

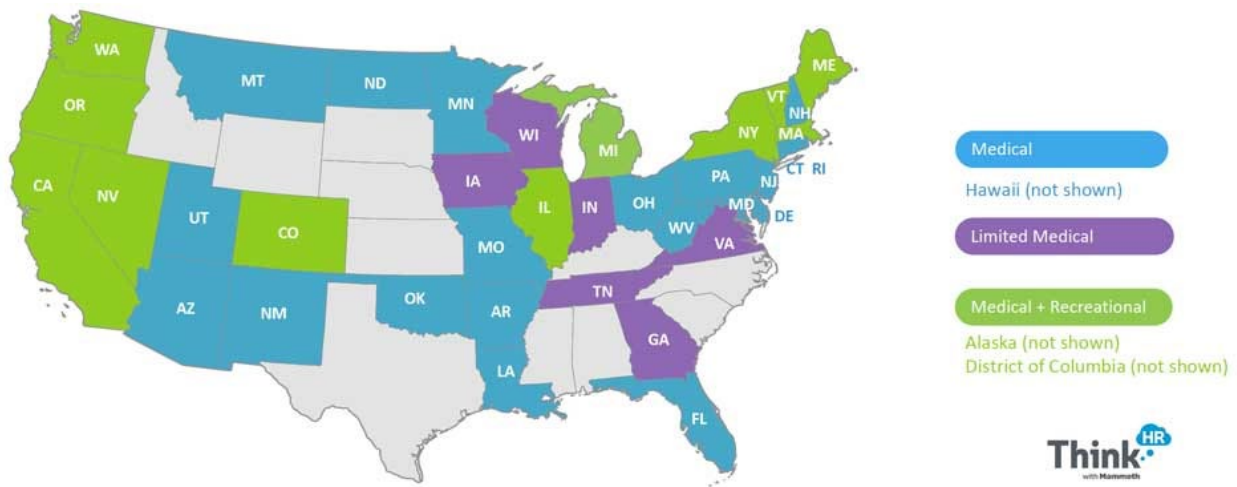
Marijuana Laws Update



- Federal law holds marijuana is illegal
- Current “illegal” drug users are therefore not covered by the ADA (a federal law)
- ADA may cover the underlying disability, but not the marijuana use
- State law may create additional requirements for accommodation
- Department of Transportation (DOT) regulations also may apply

Marijuana Legalization

Legal states as of November 1, 2019



Latest Marijuana Laws



How Marijuana Laws Affect Workplaces



- State laws continue to rapidly evolve
- Does your state's law:
 - Permit medicinal or recreational marijuana use?
 - Prohibit pre-employment drug testing for marijuana?
 - Prohibit employer discrimination against registered medicinal marijuana users on their qualified patient status alone?
 - Prohibit adverse action on the basis of a positive drug test alone?
 - Require employers to explore reasonable accommodation for legal medical marijuana users to treat disabilities?
 - Define and include exceptions to "safety sensitive" positions?

Marijuana

How to Stay Compliant

Stop Testing Altogether
Except for safety sensitive positions or when required by law



Focus on Impairment

Not positive drug tests (you almost certainly employ more users than you'd guess)



Be Prepared

If you want to test, be prepared for conversations about accommodation of medical use, and try to find the latest case law in your state

