

Twenty-three states and the District of Columbia have now approved marijuana use for medical purposes, which obviously poses problems for women’s fraternity and sorority House Corporations and chapters regarding the use of a federally-banned substance on chapter property. From an insurance standpoint, we recommend that your housing and membership agreements require compliance with all state *and* federal laws.

*Fraternal Law* addressed medical marijuana in their September 2009 issue. In the article, Timothy Burke cited several recent court cases that would support our recommendation above:

The California Supreme Court, just a year ago, upheld the right of an employer to terminate an employee for violating the company’s anti-drug policy when the employee tested positive for the use of marijuana. The employee argued that he was allowed to use marijuana because he had approval to use marijuana for medicinal purposes in California...the [California] Supreme Court, however, readily recognized that ‘no state law could completely legalize marijuana for medical purposes because the drug remains illegal under federal law.’

Since that time, the courts have continually upheld the rights of employers over their anti-drug policies. *The Chronicle of Higher Education* addressed the use of medical marijuana on college campuses. According to the [Chronicle article](#), “medical marijuana users at Humboldt State, Fort Lewis and other colleges are advised to live off campus and leave their medicine at home.” At a [panel session](#) during the National Conference on Law and Higher Education, “speakers on the panel here pointed out that the ‘federal trump card’ gives universities legal cover to ban marijuana use without fear of challenge under the Americans With Disabilities Act or similar state laws.” Colleges in Colorado, for example, which has approved marijuana even for recreational use, have the right to define what conduct is expected and permissible within the respective communities and campuses, on or off campus. The same is true for women’s fraternities and sororities.

Women’s fraternities and sororities have the same right and ability to require more prohibitive rules on their property than are required in non-sorority-owned housing. Just as women’s fraternities and sororities ban alcohol on their properties, so too can they ban the use of illegal substances. Experts agree that it is important for women’s fraternities and sororities to communicate well in regards to behavioral expectations with their members and volunteers upfront.

We understand that this is a difficult issue to tackle, and we want to help you determine how best to manage this risk. Should you have any further questions, please do not hesitate to [contact us](#).