

In The News

Akerman Partners Christopher Duke and Zachary Kobrin Advise Employers on the Legalization of Recreational Marijuana and Therapeutic Psychedelics

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Three states legalized adult recreational marijuana use in 2022 and the use of therapeutic psychedelics is gaining acceptance as two more states this year legalized their use, some cities have decriminalized their use and more states may legalize them in the future. But while use of these drugs may be legal, employers still do not have to permit employees under their influence to work. Labor and employment partner [Christopher Duke](#), who also serves as managing partner of Akerman's Palm Beach County Offices, and cannabis partner Zachary Kobrin in Fort Lauderdale discussed with *HR Magazine* how these laws are changing the workplace.

Regarding the legalization of recreational marijuana, *HR Magazine* wrote, "Employers with employees in different states will need to know the law in every state where their employees are situated, said Christopher Duke, an attorney with Akerman... Businesses should reconsider zero-tolerance policies as more employees test positive in a state where cannabis has become legal, he added."

"Nonetheless, employers should remember that even though their state may allow recreational or medical cannabis use, state laws don't impact or

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alter the fact that cannabis remains illegal at the federal level as a Schedule I drug under the Controlled Substance Act, Duke noted. “This is critically important for employers that contract with the federal government or receive federal grants, as the federal government continues to prohibit cannabis use among its contractors,’ he said.”

As it relates to the legalization of therapeutic psychedelics, *HR Magazine* wrote, “These laws could result in increased concerns by employers over employees working under the influence of psychedelic drugs, said Zachary Kobrin, an attorney with Akerman in Fort Lauderdale, Fla.”

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