

Meal and Rest Break Rules for Cannabis Workers Updated

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Why Cannabis Employers Must Pay Attention to Wage & Hour Compliance in 2025

The cannabis industry continues to expand rapidly across the United States, but as it matures, employers must also mature in their labor practices—particularly around meal and rest break rules. With evolving wage and hour regulations, cannabis businesses need to understand how updated break laws affect both their compliance risk and employee satisfaction.

This article explores the latest updates to meal and rest period regulations as they apply to cannabis workers, the risks of noncompliance, and how businesses can implement best practices to protect their operations.

Why Cannabis Employers Must Follow State Law First

There is no federal law that requires employers to provide meal or rest breaks. However, if an employer chooses to offer short breaks (usually 5 to 20 minutes), the Fair Labor Standards Act (FLSA) requires that those breaks be paid.

That said, state laws take priority when they are more protective of workers—and most cannabis-legal states have strict break rules. For example:

- California: One unpaid 30-minute meal break for every 5 hours worked, plus one 10-minute paid rest break for every 4 hours worked.
- Colorado: 30-minute unpaid meal break for shifts over 5 hours; 10-minute paid rest breaks for every 4 hours.
- Oregon: Similar to California but includes additional protections for minors and agricultural workers.

Cannabis employers must ensure state-specific compliance across locations, especially if operating in multiple jurisdictions.

State Labor Departments Are Watching Cannabis Operators Closely

In 2025, several states have updated or reaffirmed their wage and hour laws with specific guidance for cannabis cultivation, processing, and retail operations. This includes:

- California's Labor Commissioner's Office issuing bulletins targeting dispensaries and growers.
- Massachusetts including cannabis businesses in routine Department of Labor audits.
- New York increasing its focus on break violations in cannabis warehousing and delivery operations.

These updates are in response to increased wage theft complaints from cannabis workers, many of whom report being denied meal or rest breaks during peak business hours or long harvest shifts.

How Employers Often Get Meal and Rest Breaks Wrong

Despite good intentions, many cannabis businesses make costly mistakes when it comes to breaks:

1. Missed or Late Meal Breaks

Managers often delay meal breaks due to retail rushes or production demands, but this can violate state law if the meal isn't provided within the legal window.

2. Automatic Deductions for Meal Periods

Some businesses auto-deduct 30 minutes for a lunch break, even if workers don't actually take one. This can lead to unpaid wage claims.

3. Inadequate Rest Period Tracking

Rest breaks are often informal and undocumented, leaving employers vulnerable during labor audits.

4. Not Providing Relief Coverage

In customer-facing roles like dispensary retail, some workers skip breaks because there's no one to cover their station.

Wage and Hour Violations Can Result in Penalties, Lawsuits, and Reputational Damage

Noncompliance with meal and rest rules isn't just a technical violation—it can be very costly. Employers may face:

- Back pay for missed or unpaid breaks
- Premium pay for each day a break is missed (e.g., one extra hour per violation in California)
- Class action lawsuits from groups of affected employees
- Penalties and interest from labor departments
- Loss of business licenses in extreme cases

In California, cannabis employers have already been hit with six-figure settlements over wage claims, many of which stem from break violations. The cumulative impact of repeated infractions can severely damage a business.

Understanding the Difference Between Paid, Unpaid, and On-Duty Breaks

To avoid confusion, cannabis employers should understand the definitions of compliant breaks:

- **Meal Break (Unpaid):** Must be at least 30 minutes and relieve the employee of all duties. Must be uninterrupted and away from the workstation. Required after 5 hours in most states.
- **Rest Break (Paid):** Typically 10 minutes for every 4 hours worked. Should be offered in the middle of the shift segment and must not require the employee to be on-call or multitasking.
- **On-Duty Meal Breaks:** Allowed in limited cases (e.g., security roles) if the nature of the work prevents relief. Must be mutually agreed upon in writing and paid.

Employees must have the right to refuse to waive their breaks. Any policy requiring them to skip breaks even informally can lead to liability.

Cultivation, Retail, and Manufacturing Each Face Unique Challenges

In cannabis businesses, break violations often stem from operational intensity, such as:

- Harvest teams working long outdoor shifts under time constraints.
- Retail dispensaries with unpredictable customer flow.
- Manufacturing and extraction labs with batch timing that interferes with scheduled breaks.

To stay compliant, cannabis operators must plan for breaks, including:

- Scheduling extra float staff during rush hours.
- Using scheduling software to track break times.
- Documenting all break compliance for each shift.

Practical Steps to Align with Labor Law and Support Your Workforce

Conduct a State-by-State Compliance Audit

If operating in multiple states, work with HR and legal advisors to confirm your meal and rest policies align with each jurisdiction's laws.

Use Digital Timekeeping Systems

Track all break times—including rest breaks—with software that timestamps activity. Avoid auto-deductions.

Train Supervisors and Shift Leads

Make sure management understands the law and knows how to enforce breaks fairly and consistently.

Provide Relief Coverage

Cross-train team members so every employee can take their breaks without disrupting operations.

Put It in Writing

Distribute a clear, written policy on meal and rest periods, and have employees sign acknowledgment forms.

Protecting Workers' Rights Also Strengthens Your Business

Meal and rest break compliance is more than a legal requirement—it's a reflection of company values. When cannabis employers support their workforce with fair and lawful break policies, they build a more sustainable, efficient, and loyal team.

In an industry where high turnover and burnout are common, protecting break rights is a powerful step toward better retention, morale, and operational excellence.

Stay Ahead of Enforcement and Build a Break-Positive Culture Now

With labor enforcement on the rise in 2025 and cannabis regulations tightening across the board, now is the time to audit your break policies, train your staff, and document your compliance.

Meal and rest period rules are not optional. They are legal guardrails that protect both your workers and your business.

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