

# **Prospects and Pitfalls: Women in the Cannabis Industry**

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## **Abstract**

In the last decade, the legal cannabis industry emerged as a fast-growing and complex new market. Legal cultivation of the cannabis plant promises to create tremendous economic opportunities. Further, the new market hints at significant social consequences. Increasingly, women have entered the field as entrepreneurs, advocates, and employees. Early reports indicate a much higher percentage of women within the cannabis industry than in agriculture in general.

Nevertheless, women face challenges and obstacles. The cannabis industry bears the characteristics of any start-up industry. Federal prohibition has constrained corporate growth, leaving the industry dominated by numerous small, privately held companies. Less than a third of these companies report having adopted policies ensuring the growth and retention of a diverse workforce. Women in the cannabis industry often find themselves limited to lower paid positions outside of positions of power.

The cannabis industry is not immune from the recent surge of sexual discrimination lawsuits. Sexual discrimination and harassment plague even the newly legal cannabis industry. Moreover, the industry's past illicit nature threatens to perpetuate employer misconduct. Cannabis workers have traditionally proved reluctant to report abuse for fear of exposing the enterprise to governmental scrutiny. Because of federal prohibition, access to traditional employment protection statutes may be limited.

In this article we propose a regulatory framework that will permit states to ensure growth of the industry while at the same time providing protection and ensuring opportunity regardless of sex. The creation of a new regulatory environment presents a rare opportunity. The proposed framework will utilize the knowledge gained from a half-century of federal anti-discrimination law and judicial interpretation. Adoption of the proposed framework will provide protections to enable workers to experience an industry that recognizes and rewards their accomplishments.