

ILLINOIS LEGALIZES RECREATIONAL MARIJUANA

With his signature on a 610 page bill, Governor Pritzker legalized recreation marijuana usage starting January 1, 2020. The new law establishes who can possess, use, grow and sell marijuana in the state of Illinois, and where those activities may take place. The law also leaves regulating powers to local governments to restrict sales and impose its own taxes on products. What this means for employees is still unclear.

The law allows for recreational users to purchase marijuana from licensed sellers starting January 1, 2020. At the beginning, only medical marijuana sellers will be able to sell, with licenses for "craft" dispensaries being issued by mid-2020. However, county and municipal governments will be able to determine whether they want any sellers in their jurisdiction. Anyone over the age of 21 will be able to purchase marijuana from a licensed seller.

Under the law, Illinois residents will be able to legally possess 30 grams of cannabis flower, 5 grams of concentrated cannabis, and cannabis infused products is limited to 500 milligrams of THC. Visitor's to the state will only be allowed to possess half those amounts.

It will be legal to use cannabis products in one's own home and on-site at some businesses which are marijuana related, however, use on private property may be restricted by the owner, business or landlord. It is illegal to use it in any public place, including streets or parks, a vehicle, school grounds, near someone under the age of 21, or near an on-duty school bus driver, police officer, firefighter or corrections officer.

Products will be heavily taxed by the State, which is expected to infuse much needed cashflow to the State government. Local governments can also impose an additional local sales tax.

Legalization of recreational marijuana does not mean that your employer is completely prohibited from disciplining you for marijuana. Like alcohol is a legal substance but may serve as the basis of work place discipline, marijuana should be considered in the same vein. It is important to let your members know that the impact of the law on employment relationships will take some time to settle, it is clear, like with alcohol, that employers still have the ability to discipline for marijuana use in certain circumstances.

The legalization of recreational marijuana usage will introduce complications into the employer/union relationship. The science on cannabis, proper testing, and actual impairment measurements are evolving every day. Please contact us if you have any questions about the impact of the new law on your existing contracts, upcoming negotiations, or the employment relationship in general.

ASHER, GITTLER & D'ALBA, LTD.
200 West Jackson Boulevard, Suite 720
Chicago, IL 60606 - 312.263.1500

© 2019 Asher, Gittler & D'Alba, Ltd.
All rights reserved.
Dated: June 21, 2019

This release informs you of items of interest in the field of labor relations. It is not intended to be used as legal advice or opinion.

U.S. News & Report's Best Law Firms Designation is for Chicago Tier 1 rankings in Employment Law (Individuals), Labor Law (Union), and Litigation (Labor and Employment) and a National Tier 2 ranking in Litigation (Labor and Employment).

