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Colorado Supreme Court: Employers can fire for off-duty pot use

**Lawyer for Dish Network employee fired after using medical pot
to treat muscle spasms calls ruling “devastating”**

ALICIA WALLACE | 6.15.2015

The Colorado Supreme Court on Monday affirmed lower courts’ rulings that businesses can fire employees for the use of medical marijuana — even if it’s off-duty.

The 6-0 decision comes nine months after the state’s highest court heard oral arguments in Brandon Coats’ case against Dish Network. Coats, who had a medical marijuana card and consumed pot off-duty to control muscle spasms, was fired in 2010 after failing a random drug test.

Coats challenged Dish’s zero-tolerance drug policy, claiming that his use was legal under state law. The firing was upheld in both trial court and the Colorado Court of Appeals.

When the case went to the state Supreme Court, legal observers said the case could have significant implications for employers across Colorado.

They also noted that the ruling could be precedent-setting as Colorado and other states wrangle with adapting laws to a nascent industry that is illegal under federal law.

As such, the question at hand is whether the use of medical marijuana — which is in compliance with Colorado’s Medical Marijuana Amendment — is “lawful” under the state’s Lawful Off-Duty Activities Statute.

That term, the justices said, refers to activities lawful under both state and federal law.

“Therefore, employees who engage in an activity, such as medical marijuana use, that is permitted by state law but unlawful under federal law are not protected by the statute,” Justice Allison H. Eid wrote in the opinion.

The justices said the court will not make a new law. Current Colorado law allows employers to set their own policies on drug use. ■

Entire article here: <http://goo.gl/0eav7l>

Illinois Can’t Afford Pro-Pot Policies



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