

# Registered and Authorized Medical Cannabis Patients in Puerto Rico Gain Employment Protections

By Juan Felipe Santos and Sara E. Colón-Acevedo

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Registered and authorized patients of medical cannabis in Puerto Rico are considered a protected category for purposes of all employment laws under an amendment to the “Act to Manage the Study, Development and Investigation of Cannabis for Innovation, Applicable Norms and Limitations” signed by Governor Pedro R. Pierluisi on July 29, 2021.

Under the amendment, Puerto Rico Law 15-2021, employers may not discriminate against registered and authorized patients of medical cannabis in the recruitment, hiring, designation, or termination process or when imposing disciplinary actions.

Law 15-2021 goes into effect immediately.

## Exceptions

The provisions of Law 15-2021 will not protect registered and authorized patients of medical cannabis if the employer can establish, by a preponderance of evidence, that:

1. The use of medical cannabis represents a real threat of harm or danger to others or property;
2. The use of medical cannabis interferes with the employee’s performance and functions;
3. Permitting the use of medical cannabis would expose the employer to the risk of losing any license, permit, or certification related to any federal law, regulation, program, or fund; or
4. The registered and authorized patient made use of or possess medical cannabis during working time or in the workplace without the employer’s written authorization.

## Employers’ Protections for Hiring Medical Cannabis Patients

Law 15-2021 protects employers that hire registered and authorized medical cannabis patients from being penalized or denied a contract, license, permit, certification, benefits, or funds under the laws of the Commonwealth of Puerto Rico.

## Implications

The provisions of Law 15-2021 are to be interpreted liberally in favor of the registered and authorized patients of medical cannabis.

Further, the Medical Cannabis Regulatory Board and the Department of Labor and Human Resources must adopt any regulations or administrative measures to ensure the effective implementation of Law 15-2021 by October 27, 2021.

Employers should revise their drug testing and discrimination policies to comply with Law 15-2021.

Please contact a Jackson Lewis attorney if you have questions or need guidance handling this and other workplace issues.

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## Meet the Authors



### Juan Felipe Santos

Office Managing Principal and Office  
Litigation Manager  
San Juan  
787-522-7315  
Email



### Sara E. Colón-Acevedo

Principal  
San Juan  
787-522-7310  
Email

## Practices

Disability, Leave and Health  
Management

## Services

Drug Testing and Substance  
Abuse Management

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