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## Labor and Employment



### Recent Illinois Laws to Impact Employers: A Review of the Illinois Firearms Concealed Carry Act and Compassionate Use of Medical Cannabis Pilot Program Act

#### Illinois Firearms Concealed Carry Act

The Illinois Firearms Concealed Carry Act permits individuals who obtain a concealed carry license to carry a loaded or unloaded concealed firearm on their person and in their vehicles. The Act sets out 23 exceptions, such as hospitals and schools, where concealed firearms are prohibited at all times. Places of work are not on the list of exceptions.

The Act does allow owners of private real property of any type to prohibit the carrying of concealed firearms on the property. Employers who own their work premises may prohibit employees and others entering the premises from carrying concealed weapons. Employers who lease and do not own their work premises may not prohibit employees and others entering the premises from carrying concealed weapons, but may request the property owner to do so.

Even where concealed weapons are prohibited on the premises, a licensee is permitted to carry a concealed firearm into the parking area of the premises if the firearm and ammunition are concealed in a case within a locked vehicle or locked container out of plain view in the vehicle in the parking area. A licensee is also allowed to carry a firearm in the immediate area surrounding the car, but only to store or retrieve the firearm from the trunk and only if the firearm is unloaded.

Property owners who want to prohibit concealed firearms from being carried on the premises must indicate that by posting a sign clearly and conspicuously at the entrance of the building or premises. The Department of State Police is to adopt rules for standardized signs, but at this time no such rules are in place.

While the law became effective July 9, 2013, after the House and Senate overrode the governor's amendatory veto, the Department of State Police has six months to set up a concealed-carry program before accepting license applications. Further amendments or clarifications to the law are expected.

Employers should review their workplace policies for compliance with the law. Employers should also review coverage issues with their insurance carriers. Employers who do not own their work premises but wish to prohibit employees and others from carrying concealed weapons in their office space should consult with the property owner to adopt appropriate restrictions.

#### The Compassionate Use of Medical Cannabis Pilot Program Act

The Compassionate Use of Medical Cannabis Pilot Program Act legalizes medical marijuana in Illinois. The law establishes a four-year program that allows "qualifying patients" with certain medical conditions access to medical marijuana provided they have approval of their doctors and the Illinois Department of Public Health.

The law generally prohibits employers from "penalizing" an employee solely for being a registered qualifying patient or a registered designated caregiver. The law allows employers to enforce their drug-free workplace policies and to drug test employees provided they do so in a non-discriminatory manner. The law also allows

employers to discipline registered qualifying patients who show “specific articulable symptoms” of impairment at work, such as slurred speech or careless operation of equipment, provided such employees are afforded a reasonable opportunity to contest the basis of the employer’s determination of impairment.

This law goes into effect on January 1, 2014. Illinois employers should review their workplace policies and practices to ensure compliance. Additionally, employers should consider other applicable laws before disciplining employees for drug abuse. For example, while the Americans with Disabilities Act does not protect current users of illegal drugs, it protects a qualified individual with a disability who is participating in a supervised drug rehabilitation program. Additionally, time off taken for drug rehabilitation may be covered under the Family Medical Leave Act. State laws should be considered as well, as some state laws provide broader protection than their federal counterparts.

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