



Marijuana Laws

March 2018

Although it is illegal to possess or use marijuana under federal law, numerous state laws permit medical or recreational marijuana use. This survey summarizes relevant labor and employment-law related provisions contained within state medical or recreational use laws. Specifically, if applicable, the survey examines whether the medical or recreational marijuana laws contain express provisions relating to: Discrimination against applicants and/or employees who under state law can legally possess and use medical marijuana; Drug testing; Workplace accommodation and restrictions. Additionally, it notes miscellaneous provisions in these laws that are relevant for employers (e.g., prohibitions against driving while under the influence of medical marijuana; insurance reimbursement of medical marijuana costs).

Medical & Recreational Marijuana Laws

General Medical Marijuana Laws				
Alaska	Arizona	Arkansas	California	Colorado
Connecticut	Delaware	District of Columbia	Hawaii	Illinois
Maine	Maryland	Massachusetts	Michigan	Minnesota
Montana	Nevada	New Hampshire	New Jersey	New Mexico
New York	North Dakota	Ohio	Oregon	Pennsylvania
Rhode Island	Vermont	Washington	West Virginia	
Limited Medical Marijuana Laws (Cannabidiol Laws)				
Alabama	Florida	Georgia	Iowa	Kentucky
Louisiana	Missouri	North Carolina	South Carolina	Tennessee

Texas	Utah	Virginia	Wisconsin	
Recreational Marijuana Laws				
Alaska	California	Colorado	District of Columbia	Maine
Massachusetts	Nevada	Oregon	Vermont (Note: Opinions vary about whether this is a recreational marijuana law or simply a marijuana decriminalization law)	Washington

What this Survey Does NOT Cover

References to statutes and regulations are expressly limited to state law concerning medical and/or recreational marijuana use. The survey is not an examination of laws that generally protect lawful activities, though caselaw decisions concerning the interplay between the marijuana and lawful activities statutes are mentioned in this survey. For a more complete discussion of lawful activity statutes, please see the GPS survey [Laws Prohibiting Off Duty Conduct Discrimination](#).

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
Federal	No medical marijuana laws. Note: At least one federal appellate court has held that the Americans with Disabilities Act (ADA) did not protect medical marijuana users who alleged discrimination based on their medical marijuana use. <i>James v. City of Costa Mesa</i> , 700 F.3d 394 (9th Cir. 2012).	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws. Note: The U.S. Supreme Court has held that state laws authorizing medical marijuana use do not insulate users from federal law making such behavior criminal. <i>Gonzales v. Raich</i> , 545 U.S. 1 (2005).
Alabama	No relevant provisions located.	"Carly's Law" permits the use and possession of Cannabidiol, which is a "(nonpsychoactive) cannabinoid	"Carly's Law" permits the use and possession of Cannabidiol, which is a "(nonpsychoactive)	No relevant provisions located.

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		<p>found in the plant Cannabis sativa L. or any other preparation thereof that is essentially free from plant material, and has a THC level of no more than 3 percent.”</p> <p>However, the law provides that it is not to be construed to allow or accommodate the prescription, testing, medical use or possession of any other form of cannabis other than Cannabidiol.</p> <p>Ala. Code § 13A-12-224.</p> <p><i>Updated 04/07/2014</i></p>	<p>cannabinoid found in the plant Cannabis sativa L. or any other preparation thereof that is essentially free from plant material, and has a THC level of no more than 3 percent.”</p> <p>However, the law provides that it is not to be construed to allow or accommodate the prescription, testing, medical use or possession of any other form of cannabis other than Cannabidiol.</p> <p>Ala. Code § 13A-12-224.</p> <p><i>Updated 04/07/2014</i></p>	
Alaska	No relevant provisions located.	No relevant provisions located.	<p>Medical Marijuana</p> <p>The medical marijuana laws do not require any accommodation of any medical use of marijuana in any place of employment. Alaska Stat. § 17.37.040.</p> <p>Recreational Marijuana</p> <p>An employer is not required to permit or accommodate the use, consumption, possession, transfer, display, transportation,</p>	<p>Medical Marijuana</p> <p>No relevant provisions located.</p> <p>Recreational Marijuana</p> <p>The law does not allow driving under the influence of marijuana or supersede laws related to driving under the influence of marijuana. Alaska Stat. § 17.138.120.</p> <p><i>Updated 02/24/2015</i></p>

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			<p>sale or growing of marijuana in the workplace.</p> <p>The law does not affect employers' ability to have policies restricting employee marijuana use.</p> <p>An employer who occupies, owns or controls private property can prohibit or otherwise regulate marijuana possession, consumption, use, display, transfer, distribution, sale, transportation, or growing on or in that property.</p> <p>Alaska Stat. § 17.138.120.</p> <p><i>Updated 02/24/2015</i></p>	
Arizona	<p>Unless failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations, an employer cannot discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:</p> <ul style="list-style-type: none"> The person's status as a cardholder. 	<p>Unless failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations, an employer cannot discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon a registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed or was impaired</p>	<p>An employer can prohibit the ingestion of marijuana in any workplace.</p> <p>An employer can prohibit an employee working while under the influence of marijuana.</p> <p>However, a registered qualifying patient cannot be considered to be under the influence of marijuana solely because of the presence of metabolites or components of</p>	<p>Under the medical marijuana laws, a person cannot engage in the following conduct:</p> <ul style="list-style-type: none"> Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice. Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana, except that a registered

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	<ul style="list-style-type: none"> A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment. <p>Ariz. Rev. Stat. § 36-2813.</p>	<p>by marijuana on the premises of the place of employment or during the hours of employment.</p> <p>Ariz. Rev. Stat. § 36-2813.</p> <p>A registered qualifying patient cannot be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.</p> <p>Ariz. Rev. Stat. § 36-2814.</p>	<p>marijuana that appear in insufficient concentration to cause impairment.</p> <p>An employer can discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.</p> <p>Ariz. Rev. Stat. § 36-2814.</p> <p>Employers who have established a policy and initiated a testing program in accordance with the Drug Testing of Employees Act may refuse to place medical marijuana users in safety-sensitive jobs, and may discipline individuals when there is a good faith belief that the employee was impaired by or improperly possessed marijuana while at work or during work hours.</p> <p>Ariz. Rev. Stat. § 23-493.06.</p>	<p>qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.</p> <ul style="list-style-type: none"> Using marijuana except as authorized under the law. <p>Ariz. Rev. Stat. § 36-2802.</p> <p>An employer cannot be penalized or denied any benefit under state law for employing a registered qualifying patient or a registered designated caregiver. Ariz. Rev. Stat. § 36-2811.</p> <p>A private health insurer is not required to reimburse a person for costs associated with the medical marijuana use.</p> <p>A workers' compensation carrier, or a self-insured employer providing workers' compensation benefits, is not required to reimburse a person for costs associated with medical marijuana use.</p>

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				Ariz. Rev. Stat. § 36-2814. <i>Updated 07/03/2015</i>
Arkansas	Employers cannot discriminate against an applicant or employee in hiring, termination, or any term or condition of employment, or otherwise penalize an applicant or employee based on past or present status as a qualifying patient or designated caregiver. Ark. Const. amend. 98, § 3. See <i>also</i> Miscellaneous (Coverage / Authorized & Protected Actions / Damages & Liability). <i>Updated 08/04/2017</i>	An employer can establish and implement a substance abuse or drug-free workplace policy that may include a drug testing program that complies with state or federal law and take action against an applicant or employee under the policy. Ark. Const. amend. 98, § 3. A positive test result for marijuana is one at or above the cutoff concentration level established by the United States Department of Transportation or the Arkansas laws regarding being under the influence, whichever is lower. Ark. Const. amend. 98, § 2. See <i>also</i> Miscellaneous (Coverage / Current Use of Marijuana / Under the Influence / Authorized & Protected Actions / Damages & Liability). <i>Updated 08/04/2017</i>	An employer is not required to accommodate ingestion of marijuana in a workplace or an employee working while under the influence of marijuana. *A cause of action is unavailable against an employer that acts on a good faith belief that a qualifying patient possessed, smoked, ingested, or otherwise engaged in marijuana use on the employer's premises or during work hours, or was under the influence of marijuana while on the employer's premises during work hours, provided a positive test result for marijuana cannot provide the sole basis for the employer's good faith belief. **A good faith belief is reasonable reliance on a fact, or that which is held out to be factual, without intent to deceive or be deceived and without reckless or malicious disregard for the truth, but does not include a belief formed with gross	<p>Coverage</p> <p>Employer: An entity that employs 9 or more employees in Arkansas in 20 or more calendar weeks in the current or preceding calendar year.</p> <p>Employee: An individual employed by an employer, but does not include and individual:</p> <ul style="list-style-type: none"> • Employed by his or her parents, spouse, or child; • Participating in a specialized 16 employment training program conducted by a nonprofit sheltered workshop or rehabilitation facility; • Employed outside Arkansas; • Who is an independent contractor. <p>Current Use of Marijuana:</p> <p>Marijuana use that justifies an employer's good faith belief an applicant or employee is engaging in marijuana use. It is presumed when a positive test result for marijuana occurs.</p>

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			<p>negligence. A good faith belief may be based on any of the following:</p> <ul style="list-style-type: none"> • Observed conduct, behavior, or appearance; • Information reported by a person believed to be reliable, including without limitation a report by a person who witnessed marijuana or marijuana paraphernalia use or possession by an applicant or employee in the workplace; • Written, electronic, or verbal statements from the employee or other persons; • Lawful video surveillance; • A record of government agencies, law enforcement agencies, or courts; • A positive test result for marijuana; • A warning label, usage standard, or other printed material that accompany instructions for usable marijuana; • Information from a physician, medical review officer, or a dispensary; 	<p>Under the Influence: Symptoms of current marijuana use that may negatively impact performing job duties or tasks or constitute a threat to health or safety, including, without limitation:</p> <ul style="list-style-type: none"> • Symptoms of the applicant's or employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or other irrational or unusual behavior inconsistent with the individual's usual conduct; • Negligence or carelessness in operating equipment, machinery, or production or manufacturing processes; • Disregard for safety; • Involvement in an accident that results in: 1) Damage to equipment, machinery, or property; 2) Disruption of a production or manufacturing process; or 3) An injury. • Other symptoms causing a reasonable suspicion that current marijuana use

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			<ul style="list-style-type: none"> • Information from reputable reference sources in print or on the internet; • Other information. <p>*An employer can exclude a qualifying patient from being employed in or performing a safety sensitive position based on the employer's good faith belief that the qualifying patient was engaged in current marijuana use.</p> <p>**A safety sensitive position is a position involving a safety sensitive function pursuant to federal regulations governing drug and alcohol testing adopted by the United States Department of Transportation or any other rules, guidelines, or regulations adopted by any other federal or state agency, and any position designated in writing by an employer as a safety sensitive position in which a person performing the position while under the influence of marijuana may constitute a threat to health or safety, including without limitation a position:</p>	<p>may negatively impact the performance of the job duties or tasks or constitute a threat to health or safety.</p> <p>Ark. Const. amend. 98, § 2.</p> <p>Authorized & Protected Actions: An employer's authorized or protected actions include:</p> <ul style="list-style-type: none"> • Implementing, monitoring, or taking measures to assess, supervise, or control an employee's job performance; • Reassigning an employee to a different position or job duties; • Placing an employee on paid or unpaid leave; • Suspending or terminating an employee; • Requiring an employee to successfully complete a substance abuse program before returning to work; • Refusing to hire an applicant; or • Any combination of the above.

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			<ul style="list-style-type: none"> • That requires any of these activities: <ul style="list-style-type: none"> • Carrying a firearm; • Performing life-threatening procedures; • Working with confidential information or documents pertaining to criminal investigations; or • Working with hazardous or flammable materials, controlled substances, food, or medicine. <p>In which a lapse of attention could cause injury, illness, or death, including without limitation a position that includes the operating, repairing, maintaining, or monitoring of heavy equipment, machinery, aircraft, motorized watercraft, or motor vehicles as part of the job duties.</p> <p>Ark. Const. amend. 98, §§ **2, *3, 6. See also Miscellaneous (Coverage / Current Use of Marijuana / Under the Influence /</p>	<p>Damages & Liability: Damages established for employment discrimination claim based on an applicant's or employee's past or present status as a qualifying patient or designated caregiver are limited to those available under the Arkansas Civil Rights Act. Liability for back pay does not accrue from a date over 2 years before a lawsuit is filed. Damages do not duplicate or increase an award for damages over the statutory limit allowed by state law or federal law existing on January 1, 2017, whichever is lower. An employment discrimination suit must be brought within 1 year of the alleged discrimination. An individual employee, employer agent, or employer agent's employee is not liable for a violation an employer is found to have committed.</p> <p>Ark. Const. amend. 98, § 3.</p> <p>Prohibited Acts: The law does not permit a person to:</p> <ul style="list-style-type: none"> • Undertake any task under the influence of marijuana when doing so would constitute

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			<p>Authorized & Protected Actions / Damages & Liability).</p> <p><i>Updated 08/04/2017</i></p>	<p>negligence or professional malpractice;</p> <ul style="list-style-type: none"> • Possess, smoke, or otherwise engage in the medical use of marijuana: <ul style="list-style-type: none"> • On a school bus; • On the grounds of a daycare center, preschool, primary or secondary school, college, or university; • At a drug or alcohol treatment facility; • At a community or recreation center; • In a correctional facility; • On any form of public transportation; or • In a public place • Operate, navigate, or be in actual physical control of a motor vehicle, aircraft, motorized watercraft, or any other vehicle drawn by power other than muscle power while under the influence of marijuana • Smoke marijuana:

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				<ul style="list-style-type: none"> • In a place where the smoking of tobacco is prohibited by law; • In the presence of a person who is under 14 years of age; • Inside a motor vehicle, aircraft, motorized watercraft, or any vehicle drawn by power other than muscle power; • Knowingly in the presence of a pregnant woman; or • In a place where the smoking of marijuana for medical use is likely to cause another person not authorized to use marijuana to be under the influence of marijuana <ul style="list-style-type: none"> • Smoke marijuana for medical use if the person is under 21 years of age. <p>Ark. Const. amend. 98, § 6.</p> <p><i>Updated 08/04/2017</i></p>

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California	<p>Medical & Recreational Marijuana</p> <p>No relevant provisions located.</p> <p>Note: An applicant or employee who uses medical marijuana is not protected as a qualified individual under the Fair Employment and Housing Act when the employer acts on the basis of such use, and questions about current illegal drug use are not disability-related inquiries. Cal. Code Regs. tit. 2, § 11071. <i>But see Shepherd v. Kohl's Dep't Stores</i>, 2016 U.S. Dist. LEXIS 101279 (E.D. Cal. Aug. 2, 2016) (Denying employer summary judgment on a breach of an implied contract / covenant of good faith and fair dealing claim. The former employee had a medical marijuana prescription. He was fired because a drug test revealed marijuana metabolites. The employer's policy stated an individual wouldn't be discriminated against concerning hiring, firing, or any other term or condition of employment or otherwise penalized for being a registered medical marijuana cardholder or because</p>	<p>Recreational Marijuana</p> <p>Employers can maintain a drug-free workplace.</p> <p>Employers are not required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace.</p> <p>Employers can have policies prohibiting marijuana use marijuana by employees and prospective employees.</p> <p>The law does not prevent employers from complying with state or federal law.</p> <p>Cal. Health & Safety Code § 11362.45. Sell also California Proposition 64, § 3 (intent behind the Adult Use of Marijuana Act included allowing private employers to enact and enforce workplace policies pertaining to marijuana).</p> <p>Medical Marijuana</p> <p>No relevant provisions located.</p>	<p>Recreational Marijuana</p> <p>Employers can maintain a drug-free workplace.</p> <p>Employers are not required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace.</p> <p>Employers can have policies prohibiting marijuana use marijuana by employees and prospective employees.</p> <p>The law does not prevent employers from complying with state or federal law.</p> <p>Cal. Health & Safety Code § 11362.45. Sell also California Proposition 64, § 3 (intent behind the Adult Use of Marijuana Act included allowing private employers to enact and enforce workplace policies pertaining to marijuana).</p> <p>Medical Marijuana</p> <p>The medical marijuana laws do not require accommodation of medical use of marijuana on the</p>	<p>Recreational Marijuana</p> <p>The law does not permit:</p> <ul style="list-style-type: none"> Smoking marijuana or marijuana products in a location where smoking tobacco is prohibited. Possessing an open container or open package of marijuana or marijuana products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation. Smoking or ingesting marijuana or marijuana products while driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation. <p>The law does not impact the medical marijuana law.</p> <p>Cal. Health & Safety Code § 11362.3.</p> <p>The law does not impact:</p>

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	<p>such an individual tested positive for marijuana components or metabolites).</p> <p><i>Updated 11/15/2016</i></p>	<p>However, the California Supreme Court has held that “Under California law, an employer may require preemployment drug tests and take illegal drug use into consideration in making employment decisions.” <i>Ross v. RagingWire Telecommunications, Inc.</i>, 174 P.3d 200 (Cal. 2008) (Compassionate Use Act & Fair Employment and Housing Act). <i>But see Shepherd v. Kohl's Dep't Stores</i>, 2016 U.S. Dist. LEXIS 101279 (E.D. Cal. Aug. 2, 2016) (Denying employer summary judgment on a breach of an implied contract / covenant of good faith and fair dealing claim. The former employee had a medical marijuana prescription. He was fired because a drug test revealed marijuana metabolites. The employer’s policy stated an individual wouldn’t be discriminated against concerning hiring, firing, or any other term or condition of employment or otherwise penalized for being a registered medical marijuana cardholder or because such an individual tested positive</p>	<p>property or premises of any place of employment or during the hours of employment. Cal. Health & Safety Code § 11362.785.</p> <p>The California Supreme Court observed that “The [California Fair Employment and Housing Act] does not require employers to accommodate the use of illegal drugs.” Additionally, it noted that “Nothing in the [Compassionate Use Act’s] text or history indicates voters intended to articulate any policy concerning marijuana in the employment context, let alone a fundamental public policy requiring employers to accommodate marijuana use by employees.” <i>Ross v. RagingWire Telecommunications, Inc.</i>, 174 P.3d 200 (Cal. 2008). <i>See also Shepherd v. Kohl's Dep't Stores</i>, 2016 U.S. Dist. LEXIS 101279 (E.D. Cal. Aug. 2, 2016) (Granting employer summary judgment on failure to accommodate claim.</p> <p>" Plaintiff presents no authority, and this court has found none, suggesting a cognizable FEHA</p>	<ul style="list-style-type: none"> • Laws prohibiting driving or operating a vehicle, boat, vessel, or aircraft, while smoking, ingesting, or impaired by, marijuana or marijuana products or the penalties for violating those laws • Laws providing that it would constitute negligence or professional malpractice to undertake any task while impaired from smoking or ingesting marijuana or marijuana products. • An individual or private entity’s ability to prohibit or restrict action or conduct otherwise permitted under the law on its privately-owned property. • The medical marijuana law. <p>Cal. Health & Safety Code § 11362.45</p> <p>Medical Marijuana</p> <p>A private or any other health insurance provider or health care service plan is not required to be liable for any claim for</p>

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		for marijuana components or metabolites). <i>Updated 11/15/2016</i>	claim can be based simply on an employer's failure to abide by policies not required by FEHA.") <i>Updated 11/15/2016</i>	reimbursement for the medical use of marijuana. Cal. Health & Safety Code § 11362.785. Note: Unless an exception exists, employers cannot inquire about marijuana convictions that are more than 2 years' old. Cal. Lab. Code § 432.8 <i>Updated 11/15/2016</i>
Colorado	No relevant provisions located. Notes <ul style="list-style-type: none"> The Supreme Court of Colorado held that, under the plain language of the state's "lawful activities statute" (Colo. Rev. Stat. § 24-34-402.5), the term "lawful" refers only to activities that are lawful under both state and federal law. Therefore, employees who engage in an activity like medical marijuana use that is permitted by state law but unlawful under federal law are not protected by the statute. <i>Coats v. Dish Network</i>, 2015 	No relevant provisions located. Notes <ul style="list-style-type: none"> The Supreme Court of Colorado held that, under the plain language of the state's "lawful activities statute" (Colo. Rev. Stat. § 24-34-402.5), the term "lawful" refers only to activities that are lawful under both state and federal law. Therefore, employees who engage in an activity like medical marijuana use that is permitted by state law but unlawful under federal law are not protected by the statute. In the case, a former employee was fired for 	An employer is not required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace. An employer can have policies restricting the use of marijuana by employees. Moreover, an employer who occupies, owns or controls a property can prohibit or otherwise regulate the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property. Colo. Const. art. XVIII, § 16.	The marijuana laws do not permit driving under the influence of marijuana or driving while impaired by marijuana. Colo. Const. art. XVIII, § 16.

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	<p>Colo. LEXIS 519 (June 15, 2015).</p> <ul style="list-style-type: none"> In an unpublished opinion, a federal court in Colorado held that disability discrimination laws were not violated when an employee was fired after testing positive for marijuana, which violated his employer's written drug policy. <i>Curry v. MillerCoors, Inc.</i>, 2013 U.S. Dist. LEXIS 118730 (D. Colo. Aug. 21, 2013). <p><i>Updated 06/15/2015</i></p>	<p>violating the company's drug policy when he tested positive for tetrahydrocannabinol ("THC"), a component of medical marijuana, during a random drug test. <i>Coats v. Dish Network</i>, 2015 Colo. LEXIS 519 (June 15, 2015).</p> <ul style="list-style-type: none"> A state appellate court held that a former employee could be denied unemployment benefits for testing positive for marijuana in violation of his employer's zero-tolerance drug policy, even though employee's medical use was permitted under state law. <i>Beinor v. Indus. Claim Appeals Office of Colo. & Serv. Group, Inc.</i>, 262 P.3d 970 (Colo. Ct. App. 2011); see also <i>Curry v. MillerCoors, Inc.</i>, 2013 U.S. Dist. LEXIS 118730 (D. Colo. Aug. 21, 2013) (Unpublished) (Medical marijuana user-employee could be fired for testing positive for marijuana, in violation of employer's written drug policy). 		

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		<i>Updated 06/15/2015</i>		
Connecticut	<p>Unless required by federal law or required to obtain federal funding, an employer cannot refuse to hire a person or discharge, penalize or threaten an employee solely on the basis of the individual's status as a qualifying patient or primary caregiver. Conn. Gen. Stat. § 21a.408p.</p> <p>Ruling on a motion to dismiss, a federal judge held: 1) the federal Controlled Substances Act (CSA) and Americans with Disabilities Act did not preempt the state medical marijuana law's anti-discrimination provision; and 2) Hiring a medical marijuana user was not a violation of the CSA or any other federal, state, or local law. <i>Noffsinger v. SSC Niantic Operating Co.</i>, 2017 U.S. Dist. LEXIS 124960 (D. Conn. Aug, 8, 2017).</p> <p><i>Updated 08/18/2017</i></p>	<p>No relevant provisions located.</p> <p>Ruling on a motion to dismiss, a federal judge held: 1) the federal Controlled Substances Act (CSA) and Americans with Disabilities Act did not preempt the state medical marijuana law's anti-discrimination provision; and 2) Hiring a medical marijuana user was not a violation of the CSA or any other federal, state, or local law. <i>Noffsinger v. SSC Niantic Operating Co.</i>, 2017 U.S. Dist. LEXIS 124960 (D. Conn. Aug, 8, 2017) (Conditional job offer rescinded for failing drug test).</p> <p><i>Updated 08/18/2017</i></p>	<p>The medical marijuana laws do not permit ingesting marijuana in the workplace. Conn. Gen. Stat. § 21a.408a.</p> <p>An employer can: 1) prohibit the use of intoxicating substances during work hours; 2) discipline an employee for being under the influence of intoxicating substances during work hours. Conn. Gen. Stat. § 21a.408p.</p>	<p>The medical marijuana laws do not permit ingesting marijuana in a moving vehicle. Conn. Gen. Stat. § 21a.408a.</p> <p>Private Right of Action: Ruling on a motion to dismiss, a federal judge held the medical marijuana law's anti-discrimination provision provided an implied private right of action. <i>Noffsinger v. SSC Niantic Operating Co.</i>, 2017 U.S. Dist. LEXIS 124960 (D. Conn. Aug, 8, 2017)</p> <p><i>Updated 08/18/2017</i></p>
Delaware	Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal	Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal	An employer can prohibit the ingestion of marijuana in any workplace.	<p>The medical marijuana laws do not permit:</p> <ul style="list-style-type: none"> Undertaking any task under the influence of marijuana,

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	<p>regulations, an employer cannot discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either:</p> <ul style="list-style-type: none"> • The person’s status as a cardholder; or • A registered qualifying patient’s positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment. <p>Del. Code Ann. tit. 16, § 4905A.</p>	<p>regulations, an employer cannot discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon a registered qualifying patient’s positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.</p> <p>Del. Code Ann. tit. 16, § 4905A.</p>	<p>An employer can prohibit an employee from working while under the influence of marijuana. Note, however, that a registered qualifying patient will not be considered under the influence of marijuana solely because of the presence of metabolites or components of marijuana.</p> <p>An employer can discipline an employee for ingesting marijuana in the workplace or working while under the influence of marijuana.</p> <p>Del. Code Ann. tit. 16, § 4907A.</p>	<p>when doing so would constitute negligence or professional malpractice;</p> <ul style="list-style-type: none"> • Smoking marijuana in any form of transportation; • Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana, except that a registered qualifying patient or visiting qualifying patient is not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana. <p>Del. Code Ann. tit. 16, § 4904A.</p> <p>An employer cannot be penalized or denied any benefit under state law for employing a cardholder.</p> <p>Del. Code Ann. tit. 16, § 4905A.</p> <p>Participation in the medical marijuana program by a qualified patient or primary caregiver does not relieve the qualified patient or primary caregiver from criminal</p>

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				<p>prosecution or civil penalty for possession, distribution or transfers of marijuana or use of marijuana in the individual's workplace.</p> <p>16-4000-4470 Del. Admin. Code § 9.3.1.3.3.</p> <p>The Delaware Department of Health and Social Services, with a cardholder's permission, can confirm the individual's status as a registered qualifying patient or registered designated caregiver to an employer.</p> <p>Del. Code Ann. tit. 16, § 4921A.</p>
<p>District of Columbia</p>	<p>Note: The status of D.C. marijuana laws is unclear. See Introduction.</p> <p>No relevant provisions located.</p> <p><i>Updated 12/17/2014</i></p>	<p>Note: The status of D.C. marijuana laws is unclear. See Introduction.</p> <p>Recreational Marijuana</p> <p>"Q: After Initiative 71 takes legal effect, can my employer subject me to drug tests or otherwise subject me to potential employment consequences for my use of marijuana?</p> <p>A: Yes. Just because possession by adults 21 years or older and use in certain circumstances has been</p>	<p>Note: The status of D.C. marijuana laws is unclear. See Introduction.</p> <p>Medical Marijuana</p> <p>No relevant provisions located. <i>See also, e.g., Coles v. Harris Teeter, LLC</i>, 2016 U.S. Dist. LEXIS 157039 (D.D.C. Nov. 14, 2016) (On a motion to dismiss, dismissing former employee's wrongful termination in violation of public policy cause of action: "District law does not 'provide a</p>	<p>Note: The status of D.C. marijuana laws is unclear. See Introduction.</p> <p>Medical Marijuana</p> <p>The medical marijuana laws do not permit a person to:</p> <ul style="list-style-type: none"> Undertake any task under the influence of medical marijuana when doing so would constitute negligence or professional malpractice. Operate, navigate, or be in physical control of any motor

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		<p>legalized, that does not change the rights of employers in the District to drug-test employees and establish rules for employees regarding marijuana use."</p> <p>D.C. Office of the Attorney General, Office of the Attorney General Releases Frequently Asked Questions Document on District's Marijuana Laws (Feb. 26, 2015).</p> <p>Pre-Employment Marijuana Testing</p> <p>An employer can only test prospective employees for marijuana use after making a conditional offer of employment, unless otherwise required by law.</p> <p>However, the law does not:</p> <ul style="list-style-type: none"> • Affect employee compliance with employer workplace drug policies; • Require employers to permit or accommodate marijuana use, consumption, transfer, display, transportation, sale, or growing in the 	<p>clear mandate of public policy' that employers must accommodate such legal marijuana use by their employees. . . . [T]he District here can at most be said to maintain a public policy that decriminalizes and allows the consumption of marijuana for private medical reasons. That is a far cry from prohibiting employers from terminating such users.").</p> <p>Recreational Marijuana</p> <p>Any employer is not required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace.</p> <p>An employer can establish and enforce policies restricting employee marijuana use.</p> <p>A person, business, corporation, organization or other entity occupying, owning, or controlling real property can prohibit or regulate marijuana possession, consumption, use, display, transfer,</p>	<p>vehicle, aircraft, or motorboat while under the influence of medical marijuana.</p> <p>D.C. Code § 7-1671.03.</p> <p>Recreational Marijuana</p> <p>The law does not permit driving under the influence of marijuana, or driving while impaired by marijuana use or ingestion, or modify existing laws concerning driving under the influence of, or while impaired by, marijuana. D.C. Code § 408-904.01.</p> <p><i>Updated 02/26/2015</i></p>

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		<p>workplace or at any time during employment;</p> <ul style="list-style-type: none"> • Interfere with federal employment contracts; or • Prevent employers from denying a position based on a positive test for marijuana. <p>Not yet codified.</p> <p><i>Updated 05/27/2015</i></p>	<p>distribution, sale, transportation or growth on or in that property.</p> <p>D.C. Code § 408-904.01.</p> <p>Pre-Employment Marijuana Testing</p> <p>An employer can only test prospective employees for marijuana use after making a conditional offer of employment, unless otherwise required by law.</p> <p>However, the law does not:</p> <ul style="list-style-type: none"> • Affect employee compliance with employer workplace drug policies; • Require employers to permit or accommodate marijuana use, consumption, transfer, display, transportation, sale, or growing in the workplace or at any time during employment; • Interfere with federal employment contracts; or • Prevent employers from denying a position based on a positive test for marijuana. <p>Not yet codified.</p>	

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			Updated 12/05/2016	
Florida	<p>The law does not create a cause of action against an employer for wrongful discharge or discrimination. Fla. Stat. Ann. § 381.986.</p> <p><i>Updated 07/05/2017</i></p>	<p>The law does not:</p> <ul style="list-style-type: none"> Limit an employer’s ability to establish, continue, or enforce a drug-free workplace program or policy. Relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance. <p>Fla. Stat. Ann. § 381.986.</p> <p><i>Updated 07/05/2017</i></p>	<p>Employers are not required to accommodate on-site medical marijuana use in a place of employment *or any employee working while under the influence of marijuana*. Fla. Const. art. X, § 29; *Fla. Stat. Ann. § 381.986.</p> <p>“Medical use” does not include use or administration of marijuana in a qualified patient’s place of employment, except when permitted by his or her employer. Fla. Stat. Ann. § 381.986.</p> <p><i>Updated 07/05/2017</i></p>	<p>The law does not, e.g.:</p> <ul style="list-style-type: none"> Affect or repeal laws relating to non-medical use, possession, production, or sale of marijuana Permit operating any vehicle, aircraft, train or boat while under the influence of marijuana <ul style="list-style-type: none"> *“Medical use” does not include use or administration of marijuana in a school bus, a vehicle, an aircraft, or a motorboat, except for low THC cannabis. Require violating federal law. Require a health insurance provider to reimburse any person for expenses related to medical marijuana use. <ul style="list-style-type: none"> *Marijuana is not reimbursable under the workers’ compensation law.

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<ul style="list-style-type: none"> Affect or repeal laws relating to negligence or professional malpractice on the part of a qualified patient, caregiver, physician, medical marijuana treatment center, or its agents or employees. <p>Fla. Const. art. X, § 29; *Fla. Stat. Ann. § 381.986.</p> <p>“Medical use” does not include use or administration of marijuana in any public place, except for low-THC cannabis.</p> <p>A qualified patient who uses in prohibited locations commits a misdemeanor of the first degree.</p> <p>The law does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana.</p> <p>Fla. Stat. Ann. § 381.986.</p> <p><i>Updated 07/05/2017</i></p>
Georgia	No relevant provisions located. <i>Updated 04/16/2015</i>	Haleigh’s Hope Act allows the prescription, use, and possession of 20 fluid ounces or less of THC oil (no more than 5% THC	Haleigh’s Hope Act allows the prescription, use, and possession of 20 fluid ounces or less of THC oil (no more than 5% THC	No relevant provisions located. <i>Updated 04/16/2015</i>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
		<p>and an equal or great amount of cannabidiol) if the individual is registered and has cancer, ALS, seizure disorders related to epilepsy or trauma-related head injuries, Mitochondrial disease, or severe or end-stage MS, Parkinson's Disease, or Sickle cell disease.</p> <p>However, the law does not affect an employer's ability to:</p> <ul style="list-style-type: none"> • Have a written zero tolerance policy prohibiting on-duty and off-duty marijuana use. • Prohibit an employee from having a detectable amount of marijuana in his or her system while at work. <p>Ga. Code Ann. §§ 16-12-190, 16-12-191.</p> <p><i>Updated 04/16/2015</i></p>	<p>and an equal or great amount of cannabidiol) if the individual is registered and has cancer, ALS, seizure disorders related to epilepsy or trauma-related head injuries, Mitochondrial disease, or severe or end-stage MS, Parkinson's Disease, or Sickle cell disease.</p> <p>However, the law does not require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in any form.</p> <p>Additionally, the law does not affect an employer's ability to:</p> <ul style="list-style-type: none"> • Have a written zero tolerance policy prohibiting on-duty and off-duty marijuana use. • Prohibit an employee from having a detectable amount of marijuana in his or her system while at work. <p>Ga. Code Ann. §§ 16-12-190, 16-12-191.</p> <p><i>Updated 04/16/2015</i></p>	

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Hawaii	No relevant provisions located.	No relevant provisions located.	The medical marijuana laws do not permit medical use of marijuana in the workplace. Haw. Rev. Stat. § 329-122.	The medical marijuana laws do not permit medical use of marijuana: <ul style="list-style-type: none"> • In a moving vehicle. • That endangers the health or well-being of another person. Haw. Rev. Stat. § 329-122.
Idaho	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.
Illinois	Unless failing to do so would put an employer in violation of federal law or would cause it to lose a monetary or licensing-related benefit under federal law or rules, an employer cannot penalize a person solely for his or her status as a registered qualifying patient or a registered designated caregiver. 410 Ill. Comp. Stat. 130/40. Note: Medical marijuana laws are set to expire July 1, 2020. 410 Ill. Comp. Stat. 130/220. <i>Updated 07/13/2016</i>	An employer can enforce a policy concerning drug testing, zero-tolerance, or a drug free workplace provided the policy is applied in a nondiscriminatory manner. An employer can: <ul style="list-style-type: none"> • Discipline a registered qualifying patient for violating a workplace drug policy. • Discipline an employee for failing a drug test if failing to do so would put the employer in violation of federal law or cause it to lose a federal contract or funding. An employer can consider a registered qualifying patient to be impaired when he or she manifests specific, articulable symptoms while working that decrease or lessen	A private business can restrict or prohibit the medical use of cannabis on its property. 410 Ill. Comp. Stat. 130/30, 130/40. An employer can adopt reasonable regulations concerning the consumption, storage, or timekeeping requirements for qualifying patients related to the use of medical cannabis. 410 Ill. Comp. Stat. 130/50. Note: Medical marijuana laws are set to expire July 1, 2020. 410 Ill. Comp. Stat. 130/220. <i>Updated 07/13/2016</i>	The medical marijuana laws do not permit: <ul style="list-style-type: none"> • Undertaking any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice, or professional misconduct • Using cannabis in a motor vehicle • Possessing cannabis in a vehicle not open to the public unless the medical cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving; • Operating, navigating, or being in physical control of a motor vehicle, aircraft,

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		<p>the employee's performance of the duties or tasks of his or her position, including:</p> <ul style="list-style-type: none"> • Symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, • Disregard for the safety of the employee or others; • Involvement in an accident that results in serious damage to equipment or property; • Disruption of a production or manufacturing process; • Carelessness that results in any injury to the employee or others. <p>If an employer elects to discipline a qualifying patient, it must afford the employee a reasonable opportunity to contest the basis of the determination.</p> <p>410 Ill. Comp. Stat. 130/50.</p> <p>Additionally, the medical marijuana laws do not interfere with any</p>		<p>or motorboat while using or under the influence of cannabis;</p> <ul style="list-style-type: none"> • Use of medical cannabis by a person with a school bus permit or commercial driver's license. <p>410 Ill. Comp. Stat. 130/30.</p> <p>An employer cannot be penalized or denied any benefit under state law for employing a cardholder. 410 Ill. Comp. Stat. 130/40.</p> <p>An employer, property and casualty insurer, or private health insurer is not required to reimburse a person for costs associated with the medical use of cannabis. 410 Ill. Comp. Stat. 130/40.</p> <p>The medical marijuana laws do not create or imply a private cause of action against an employer for:</p> <ul style="list-style-type: none"> • Actions based on the employer's good faith belief that a registered qualifying patient used or possessed cannabis while on the employer's premises or during the hours of employment;

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		<p>federal restrictions on employment, including but not limited to the U.S. Department of Transportation regulation 49 C.F.R. § 40.151(e) (<i>i.e.</i>, Drug Testing).</p> <p>410 Ill. Comp. Stat. 130/50.</p> <p>Note: Medical marijuana laws are set to expire July 1, 2020. 410 Ill. Comp. Stat. 130/220.</p> <p><i>Updated 07/13/2016</i></p>		<ul style="list-style-type: none"> • Actions based on the employer's good faith belief that a registered qualifying patient was impaired while working on the employer's premises during the hours of employment; • Injury or loss to a third party if the employer neither knew nor had reason to know that the employee was impaired. <p>410 Ill. Comp. Stat. 130/50.</p> <p>Note: Medical marijuana laws are set to expire July 1, 2020. 410 Ill. Comp. Stat. 130/220.</p> <p><i>Updated 07/13/2016</i></p>
Indiana	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.
Iowa	<p>No private-employer-related provisions.</p> <p>The Medical Cannabidiol Act allows a person to knowingly or intentionally possess or use cannabidiol for a debilitating medical condition. See Iowa Code §§ 124E.1 <i>et seq.</i></p> <p><i>Updated 03/09/2018</i></p>	<p>No private-employer-related provisions.</p> <p>The Medical Cannabidiol Act allows a person to knowingly or intentionally possess or use cannabidiol for a debilitating medical condition. See Iowa Code §§ 124E.1 <i>et seq.</i></p> <p><i>Updated 03/09/2018</i></p>	<p>No private-employer-related provisions.</p> <p>The Medical Cannabidiol Act allows a person to knowingly or intentionally possess or use cannabidiol for a debilitating medical condition. See Iowa Code §§ 124E.1 <i>et seq.</i></p> <p><i>Updated 03/09/2018</i></p>	<p>No private-employer-related provisions.</p> <p>The Medical Cannabidiol Act allows a person to knowingly or intentionally possess or use cannabidiol for a debilitating medical condition. See Iowa Code §§ 124E.1 <i>et seq.</i></p> <p><i>Updated 03/09/2018</i></p>

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Kansas	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.
Kentucky	<p>No private-employer-related provisions.</p> <p>Under the Clara Madeline Gilliam Act, an amended controlled substances statute specifies that the definition of “marijuana” does not include: Cannabidiol, when transferred, dispensed, or administered per written orders of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine. Ky. Rev. Stat. Ann. § 218A.010.</p>	<p>No private-employer-related provisions.</p> <p>Under the Clara Madeline Gilliam Act, an amended controlled substances statute specifies that the definition of “marijuana” does not include: Cannabidiol, when transferred, dispensed, or administered per written orders of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine. Ky. Rev. Stat. Ann. § 218A.010.</p>	<p>No private-employer-related provisions.</p> <p>Under the Clara Madeline Gilliam Act, an amended controlled substances statute specifies that the definition of “marijuana” does not include: Cannabidiol, when transferred, dispensed, or administered per written orders of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine. Ky. Rev. Stat. Ann. § 218A.010.</p>	<p>No private-employer-related provisions.</p> <p>Under the Clara Madeline Gilliam Act, an amended controlled substances statute specifies that the definition of “marijuana” does not include: Cannabidiol, when transferred, dispensed, or administered per written orders of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine. Ky. Rev. Stat. Ann. § 218A.010.</p> <p><i>Updated 04/14/2014</i></p>
Louisiana	<p>No private-employer-related provisions.</p> <p>State law allows a licensed physical to prescribe marijuana or tetrahydrocannabinols (or a derivative of THC) – unless in a form that is raw, crude, or can be inhaled – to patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic</p>	<p>No private-employer-related provisions.</p> <p>State law allows a licensed physical to prescribe marijuana or tetrahydrocannabinols (or a derivative of THC) – unless in a form that is raw, crude, or can be inhaled – to patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic</p>	<p>No private-employer-related provisions.</p> <p>State law allows a licensed physical to prescribe marijuana or tetrahydrocannabinols (or a derivative of THC) – unless in a form that is raw, crude, or can be inhaled – to patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic</p>	<p>No private-employer-related provisions.</p> <p>State law allows a licensed physical to prescribe marijuana or tetrahydrocannabinols (or a derivative of THC) – unless in a form that is raw, crude, or can be inhaled – to patients clinically diagnosed as suffering from glaucoma, symptoms resulting from the administration of chemotherapy cancer treatment, and spastic</p>

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	quadriplegia. See La. Rev. Stat Ann. § 40:1046. <i>Updated 07/02/2015</i>	quadriplegia. See La. Rev. Stat Ann. § 40:1046 <i>Updated 07/02/2015</i>	quadriplegia. See La. Rev. Stat Ann. § 40:1046 <i>Updated 07/02/2015</i>	quadriplegia. See La. Rev. Stat Ann. § 40:1046 <i>Updated 07/02/2015</i>
Maine	<p>Recreational Marijuana</p> <p>An employer cannot refuse to employ or otherwise penalize a person 21 years of age or older solely for consuming marijuana outside the employer's property. Me. Rev. Stat. tit. 7, § 2454 (Effective February 1, 2018).</p> <p>Medical Marijuana</p> <p>Unless failing to do so would put the employer in violation of federal law or cause it to lose a federal contract or funding, an employer cannot penalize a person solely for that person's status as a qualifying patient or a primary caregiver.</p> <p>Me. Rev. Stat. Ann. tit. 22, § 2423-E; 10-144-122 Me. Code R. § 2.3. See also <i>Savage v. Maine Pretrial Services, Inc.</i>, 58 A.3d 1138 (Me. 2013) (Alleged termination of employee who applied for a license to operate a medical marijuana dispensary not a violation of section</p>	<p>Recreational Marijuana</p> <p>An employer can discipline employees who are under the influence of marijuana in the workplace. Me. Rev. Stat. tit. 7, § 2454 (Effective February 1, 2018).</p> <p>Medical Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 03/16/2017</i></p>	<p>Recreational Marijuana</p> <p>An employer is not required to permit or accommodate the use, consumption, possession, trade, display, transportation, sale or growing of cannabis in the workplace.</p> <p>An employer can enact and enforce workplace policies restricting marijuana use by employees or discipline employees who are under the influence of marijuana in the workplace.</p> <p>Me. Rev. Stat. tit. 7, § 2454 (Effective February 1, 2018).</p> <p>Medical Marijuana</p> <p>An employer does not have to accommodate the ingestion of marijuana in any workplace. An employer does not have to accommodate any employee working while under the influence of marijuana. Me. Rev. Stat. Ann. tit.</p>	<p>Recreational Marijuana</p> <p>A person 21 years of age or older can consume marijuana or marijuana concentrate only if that person is on private property not generally accessible to the public and is explicitly permitted to consume marijuana or marijuana concentrate by the property's owner.</p> <p>The prohibitions and limitations on smoking tobacco products in specific areas apply to smoking marijuana (and consuming marijuana concentrate). The law does not shield a person from federal prosecution.</p> <p>A person cannot operate a vehicle on a public way and consume marijuana or marijuana concentrate; also applied to passengers in the vehicle.</p>

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	<p>2423-E(1), which, in part, prohibited penalties or disciplinary action by a business or occupational or professional licensing board or bureau against a person for lawfully engaging in conduct involving the authorized use of medical marijuana).</p> <p><i>Updated 03/16/2017</i></p>		<p>22, § 2426; 10-144-122 Me. Code R. § 2.13.2</p> <p>A business owner can prohibit smoking medical marijuana on the business's premises if it prohibits all smoking on the premises and posts notice to that effect on the premises. Me. Rev. Stat. Ann. tit. 22, § 2423-E; 10-144-122 Me. Code R. § 2.3.2</p> <p><i>Updated 03/16/2017</i></p>	<p>A person cannot possess edible retail marijuana products until February 1, 2018.</p> <p>Me. Rev. Stat. tit. 7, § 2452.</p> <p>The law does not limit any privileges or rights of a qualifying patient under the medical marijuana law. Me. Rev. Stat. tit. 7, § 2454 (Effective February 1, 2018).</p> <p>Medical Marijuana</p> <p>The medical marijuana laws do not permit:</p> <ul style="list-style-type: none"> • Undertaking any task under the influence of marijuana when doing so would constitute negligence or professional malpractice or would otherwise violate any professional standard; • Operating, navigating or being in actual physical control of any motor vehicle, aircraft, motorboat, snowmobile or all-terrain vehicle while under the influence of marijuana. <p>A private health insurer is not required to reimburse a person for</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				costs associated with the medical use of marijuana. Me. Rev. Stat. Ann. tit. 22, § 2426; 10-144-122 Me. Code R. §§ 2.12.1, 2.12.4, 2.13.1. <i>Updated 03/16/2017</i>
Maryland	Medical marijuana laws do not contain provisions directly or indirectly related to employment. See Md. Code Ann., Health–Gen. §§ 13-3301 – 13-3311.	Medical marijuana laws do not contain provisions directly or indirectly related to employment. See Md. Code Ann., Health–Gen. §§ 13-3301 – 13-3311.	Medical marijuana laws do not contain provisions directly or indirectly related to employment. See Md. Code Ann., Health–Gen. §§ 13-3301 – 13-3311.	Medical marijuana laws do not contain provisions directly or indirectly related to employment. See Md. Code Ann., Health–Gen. §§ 13-3301 – 13-3311.
Massachusetts	<p>Medical Marijuana / Recreational Marijuana</p> <p>No relevant provisions located.</p> <p>However, in <i>Barbuto v. Advantage Sales & Marketing</i>, 2017 Mass. LEXIS 504 (July 17, 2017), the Supreme Judicial Court of Massachusetts held that a qualifying patient fired for testing positive for marijuana due to lawful medical marijuana use may have a civil remedy against an employer for handicap discrimination under state anti-discrimination laws, though no private right of action</p>	<p>Medical Marijuana / Recreational Marijuana</p> <p>No relevant provisions located. <i>But see</i> Discrimination column.</p> <p><i>Updated 07/17/2017</i></p>	<p>Recreational Marijuana</p> <p>An employer is not required to permit or accommodate conduct otherwise allowed by the law in the workplace.</p> <p>An employer can enact and enforce workplace policies restricting marijuana consumption by employees.</p> <p>Massachusetts Question 4, § 2</p> <p>Medical Marijuana</p> <p>An employer is not required to accommodate any on-site medical use of marijuana in any</p>	<p>Recreational Marijuana</p> <p>The law does not:</p> <ul style="list-style-type: none"> Amend existing penalties for operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery while impaired by marijuana or a marijuana product; includes consuming marijuana while doing same. Prevent a person from prohibiting or otherwise regulating the consumption, display, production,

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	<p>under the medical marijuana law exists.</p> <p>Under state anti-discrimination laws, a qualified handicapped employee has a right to not be fired because of the handicap, which includes the right to require an employer to make a reasonable accommodation for the handicap to enable an employee to perform the job's essential functions. "Where, in the opinion of the employee's physician, medical marijuana is the most effective medication for the employee's debilitating medical condition, and where any alternative medication whose use would be permitted by the employer's drug policy would be less effective, an exception to an employer's drug policy to permit its use is a facially reasonable accommodation." An employer must prove that lawful medical marijuana use "is not a reasonable accommodation because it would impose an undue hardship on the [employer's] business," e.g., continued use would impair work performance or "pose an 'unacceptably significant' safety</p>		<p>place of employment. 105 Mass. Code Regs. 725.650. <i>But see</i> Discrimination column.</p> <p><i>Updated 07/17/2017</i></p>	<p>processing, manufacture or sale of marijuana and marijuana accessories on or in property the person owns, occupies or manages.</p> <ul style="list-style-type: none"> • Amend existing penalties for conduct involving the performance of any task while impaired by marijuana that would constitute negligence or professional malpractice and does not prevent the imposition of any civil, criminal or other penalty for such conduct. • Affect the medical marijuana law. <p>*Additionally, criminal punishments for having an open container of marijuana in a vehicle's passenger area (i.e., excluding trunk, locked glove compartment, area behind last upright seat for vehicles without a trunk).</p> <p>Note: The law generally permits recreational marijuana for individuals 21 years of age or older.</p>

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	<p>risk to the public, the employee, or her fellow employees,” or “would violate an employer’s contractual or statutory obligation, and thereby jeopardize its ability to perform its business.”</p> <p><i>Updated 07/17/2017</i></p>			<p>Massachusetts Question 4, §§ 2, *13.</p> <p>Medical Marijuana</p> <p>The medical marijuana laws do not:</p> <ul style="list-style-type: none"> • Allow operation of a motor vehicle, boat, or aircraft while under the influence of marijuana. • Require the violation of federal law. <p>A health insurance provider is not required to reimburse a person for expenses of the medical use of marijuana.</p> <p>105 Mass. Code Regs. 725.650.</p> <p><i>Updated 01/03/2017</i></p>
Michigan	No relevant provisions located.	<p>No relevant provisions located.</p> <p>Note: A federal appellate court, examining Michigan’s medical marijuana law, upheld a lower court’s decision that the law did not protect employees from disciplinary action due to their medical marijuana use, so the employee could be fired for failing a drug test in violation of the his employer’s</p>	<p>An employer does not have to accommodate the ingestion of marijuana in any workplace.</p> <p>An employer does not have to accommodate an employee working while under the influence of marijuana.</p> <p>Mich. Comp. Laws § 333.26427; <i>Casias v. Wal-Mart Stores, Inc.</i>, 695 F.3d 428, 437 (6th Cir. 2012)</p>	<p>The medical marijuana laws do not permit:</p> <ul style="list-style-type: none"> • Undertaking any task under the influence of marijuana, when doing so would constitute negligence or professional malpractice; • Operating, navigating, or being in actual physical control of any motor vehicle,

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
		<p>drug testing policy. <i>Casias v. Wal-Mart Stores, Inc.</i>, 695 F.3d 428, 437 (6th Cir. 2012). However, in three consolidated opinions, a state appellate court held that employees who were fired for failing to pass a drug test were entitled to unemployment benefits. The court concluded that, although testing positive for marijuana ordinarily disqualified a claimant from benefits, because there was no evidence to suggest that the positive drug tests were caused by anything other than claimants' use of medical marijuana in accordance with the terms of the MMMA, the denial of the benefits constituted an improper penalty for the medical use of marijuana under the MMMA. Moreover, it held that to the extent another law would penalize an individual for using medical marijuana in accordance with the MMMA, that law is preempted by the MMMA. Accordingly, because the MMMA preempts the unemployment law, the claimants were entitled to benefits. <i>Braska v. Challenge Manufacturing Company</i></p>	<p>(Michigan Medical Marijuana Act does not require employers to accommodate use of medical marijuana in the workplace)</p>	<p>aircraft, or motorboat while under the influence of marijuana</p> <p>A commercial or non-profit health insurer is not required to reimburse a person for costs associated with the medical use of marijuana.</p> <p>Mich. Comp. Laws § 333.26427.</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
		<p><i>/ Kemp v. Hayes Green Beach Memorial Hospital / Kudzia v. Avasi Services, Inc., 307 Mich. App. 340 (2014).</i></p> <p><i>Updated 11/03/2014</i></p>		
<p>Minnesota</p>	<p>Unless failing to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, an employer cannot discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if discrimination is based upon either:</p> <ul style="list-style-type: none"> • The person's status as a patient enrolled in a state registry program; or • A patient's positive drug test for cannabis components or metabolites, unless s/he used, possessed, or was impaired by medical cannabis on the employer's premises during hours of employment. <p>Minn. Stat. § 152.32.</p>	<p>An employee who is required to undergo employer drug testing under the state workplace testing law (Minn. Stat. § 181.953) may present verification of enrollment in the patient registry as part of his or her explanation of a positive drug test.</p> <p>Minn. Stat. § 152.32. <i>See also</i> Discrimination column.</p> <p><i>Updated 05/29/2014</i></p>	<p>No applicable provisions located.</p> <p><i>See Minn. Stat. §§ 152.22 et seq.</i></p> <p><i>Updated 05/29/2014</i></p>	<p>The marijuana laws do not permit:</p> <ul style="list-style-type: none"> • Undertaking any task while under the influence of medical marijuana that would constitute negligence or professional malpractice; • Vaporizing medical cannabis in a place of employment; • Operating, navigating, or physically controlling a motor vehicle, etc., or working on transportation of property, equipment, or facilities while under the influence of medical cannabis. <p>Minn. Stat. § 152.23.</p> <p><i>Updated 05/29/2014</i></p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
	<i>Updated 05/29/2014</i>			
Mississippi	<p>No medical marijuana laws.</p> <p>Note: Under Harper Grace's Law, which expired July 1, 2017, an individual was permitted to use medical CBD (<i>i.e.</i>, cannabidiol) oil if various requirements were satisfied. Miss. Code Ann. § 41-29-136.</p> <p><i>Updated 07/03/2017</i></p>	<p>No medical marijuana laws.</p> <p>Note: Under Harper Grace's Law, which expired July 1, 2017, an individual was permitted to use medical CBD (<i>i.e.</i>, cannabidiol) oil if various requirements were satisfied. Miss. Code Ann. § 41-29-136.</p> <p><i>Updated 07/03/2017</i></p>	<p>No medical marijuana laws.</p> <p>Note: Under Harper Grace's Law, which expired July 1, 2017, an individual was permitted to use medical CBD (<i>i.e.</i>, cannabidiol) oil if various requirements were satisfied. Miss. Code Ann. § 41-29-136.</p> <p><i>Updated 07/03/2017</i></p>	<p>No medical marijuana laws.</p> <p>Note: Under Harper Grace's Law, which expired July 1, 2017, an individual was permitted to use medical CBD (<i>i.e.</i>, cannabidiol) oil if various requirements were satisfied. Miss. Code Ann. § 41-29-136.</p> <p><i>Updated 07/03/2017</i></p>
Missouri	<p>No private-employer-related provisions.</p> <p>State law permits individuals with intractable epilepsy to be prescribed, use, and possess "hemp extract," <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant material, composed of no more than .3% THC and at least 5% cannabidiol, without any other psychoactive substance. See Mo. Rev. Stat. Ann. §§ 192.945, 195.207, 261.265.</p> <p><i>Updated 04/15/2015</i></p>	<p>No private-employer-related provisions.</p> <p>State law permits individuals with intractable epilepsy to be prescribed, use, and possess "hemp extract," <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant material, composed of no more than .3% THC and at least 5% cannabidiol, without any other psychoactive substance. See Mo. Rev. Stat. Ann. §§ 192.945, 195.207, 261.265.</p> <p><i>Updated 04/15/2015</i></p>	<p>No private-employer-related provisions.</p> <p>State law permits individuals with intractable epilepsy to be prescribed, use, and possess "hemp extract," <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant material, composed of no more than .3% THC and at least 5% cannabidiol, without any other psychoactive substance. See Mo. Rev. Stat. Ann. §§ 192.945, 195.207, 261.265.</p> <p><i>Updated 04/15/2015</i></p>	<p>No private-employer-related provisions.</p> <p>State law permits individuals with intractable epilepsy to be prescribed, use, and possess "hemp extract," <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant material, composed of no more than .3% THC and at least 5% cannabidiol, without any other psychoactive substance. See Mo. Rev. Stat. Ann. §§ 192.945, 195.207, 261.265.</p> <p><i>Updated 04/15/2015</i></p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
Montana	<p>The medical marijuana laws do not permit a cause of action against an employer for discrimination or wrongful discharge.</p> <p>Mont. Code Ann. § 50-46-320.</p>	No relevant provisions located.	<p>An employer is not required to accommodate the use of marijuana by a registered cardholder.</p> <p>An employer can include in a contract a provision prohibiting the use of marijuana for a debilitating medical condition.</p> <p>Mont. Code Ann. § 50-46-320; <i>Johnson v. Columbia Falls Aluminum Co., LLC</i>, 2009 MT 108N (Mar. 31, 2009) (Unpublished) (Employer's failure to accommodate use of medical marijuana did not violate the Montana Human Rights Act or federal ADA).</p>	<p>The medical marijuana laws do not permit:</p> <ul style="list-style-type: none"> Operating, navigating, or being in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana; Use of marijuana by a registered cardholder in plain view of or in a place open to the general public, or where exposure to marijuana smoke significantly affects children's health, safety, or welfare. <p>A group benefit plan and/or insurer is not required to reimburse a person for costs associated with the use of marijuana by a registered cardholder.</p> <p>Mont. Code Ann. § 50-46-320. See also, e.g., Mont. Admin. R. 24.29.1526 (Workers' compensation; medical marijuana is a medical service which is not payable)</p>
Nebraska	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
<p>Nevada</p>	<p>Medical / Recreational Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 01/03/2017</i></p>	<p>Medical / Recreational Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 01/03/2017</i></p>	<p>Recreational Marijuana</p> <p>An employer can maintain, enact, and enforce a workplace policy prohibiting or restricting actions or conduct otherwise permitted under the law. Nevada Question No. 2, § 4.</p> <p>Medical Marijuana</p> <p>An employer is not required to allow the medical use of marijuana in the workplace.</p> <p>An employer is not required to modify the job or working conditions of a person who engaged in the medical use of marijuana that are based on the reasonable business purposes of the employer.</p> <p>However, an employer must attempt to make reasonable accommodations for the medical needs of an employee who engaged in the medical use of marijuana if the employee holds a valid registry identification card, provided the reasonable accommodation would not:</p>	<p>Recreational Marijuana</p> <p>The law does not prevent imposition of civil, criminal, or other penalties for:</p> <ul style="list-style-type: none"> • Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana • Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice <p>Additionally, the law does not prohibit a person who occupies, owns, or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana on that property.</p> <p>The law does not affect the medical marijuana law.</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
			<ul style="list-style-type: none"> • Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or • Prohibit the employee from fulfilling any and all of his or her job responsibilities. <p>Nev. Rev. Stat. § 453A.800.</p> <p><i>Updated 01/03/2017</i></p>	<p>Note: The law generally permits recreational marijuana for individuals 21 years of age or older.</p> <p>Nevada Question No. 2, §§ 4, 14 (criminal penalty for smoking or otherwise consuming marijuana in a moving vehicle).</p> <p>Medical Marijuana</p> <p>An individual with a registry card identification card cannot:</p> <ul style="list-style-type: none"> • Drive, operate, or be in actual physical control of a vehicle or vessel under power or sail while under the influence of marijuana; • Possess marijuana or paraphernalia in any place open to the public or exposed to public view <p>Nev. Rev. Stat. § 453A.300.</p> <p>An insurance, organization for managed care, or any other person or entity providing medical or health care coverage service is not required to pay for or reimburse a person for costs associated with the medical use of marijuana.</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>Nev. Rev. Stat. § 453A.800.</p> <p><i>Updated 01/03/2017</i></p>
<p>New Hampshire</p>	<p>No relevant provisions located.</p>	<p>No relevant provisions located.</p>	<p>An employer is not required to accommodate the therapeutic use of cannabis on the property or premises of any place of employment.</p> <p>An employer can discipline an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.</p> <p>An individual is subject to arrest if:</p> <ul style="list-style-type: none"> • Under the influence of cannabis in his or her place of employment without the employer’s written permission. • Possessing cannabis in his or her place of employment without the employer’s written permission. <p>An individual or entity in lawful possession of property is not required to allow a guest, client, customer, or other visitor to use cannabis on or in that property.</p>	<p>The medical marijuana laws do not permit the following activities, if performed by an individual under the influence of cannabis:</p> <ul style="list-style-type: none"> • Operating a motor vehicle, commercial vehicle, boat, vessel, or any other vehicle propelled or drawn by power other than muscular power. • Operating heavy machinery or handling a dangerous instrumentality. <p>A health insurance provider, health care plan, or medical assistance program is not liable for a claim for reimbursement for the therapeutic use of cannabis.</p> <p>N.H. Rev. Stat. Ann. § 126-X:3.</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
			<p>A qualifying patient can only use cannabis on privately-owned real property with the property owner's written permission.</p> <p>In the case of leased property, the tenant in possession's permission is required, but a tenant cannot allow a qualifying patient to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property.</p> <p>However, a tenant can permit a qualifying patient to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies.</p> <p>N.H. Rev. Stat. Ann. § 126-X:3.</p>	
New Jersey	No relevant provisions located.	No relevant provisions located.	<p>An employer is not required to accommodate the medical use of marijuana in any workplace.</p> <p>N.J. Stat. Ann. § 24:6I-14.</p>	<p>The medical marijuana laws do not permit:</p> <ul style="list-style-type: none"> Operating, navigating, or being in actual physical control of any vehicle, aircraft, railroad train, stationary heavy equipment, or vessel

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>while under the influence of marijuana.</p> <ul style="list-style-type: none"> Smoking marijuana in a private vehicle unless the vehicle is not in operation. <p>N.J. Stat. Ann. § 24:6I-8.</p> <p>A private health insurer is not required to reimburse a person for costs associated with the medical use of marijuana.</p> <p>N.J. Stat. Ann. § 24:6I-14.</p>
New Mexico	No relevant provisions located.	No relevant provisions located.	<p>Generally, no relevant provisions.</p> <p>A qualified patient or primary caregiver participating in a medical use of cannabis program is not relieved of a criminal prosecution or a civil penalty for possessing or using cannabis in the patient or caregiver’s workplace. N.M. Stat. Ann. § 26-2B-5.</p> <p>However, in <i>Garcia v. Tractor Supply Company</i>, 2016 U.S. Dist. LEXIS 3494 (D.N.M. Jan. 7, 2016), a federal court in New Mexico, ruling on a motion to dismiss, held: 1) "the [Compassionate Use Act] combined with the New</p>	<p>An employer can be required to reimburse an injured worker for medical marijuana expenses under workers' compensation laws, and that reimbursement does not violate federal law.</p> <p>"[T]he legislative intent of the Compassionate Use Act [is] 'to allow the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments.'</p> <p>The Legislature has provided in the [Workers' Compensation] Act that a worker receive through an employer reasonable and</p>

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			<p>Mexico Human Rights Act does not provide a cause of action [because] medical marijuana is not an accommodation that must be provided for by the employer;" and 2) "To affirmatively require [an employer] to accommodate [an employee's] illegal drug use would mandate [that employers] permit the very conduct the [federal Controlled Substances Act] proscribes."</p> <p><i>Updated 01/12/2016</i></p>	<p>necessary health care services, which the regulations define to include 'drugs, products or items provided to a worker' in various ways provided that they are 'reasonable and necessary for the evaluation and treatment of a worker.' When read together, we view the legislative intent to be that a worker's treatment under a program authorized by the Compassionate Use Act that has been determined by a [Workers' Compensation Judge] to be reasonable and necessary treatment is embraced within the [Workers' Compensation] Act."</p> <p><i>Vialpando v. Ben's Auto. Services</i>, 331 P.3d 975 (N.M. Ct. App.), <i>cert. denied</i>, 331 P.3d 924 (N.M. 2014).</p> <p>Later, the same court, in <i>Maez v. Riley Indus.</i>, 347 P.3d 732 (N.M. Ct. App. 2015), reversed a workers' compensation judge's conclusion that medical marijuana was not reasonable and necessary medical care for the worker. In <i>Lewis v. Am. Gen. Media</i>, 355 P.3d 850 (N.M. Ct. App. 2015), the court upheld a workers' compensation</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>judge's conclusion that medical marijuana was reasonable and necessary medical care for the worker, requiring the employer and its insurer to reimburse the worker for its costs.</p> <p><i>Updated 07/06/2015</i></p>
New York	<p>Being a certified patient qualifies as having a "disability" under state human rights and civil rights laws. N.Y. Pub. Health Law § 3369.</p> <p><i>Updated 07/09/2014</i></p>	<p>No applicable provisions.</p> <p><i>Updated 07/09/2014</i></p>	<p>The medical marijuana law does not prohibit an employer from enforcing a policy prohibiting employees from performing employment duties while impaired by a controlled substance. Also, the law does not require a person or entity to do any act that would put it in violation of federal law or cause it to lose a federal contract or funding. N.Y. Pub. Health Law § 3369.</p> <p>However, being a certified patient qualifies as having a "disability" under state human rights and civil rights laws. N.Y. Pub. Health Law § 3369. Moreover, under state human rights law, it is an unlawful discriminatory practice for an employer to refuse to provide</p>	<p>Possessing medical marijuana is unlawful if it is smoked, consumed, vaporized, or grown in a public place, regardless of the form or medical marijuana stated in a patient's certification. N.Y. Pub. Health Law § 3362.</p> <p>In no event can approved medical marijuana products be consumed through vaporization in any location in which smoking is prohibited under Public Health Law section 1399, including places of employment.</p> <p>Consumption of approved medical marijuana product is not permitted in any motor vehicle, either public or private, that is located upon public highways, private roads open to motor vehicle traffic, parking area</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
			<p>reasonable accommodations to the known disabilities of an applicant or employee in connection with a job or occupation sought or held. N.Y. Exec. Law § 296.</p> <p><i>Updated 01/29/2016</i></p>	<p>of a shopping center or any parking lot (Vehicle and Traffic Law section 129).</p> <p>N.Y. Comp Codes R. & Regs, tit. 10, § 1004.18.</p> <p>The medical marijuana law does not require an insurer or health plan to provide coverage for medical marijuana. N.Y. Pub. Health Law § 3362.</p> <p>Designated caregivers, including employees of facilities registered as designated caregivers and acting within their scope of employment, cannot be subject to a penalty, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business, solely for an action or conduct in accordance with the law. N.Y. Comp Codes R. & Regs, tit. 10, § 1004.23(c).</p> <p><i>Updated 10/25/2017</i></p>
North Carolina	No private-employer-related provisions.	No private-employer-related provisions.	No private-employer-related provisions.	No private-employer-related provisions.

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	<p>The North Carolina Epilepsy Alternative Treatment Act permits patients suffering from intractable epilepsy to possess and use “hemp extract,” <i>i.e.</i>, cannabis plant extract composed of less than .3% THC, at least 10% cannabidiol, without any other psychoactive substance. See N.C. Gen. Stat. §§ 90-94.1, 90-113.101 <i>et seq.</i></p> <p><i>Updated 07/09/2014</i></p>	<p>The North Carolina Epilepsy Alternative Treatment Act permits patients suffering from intractable epilepsy to possess and use “hemp extract,” <i>i.e.</i>, cannabis plant extract composed of less than .3% THC, at least 10% cannabidiol, without any other psychoactive substance. See N.C. Gen. Stat. §§ 90-94.1, 90-113.101 <i>et seq.</i></p> <p><i>Updated 07/09/2014</i></p>	<p>The North Carolina Epilepsy Alternative Treatment Act permits patients suffering from intractable epilepsy to possess and use “hemp extract,” <i>i.e.</i>, cannabis plant extract composed of less than .3% THC, at least 10% cannabidiol, without any other psychoactive substance. See N.C. Gen. Stat. §§ 90-94.1, 90-113.101 <i>et seq.</i></p> <p><i>Updated 07/09/2014</i></p>	<p>The North Carolina Epilepsy Alternative Treatment Act permits patients suffering from intractable epilepsy to possess and use “hemp extract,” <i>i.e.</i>, cannabis plant extract composed of less than .3% THC, at least 10% cannabidiol, without any other psychoactive substance. See N.C. Gen. Stat. §§ 90-94.1, 90-113.101 <i>et seq.</i></p> <p><i>Updated 07/09/2014</i></p>
<p>North Dakota</p>	<p>No relevant provisions located.</p> <p><i>Updated 02/22/2017</i></p>	<p>No relevant provisions located.</p> <p><i>Updated 02/22/2017</i></p>	<p>This law does not prohibit an employer from disciplining an employee for possessing or consuming usable marijuana in the workplace or for working while under the influence of marijuana. N.D. Cent. Code § 19-24.1-34(2).</p> <p><i>Updated 09/29/2017</i></p>	<p>The law does not authorize a person to engage in, and does not prevent the imposition of any civil liability or criminal liability or other penalties for, <i>e.g.</i>:</p> <ul style="list-style-type: none"> • Undertaking an activity under the influence of marijuana if doing so would constitute negligence or professional malpractice. • Operating, navigating, or being in actual physical control of a motor vehicle, aircraft, train, or motorboat, while under the influence of marijuana. However, a registered qualifying patient may not be considered to be

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				<p>under the influence solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.</p> <p>N.D. Cent. Code § 19-24.1-33(1), (5).</p> <p>North Dakota Workforce Safety and Insurance may not pay:</p> <ul style="list-style-type: none"> • for medical marijuana; • wage loss benefits if wage loss is related to medical marijuana use or presence. <p>N.D. Cent. Code §§ 65-05-07(8), 65-05-08(12).</p> <p><i>Updated 09/29/2017</i></p>
Ohio	<p>Note: While the law’s effective date is September 6, 2016, it could take up to 2 years for the Medical Marijuana Control Program to be established.</p> <p>Employers can refuse to hire, discharge, discipline, or otherwise take an adverse employment action against a person with respect to hire, tenure, terms, conditions, or</p>	<p>Note: While the law’s effective date is September 6, 2016, it could take up to 2 years for the Medical Marijuana Control Program to be established.</p> <p>Employers can establish and enforce a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy. The law does not affect the workers’</p>	<p>Note: While the law’s effective date is September 6, 2016, it could take up to 2 years for the Medical Marijuana Control Program to be established.</p> <p>Employers are not required to permit or accommodate an employee’s use, possession, or</p>	<p>Note: While the law’s effective date is September 6, 2016, it could take up to 2 years for the Medical Marijuana Control Program to be established.</p> <p>Federal Law: The medical marijuana law does not interfere with any federal restrictions on employment, including U.S. Department of Transportation</p>

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	<p>privileges of employment because of that person's use, possession, or distribution of medical marijuana. Moreover, an aggrieved individual cannot file a lawsuit against an employer for doing so. Ohio Rev. Code Ann. § 3796.28.</p> <p><i>Updated 06/13/2016</i></p>	<p>compensation administrator's authority to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established per state rules. Ohio Rev. Code Ann. § 3796.28. For workers' compensation drug testing requirements and procedures, see, e.g., Ohio Rev. Code Ann. § 4123.54.</p> <p>The law does not require a public place to accommodate a registered patient's use of medical marijuana, but the law does not prohibit a public place from doing so. Ohio Rev. Code Ann. § 3796.26.</p> <p><i>Updated 06/13/2016</i></p>	<p>distribution of medical marijuana. Ohio Rev. Code Ann. § 3796.28.</p> <p><i>Updated 06/13/2016</i></p>	<p>regulations (Title 49 of the Code of Federal Regulations, as amended). Ohio Rev. Code Ann. § 3796.28.</p> <p>Unemployment: A person who is discharged because of medical marijuana use is considered discharged for just cause if use violates an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating medical marijuana use. Ohio Rev. Code Ann. § 3796.28.</p> <p>Workers' Compensation: An employee or dependent is not entitled to receive workers' compensation benefits if the employee's injury or occupational disease is caused by the employee being intoxicated or under the influence of marijuana if being intoxicated or under the influence was the proximate cause of the injury. Ohio Rev. Code Ann. § 4123.54.</p> <p>Prohibitions</p> <ul style="list-style-type: none"> Smoking or combustion of medical marijuana is

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>prohibited. Ohio Rev. Code Ann. § 3796.05.</p> <ul style="list-style-type: none"> Registered patients cannot operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana. Ohio Rev. Code Ann. § 3796.22. <p><i>Updated 06/13/2016</i></p>
Oklahoma	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.
Oregon	No relevant provisions.	No relevant provisions.	<p>Medical Marijuana</p> <p>An employer is not required to accommodate the medical use of marijuana in the workplace. Or. Rev. Stat. § 475.340; <i>Emerald Steel Fabricators, Inc. v. Bureau of Labor & Indus.</i>, 230 P.3d 518 (Or. 2010) (Under Oregon employment discrimination laws, employer not required to accommodate employee's use of medical marijuana because use prohibited under federal law).</p>	<p>Medical Marijuana</p> <p>The medical marijuana laws do not permit driving under the influence of marijuana. Or. Rev. Stat. § 475.316.</p> <p>A private health insurer is not required to reimburse a person for costs associated with the medical use of marijuana. Or. Rev. Stat. § 475.340.</p> <p>Recreational Marijuana</p> <p>Use of marijuana while driving is prohibited and classified as a Class B traffic violation. (To be codified)</p> <p><i>Updated 07/01/2015</i></p>

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<p>Pennsylvania</p>	<p>Employers cannot discharge, threaten, refuse to hire, or otherwise discriminate or retaliate against an employee regarding his or her compensation, terms, conditions, location, or privileges solely on the basis of the employee's status as a certified medical marijuana user. 35 Pa. Stat. Ann. § 10231.2103.</p> <p><i>Updated 05/03/2016</i></p>	<p>No relevant provisions located. <i>But see Miscellaneous column.</i></p> <p><i>Updated 05/03/2016</i></p>	<p>Employers are not required to accommodate medical marijuana use on their property or places of employment. 35 Pa. Stat. Ann. § 10231.2103.</p> <p><i>Updated 05/04/2016</i></p>	<p>A qualifying medical marijuana patient cannot:</p> <ul style="list-style-type: none"> • Operate or be in physical control of the following while under the influence with a blood content of more than 10 nanograms of active tetrahydrocannabinis per milliliter of bloom in serum: <ol style="list-style-type: none"> 1) chemicals requiring a permit from the federal or state government or agency thereof; 2) high-voltage electricity or any other public utility. • While under the influence of medical marijuana, perform any employment duties at heights or in confined spaces, including but not limited to mining. <p>Employers can prohibit patients from performing, while under the influence of medical marijuana:</p> <ul style="list-style-type: none"> • Any task the employer deems life threatening to either the employee or co-employees.

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				<ul style="list-style-type: none"> Any duty that could result in a public health or safety risk. <p>These prohibitions do not constitute an adverse employment decision even if it causes the employee financial harm.</p> <p>35 Pa. Stat. Ann. § 10231.510.</p> <p>The law does not permit a person to engage in, nor does it prevent imposition of any civil, criminal, or other penalty for undertaking, any task under the influence of medical marijuana when doing so would constitute negligence, professional malpractice, or professional misconduct. 35 Pa. Stat. Ann. § 10231.1309.</p> <p>An insurer or health plan is not required to provide coverage for medical marijuana. 35 Pa. Stat. Ann. § 10231.2102.</p> <p>The law does not limit an employer's ability to discipline an employee for being under the influence of medical marijuana in the workplace or for working while under the influence when the employee's conduct falls below the</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>standard of care normally accepted for that position.</p> <p>The law does not require an employer to commit any act that would put it or any person acting on its behalf in violation of federal law.</p> <p>35 Pa. Stat. Ann. § 10231.2103.</p> <p><i>Updated 05/03/2016</i></p>
<p>Rhode Island</p>	<p>An employer cannot refuse to employ or otherwise penalize a person solely for his or her status as a cardholder. R.I. Gen. Laws § 21-28.6-4.</p> <p>A state superior court held an employer violated the medical marijuana law when it denied employment to an applicant because she informed the employer she would not pass the mandatory pre-hire drug test due to medical marijuana use.</p> <p>Also, concerning the Rhode Island Civil Rights Act (RICRA), it held “[an applicant’s] status as a medical marijuana cardholder signaled [she was disabled] – she could not have obtained such a card</p>	<p>No relevant provisions located.</p> <p>A state superior court judge held that “changing the unwritten practice [under a drug screening policy] not to automatically disqualify a cardholder who tests positive for marijuana would be deemed a reasonable accommodation” under the Rhode Island Civil Rights Act. <i>Callaghan v. Darlington Fabrics Corp.</i>, 2017 R.I. Super. LEXIS 88 (R.I. Super. Ct. May 23, 2017).</p> <p><i>Updated 06/06/2017</i></p>	<p>An employer is not required to accommodate the medical use of marijuana in the workplace. R.I. Gen. Laws § 21-28.6-7; 14-000-035 R.I. Code R. § 8.</p> <p>A state superior court judge held that “changing the unwritten practice [under a drug screening policy] not to automatically disqualify a cardholder who tests positive for marijuana would be deemed a reasonable accommodation” under the Rhode Island Civil Rights Act. <i>Callaghan v. Darlington Fabrics Corp.</i>, 2017 R.I. Super. LEXIS 88 (R.I. Super. Ct. May 23, 2017).</p> <p><i>Updated 06/06/2017</i></p>	<p>Prohibited Acts: The medical marijuana laws do not permit:</p> <ul style="list-style-type: none"> • Undertaking any task under the influence of marijuana when doing so would constitute negligence or professional malpractice <ul style="list-style-type: none"> • A state superior court judge held that “[i]f an employee came to work under the influence, and unable to perform his or her duties in a competent manner, the employer would thus not have to tolerate such behavior.” <i>Callaghan v. Darlington Fabrics Corp.</i>, 2017 R.I. Super.

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	<p>without a debilitating medical condition that would cause her to be disabled. . . . It is irrelevant that [an employer] did not know her precise disability.” For purposes of the RICRA, it is irrelevant whether a medical marijuana user’s drug use is considered illegal under federal law.</p> <p>The court also held the federal Controlled Substances Act did not preempt the state medical marijuana law or the RICRA with respect to employment discrimination.</p> <p><i>Callaghan v. Darlington Fabrics Corp.</i>, 2017 R.I. Super. LEXIS 88 (R.I. Super. Ct. May 23, 2017).</p> <p><i>Updated 08/18/2017</i></p>			<p>LEXIS 88 (R.I. Super. Ct. May 23, 2017).</p> <ul style="list-style-type: none"> • Smoking marijuana where exposure to marijuana significantly, adversely affects children’s health, safety, or welfare • Operating, navigating, or being in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana <ul style="list-style-type: none"> • Note: Registered qualifying patient is not considered under the influence solely for having marijuana metabolites in his or her system <p>Marijuana Costs: A private health insurer is not required to reimburse a person for costs associated with the medical use of marijuana.</p> <p>R.I. Gen. Laws § 21-28.6-7; 14-000-035 R.I. Code R. § 8.</p> <p>Private Right of Action: A state superior court held the medical</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				marijuana law provides an implied private right of action. <i>Callaghan v. Darlington Fabrics Corp.</i> , 2017 R.I. Super. LEXIS 88 (R.I. Super. Ct. May 23, 2017). <i>Updated 06/06/2017</i>
South Carolina	No private-employer-related provisions. Under Julian’s Law, cannabidiol use or possession is permitted for individuals diagnosed with Lennox-Gastaut Syndrome, Dravet Syndrome, or any other severe form of epilepsy not adequately treated by traditional medical therapies. See S.C. Code Ann. §§ 44-53-110, 44-53-1810 <i>et seq.</i> <i>Updated 04/15/2015</i>	No private-employer-related provisions. Under Julian’s Law, cannabidiol use or possession is permitted for individuals diagnosed with Lennox-Gastaut Syndrome, Dravet Syndrome, or any other severe form of epilepsy not adequately treated by traditional medical therapies. See S.C. Code Ann. §§ 44-53-110, 44-53-1810 <i>et seq.</i> <i>Updated 04/15/2015</i>	No private-employer-related provisions. Under Julian’s Law, cannabidiol use or possession is permitted for individuals diagnosed with Lennox-Gastaut Syndrome, Dravet Syndrome, or any other severe form of epilepsy not adequately treated by traditional medical therapies. See S.C. Code Ann. §§ 44-53-110, 44-53-1810 <i>et seq.</i> <i>Updated 04/15/2015</i>	No private-employer-related provisions. Under Julian’s Law, cannabidiol use or possession is permitted for individuals diagnosed with Lennox-Gastaut Syndrome, Dravet Syndrome, or any other severe form of epilepsy not adequately treated by traditional medical therapies. See S.C. Code Ann. §§ 44-53-110, 44-53-1810 <i>et seq.</i> <i>Updated 04/15/2015</i>
South Dakota	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.
Tennessee	No private-employer-related provisions. An exception to the definition of “marijuana” includes cannabis oil containing cannabidiol with less than .9% of tetrahydrocannabinol (THC). Tenn. Code Ann. § 39-17-402. A Class C misdemeanor	No private-employer-related provisions. An exception to the definition of “marijuana” includes cannabis oil containing cannabidiol with less than .9% of tetrahydrocannabinol (THC). Tenn. Code Ann. § 39-17-402. A Class C misdemeanor	No private-employer-related provisions. An exception to the definition of “marijuana” includes cannabis oil containing cannabidiol with less than .9% of tetrahydrocannabinol (THC). Tenn. Code Ann. § 39-17-402. A Class C misdemeanor	No private-employer-related provisions. An exception to the definition of “marijuana” includes cannabis oil containing cannabidiol with less than .9% of tetrahydrocannabinol (THC). Tenn. Code Ann. § 39-17-402. A Class C misdemeanor

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
	<p>is committed if a person knowingly possesses cannabis oil containing cannabidiol that has less than 0.9% of THC unless: 1) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol with less than 0.9% of THC; and 2) The oil was obtained legally in the United States and outside Tennessee and the person retains proof of the legal order or recommendation from the issuing state. To be codified (SB 280).</p> <p><i>Updated 05/05/2015</i></p>	<p>is committed if a person knowingly possesses cannabis oil containing cannabidiol that has less than 0.9% of THC unless: 1) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol with less than 0.9% of THC; and 2) The oil was obtained legally in the United States and outside Tennessee and the person retains proof of the legal order or recommendation from the issuing state. To be codified (SB 280).</p> <p><i>Updated 05/05/2015</i></p>	<p>is committed if a person knowingly possesses cannabis oil containing cannabidiol that has less than 0.9% of THC unless: 1) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol with less than 0.9% of THC; and 2) The oil was obtained legally in the United States and outside Tennessee and the person retains proof of the legal order or recommendation from the issuing state. To be codified (SB 280).</p> <p><i>Updated 05/05/2015</i></p>	<p>is committed if a person knowingly possesses cannabis oil containing cannabidiol that has less than 0.9% of THC unless: 1) The bottle containing the oil is labeled by the manufacturer as containing cannabidiol with less than 0.9% of THC; and 2) The oil was obtained legally in the United States and outside Tennessee and the person retains proof of the legal order or recommendation from the issuing state. To be codified (SB 280).</p> <p><i>Updated 05/05/2015</i></p>
Texas	<p>No private-employer-related provisions.</p> <p>Under the Texas Compassionate-Use Act, to treat intractable epilepsy, permanent Texas residents may be prescribed, use, and possess "Low-THC cannabis," <i>i.e.</i>, the plant <i>Cannabis sativa L.</i>, and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains not more than 0.5 percent by weight of tetrahydrocannabinols, and not less than 10 percent by</p>	<p>No private-employer-related provisions.</p> <p>Under the Texas Compassionate-Use Act, to treat intractable epilepsy, permanent Texas residents may be prescribed, use, and possess "Low-THC cannabis," <i>i.e.</i>, the plant <i>Cannabis sativa L.</i>, and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains not more than 0.5 percent by weight of tetrahydrocannabinols, and not less than 10 percent by</p>	<p>No private-employer-related provisions.</p> <p>Under the Texas Compassionate-Use Act, to treat intractable epilepsy, permanent Texas residents may be prescribed, use, and possess "Low-THC cannabis," <i>i.e.</i>, the plant <i>Cannabis sativa L.</i>, and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains not more than 0.5 percent by weight of tetrahydrocannabinols, and not less than 10 percent by</p>	<p>No private-employer-related provisions.</p> <p>Under the Texas Compassionate-Use Act, to treat intractable epilepsy, permanent Texas residents may be prescribed, use, and possess "Low-THC cannabis," <i>i.e.</i>, the plant <i>Cannabis sativa L.</i>, and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains not more than 0.5 percent by weight of tetrahydrocannabinols, and not less than 10 percent by</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
	<p>weight of cannabidiol. <i>See, e.g.</i>, Tex. Occ. Code Ann. § 169.002. Moreover, marijuana-related controlled substances law do not apply to, among other actions, possession of a raw material used in or by-product created by the production or cultivation of “low-THC cannabis” if the person, for an offense involving possession only of marijuana or drug paraphernalia, is a patient for whom low-THC cannabis is prescribed and the person possesses low-THC cannabis obtained under a valid prescription from a dispensing organization. Tex. Health & Safety Code Ann. § 481.111.</p> <p><i>Updated 06/02/2015</i></p>	<p>weight of cannabidiol. <i>See, e.g.</i>, Tex. Occ. Code Ann. § 169.002. Moreover, marijuana-related controlled substances law do not apply to, among other actions, possession of a raw material used in or by-product created by the production or cultivation of “low-THC cannabis” if the person, for an offense involving possession only of marijuana or drug paraphernalia, is a patient for whom low-THC cannabis is prescribed and the person possesses low-THC cannabis obtained under a valid prescription from a dispensing organization. Tex. Health & Safety Code Ann. § 481.111.</p> <p><i>Updated 06/02/2015</i></p>	<p>weight of cannabidiol. <i>See, e.g.</i>, Tex. Occ. Code Ann. § 169.002. Moreover, marijuana-related controlled substances law do not apply to, among other actions, possession of a raw material used in or by-product created by the production or cultivation of “low-THC cannabis” if the person, for an offense involving possession only of marijuana or drug paraphernalia, is a patient for whom low-THC cannabis is prescribed and the person possesses low-THC cannabis obtained under a valid prescription from a dispensing organization. Tex. Health & Safety Code Ann. § 481.111.</p> <p><i>Updated 06/02/2015</i></p>	<p>weight of cannabidiol. <i>See, e.g.</i>, Tex. Occ. Code Ann. § 169.002. Moreover, marijuana-related controlled substances law do not apply to, among other actions, possession of a raw material used in or by-product created by the production or cultivation of “low-THC cannabis” if the person, for an offense involving possession only of marijuana or drug paraphernalia, is a patient for whom low-THC cannabis is prescribed and the person possesses low-THC cannabis obtained under a valid prescription from a dispensing organization. Tex. Health & Safety Code Ann. § 481.111.</p> <p><i>Updated 06/02/2015</i></p>
Utah	<p>No private-employer-related provisions.</p> <p>Under the Hemp Extract Registration Act, individuals with intractable epilepsy may use certain hemp extract, <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant, composed of less than .3% THC, at least 5% cannabidiol,</p>	<p>No private-employer-related provisions.</p> <p>Under the Hemp Extract Registration Act, individuals with intractable epilepsy may use certain hemp extract, <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant, composed of less than .3% THC, at least 5% cannabidiol,</p>	<p>No private-employer-related provisions.</p> <p>Under the Hemp Extract Registration Act, individuals with intractable epilepsy may use certain hemp extract, <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant, composed of less than .3% THC, at least 5% cannabidiol,</p>	<p>No private-employer-related provisions.</p> <p>Under the Hemp Extract Registration Act, individuals with intractable epilepsy may use certain hemp extract, <i>i.e.</i>, cannabis plant extract, or mixture or preparation containing cannabis plant, composed of less than .3% THC, at least 5% cannabidiol,</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
	<p>without any other psychoactive substance. See Utah Code Ann. §§ 58-37-4.3, 26-56-101 <i>et seq.</i></p> <p>Note: The Act expires July 1, 2021.</p> <p><i>Updated 07/01/2016</i></p>	<p>without any other psychoactive substance. See Utah Code Ann. §§ 58-37-4.3, 26-56-101 <i>et seq.</i></p> <p>Note: The Act expires July 1, 2021.</p> <p><i>Updated 07/01/2016</i></p>	<p>without any other psychoactive substance. See Utah Code Ann. §§ 58-37-4.3, 26-56-101 <i>et seq.</i></p> <p>Note: The Act expires July 1, 2021.</p> <p><i>Updated 07/01/2016</i></p>	<p>without any other psychoactive substance. See Utah Code Ann. §§ 58-37-4.3, 26-56-101 <i>et seq.</i></p> <p>Note: The Act expires July 1, 2021.</p> <p><i>Updated 07/01/2016</i></p>
<p>Vermont</p>	<p>Recreational Marijuana / Decriminalization (See note in introduction's chart) (July 1, 2018)</p> <p>The law does not create a cause of action against an employer that discharges an employee for violating a policy that restricts or prohibits marijuana use by employees. Vt. Stat. Ann. tit. 18, § 4230a(e).</p> <p>Medical Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 01/24/2018</i></p>	<p>Recreational Marijuana / Decriminalization (See note in introduction's chart) (July 1, 2018)</p> <p>The law does not create a cause of action against an employer that discharges an employee for violating a policy that restricts or prohibits marijuana use by employees. Vt. Stat. Ann. tit. 18, § 4230a(e).</p> <p>Medical Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 01/24/2018</i></p>	<p>Recreational Marijuana / Decriminalization (See note in introduction's chart) (July 1, 2018)</p> <p>Accommodation: The law does not require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace.</p> <p>Restriction: The law does not prevent an employer from: 1) adopting a policy that prohibits marijuana use in the workplace; 2) prohibiting or otherwise regulating the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana on the employer's premises.</p> <p>Vt. Stat. Ann. tit. 18, § 4230a(e).</p>	<p>Recreational Marijuana / Decriminalization (See note in introduction's chart) (July 1, 2018)</p> <p>A person cannot consume marijuana in a public place, which includes, <i>e.g.</i>, any place where the use or possession of a lighted tobacco product, tobacco product, or tobacco substitute is prohibited. Vt. Stat. Ann. tit. 18, § 4230a(a)(2) (A).</p> <p>The law does not, <i>e.g.</i>, repeal or modify existing laws or policies concerning the operation of vehicles of any kind while under the influence of marijuana or for consuming marijuana while operating a motor vehicle. Vt. Stat. Ann. tit. 18, § 4230a(b)(2).</p> <p>Neither a person operating, nor a passenger in, a motor</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
			<p>Medical Marijuana</p> <p>Accommodation: An employer is not required to accommodate:</p> <p>1) the ingestion of marijuana in any workplace; 2) an employee working while under the influence of marijuana. 28-000-003 Vt. Code R. § 2.</p> <p>Restriction: The medical marijuana laws do not permit: 1) being under the influence of marijuana while in, or smoking marijuana at, a workplace or place of employment; 2) smoking marijuana at a workplace or place of employment. Vt. Stat. Ann. tit. 18, § 4474c; 28-000-003 Vt. Code R. § 2.</p> <p><i>Updated 01/24/2018</i></p>	<p>vehicle on a public highway can consume marijuana (which, for the driver, includes consuming secondhand marijuana smoke). Additionally, they cannot possess an open container containing contains marijuana in the vehicle's passenger area. Vt. Stat. Ann. tit. 23, §§ 1134(a)-(c), 1134a(a)-(c).</p> <p>An employer who is injured in person, property, or means of support by a person under 21 years of age who is impaired by marijuana, or as a consequence thereof has a right of action against any person(s) who wholly or partly caused such impairment by knowingly dispensing marijuana to the person or enabling the person's consumption of marijuana. Vt. Stat. Ann. tit. 18, § 4230g.</p> <p>Medical Marijuana</p> <p>The medical marijuana laws do not permit, while under the influence of marijuana:</p> <ul style="list-style-type: none"> Operating a motor vehicle, boat, or vessel, or any other vehicle propelled or drawn by

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>power other than muscular power;</p> <ul style="list-style-type: none"> • Operating heavy machinery or handling a dangerous instrumentality • Using or possessing marijuana or marijuana-infused products by a registered patient (possessing by a registered caregiver) in a manner that endangers another person's health or well being <p>Coverage or reimbursement for the use of medical marijuana is not required by:</p> <ul style="list-style-type: none"> • A health insurer or insurance company; • An employer (generally, and for workers' compensation purposes). <p>Vt. Stat. Ann. tit. 18, § 4474c; 28-000-003 Vt. Code R. § 2.</p> <p>Records maintained by the Department of all persons registered are confidential, but can be disclosed with the patient's written permission.</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				28-000-003 Vt. Code R. § 9. <i>Updated 01/24/2018</i>
Virginia	No private-employer-related provisions. Under state law, individuals prescribed cannabidiol or THC-A oil to treat or alleviate epilepsy symptoms have a defense against criminal charges of unlawful marijuana possession. See Va. Code Ann. §§ 18.2-250.1, 54.1-3408.3. <i>Updated 02/27/2015</i>	No private-employer-related provisions. Under state law, individuals prescribed cannabidiol or THC-A oil to treat or alleviate epilepsy symptoms have a defense against criminal charges of unlawful marijuana possession. See Va. Code Ann. §§ 18.2-250.1, 54.1-3408.3. <i>Updated 02/27/2015</i>	No private-employer-related provisions. Under state law, individuals prescribed cannabidiol or THC-A oil to treat or alleviate epilepsy symptoms have a defense against criminal charges of unlawful marijuana possession. See Va. Code Ann. §§ 18.2-250.1, 54.1-3408.3. <i>Updated 02/27/2015</i>	No private-employer-related provisions. Under state law, individuals prescribed cannabidiol or THC-A oil to treat or alleviate epilepsy symptoms have a defense against criminal charges of unlawful marijuana possession. See Va. Code Ann. §§ 18.2-250.1, 54.1-3408.3. <i>Updated 02/27/2015</i>
Washington	<p>Medical Marijuana</p> No relevant provisions located. Note: The Washington State Supreme Court has held that The Medical Use of Marijuana Act “does not prohibit an employer from discharging an employee for medical marijuana use, nor does it provide a civil remedy against the employer. MUMA also does not proclaim a sufficient public policy to give rise to a tort action for wrongful termination for authorized use of medical marijuana.” <i>Roe v.</i>	<p>Medical Marijuana</p> Employers can establish drug-free work policies. Moreover, an accommodation is not required for the medical use of marijuana if an employer has a drug-free work place. Wash. Rev. Code § 69.51A.060. <p>Recreational Marijuana</p> No relevant provisions located. <i>Updated 04/15/2015</i>	<p>Medical Marijuana</p> The medical marijuana laws do not require accommodation of any on-site medical use of marijuana in any place of employment. Wash. Rev. Code § 69.51A.060; <i>Roe v. TeleTech Customer Care Mgmt. (Colo.) LLC</i> , 257 P.3d 586 (Wash. 2011) (State court decisions concerning Medical Use of Marijuana Act do not recognize a broad public policy that would impose an employer	<p>Medical Marijuana</p> The medical marijuana laws do not permit using medical marijuana in a way that endangers a person’s health or well-being through using a motorized vehicle on a street, road, or highway. Wash. Rev. Code § 69.51A.060. <p>Recreational Marijuana</p> Driving while under the influence of marijuana is prohibited. See Wash. Rev. Code §§ 46.61.502, 46.61.503, 46.61.504.

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
	<p><i>TeleTech Customer Care Mgmt. (Colo.) LLC, 257 P.3d 586 (Wash. 2011).</i></p> <p>Recreational Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 04/15/2015</i></p>		<p>accommodation obligation concerning medical marijuana.</p> <p>Recreational Marijuana</p> <p>No relevant provisions located.</p> <p><i>Updated 04/15/2015</i></p>	<p><i>Updated 04/15/2015</i></p>
<p>West Virginia</p>	<p>Employers cannot discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee’s compensation, terms, conditions, location or privileges solely on the basis of the employee’s status as an individual who is certified to use medical cannabis. W. Va. Code § 16A-5-4</p> <p><i>Updated 04/25/2017</i></p>	<p>No relevant provisions located.</p> <p><i>Updated 04/25/2017</i></p>	<p>Employers are not required to make any accommodation of the use of medical cannabis on the property or premises of any place of employment.</p> <p>Employers can discipline an employee for being under the influence of medical cannabis in the workplace or for working while under the influence of medical cannabis when the employee’s conduct falls below the standard of care normally accepted for that position.</p> <p>W. Va. Code § 16A-5-4.</p> <p><i>Updated 04/25/2017</i></p>	<p>Federal Law: The law does not require an employer to commit any act that would put it or any person acting on its behalf in violation of federal law. W. Va. Code § 16A-5-4.</p> <p>Actions Employers Can Take: Employers can prohibit employees from performing any task an employee deems life-threatening – to either the employee or the employer’s employees of the employer – while under the influence of medical cannabis.</p> <p>Also, employers can prohibit employees from performing any duty that could result in a public health or safety risk while under the influence of medical cannabis.</p> <p>The prohibitions are not deemed an adverse employment decision,</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>even if they result in financial harm to the employee.</p> <p>W. Va. Code § 16A-5-10.</p> <p>Actions Employees Cannot Perform: A patient cannot operate or be in physical control of any of the following while under the influence with a blood content of more than 3 nanograms of active tetrahydrocannabinol per milliliter of blood in serum:</p> <ul style="list-style-type: none"> • Chemicals that require a permit issued by the federal or a state government or agency. • High-voltage electricity or any other public utility. • Vehicle, aircraft, train, boat or heavy machinery. <p>Also, a patient cannot perform any employment duties at heights or in confined spaces, including, but not limited to, mining while under the influence of medical cannabis.</p> <p>W. Va. Code § 16A-5-10.</p> <p>The law does not permit any person to engage in and does not prevent</p>

Jurisdiction	Discrimination	Drug Testing	Workplace Accommodation & Restrictions	Miscellaneous
				<p>the imposition of any civil, criminal or other penalty for undertaking any task under the influence of medical cannabis when doing so would constitute negligence, professional malpractice or professional misconduct. W. Va. Code § 16A-12-19.</p> <p>Insurers & Health Plans: The law does not require an insurer or a health plan, whether paid for by state funds or private funds, to provide coverage for medical cannabis. W. Va. Code § 16A-15-3.</p> <p><i>Updated 04/25/2017</i></p>
Wisconsin	<p>No private-employer-related provisions.</p> <p>State law provides that an individual with a seizure disorder can be prescribed cannabidiol in a form without a psychoactive effect. See Wis. Stat. §§ 961.14, 961.34, 961.38.</p> <p><i>Updated 12/17/2014</i></p>	<p>No private-employer-related provisions.</p> <p>State law provides that an individual with a seizure disorder can be prescribed cannabidiol in a form without a psychoactive effect. See Wis. Stat. §§ 961.14, 961.34, 961.38.</p> <p><i>Updated 12/17/2014</i></p>	<p>No private-employer-related provisions.</p> <p>State law provides that an individual with a seizure disorder can be prescribed cannabidiol in a form without a psychoactive effect. See Wis. Stat. §§ 961.14, 961.34, 961.38.</p> <p><i>Updated 12/17/2014</i></p>	<p>No private-employer-related provisions.</p> <p>State law provides that an individual with a seizure disorder can be prescribed cannabidiol in a form without a psychoactive effect. See Wis. Stat. §§ 961.14, 961.34, 961.38.</p> <p><i>Updated 12/17/2014</i></p>
Wyoming	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.	No medical marijuana laws.

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