



# Marijuana Laws Affecting Employers

State Laws and Employer Guidance

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# Best Practices and Tips for Employers

State laws regarding cannabis (marijuana) change rapidly compared to other employment laws. Consequently, recent changes may not be reflected here. This chart is general HR guidance; employers with additional questions should contact an attorney for a legal opinion as well as their insurance carriers.

Cannabis laws vary from state to state. Multistate employers should review the laws of all states where they have employees.

Cannabis antidiscrimination statutes may contain a protection for an applicant's or employee's status as a medical cannabis cardholder in addition to their status as a patient. Because status as a caregiver does not seem to be a common issue, for purposes of brevity, the chart only references status as a cardholder.

Employers should be aware that other laws (besides the state cannabis law) may implicate employers' ability to regulate employee cannabis use, including but not limited to:

1. Federal laws (e.g., Department of Transportation regulations, the Drug Free Workplace Act);
2. State disability discrimination law;
3. Lawful off-duty conduct law;
4. Religious accommodations; and
5. Wrongful termination in violation of public policy.

Currently, employers may have a drug policy prohibiting employees from using or working under the influence of cannabis. However, employers should review potential obligations under both the applicable cannabis law and the laws listed above when they apply their policy. If an employee requests an accommodation to use cannabis during work or to work while under the influence of cannabis, employers should consult with an attorney.

From an HR perspective, the risk-tolerant approach is usually to terminate an employee who tests positive for cannabis and deal with a potential lawsuit. In contrast, the risk-averse approach is usually to accommodate off-duty cannabis use (absent undue hardship or direct threat).

Employers should note that municipal cannabis laws, eligibility for unemployment insurance, and covered expenses under workers' compensation laws are outside the scope of this chart.

STATE	RECREATIONAL	MEDICAL	EMPLOYER GUIDANCE
<b>Alabama</b>		X	Alabama does not have legal recreational or medical cannabis, except for children with seizures.
<b>Alaska</b>	X	X	<ul style="list-style-type: none"> <li>» Employers may have drug policies prohibiting cannabis.</li> <li>» The cannabis laws state that they do not require employers to accommodate medical or recreational use at work.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Arizona</b>		X	<p>Employers may not discriminate against medical cannabis users based solely on their status as registered cardholders.</p> <ul style="list-style-type: none"> <li>» Employers may not discipline or discharge applicants or employees based on a positive drug test unless they use, have, or are impaired by cannabis at work or during work. At least one court has held that a positive test alone cannot prove current impairment.</li> <li>» Exceptions to employment protections are as follows: <ul style="list-style-type: none"> <li>• When the employer would lose a federal license;</li> <li>• When the employer would lose federal money; or</li> <li>• Safety-sensitive positions, which must be designated as such in writing. Although the law is clear that employers <b>may</b> offer an accommodation (e.g., reassignment) to employees in safety-sensitive positions who use medical cannabis off duty, the state has not specified whether employers are <b>required</b> to do so.</li> </ul> </li> </ul>
<b>Arkansas</b>		X	<ul style="list-style-type: none"> <li>» Employers of nine or more employees may not discriminate against or discipline an applicant or employee based on their status as a medical cannabis patient or caregiver.</li> <li>» Employers that have nine or more employees may not discipline or discharge applicants or employees based on a positive drug test unless they use, have, or are under the influence of cannabis at work or during work. A positive drug test alone cannot prove current impairment, except for certain safety-sensitive positions.</li> </ul>
<b>California</b>	X	X	<ul style="list-style-type: none"> <li>» Employers may have drug policies prohibiting cannabis.</li> <li>» The cannabis laws state that employers are not required to accommodate medical or recreational use at work.</li> <li>» A state court has held that employers are not required to accommodate off-duty medical use under the state disability discrimination law (the Fair Employment and Housing Act).</li> <li>» A state court has held that discharging an employee for off-duty use does not violate public policy.</li> <li>» The state has not specified whether employers are required to accommodate off-duty cannabis use under <b>other</b> state laws, such as the lawful off-duty conduct law or religious accommodations.</li> </ul>

STATE	RECREATIONAL	MEDICAL	EMPLOYER GUIDANCE
<b>Colorado</b>	X	X	<ul style="list-style-type: none"> <li>» Employers may have drug policies prohibiting cannabis.</li> <li>» The cannabis laws state that employers are not required to accommodate medical or recreational use at work.</li> <li>» A court case held that employers are not required to accommodate off-duty medical use under either the state's lawful off-duty conduct law or the state's disability discrimination law.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's religious discrimination laws.</li> </ul>
<b>Connecticut</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis patient, except when: <ul style="list-style-type: none"> <li>· It would violate a federal law; or</li> <li>· The employer would lose federal funding.</li> </ul> </li> <li><b>Note:</b> A court has held that a federal contractor's required compliance with the Drug Free Workplace Act did not qualify for either exception.</li> <li>» A court has held that a registered patient's protected status includes using medical cannabis off duty.</li> <li>» The medical cannabis law states that employers may prohibit employees from using cannabis during work and from working under the influence of cannabis.</li> </ul>
<b>Delaware</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis patient.</li> <li>» Employers may not discipline or discharge applicants or employees based on a positive drug test unless they use, have, or are impaired by cannabis at work or during work. In addition, a positive drug test alone cannot prove current impairment.</li> <li>» Exceptions to employment protections under the medical cannabis law are when the employer would: <ul style="list-style-type: none"> <li>· Lose federal money; or</li> <li>· Lose a federal license.</li> </ul> </li> </ul>
<b>District of Columbia</b>	X	X	<ul style="list-style-type: none"> <li>» Employers may have drug policies prohibiting cannabis.</li> <li>» The recreational cannabis law states that employers are not required to accommodate cannabis use at work.</li> <li>» The District has not stated whether employers are required to accommodate cannabis use under <b>other</b> District laws, such as the District's disability discrimination law.</li> </ul>

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<b>Florida</b>		X	<ul style="list-style-type: none"> <li>» Employers may have drug policies prohibiting cannabis.</li> <li>» The medical cannabis law states that employers are not required to accommodate medical use at work or allow an employee to work under the influence of cannabis.</li> <li>» The medical cannabis law states that it does not entitle employees to sue for wrongful discharge or discrimination, but the state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Georgia</b>		X	<ul style="list-style-type: none"> <li>» Employers may have drug policies prohibiting cannabis.</li> <li>» The medical cannabis law states that employers are not required to accommodate medical use at work.</li> <li>» The medical cannabis law states that it does not require employers to accommodate off-duty use, but the state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Hawaii</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law states that employers are not required to accommodate medical use at work.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Idaho</b>			Idaho does not have legal medical or recreational cannabis.
<b>Illinois</b>	X	X	<ul style="list-style-type: none"> <li>» The recreational and medical cannabis laws state that they do not limit an employer from enforcing a policy concerning drug testing, zero-tolerance, or a drug-free workplace as long as the policy is applied in a nondiscriminatory manner.</li> <li>» <b>Antidiscrimination:</b> The medical cannabis law states that employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis patient or solely on the basis of a positive drug test. Exceptions are when the employer would: <ul style="list-style-type: none"> <li>• Violate federal law.</li> <li>• Lose a federal contract.</li> <li>• Lose federal funding.</li> </ul> </li> <li>» <b>Prohibiting on-the-job impairment:</b> <ul style="list-style-type: none"> <li>• The medical cannabis law states that it does not require an employer to allow an employee to be <b>impaired at work</b> and may discipline an employee for being impaired if the employer has a good faith belief that the employee is impaired or if not doing so would cause the employer to lose a federal contract or funding.</li> </ul> </li> </ul>

STATE	RECREATIONAL	MEDICAL	EMPLOYER GUIDANCE
Illinois (cont'd)	X	X	<ul style="list-style-type: none"> <li>• The recreational cannabis law states that it does not require an employer to allow an employee to use or to be <b>impaired or under the influence of cannabis</b> in the workplace, during work, or while on call. <ul style="list-style-type: none"> <li><b>Workplace</b> is defined as the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in the performance of the employee's job duties, and vehicles, whether leased, rented, or owned. "Workplace" may be further defined by the employer's written employment policy, provided that the policy is consistent with the cannabis law regarding employment.</li> <li><b>On call</b> is defined as the time that an employee is scheduled with at least 24 hours' notice by their employer to be on standby or otherwise responsible for performing tasks related to their employment, either at the employer's premises or other previously designated location by their employer or supervisor to perform a work-related task.</li> </ul> </li> <li>• If an employer wants to discipline an employee for on-duty impairment, the employer must provide the employee reasonable opportunity to contest the basis of the employer's conclusion.</li> <li>» <b>Impairment:</b> The recreational and medical cannabis laws state that they allow employers to consider an employee to be <b>impaired or under the influence of cannabis</b> if they have specific, articulable symptoms while working that decrease or lessen their job performance, such as: <ul style="list-style-type: none"> <li>• Symptoms of the employee's speech, physical dexterity, agility, coordination, or demeanor;</li> <li>• Irrational or unusual behavior;</li> <li>• Negligence or carelessness in operating equipment or machinery;</li> <li>• Disregard for the safety of the employer or others;</li> <li>• Involvement in an accident that results in serious damage to equipment or property;</li> <li>• Disruption of a production of manufacturing process; or</li> <li>• Carelessness that results in any injury to the employee or others.</li> </ul> </li> <li>» <b>Other employee protections:</b> <ul style="list-style-type: none"> <li>• The state's lawful off-duty conduct law excludes recreational cannabis. In other words, the lawful off-duty conduct law should not prevent employers from withdrawing a job offer if an applicant tests positive.</li> <li>• The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul> </li> </ul>

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<b>Indiana</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law does not address employers' rights or obligations.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Iowa</b>		X	<ul style="list-style-type: none"> <li>» The cannabis law states that it does not limit an employer from enforcing a policy concerning drug testing, zero-tolerance, or a drug-free workplace, as long as the policy complies with Iowa's drug-testing law and all other applicable laws.</li> <li>» The medical cannabis law states that employers are not required to accommodate medical use at work.</li> <li>» The medical cannabis law states that it does not create liability for employers for doing something the medical cannabis law allows, such as enforcing a zero-tolerance drug policy. However, the state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Kansas</b>		X	Kansas does not have legal recreational or medical cannabis, except CBD oil that has no THC.
<b>Kentucky</b>		X	Kentucky does not have legal recreational or medical cannabis, except for clinical trials of CBD oil.
<b>Louisiana</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law does not address employers' rights or obligations, except that medical cannabis is not a covered medical expense under the state workers' compensation law.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Maine</b>	X	X	<ul style="list-style-type: none"> <li>» Employers may prohibit employees from using <b>recreational</b> cannabis at or during work.</li> <li>» Employers may discipline employees for working under the influence of recreational cannabis.</li> <li>» The law previously specifically prohibited employers from disciplining employees for off-duty use, which the Maine Department of Labor interpreted to mean that employers cannot discipline an employee or disqualify an applicant based solely on a positive cannabis test.</li> <li>» Employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis patient, except when the employer: <ul style="list-style-type: none"> <li>· Would lose federal money; or</li> <li>· Would lose a federal license.</li> </ul> </li> <li>» The <b>medical</b> cannabis law states that it does not require employers to allow employees to use cannabis at work or to work while under the influence of cannabis.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's religious discrimination laws.</li> </ul>



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<b>Maryland</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law does not address employers' rights or obligations. However, the law states that medical cannabis patients cannot be penalized, disciplined, or denied any right or privilege for using or possessing medical cannabis in compliance with the law.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Massachusetts</b>	X	X	<ul style="list-style-type: none"> <li>» The recreational cannabis law states that it does not prevent employers from enforcing their drug policies restricting employees' consumption of cannabis.</li> <li>» The cannabis laws state that employers are not required to accommodate medical or recreational use at work.</li> <li>» A court case held that employers are required to engage in the interactive process under state disability discrimination law regarding potential accommodations for off-duty medical use.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's religious discrimination laws.</li> </ul>
<b>Michigan</b>	X	X	<ul style="list-style-type: none"> <li>» The cannabis laws state that employers are not required to accommodate medical or recreational use at work.</li> <li>» A court case held that an employer did not violate the medical cannabis law or public policy when it terminated an employee who was a medical cannabis patient when he tested positive for THC from using cannabis off duty.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability or religious discrimination laws.</li> </ul>
<b>Minnesota</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis patient.</li> <li>» Employers may not discipline or discharge applicants or employees based on a positive drug test unless they use, have, or are impaired by cannabis at work or during work. In addition: <ul style="list-style-type: none"> <li>• A positive drug test alone cannot prove current impairment.</li> <li>• If an employee tests positive for cannabis, they can provide documentation that they are a registered medical cannabis patient as part of their explanation for the positive test result.</li> </ul> </li> <li>» Exceptions to disciplinary action by the employer are when the employer: <ul style="list-style-type: none"> <li>• Would violate federal law;</li> <li>• Would lose federal money; or</li> <li>• Would lose a federal license.</li> </ul> </li> </ul>

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<b>Mississippi</b>		X	Mississippi does not have legal recreational or medical cannabis, except CBD oil that has very low THC as part of a clinical study.
<b>Missouri</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law specifies that it does not entitle employees or applicants to sue an employer for prohibiting them from working under the influence of cannabis or disciplining them from working (or trying to work) under the influence of cannabis.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Montana</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law specifies that it does not require employers to accommodate the use of cannabis.</li> <li>» The medical cannabis law specifies that it does not prohibit employers from prohibiting the use of cannabis by contract.</li> <li>» The medical cannabis law specifies that it does not allow lawsuits against employers for wrongful discharge or discrimination (including religious or disability).</li> <li>» A state court has held that employees are not entitled to reasonable accommodation for off-duty medical cannabis use under the state wrongful discharge law or state disability discrimination law. However, the decision is not binding on courts and may be subject to change.</li> </ul>
<b>Nebraska</b>			Nebraska does not have legal medical or recreational cannabis.
<b>Nevada</b>	X	X	<ul style="list-style-type: none"> <li>» Employers may not test applicants for cannabis, unless they are applying for the following positions: <ul style="list-style-type: none"> <li>• Firefighters;</li> <li>• EMTs;</li> <li>• Those that involve driving and federal or state law requires drug testing; and</li> <li>• Those that the employer determines could endanger other people.</li> </ul> </li> <li>» The recreational cannabis law allows employers to enforce policies prohibiting the use or possession of recreational cannabis.</li> <li>» The medical cannabis law states that employers are not required to accommodate medical cannabis use at work.</li> <li>» The medical cannabis law states that employers are required to attempt to make reasonable accommodations for medical cannabis cardholders, unless the accommodation: <ul style="list-style-type: none"> <li>• Poses a threat of harm or danger to people or property;</li> <li>• Causes an undue hardship on the employer; or</li> <li>• Prevents the employee from fulfilling any and all of their job responsibilities.</li> </ul> </li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's lawful off-duty conduct law.</li> </ul>

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<b>New Hampshire</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law states that it allows employers to prohibit employees from using cannabis at work or during work, and from working under the influence of cannabis.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>New Jersey</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against an applicant or employee based solely on their status as a medical cannabis cardholder.</li> <li>» If an applicant or employee tests positive for THC, the employer must provide them written notice of their right to present a legitimate medical explanation for the positive test result or request a retest of the original sample at the applicant's or employee's own expense. The applicant or employee then has three working days to provide their health care practitioner's authorization for medical cannabis or a registry identification card.</li> <li>» Exceptions to these employment protections are: <ul style="list-style-type: none"> <li>• If the employee uses or has cannabis during work;</li> <li>• If the employer would violate federal law; or</li> <li>• If the employer would lose a federal license, a federal contract, or federal funding.</li> </ul> </li> <li>» The medical cannabis law states that it allows employers to prohibit employees from using cannabis at or during work.</li> <li>» A court has held that employees can sue employers under the state disability discrimination law for failing to accommodate off-duty medical use.</li> <li>» The state has not specified whether employers have additional obligations under <b>other</b> laws, if any apply.</li> </ul>
<b>New Mexico</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against or discipline an applicant or employee based on their conduct allowed as a medical cannabis patient.</li> <li>» Employers may discipline an employee for using or being impaired by medical cannabis at or during work.</li> <li>» Exceptions to the employment protections are: <ul style="list-style-type: none"> <li>• When the employer would lose federal money;</li> <li>• When the employer would lose a federal license; and</li> <li>• Safety-sensitive positions, which are defined as a position in which performance by a person under the influence of drugs or alcohol would constitute an immediate or direct threat of injury or death to that person or another.</li> </ul> </li> <li>» The state has not specified whether employers have additional obligations under <b>other</b> laws, if any apply.</li> </ul>

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<b>New York</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law states that it allows employers to prohibit on-duty impairment.</li> <li>» State disability discrimination protections apply to certified medical cannabis patients.</li> <li>» Exceptions to the employment protections are when the employer would: <ul style="list-style-type: none"> <li>• Violate federal law;</li> <li>• Lose a federal contract; or</li> <li>• Lose federal funding.</li> </ul> </li> <li>» The state has not specified whether employers have additional obligations under <b>other</b> laws, if any apply.</li> <li>» Employers in New York City may not screen applicants for THC, with some exceptions.</li> </ul>
<b>North Carolina</b>		X	North Carolina does not have legal recreational or medical cannabis, except hemp extract with low THC levels for patients with epilepsy.
<b>North Dakota</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law states that it does not prohibit employers from disciplining employees for having or using cannabis at work or for working under the influence of cannabis.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under other state laws, such as the state disability discrimination law.</li> </ul>
<b>Ohio</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law states that it does not require employers to accommodate an employee's medical cannabis use.</li> <li>» The medical cannabis law states that it does not prohibit employers from refusing to hire, discharging, or disciplining an applicant or employee because they use medical cannabis.</li> <li>» The medical cannabis law states that it does not prohibit employers from enforcing a drug-testing policy, a drug-free workplace policy, or a zero-tolerance drug policy.</li> <li>» The medical cannabis law states that it does not allow lawsuits against an employer for refusing to hire, discharging, disciplining, discriminating, or retaliating against someone related to medical cannabis.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Oklahoma</b>		X	<ul style="list-style-type: none"> <li>» Employers may not refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee based solely on their status as a medical cannabis patient, except when the employer would: <ul style="list-style-type: none"> <li>• Violate federal law; or</li> <li>• Lose federal funding.</li> </ul> </li> <li>» Employers may not refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee based solely on a positive cannabis drug test, except: <ul style="list-style-type: none"> <li>• When the employer would violate federal law;</li> </ul> </li> </ul>

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<b>Oklahoma</b> <i>(cont'd)</i>		X	<ul style="list-style-type: none"> <li>• When the employer would lose federal funding;</li> <li>• When the employee has, uses, or is under the influence of cannabis at or during work; or</li> <li>• For jobs with safety-sensitive duties, as defined by the medical cannabis law.</li> </ul> <ul style="list-style-type: none"> <li>» The medical cannabis law states that it does not require employers to allow employees to use cannabis at or during work.</li> <li>» Employers may otherwise continue to have drug-testing policies in compliance with state drug-testing laws.</li> <li>» The state has not specified whether employers have any additional obligations under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Oregon</b>	X	X	<ul style="list-style-type: none"> <li>» Employers are not required to allow employees to use medical cannabis at work.</li> <li>» A court held that employers are not required to accommodate medical cannabis under the state disability discrimination law.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state religious discrimination law.</li> </ul>
<b>Pennsylvania</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law prohibits employers from discharging, threatening, refusing to hire, or otherwise discriminating or retaliating against an employee solely based on their status as a medical cannabis patient.</li> <li>» The medical cannabis law states that it does not require employers to allow employees to use medical cannabis at work.</li> <li>» The medical cannabis law states that it does not prohibit employers from disciplining employees for being under the influence of medical cannabis at or during work when the employee's conduct falls below the standard of care normally accepted for that position.</li> <li>» The medical cannabis law states that it allows employers to prohibit employees from performing any duty that could result in a public health or safety risk while under the influence of cannabis.</li> <li>» The medical cannabis law states that it does not require employers to violate federal law.</li> <li>» The state has not specified whether employers have any additional obligations under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Rhode Island</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis cardholder, with the following exceptions: <ul style="list-style-type: none"> <li>• The employee uses or has cannabis at work;</li> <li>• The employee is under the influence of cannabis at work;</li> <li>• The employee works under the influence of cannabis when doing so would be considered negligence or professional malpractice, or would jeopardize workplace safety;</li> </ul> </li> </ul>

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<b>Rhode Island</b> <i>(cont'd)</i>		X	<ul style="list-style-type: none"> <li>• The employee operates or physically controls a motor vehicle, equipment, or firearms while under the influence of cannabis;</li> <li>• The employee violates terms of a collective bargaining agreement;</li> <li>• The employer would lose federal funding; or</li> <li>• The employer would lose a federal license.</li> </ul> <ul style="list-style-type: none"> <li>» The medical cannabis law states that it does not require employers to accommodate employees using medical cannabis at work.</li> <li>» The state has not specified whether employers have any additional obligations under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>South Carolina</b>		X	South Carolina does not have legal recreational or medical cannabis, except hemp oil for certain patients.
<b>South Dakota</b>			South Dakota does not have legal recreational or medical cannabis.
<b>Tennessee</b>		X	Tennessee does not have legal recreational or medical cannabis, except for certain clinical studies and cannabis oils for patients who have seizures.
<b>Texas</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law does not address employers' rights or obligations.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Utah</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law states that it does not require employers to accommodate the use of medical cannabis.</li> <li>» The medical cannabis law states that it does not prevent employers from having policies prohibiting applicants or employees from using medical cannabis.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Vermont</b>	X	X	<ul style="list-style-type: none"> <li>» The recreational cannabis law states that it does not: <ul style="list-style-type: none"> <li>• Require an employer to allow employees to use or have cannabis at work;</li> <li>• Prevent an employer from having a policy that prohibits the use of cannabis at work;</li> <li>• Create a reason an employee can sue an employer; or</li> <li>• Prevent an employer from prohibiting or regulating cannabis at work.</li> </ul> </li> <li>» The medical cannabis law states that it does not require employers to allow employees to use cannabis at work or be under the influence of cannabis at work.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>

STATE	RECREATIONAL	MEDICAL	EMPLOYER GUIDANCE
<b>Virginia</b>		X	<ul style="list-style-type: none"> <li>» The medical cannabis law does not address employers' rights or obligations.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>Washington</b>	X	X	<ul style="list-style-type: none"> <li>» The recreational cannabis law does not address employers' rights or obligations.</li> <li>» The medical cannabis law states that it does not require employers to allow employees to use medical cannabis at work.</li> <li>» The medical cannabis law states that it allows employers to have drug-free work policies.</li> <li>» The medical cannabis law states that it does not require employers to accommodate medical cannabis if the employer has a drug-free workplace.</li> <li>» A court case held that an employee cannot sue for wrongful discharge under the medical cannabis law itself or as a violation of public policy.</li> <li>» The state has not specified whether employers are required to accommodate cannabis use under <b>other</b> state laws, such as the state disability discrimination law.</li> </ul>
<b>West Virginia</b>		X	<ul style="list-style-type: none"> <li>» Employers may not discriminate against or discipline an applicant or employee based solely on their status as a medical cannabis patient.</li> <li>» The medical cannabis law states that it does not require employers to allow employees to use medical cannabis at work.</li> <li>» The medical cannabis law states that it does not prohibit employers from disciplining employees for being under the influence of medical cannabis at or during work when the employee's conduct falls below the standard of care normally accepted for that position.</li> <li>» The medical cannabis law states that it allows employers to prohibit employees from performing any duty that could result in a public health or safety risk while under the influence of cannabis.</li> <li>» The medical cannabis law states that it does not require employers to violate federal law.</li> <li>» The state has not specified whether employers have any additional obligations under <b>other</b> state laws, such as the state's disability discrimination law.</li> </ul>
<b>Wisconsin</b>		X	Wisconsin does not have legal recreational or medical cannabis, except CBD oil with low THC levels. The law does not address employers' rights or obligations.
<b>Wyoming</b>		X	Wyoming does not have legal recreational or medical cannabis, except certain CBD products with low levels of THC. The law does not address employers' rights or obligations.