

California Chamber of Commerce floats bogus “legal analysis” of Proposition 19
by Eric E. Sterling, J.D.

Author, “A Businessperson’s Guide to the Drug Problem”

Director, Business Council for Prosperity and Safety

www.business-council.org

Jumping into the media debate on Proposition 19 that would legalize and control private use of marijuana, the California Chamber of Commerce (“CalChamber”) on Aug. 12, 2010, published what its press release and spokesperson called a “legal analysis” of Proposition 19, entitled “Proposition 19: The Impact on the Workplace.” <http://tinyurl.com/26wlscy>

Its first legal conclusion is that if Proposition 19 became law “employers would have to permit to employees (sic) to **smoke marijuana at work.**” (Emphasis in the original).

Wait a moment. Did you just read the “legal conclusion” of the California Chamber of Commerce that employers would have to permit employees to smoke marijuana at work if Proposition 19 passes? Well, you read it right, but it is not a real “legal conclusion.” It is a barefaced political attack on Proposition 19 that pulls together ridiculous interpretations of the law to reach disingenuous conclusions. This is not what the proposition says, and no reasonable reading of it and the law could lead to this conclusion.

The claim that Prop. 19 will require employers to allow employees to smoke marijuana on the job does not pass any kind of smell test.

Assume for a moment that Prop. 19 passes on November 2. Imagine the real legal advice that the CalChamber will issue to its members on November 3. You can bet the ranch it will not be this:

“Urgent Memorandum

“Attention Members of the California Chamber of Commerce:

“Our careful and best legal analysis, now that Prop. 19 has passed, is you **HAVE** to let your employees smoke marijuana **ON THE JOB**. You must immediately rewrite your employee handbook to tell your employees that they can smoke marijuana. Don’t tell your employees they can’t smoke marijuana. Otherwise you will be sued and you will lose.”

That’s the chamber’s legal advice – as a sketch on “Saturday Night Live.” If such a legal memorandum were really issued, within an hour the dues-paying members of the CalChamber would demand the immediate resignation of the Executive Director and General Counsel.

If the CalChamber’s lawyer filed a document in court making these ridiculous claims, she might be referred to the State Bar for disciplinary action for making misrepresentations.

You can be absolutely certain of at least two things if Prop. 19 passes: No employer will be required to allow workers to smoke marijuana on the job, and the California Chamber of Commerce would fight anyone who made such a claim all the way to the Supreme Court.

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