Adam Gersh Tapped by New Jersey Law Journal and Higher Law for Commentary on NJ's Recent Laws Regarding the Sale of Recreational Cannabis

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Cherry Hill, NJ

In light of the recent changes surrounding adult-use marijuana sales in New Jersey, FG Shareholder Adam Gersh, who practices Labor & Employment and Cannabis Law, was quoted extensively in two articles published in the *New Jersey Law Journal* and *Higher Law*. Gersh discusses the impending cultural change and what that means for how employers should navigate this new era with their employees.

The articles address an expected increase in suits, cannabis testing by specially trained experts, and rules for testing employees with safety-sensitive jobs.

Adam warns of potential litigation employers will face and states in the NJLJ article, "employers will need to look the other way when they learn of employees' off-duty use of marijuana". He also said, "During co-workers' Monday morning discussions about what everyone did over the weekend, someone is sure to say they bought some cannabis at the dispensary and took it home to smoke it. Not only is such a disclosure not grounds for firing, but it can be fraught with peril for an employer."

"One of the challenges you're going to face is you're going to have an employee who references off-duty cannabis use, and when they suffer an adverse employment action, you may see claims saying 'I disclosed that I used cannabis off-duty and then this thing happened to me, and I think they're causally related,'" Gersh said. "Employers will have to say, 'no they weren't,' and offer legitimate reasons for the adverse employment action."

With a number of gray areas and the risk that employers who are uninformed on the latest changes in New Jersey law will continue practicing the same procedures as before cannabis was legalized for adult-use retail sales, the ongoing process will be challenging with many obstacles yet to overcome.

Click here to read the *New Jersey Law Journal* article in its entirety.

Click here to read the *Higher Law* article in its entirety.

ATTORNEYS MENTIONED

Adam Gersh