



INSURANCE BROKERAGE

Published on VANTREO (<https://www.vantreo.com>)

[Home](#) > Legalized Marijuana: Off-duty Use and Drug Testing

---

## Legalized Marijuana: Off-duty Use and Drug Testing

While all marijuana use remains illegal under federal law, most states have enacted laws that allow certain uses of marijuana or cannabis, a marijuana derivative. None of these laws place any restrictions on an employer's right to administer drug tests or to prohibit their employees from using or being under the influence of marijuana at work or during work hours.

However, it is not always clear whether an employer may take adverse employment actions against an employee based solely on a positive test for marijuana. As a result, several courts have issued decisions on this issue. These decisions will answer this question for employers in some legalized marijuana states and may be helpful for employers in others.

Below is a quick overview of employer rights and restrictions related to marijuana in the workplace. For a complimentary copy of our [white paper on federal and state marijuana employment laws](#) <sup>[1]</sup> and the court decisions that provide guidance for employers in this area, [reply here](#) <sup>[2]</sup>.

### Highlights

#### STATE MARIJUANA LAWS DO NOT AFFECT EMPLOYERS' RIGHTS TO...

- Prohibit employees from using marijuana at work or during work hours
- Prohibit employees from being under the influence of marijuana at work or during work hours
- Require employees or applicants to undergo drug testing

#### STATE MARIJUANA AND OTHER LAWS MAY...

- Require employers to make reasonable accommodations for an employees' off-duty

marijuana use

- Prohibit employers from discriminating against employees based on off-duty marijuana use
- Impose employer requirements for workplace drug testing policies

## Links and Resources

National Conference of State Legislators' [website](#) [3] on state marijuana laws.

Federal drug testing requirements for [commercial motor vehicle operators](#) [4] and [federal contractors](#) [5].

## Cannabis Risk and Insurance Consultation

Looking for an expert in cannabis risk and insurance? VANCANN, a wholly owned division of VANTREO/Acrisure, delivers broad expertise in risk reduction and insurance protection specifically designed for medical and recreational cannabis operations in states permitting the sale and/or use of cannabis and cannabis products.

VANTREO is here to help. Just let us know how we can be of assistance! Call or, just [Reply here](#) [2].

div#block-block-4 .column { font-size: 11px; margin: 0; }

### CORPORATE MAILING

1901 W Corporate Way  
Ste 1  
Anaheim, CA 92801  
[info@vantreo.com](mailto:info@vantreo.com)  
(800) 967-6543  
Fax (707) 546-2915

### CHICO

**VANTREO**  
2068 Talbert Dr Ste 100  
Chico, CA 95928  
[\(530\) 895-1555](tel:(530)895-1555)

### EUREKA

**Craig Hansen**  
**Insurance Service**

2103 Third Street  
Eureka, CA 95501  
(707) 445-9691

## **SACRAMENTO**

**Benefits Done Right**  
601 University Ave  
Ste 250  
Sacramento, CA 95825  
(916) 891-1889

## **SAN RAFAEL**

**VANTREO**  
851 Irwin St.  
Ste 300  
San Rafael, CA 94901  
(415) 922-2300

## **SANTA MONICA**

**Tegner Miller**  
2001 Wilshire Blvd  
Ste 101  
Santa Monica, CA 90403  
(310) 828-9662

## **SANTA ROSA**

**VANTREO**  
100 Stony Point Rd  
Ste 160  
Santa Rosa, CA 95401  
(707) 546-2300

- 
- 
- 
- 

[Shop SKIM](#)  
[Contact Us](#)  
[Privacy Policy](#)  
[Sitemap](#)



---

**Source URL:** <https://www.vantreo.com/legalized-marijuana-duty-use-and-drug-testing>

### **Links**

[1] <https://files.constantcontact.com/0394c19f001/fd83d6e4-a5b2-4191-9a0e-6ecf78a166a9.pdf>

[2] <mailto:executiveservices@vantreo.com>

[3] <https://www.ncsl.org/bookstore/state-legislatures-magazine/marijuana-deep-dive.aspx>

[4] <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules>

[5] <https://www.samhsa.gov/workplace/legal/federal-laws/contractors-grantees>