

Federal Court

Casias v. Wal-Mart, 695 F3d 428 (CA 6, 2012)

Issue: Does the Michigan Medical Marihuana Act (MMMA) regulate private employment?

Holding: NO, the court held that the MMMA provides a potential defense to criminal prosecution or other adverse action by the state, not private employment disputes.

Plaintiff Joseph Casias used to work as an at-will employee for a Wal-Mart store in Battle Creek, Michigan. The company fired him under its drug use policy after he tested positive for marihuana. Mr. Casias sued Wal-Mart Stores East, L.P.1 in state court for wrongful discharge, claiming that Wal-Mart's application of its drug use policy to him violated the Michigan Medical Marihuana Act ("MMMA").

The Court of Appeals agreed with the district court that accepting Plaintiff's public policy interpretation could potentially prohibit any Michigan business from issuing any disciplinary action against a qualifying patient who uses marihuana in accordance with the Act. Such a broad extension of Michigan law would be at odds with the reasonable expectation that such a far-reaching revision of Michigan law would be expressly enacted.

The Court stated that "Such a broad extension would also run counter to other Michigan statutes that clearly and expressly impose duties on private employers when the duties imposed fundamentally affect the employment relationship. See, e.g., Michigan Elliott-Civil Rights Act of 1976, Mich. Comp. Laws § 37.2202(1) ("An employers shall not . . . discriminate against an individual with respect to employment . . ."); Persons With Disabilities Civil Rights Act of 1976, Mich. Comp. Laws § 37.1102(1) ("[A]n employer shall not . . . discharge or otherwise discriminate against an individual . . . because of a disability . . ."); and Michigan's Occupational Safety and Health Act, Mich. Comp. Laws § 4008.1002 ("This act shall apply to all places of employment in the state . . .")."

The Court concluded that the "The MMMA does not include any such language nor does it confer this responsibility upon private employers."