

PUBLICATION

Cannabis Users Getting Greater Employment Protections in Some States

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New Jersey recently legalized the recreational use of marijuana and, at the same time, implemented protections for the use of cannabis products. New Jersey's new law will still allow employers to perform drug screenings of employees and applicants but requires heightened procedures in doing so, including a physical evaluation of the employee's state of impairment by an expert.

California is also considering a bill that would provide protections to employees legally using marijuana in the state. Assembly Bill No. 1256, if passed, will make it unlawful discrimination for California employers to refuse to hire or to terminate an employee based on a positive drug screen for tetrahydrocannabinol (THC). While there are some exceptions to each of these laws, employers should be cognizant of the ever-changing landscape of employee protections related to marijuana usage and the need to shape their drug testing protocols on a state-by-state basis.