



DELANEY
Insurance Agency, Inc.

Adult Use of Marijuana Act

Proposition 64, also known as the Adult Use of Marijuana Act, legalizes the recreational use of marijuana for adults 21 years old and over, imposes a 15 percent excise tax on marijuana sales and establishes a regulatory framework for the sale of marijuana.

Proposition 64 contains a number of limitations, including where an adult may smoke or ingest marijuana. The locations where marijuana use is prohibited include public places, places where smoking or vaping is prohibited, as well as workplaces that maintain a drug-and alcohol-free environment. For more information on places where smoking is prohibited, see [Smoking in the Workplace](#).

- Employers may continue to prohibit marijuana use in the workplace even though it is now legal for recreational and medicinal purposes. For more information, see "Medical Marijuana Use Not Protected by the ADA or FEHA" in [Drugs and Alcohol](#).

Proposition 64 explicitly states that it is intended to "allow public and private employers to enact and enforce workplace policies pertaining to marijuana." The initiative also provides that it will not be construed or interpreted to *amend, repeal, affect, restrict or pre-empt* :

"The rights and obligations of public and private employers to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or prevent employers from complying with state or federal law." ¹

Additionally, marijuana remains an illegal Schedule I substance under federal law, which employers must follow. Therefore, based upon the stated language in the initiative, as well as federal law, employers with drug- and alcohol-free workplace policies may continue to maintain and enforce them in California.

- Review existing policies and remind employees not only about the company's drug-free workplace policy and practice, but also specify that marijuana is also prohibited.