



Legalized Marijuana State Laws and Related Employment Laws

Provided by Franconia Insurance & Financial Services

Employers should become familiar with all applicable laws before implementing or enforcing any workplace policies regarding employee marijuana use. This infographic highlights state laws for legalized marijuana and related employment laws.

Under virtually all state-legalized marijuana and related employment laws, employers may still:



Conduct drug testing
 (though some laws do restrict testing for marijuana)



Prohibit marijuana possession and use in the workplace



Prohibit employees from being impaired by or under the influence of marijuana in the workplace



Prohibit employees from being impaired by or under the influence of marijuana during working hours



Comply with all applicable federal or state drug-testing laws



Comply with all applicable licensing and contractual requirements

In addition, employers may be **required** to make reasonable accommodations for an authorized medical marijuana user's medical needs or provide specified evidence that an employee was using or impaired by marijuana at work before taking adverse action against the individual based on the marijuana use.

Related Employment Laws

Even if an applicable marijuana law does not explicitly address employment issues relating to off-duty marijuana use, employers should be aware that state marijuana laws may still affect their rights and obligations under other applicable laws. For example, states with legalized marijuana laws may also have:

Drug testing-specific laws

Disability discrimination laws

Other discrimination laws

Lawful activities laws

Workers' compensation laws

Unemployment insurance laws

Workplace safety laws

Privacy laws



Marijuana Law Variations



Employer-friendly

Some state marijuana laws allow employers to prohibit all marijuana use, even by employees who are authorized marijuana users. Some of these further specify that individuals have no cause of action against employers. Some state marijuana laws are silent or unclear about employment issues, but courts have issued rulings prohibiting off-duty use.



Employee-friendly

Some state marijuana laws prohibit employers from taking adverse employment actions against an authorized marijuana user based solely on a positive test for marijuana. There are general exceptions for:

- Safety-sensitive positions
- Employee impairment
- Situations where compliance would result in a loss of any monetary- or licensing-related benefit