The Elephant in the Room: Drug Testing Job Applicants After *Chandler v. Miller*

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I. INTRODUCTION

In many municipal governments, a drug test is just part and parcel of the application process. Once an applicant receives a conditional offer of hire, he or she is whisked away to the Human Resources department for "in processing," as we used to call it in the military. Typically, as part of this process, the prospective employee is handed myriad important documents to read, acknowledge and sign. Usually, these documents include various employment policies which the governmental entity believes are critical for an applicant to be familiar with, and documents describing pre-hire procedures such as Federal Credit Reporting Act credit checks and criminal background checks. Tucked away in that stack of papers will invariably be several "consent and release of liability" forms purporting to release the governmental entity from any liability associated with the hiring process.

One of those documents will likely be a form notifying the applicant that he or she will be scheduled for a pre-employment physical and a drug test. The applicant will be signing quite a few forms that day: forms to authorize direct deposit, tax withholding, internet access, and facilities access; forms acknowledging receipt and understanding of policies; forms directing the governmental entity to keep personal information confidential; forms for benefits and insurance; and a form acknowledging he or she will be required to undergo and pass a physical with a drug testing component. Usually, either this acknowledgement form or one provided by the testing facility will inform the employee what drugs will be tested for and request the applicant to disclose any medications which could affect the drug test. It is understood that these physicals and drug tests are mandatory and refusal to submit would be grounds for revoking the offer of hire. The pre-employment drug tests are conducted after an applicant has received a conditional offer of employment. The Americans with Disabilities Act treats pre-employment drug tests as "medical examinations" under the statute, and they cannot be administered until after an applicant has received a conditional offer of employment.[1] However, adherence to the ADA requirements doesn't legitimize an exam which is not legal in the first place.

There is no question that it would be a violation of the applicant's Fourth Amendment rights if the Human Resources Director called the police chief to "pat down" a male applicant or required a female applicant to empty the contents of her purse as a part of the application process. We would definitely be objecting to what we perceived as an unreasonable search. Yet, most applicants produce a urine sample for testing and think nothing of it. While some municipalities limit pre-employment testing to applicants for "safety sensitive" positions, numerous municipalities include all applicants in pre-employment drug testing.

The state of the law with respect to drug testing in the employment context is still evolving. And while private sector employers have the freedom to drug test under practically any circumstances, government employers are constrained by the Fourth Amendment to the United States Constitution and applicable

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state constitutions and laws. With that being said, several states which have legalized marijuana to some extent have recently enacted legislation limiting even private sector employers with respect to how drug test results can be utilized in the hiring context. To understand the current state of the law regarding public sector drug testing, a brief summary of the applicable Supreme Court cases and regulatory changes is helpful at this juncture.

II. *SKINNER* AND *VON RAAB*.

The current law applicable to public employee drug testing began with the Supreme Court's companion decisions in *Skinner v. Railway Labor Executives' Assn.*,[2] and *National Treasury Employees v. Von Raab*.[3] In *Skinner* and *Von Raab*, the Court held that the government is allowed to conduct drug tests without individualized suspicion when there is a "special need" that outweighs the individual's privacy interest. In *Skinner*, a number of railroad labor groups protested the Federal Railroad Administration's ("FRA") requirement that employees be subjected to blood or urine tests after being involved in major train accidents or after having violated particular safety rules.[4] The FRA used statistics to show that 42 fatalities and 61 injuries between 1972 and 1983 were attributable to employees who had been under the influence of alcohol or drugs.[5] These statistics indicated that substance abuse was an identifiable problem in the railroad industry. In 1985, the FRA, in response to these statistics, implemented a program that required any employee involved in a major train accident which caused either a fatality, the release of hazardous material, or railroad property damage in excess of $500,000, to provide blood and urine samples for testing.[6] The Railway Labor Executives' Association brought suit to prevent such samples from being taken.

In *Skinner*, the Court found that public safety was such a "special need" justifying drug and alcohol testing of employees involved in railroad accidents. The Court balanced the special characteristics of the railroad industry, where on-the-job intoxication was a significant problem, and the serious risks to public safety. The Court determined that covered employees' expectations of privacy were diminished by reason of their participation in an industry that is heavily regulated to ensure safety.[7] Balancing the privacy rights of the individual with the compelling interest of the government, the Court held that the special needs exception applied because the intrusions created by drug testing were minimal compared to the safety concerns underlying the FRA's drug testing policy.[8] The Court thus deemed the drug testing policy constitutionally valid and, in doing so, tentatively established a framework for deciding drug testing cases. This is the case which led to labeling employees in hazardous jobs "safety-sensitive."

In *Von Raab*, the Court found a special need in relation to customs agents who carry firearms or are directly involved in drug interdiction. The public employees involved in *Von Raab* were employees of the United States Customs Service, an agency administered by the Department of Treasury. The Customs Service has a several responsibilities, but the activity in question in *Von Raab* was the interception of contraband that included, but was not limited to, illegal drugs.[9] In May 1986, Customs Service Commissioner William Von Raab implemented a drug testing program for all employees who were to be promoted or hired to serve in positions that involved drug interdiction, the carrying of firearms, or the handling of classified material. The National Treasury Employees Union brought suit to prevent the program from taking effect.

The Court began its analysis by identifying the government's special needs with regard to the first two categories.[10] The rationale given by the Treasury Department was that Customs employees responsible for drug interdiction were "exposed to the criminal element and to the controlled substances it sought to smuggle into the country." The Customs Service was concerned not only about employees' "physical safety," but also the risk of bribery or corruption.[11] The Supreme Court found that in these circumstances, "the Government had a compelling interest in ensuring that interdiction personnel who dealt directly with drug dealers and smugglers were physically fit, and had unimpeachable integrity and judgment."[12] Similarly, the Court applied the same analysis to those who carried firearms. "Employees who may use deadly force to plainly discharge duties fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences."[13] Both *Skinner* and *Von Raab* provided a framework for suspicionless drug testing as applied to employees

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working in safety-sensitive positions and those working in sensitive law enforcement positions who carry firearms who are not accessible to their employers on a day-to-day basis.

Based on similar *Skinner*-type considerations of "safety-sensitive" positions, the Federal Omnibus Transportation Employee Testing Act of 1991 was passed. Under this Act, certain employees in the motor carrier, railroad, mass transit industry and in aviation must be tested. Under the Act, any municipal employee with a Commercial Driver's License is subject to drug testing, including pre-employment drug testing.[14] This Act basically codified suspicionless testing, including pre-employment testing, for certain applicants and employees in safety-sensitive positions.

III. THE FIRST "PRE-EMPLOYMENT" TESTING CASE

The Supreme Court has yet to take a case that directly addresses the constitutionality of pre-employment drug testing of applicants. The Court decided a case in 1997, however, that provides the analytical framework for determining the constitutionality of "across-the-board" testing of applicants. In 1997, the Supreme Court decided the case of *Chandler v. Miller.*[15] The Court examined a Georgia statute that required candidates for state offices to certify they had a negative drug test 30 days prior to qualifying for nomination or election to office. The Court's analysis in *Chandler* began with the "uncontested point" that Georgia Statute § 21-2-140,[16] which required candidates for state office to submit to and pass a drug test, "effects a search within the meaning of the Fourth and Fourteenth Amendments." The only point of contention was whether the test, in the absence of individualized suspicion, was reasonable under a Fourth Amendment analysis.[17]

Speaking for an overwhelming majority (8-1), Justice Ginsburg indicated that the State presented no realistic evidence of a drug problem among State officeholders. In fact, the counsel for the State of Georgia admitted that there was no evidence of such a problem. Georgia attempted to justify its drug-testing requirement by pointing out that "the use of illegal drugs draws into question an official's judgment and integrity; jeopardizes the discharge of public functions, including antidrug law enforcement efforts; and undermines public confidence and trust in elected officials."[18]

In distinguishing this case from *Von Raab,* Ginsburg noted:

> Respondents overlook a significant difference between *Von Raab* and Georgia's candidate drug-testing program. In *Von Raab* it was 'not feasible to subject employees [required to carry firearms or concerned with interdiction of controlled substances] and their work product to the kind of day-to-day scrutiny that is the norm in more traditional office environments.' Candidates for public office, in contrast, are subject to relentless scrutiny—by their peers, the public, and the press. Their day-to-day conduct attracts attention notably beyond the norm in ordinary work environments.[19]

As a result, Ginsburg reasoned, the legislation was "symbolic" and did not overcome the presumption of individualized suspicion required for searches embodied in the Fourth Amendment.[20] The Georgia statute was not in response to any previous drug problems, and the officials covered under the law typically did not perform high-risk, safety-sensitive tasks. Rather, it was simply meant to be a statement that Georgia did not condone drug abuse, and a symbolic statement was found to be insufficient justification for suspicionless testing.

While not technically "applicants" within the employment context, the elected state officials had not taken the oath of office which was contingent on them passing a medical examination and a drug test. So, in that respect, they are very much like job applicants who are subjected to suspicionless drug tests.

Since *Chandler*, there have been several cases where pre-employment drug testing has been upheld as constitutionally reasonable when the applicants are filling safety sensitive positions.[21] However, there is a dearth of cases which actually address pre-employment drug testing as applied to all applicants, regardless of position, for employment. Two pre-*Chandler* cases which are often cited to support the notion that drug testing of all applicants is constitutionally permissible, are *Loder v. City of Glendale*[22] and *Willner v. Thornburgh*.[23]

Willner v. Thornburgh, a 1991 case, involved drug testing of Department of Justice attorney applicants. In *Willner*, the D.C. Circuit reasoned that because these applicants are subjected to a rigorous background investigation including drug testing, they have very little expectation of privacy. In other words, because every aspect of these applicants' lives was open for government inspection, a drug test would constitute a minor intrusion considering all of the other private information of an applicant subject to intense scrutiny.[24] While still technically "good law" because it hasn't been overturned, *Willner* is very fact-specific in that it is dealing with DOJ applicants subjected to extremely rigorous, intrusive background investigations. It stretches credulity to justify widespread suspicionless drug testing based on a case where the applicants are applying for very specialized and sensitive legal positions.[25]

Public employers should review their drug testing policies to ensure that they are constitutionally permissible. If medical and recreational marijuana use is allowed in states where your employees work, it's time to examine the core motivation behind your drug testing policy.

As with *Willlner, Loder* was decided before the Supreme Court's *Chandler* case. *Loder* was a suit brought by California taxpayers against the City of Glendale for its across-the-board testing of applicants and employees offered promotions. The California Supreme Court found that the City's drug testing program as applied to current employees was unconstitutional, but was constitutional as applied to applicants.[26] In making this finding the court held that "when…the drug screening program is administered in a reasonable fashion as part of a lawful pre-employment medical examination that is required of each job applicant, drug testing of all job applicants is constitutionally permissible under the Fourth Amendment…"[27] The court distinguished *Skinner* and *Von Raab* by differentiating between individuals required to give a urine sample for "medical reasons" as part of a pre-employment physical as opposed to those required to give a sample on demand.[28]

Contrary to the Supreme Court's later decision in *Chandler,* California high court in *Loder* discerned a generalized "public interest" justification for suspicionless drug testing of applicants, determining that

> [B}ecause of the significant problems—absenteeism, increased safety concerns, tardiness, reduced productivity, and increased risk of turnover—typically posed by an employee who abuses drugs or alcohol, an employer has a legitimate and substantial interest in determining whether or not an applicant currently is engaging in such conduct before the employer finalizes any hiring decision."[29] *Loder* has very little precedential value considering it was decided before *Chandler* and, because in 2008, the Ninth Circuit Court of Appeals issued a ruling in a case directly contrary to *Loder.*[30]

Both *Loder* and *Willner* were decided during the decade after the Drug Free Workplace Act was enacted in 1988,[31] implemented as part of the war on drugs under President Ronald Reagan's administration. According to the Substance Abuse and Mental Health Services Administration, this law made creating a drug-free workplace a requirement for any organization receiving a contract or grant from a federal government agency. Part of the law required implementing a drug-free awareness program for employees, disciplining employees with workplace drug convictions and maintaining "a drug-free workplace through an ongoing, good faith effort," which includes drug testing.

During the years following, governmental employers at all levels implemented drug testing policies mirroring the federal law. The culture during this time period could be best described by First Lady Nancy Reagan's signature "just say no" project. It was a culture of zero tolerance and belief that drug testing was the primary deterrent in maintaining a drug free workplace. The Drug-Free Workplace Act still maintains "zero tolerance" policies in all federal grant recipients as well as federal contractors. However, the United States Department of Labor ended the Drug-Free Workplace Program in 2010. The dismantling of the government program was possibly due to several states looking into the legalization of medical marijuana use.

IV. *CHANDLER* RE-EXAMINED.

Other than cases dealing with suspicionless testing in the educational setting, originally there were few significant cases dealing with pre-employment drug testing except those that defined the contours of what constituted a "safety-sensitive" position subject to suspicionless testing. In 2008, however, a woman named Janet Lanier applied for a library-page position with the City of Woodburn, Oregon, and filed suit after her offer of employment was withdrawn because she refused to take a pre-employment drug test. In a very straightforward opinion, the United States Court of Appeals for the Ninth Circuit ruled that the City's reliance on merely having a drug-free workplace or economic efficiency was insufficient to outweigh the burden upon individual privacy.[32]

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The Circuit went on the say that to pass constitutional muster, the City must satisfy a special needs test for such testing. This could be accomplished by the City in positions involving safety-sensitive tasks or positions that include the carrying of firearms or drug interdiction in the scope of work.[33] The City was unable to justify the testing for any reasons other than the desire to have a drug- free workplace.[34] Woodburn asserted "that it has a substantial and important interest in screening library pages for three reasons: drug abuse is one of the most serious problems confronting society today, drug use has an adverse impact on job performance, and children must be protected from those who use drugs or could influence children to use them."[35] The Circuit disagreed: "No doubt these problems are worthy of concern, but there is scant, if any, indication that on account of them, the City has 'special needs' of sufficient weight to justify an exception to the Fourth Amendment's requirement of individualized suspicion."[36]

On the opposite coast from Oregon in Key West, Florida, Karen Voss applied for the position of Solid Waste Coordinator in 2012.[37] In connection with her application for employment, Voss provided the City with her driver's license, educational history, employment history, references, answered questions about convictions and was subjected to a criminal history search. On January 28, 2012, Voss was offered the Solid Waste Coordinator position. On February 5, 2012, she reported to Human Resources for the "post-offer" stage of the application process, at which Voss: was provided with a copy of the City's "Drug Free Work Policy;" signed both a drug-testing identification form and an Employee Acknowledgement Agreement, acknowledging receipt of the Policy; and was asked to report to the City's drug-testing specimen collection site within one hour to give a urine specimen for urinalysis. The Employee Acknowledgement Agreement states that, "As a job applicant, I freely and voluntarily agree to a urinalysis drug screen as part of my application for employment. I understand that a refusal to test ... will disqualify me from employment."[38]

Voss subsequently refused to submit to the pre-employment drug test. Her job offer was withdrawn. The City asserted two important governmental interests in an effort to justify the suspicionless testing of job applicants. First, the City argued that it had an important interest in the "safe, effective, and efficient delivery of public services." Second, the City argued that the position was "safety-sensitive" because the coordinator must occasionally supervise the transfer station and give presentations to school-aged children." The district court, relying upon the Supreme Court's decision in *Chandler v Miller*, rejected the City's argument regarding the safe and effective delivery of services as being merely a "symbolic" interest and therefore insufficient to justify the search. The court indicated that there was no record evidence of a serious problem with drug abuse amongst job applicants or city employees, which might serve to justify the suspicionless testing regimen.[40]

The court was not swayed by the City's assertion that the Solid Waste Coordinator position was "safety-sensitive," justifying suspicionless testing. The court analyzed the essential job functions of the job and concluded that the coordinator was not engaged in safety-related duties. The court also distinguished this case from *Skinner* which found that certain "surpassing safety interests" would justify suspicionless drug testing. In *Skinner*, the Court had been presented with evidence that on-the-job intoxication resulted in multiple fatalities and other injuries over a ten-year period. In *Voss*, the City was unable to produce any such similar history of accidents or injuries in the solid waste department resulting from intoxication.[41]

Finally, the court rejected the City's argument seeking to draw a distinction between current employees and applicants for employment. The City, relying primarily upon the prior decision in *Willner v. Thornburgh*, had argued that suspicionless testing of job applicants was reasonable under the Fourth Amendment because applicants can refrain from applying for positions that require pre-employment drug testing. The district court disagreed, stating in pertinent part as follows:

> [T]there is no precedent in this Circuit which holds that the government can violate a person's rights under the Fourth Amendment so long as prior notice of the impending violation is given. Accordingly, the Court finds no reasons to adopt the distinction between applicants and employees that the City has suggested.[42]

V. CONCLUSION AND RECOMMENDATIONS.

Based on the analysis of the *Woodburn* and *Voss* cases, and based on the existing jurisprudence related to drug testing of public employees, it is more than reasonable to assume that the Supreme Court, if given the chance, would find across-the-board pre-employment testing of all applicants unconstitutional. Notwithstanding the legal prohibitions of suspicionless drug testing, laws regarding drug use, especially marijuana, are rapidly changing. On June 5, 2019, Nevada became the first state to make it unlawful for employers to reject job applicants who test positive for cannabis. The new law

went into effect January1, 2020.[43] The law does not protect positions funded with federal money since cannabis is still illegal under federal law. It also does not apply to safety-sensitive positions like firefighters, police officers, and EMTs, or employees required to operate a motor vehicle.

This legislation follows on the heels of New York City's April 9, 2019 enactment of a ban on pre-employment marijuana testing. The law will take effect May 10, 2020. Pre-employment marijuana testing will continue to be permissible for: police officers or other law enforcement jobs, certain construction and maintenance jobs, positions requiring a commercial driver's license, positions requiring supervision of children, medical patients, or certain individuals with physical and cognitive disabilities, and any position with the potential to significantly impact the health or safety of employees or members of the public. It will also be permissible if required by contract, state or federal law or provisions of any collective bargaining agreement.[44] Other states are considering or have already passed bills to provide employment protection for medicinal and/or recreational marijuana use.[45] Senator Cory Booker has introduced legislation in the Senate which would legalize marijuana and provide certain employment protections.[46]

Thirty-three states plus the District of Columbia, have legalized marijuana to some degree. The District of Columbia and 11 states -- Alaska, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont and Washington -- have adopted the most expansive laws legalizing marijuana for recreational use. Most recently, Illinois became the second most-populous state to legalize recreational marijuana.[47]

This rapidly evolving legal landscape presents new challenges for employers, particularly governmental employers who have to be mindful of constitutional protections. Government employers must balance complying with often divergent federal and state laws, maintaining a safe work environment, and protecting employees' rights considering the job duties, the need for testing and safety concerns. Public employers should review their drug testing policies to ensure that they are constitutionally permissible. If medical and recreational marijuana use is allowed in states where your employees work, it's time to examine the core motivation behind your drug testing policy. Most governmental entities will continue to test those employees hired for or currently holding safety sensitive positions such as DOT covered employees, firefighters and police officers. The issue will be which types of drug tests should continue to be given.

Employers that wish to drug test should include a drug-testing policy in their employment handbook that sets out the specific triggering events for post-accident and reasonable suspicion drug testing. If random testing is included, public employers should audit each position to ensure they are security or safety-sensitive positions. Most importantly, public employers with policies that prescribe mandatory drug testing for all applicants across-the-board should, with haste, revise those policies to apply only to those applicants seeking safety sensitive positions. By doing so, public employers will increase the chance that their policies will withstand legal challenges. **M**

Notes

1. 42 U.S.C. § 12112(d)(3).
2. Skinner v. Railway Labor Executives' Assn.; 489 U.S. 602, 109 S.Ct. 1402, 103 L. Ed. 2d 639 (1989).
3. Nat'l Treasury Employees Union v. Von Raab, 489 U.S. 656, 667–68, 109 S.Ct. 1384, 103 L.Ed.2d 685 (1989).
4. *See Skinner*, 489 U.S. at 602.
5. *See Id.* at 607.
6. *See Id.* at 609-10.
7. *See Id.* at 627.
8. *See Id.* at 628.
9. *See Id.* at 659-60 (citing United States Customs Service, Customs U.S.A., Fiscal Year 1985, p.4).
10. *Von Raab*, 489 U.S. at 668.
11. *See Id.* at 669.
12. *Id.* at 670.
13. *Id.*
14. 49 U.S.C. §§ 31301 and 31306; 49 C.F.R. Part 382.101, et seq; 49 C.F.R. § 383.5; 61 Fed. Reg. 9546 (Mar. 8 1996) and 61 Fed. Reg. 14, 667 (April 3, 1996); 65 Fed. Reg. 79462 (Dec. 19, 2000)).
15. 520 U.S. 305, 117 S. Ct. 1295, 137 L. Ed. 2d 513 (1997).
16. Georgia Code Ann. § 21-2-140(a)(4).
17. *Id.* at 305.
18. *Id.* at 321.
19. *Id.*
20. "…the candidate drug test Georgia as devised diminishes personal privacy for a symbol's sake. The Fourth Amendment shields society against that state action." Chandler v. Miller, 520 U.S. 305, 322, 117 S. Ct. 1295, 1305, 137 L. Ed. 2d 513 (1997).
21. Am. Fed'n of State, Cty. & Mun. Employees Council 79 v. Scott, 717 F.3d 851, 869 (11th Cir. 2013); Bluestein v. Skinner, 908 F.2d 451, 457 (9th Cir. 1990); Nat'l Fed'n of Fed. Employees v. Cheney, 884 F.2d 603, 610–11 (D.C. Cir. 1989). Another category—a natural extension of the Supreme Court's holding in *Von Raab*—encompasses police officers, *see* Carroll v. City of Westminster, 233 F.3d 208, 213 (4th Cir. 2000), correctional officers who interact with parolees or inmates in a prison, see Int'l Union v. Winters, 385 F.3d 1003, 1013 (6th Cir. 2004), and firefighters, see Hatley v. Dep't of the Navy, 164 F.3d 602, 604 (Fed. Cir. 1998).
22. Loder v. City of Glendale, 14 Cal. 4th 846, 927 P.2d 1200 (Ca. 1997).
23. Willner v. Thornburgh, 928 F.2d 1185 (D.C. Cir. 1991).
24. *Id.* at 1191 (Thus, as a general matter, applicants for Justice Department positions cannot reasonably expect to—and in fact do not—shield their private lives from

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government scrutiny during the hiring process. The background investigation is an extraordinarily intrusive process designed to uncover a vast array of information about those applying for jobs in the Department of Justice. As the Supreme Court stated in *Von Raab*, 109 S.Ct. at 1397, this "especially" "may be expected to diminish their expectations of privacy in respect of a urinalysis test.").

25. *Id.* at 1192 ("The Department of Justice, of course, is not just any employer. It has a legitimate interest in maintaining public confidence and trust. Drug use among its employees would undermine the Department's credibility as the nation's leading law enforcement agency.")

26. *Loder*, 927 P.2d at 1203.

27. *Id.* at 1203.

28. *Id.* at 1232.

29. *Id.* at 1233.

30. *Lanier v. City of Woodburn,* 518 F.3d 1147 (9th Cir. 2008).

31. 42 U.S.C § 8102.

32. *Lanier,* 518 F.3d at 1151-52.

33. *Chandler* makes clear that the need for suspicionless testing must be far more specific and substantial than the generalized existence of a societal problem of the sort that Woodburn has posited. In *Chandler*, the State of Georgia sought to subject candidates for public office to suspicionless testing to show its commitment to the war against drugs. Like Woodburn, Georgia asserted no evidence of a drug problem among the targeted population, and the officials who were required to pass a drug test were neither involved in interdiction, nor did they typically perform "high-risk, safety-sensitive tasks." *Chandler,* 520 U.S. at 321–22, 520 U.S. at 321-22. It follows here, as in *Chandler*, that "[t] he need revealed, in short, is symbolic, not 'special,' as that term draws meaning from our case law." *Id.* at 322.

34. *Lanier*, 518 F.3d at 1150.

35. *Id.*

36. *Id.*

37. *Voss v. City of Key* West., 24 F. Supp. 3d 1219, 1222 (S.D. Fla. 2014).

38. *Id.* at 1222.

39. *Id.* at 1224-26.

40. *Id.* at 1224-25.

41. *Id.* at 1226.

42. *Id.* at 1126-28.

43. Nevada Assembly Bill 132, (80th Leg. Sess. 2019).

44. Int. No. 1445-A (2019) (amending Section 8-107 of title 8 of the Administrative Code of the City of New York).

45. Passed: Oklahoma, New Mexico, Maine. Considering: California, Iowa, Vermont (not an all-inclusive list).

46. Marijuana Justice Act of 2019, S.597 (116th Congress 2019).

47. Governing: The State and Localities, State Marijuana Laws in 2019 Map, https://www.governing.com/gov-data/safety-justice/state-marijuana-laws-map-medical-recreational.html.

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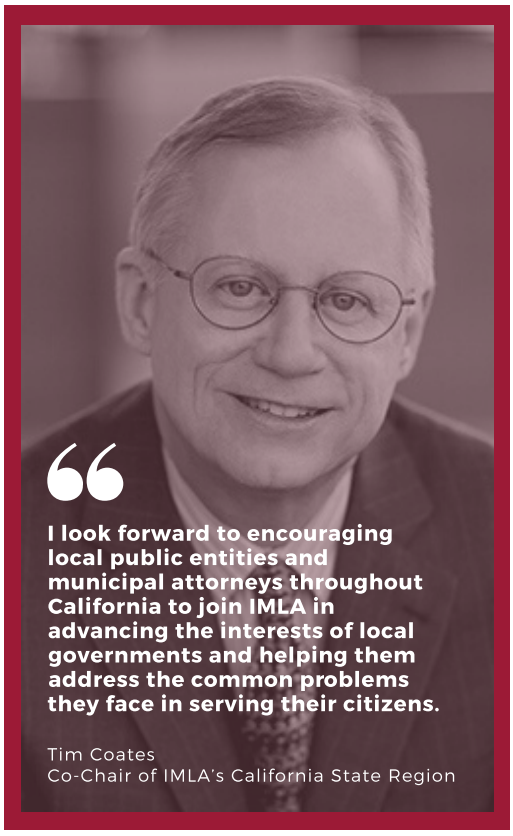

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Tim has represented municipalities in appellate courts across the United States, including six victories in the United States Supreme Court.

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