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BUSINESS LAW AND LITIGATION

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## Client Bulletin

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**PROBLEM:** Human resources issues become more complex every day with new and ever changing federal and state employment regulations.

### Michigan Medical Marijuana Act Does Not Override Employment Policies

The federal court for the Western District of Michigan recently held that Wal-Mart did not unlawfully terminate an employee who tested positive for marijuana in violation of company policy, even though the employee had a valid registry card under the Michigan Medical Marijuana Act (MMMA). *Casias v. Wal-Mart Stores, Inc.*, No. 10-CV-781 (W.D. Mich. Feb. 11, 2011) is the first case in Michigan to decide whether the MMMA gives employees protection for medical marijuana use.

Casias worked at Wal-Mart as an at-will employee. Casias tested positive for marijuana after a workplace accident and was terminated under Wal-Mart's drug use policy. Casias sued for wrongful termination claiming his termination violated the public policy of the MMMA. The court held that the MMMA regulates governmental action, such as protection from prosecution in limited situations, does not regulate private employment, and does not require businesses to make accommodations for medical marijuana use.

### SOLUTION:

If you would like a comprehensive, confidential audit of your HR practices, procedures and policies, contact us.

#### Areas of practice

- Commercial real estate: zoning, land development, purchases, sales and leases
- Complex commercial litigation: expertise in creative negotiation and trial litigation
- Corporate (LLC's and partnerships): formation, operation, and acquisition or sale
- **Employment and labor: hiring, firing, discipline, and covenants not to compete**
- Intellectual Property: copyright, trademark, trade secret protection and licensing
- Wealth management: business succession and estate planning, probate and trust administration

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