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Marijuana Reform Moves Forward in New Jersey, Federally and in Major League Baseball

It's now up to New Jersey residents to decide whether marijuana will become legal for recreational use for adults 21 and older. On Monday, December 17, 2019, both houses of the New Jersey State Legislature voted to allow New Jersey residents to vote on it in 2020. For the last two years, The Assembly and Senate have tried to push such a bill through but failed to garner the votes necessary to pass it. If the referendum passes, the measure would then return to the legislature, where lawmakers would create regulations. Recent polling suggests 60% of New Jersey voters are in favor of legalizing cannabis for recreational use, but there is opposition.

On Wednesday, December 18, 2019, Governor Murphy signed legislation (A. 5981/S. 4154), allowing expedited expungements of criminal records of low-level marijuana crimes and other offenses. This comes on the heels of data published last year, showing New Jersey is third in the nation for total marijuana arrests, and only second to Wyoming in per capita marijuana arrests. Despite the passage of the expungement law, many argue it doesn't go far enough as marijuana remains illegal in New Jersey. So until a decriminalization bill passes, one can still be arrested for possession.

Also, last week Major League Baseball removed marijuana from its list of banned substances while adding opiates and cocaine to the list of drugs for which they will test. This adds MLB to a growing number of employers who have decided to remove marijuana from their employment drug screening and treat it more like alcohol, due to limiting the potential job pool. Last year New York City and Nevada passed laws preventing employers from denying employment based on marijuana use. The NYC counsel law prohibits employers from requiring prospective employees to submit to a pre-employment test for marijuana, while Nevada's law prohibits employers from denying employment due to a candidate testing positive for marijuana.

The reforms mentioned above make one thing clear; marijuana reform is full steam ahead on a local and national level. The federal government is no different with a bill pending before the Senate, SAFE Act, which will protect banks from being punished by federal regulators for working with state-legal marijuana businesses. The SAFE Act bill passed in the House in September on a bipartisan basis.

With the fast-moving developments related to marijuana legalization, it is incumbent upon employers and carriers to stay current on the issue and ensure compliance with local, state and federal laws.

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