

Intern Sues Company in First-of-its-Kind Discrimination Suit under Rhode Island's Medical Marijuana Law

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A graduate student has filed suit with the help of the Rhode Island chapter of the American Civil Liberties Union against a textile manufacturer that allegedly rescinded an offer for a paid internship because the student is a registered cardholder in the state's medical marijuana program. Christine Callaghan, a graduate student at the University of Rhode Island pursuing a masters' degree in textiles, alleges that in June 2014, all indications were that the Darlington Fabrics Corporation was going to offer her an internship. She then met with a Darlington Human Resources representative and disclosed that she suffered from severe migraines and used medical marijuana to treat her condition. Callaghan then showed the representative her state-issued medical marijuana card.

At the time, Callaghan alleges she thought the meeting with the representative was a mere formality and that she already had the offer. A few days after the meeting, however, the human resources representative contacted Callaghan and told her that Darlington would not be offering her the internship due to her medical marijuana use. Despite allegedly assuring the human resources representative that she would not bring medical marijuana with her to her internship or show up to work under the influence of marijuana, Darlington refused to budge.

Callaghan's suit, which was filed in Rhode Island Superior Court, is the first to invoke the anti-discrimination provisions of Rhode Island's medical marijuana law, The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act. Under the law, schools, employers, and landlords may not "refuse to enroll, employ, or lease to, or otherwise penalize, a person solely for his or her status as a cardholder." G.L. § 21-28.6-4(c). Given safety concerns in many workplace environments and the absolute prohibition under federal law of the use of

marijuana for any purpose, employers have carefully watched the roll-out of Rhode Island's medical marijuana law since 2006 to see what level of discretion, if any, they may retain to screen applicants.

Callaghan has also brought a claim for disability discrimination under the Rhode Island Civil Rights Act of 1990. Darlington has yet to answer the complaint or make any public statements. One possible defense is that possession of marijuana is still prohibited by federal law, which overrides any state enactment. Without question, the implications of Callaghan's suit will likely be felt in other states that also have anti-discrimination provisions as part of their medical marijuana laws, including Arizona, Delaware, Connecticut, Illinois, Maine, and Minnesota.

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