nashville, TN, May 7,
2020

How Family First Coronavirus Response Act and CARES Impact Your Business
Aurora Regional Chamber of Commerce, Webcast, April 15, 2020

COVID-19 FINANCIAL ASSISTANCE: What Money is Available and How Can My
Business Get It?
Associated Builders and Contractors of Illinois, Webcast, April 9, 2020

The Current and Potential Effects of the Coronavirus on Employers, Employees,
and the Workplace
Clear Law Institute, Webcast, April 6, 2020

Human Resources Legal Advice You Need to Know Now
American Bus Association & USLAW Network, Webcast, April 3, 2020

Marijuana in the Workplace
Clear Law Institute, Webcast, March 24, 2020

COVID-19 Webinar Series: The Latest Local, State and Federal Mandates
Impacting the Workplace
Event, Presented by Amundsen Davis COVID-19 Task Force, March 18, 2020

Cannabis Regulation and Tax Act - What Employers Need to Know
Speaking Engagement, Illinois Chamber of Commerce, Webcast, March 3, 2020

Dealing with Cannabis in the Workplace - *A National Perspective*
Amundsen Davis, Webcast; Chicago, IL, February 20, 2020

Recreational Marijuana: What Illinois Employers Should Do to Diminish Legal
Risks and Protect their Workforce
Illinois Lumber and Material Dealers Association, Seminar; East Peoria, IL,
February 6, 2020

Cannabis in the Workplace

Recreational Marijuana and its Impact on the Illinois Workplace Examined
Illinois Chamber of Commerce; Effingham, IL, December 12, 2019

"Up in Smoke!" Adult-Use Cannabis and How It Can Impact the Restaurant
Workplace Webinar
Illinois Restaurant Association, Webinar, December 4, 2019

Overview of New and Updated Illinois Laws
IL Chamber of Commerce New Laws Forum; Lisle, IL, December 4, 2019

"Up in Smoke!" A Briefing for Employers on Legalizing Adult-Use Cannabis and
How it Can Impact the Workplace
Grain & Feed Association of Illinois; Webinar, December 3, 2019

Learn How to be as Proactive as Possible During the Up Rise of the Opioid
Epidemic Within the Workplace
Lorman Education Services; Webinar, November 14, 2019

Cannabis Regulation and Tax Act - What Employers Need to Know
Speaking Engagement, Illinois Chamber of Commerce, Webcast, November 12,
2019

Major Changes to Illinois Employment Laws: Mandatory Sexual Harassment
Training, Recreational Marijuana Protections & Other New Workplace Mandates
Advancing Supportive Living (AALC) Conference; Woodridge, IL 60517, October
23, 2019

HR: Legal Updates
VIA Professional Group Human Resources, October 23, 2019

NCI Works Annual Employers Conference
Speaking Engagement, NCI Works, Seminar; Mendota, IL, September 27, 2019

Legalization of Marijuana and Effects in the Workplace
PMPA, Illinois Chapter, September 17, 2019

Recreational Marijuana and Its Impact on the Illinois Workplace Examined
Illinois Chamber of Commerce, Seminar; Glen Ellyn, IL, August 20, 2019

Cannabis Regulation and Tax Act - What Employers Need to Know
Speaking Engagement, Illinois Chamber of Commerce, Webcast, July 25, 2019

Cannabis Regulation and Tax Act - What Employers Need to Know
Speaking Engagement, Illinois Chamber of Commerce, Webcast, June 27, 2019

CBD - The Future of Food and Convenience Services
NAMA Webinar, June 25, 2019

Marijuana in the Workplace
Clear Law Institute, Webinar, February 7, 2019

Marijuana in the Workplace
Speaking Engagement, Clear Law Institute, Webcast, October 16, 2018

Published Works

Conducting the Employment Practices Audit 2023 Edition
Publication, *Illinois Institute for Continuing Legal Education*, 2023

Politicians Aim To Force Unionization In The Private Sector
The Illinois Manufacturer Magazine, August 2, 2021

New HR Laws Impacting Illinois Manufacturers
The Illinois Manufacturer Magazine, April 30, 2021

Illinois Employment Forms-Online Version
Publication, *Illinois Chamber of Commerce*, March 2021

COVID Fatigue? What You May Have Missed Related to Employment Laws
InTouch Magazine – NAMA, Summer 2020

Coronavirus... Tornadoes... Data Breach... Oh My! Is Your Workplace Prepared for a Pandemic or Other Catastrophe?
InTouch Magazine – NAMA, Spring 2020

Up in Smoke- Legalized Cannabis is Becoming the Norm, Instead of the Excpetion
InTouch Magazine – NAMA, Winter 2020

Illinois Employment Law Handbook - 5th Edition
Illinois Chamber of Commerce, 2019

New Year's Resolution for Operators Should Include an HR Checklist!
InTouch Magazine – NAMA, Winter 2019

Drug Testing Nightmares: The Attack of the Poppy See Muffin & Now CBD Infused Beverage!
InTouch Magazine – NAMA, Fall 2018

Blog Posts

Register Now! Amundsen Davis's Tenth Annual Labor & Employment Fall Seminar; September 4 @ Noon CT
Labor & Employment Law Update

Federal Court Rules Employer Did Not Violate Illinois Privacy Law for Firing Worker Testing Positive for Cannabis
Labor & Employment Law Update, July 29, 2024

Local and State Employment Law Update
Labor & Employment Law Update, June 6, 2024

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State and Local Employment Law Update – Family Leave, Fair Labor Standards Act, Religious Accommodations and More
Labor & Employment Law Update, May 2, 2024

Green Growth and Labor Harmony: Navigating Labor Peace Agreements in the Booming Cannabis Industry
Labor & Employment Law Update, April 2, 2024

Time is Running Out on Illinois Employers --- Better Have Your PAID LEAVE Policy in Place by 12-31-23!
Labor & Employment Law Update, December 18, 2023

Local and State Employment Law Update: Minimum Wage Rates and More
Labor & Employment Law Update, May 16, 2023

Local and State Employment Law Updates: Wage Posters
Labor & Employment Law Update, March 11, 2022

Local and State Employment Law Updates: A Mass Issuance of New Labor Posters
Labor & Employment Law Update, March 7, 2022

Local and State Law Updates: From Minimum Wage to Medical Marijuana
Labor & Employment Law Update, February 23, 2022

Local and State Law Updates: New Posters and Revised Legislation
Labor & Employment Law Update, January 27, 2022

Local and State Law Updates: California and Oregon Issue New Posters
Labor & Employment Law Update, January 21, 2022

BREAKING NEWS: Illinois Recreational Cannabis Law Protections for Employers & the Workplace Clarified!
Labor & Employment Law Update, November 15, 2019

Legalized Marijuana, Non-Citizens and Immigration Risks
Labor & Employment Law Update, August 22, 2019

Nevada & NYC Roll Out Pre-Employment Cannabis Drug Screening Restrictions
Labor & Employment Law Update, July 2, 2019

Up in Smoke: Recreational Marijuana and its Impact on the Illinois Workplace
Labor & Employment Law Update, May 31, 2019

Are Employment Rules Getting Hazier With Legal Marijuana?
Labor & Employment Law Update, April 18, 2019

Illinois Opioid Pilot Program A.K.A. Medical Marijuana Law 2.0
Labor & Employment Law Update, November 6, 2018

OSHA Issues Memo on Incentive Programs and Drug Testing
Labor & Employment Law Update, October 16, 2018

Failed Drug Test: Diet Coke & A Poppy Seed Muffin
Labor & Employment Law Update, September 21, 2018

Impact of Recreational Marijuana on Your Business
Labor & Employment Law Update, December 5, 2017

Are You Prepared for Medical Cannabis?
Labor & Employment Law Update, November 23, 2015

Medical Marijuana Update: Colorado Supreme Court Upholds That Employers
May Enforce Drug Free Workplace Policies
Labor & Employment Law Update, June 16, 2015

Employment Law Updates to Remember and Topics to Watch in the New Year!
Labor & Employment Law Update, December 30, 2014

Let the Countdown Begin for the Licensing of Medical Marijuana Registered
Users, Dispensaries and Cultivators!
Labor & Employment Law Update, July 18, 2014

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