

Medical Marijuana and Employment Laws

State	Medical Cannabis Anti-Discrimination Employee Protection (Year)	General Provisions	Medical Cannabis Required Accommodation	Workers' Compensation System and Medical Marijuana
Alabama	No		No	No specific guidance yet.
Alaska	No		No	No specific guidance yet.
Arizona	Yes (2014) Ariz. Rev. Stat. Ann. § 36-2813	<p>Protections against discrimination from a school, landlord, or employer based on status as a registered patient. No employer may discriminate against a person in hiring, termination, or imposing any term or condition of employment or otherwise penalize a person based upon status as a cardholder or a registered patient's positive drug test for marijuana (unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment). These provisions stand unless failing to do so would cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.</p> <p>May not discriminate against a registered patient's authorized use for the purposes of medical care, including organ transplants. Authorized patients may not be denied custody or visitation parenting time with a minor, and there is no presumption of neglect or child endangerment, unless the person's behavior creates a danger to the safety of the minor as established by evidence.</p>	No	Reimbursement is not forbidden or required.

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Arkansas	Yes (2016) Ark. Const. amend. XCVIII, § 3	<p>Protections against discrimination from a business, occupational or professional licensing board or bureau, employer, school, or landlord solely for status as a qualifying patient or designated caregiver unless such action would be in violation of federal law or regulations.</p> <p>Protections against medical discrimination, including for organ transplants. Employers may establish and implement drug free workplace policies that may include drug testing; monitoring or supervising an employee; employee reassignments; placing an employee on paid or unpaid leave; suspending or terminating an employee; requiring an employee to complete a substance abuse program before returning to work; and/or refusing to hire an applicant. Damages for employment discrimination claims are limited. Protections for physicians and pharmacists. Physicians may still be sanctioned by a professional licensing board for not following best practices and standard of care.</p>	No	Reimbursement is not forbidden or required.
California	Yes AB 1288	<p>Bill will take effect January 1, 2024. Prohibits employers from discriminating against a person in hiring, termination, or any term or condition of employment, or otherwise penalizing a person for using marijuana off-the-job and away from the workplace. Prohibits relying on certain drug testing.</p>	No	Reimbursement is not forbidden or required.
Colorado	No HB 22-1152	<p>Introduced bill would have prohibited an employer from taking adverse action against an employee based on medical marijuana use on the premises of the employer during working hours or the use of medical or recreational marijuana outside of work. Employers would have been able to establish restrictions on marijuana use under specified circumstances.</p>	No	Reimbursement is not forbidden or required.

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Connecticut	Yes (2017) Conn. Gen. Stat. Ann. § 21a-408	Qualifying patients, primary caregivers, physicians, advance practice registered nurses, licensed laboratory employees, licensed research programs and their employees, and research program subjects are not subject to arrest, prosecution, or certain other penalties, including disciplinary action from a licensing board for actions legal under the Act. Schools, landlords, and employers may not discriminate based on status as a registered patient or caregiver.	No	Required to reimburse - state Workers' Compensation Commission panel decision.
Delaware	Yes (2020) 16 DE Code § 4903A, 4905A	Protections for qualifying patients, caregivers, health care practitioners, and compassion center employees, etc. from arrest, prosecution, or denial of rights or privileges. No school or landlord may refuse to enroll or lease to a person based on their status as a patient. Discrimination is not allowed for medical care, including organ transplants. Patients are otherwise entitled to custody or visitation may not be denied. Schools, landlords, or employers cannot be penalized for enrolling, leasing to, or employing a cardholder.	No	Reimbursement is not forbidden or required.
District of Columbia	Yes (2019) D.C. Law 2-139; D.C. Official Code § 1-601.01 et seq.	Public employers may not discriminate on basis of status of a qualifying patient. A failed drug test may not be used for employment-related decisions unless use is suspected during employment hours.	No	No specific guidance yet.
Florida	No HB 335 (2021)	Introduced bill would have prohibited employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana, provided employee/applicant rights to explain positive test results for marijuana, established procedures for an employee or applicant should that individual test positive.	No	May not reimburse - statute (Florida Statute 381.986(15)(f)) and court order.
Hawaii	Yes (2016) HI Rev Stat § 329-125.5	No school or landlord may discriminate against patients or caregivers. Patient use does not affect medical care, including organ transplants. Patients or caregivers otherwise entitled may not be denied custody, visitation, or parenting time with a minor.	No	No specific guidance yet.

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Illinois	Yes (2019) 410 Ill. Comp. Stat. Ann. 130/25	Qualifying patients, caregivers, certifying health care professionals, registered cultivation centers and their agents, registered dispensing organizations and their agents, are not subject to arrest, prosecution, or denial of any right or privilege when their actions are within the bounds of the Compassionate Use of Medical Cannabis Program.	No	Reimbursement is not forbidden or required.
Louisiana	Yes (2022) HB 98	Public employers may not discriminate based solely on a positive drug test for marijuana if they are a registered patient. Employers are allowed to require drug testing and are not barred from imposing negative consequences on an employee who uses or is impaired by marijuana on the premises of the employer or during work hours.	No	Reimbursement is not forbidden or required.
Maine	Yes (2018) Me. Rev. Stat. tit. 22, § 2430-C	Maine provides discrimination and criminal protections to persons or entities acting pursuant to Maine's medical marijuana act. A school, employer, or landlord may not refuse to enroll, employ, lease, or otherwise penalize someone based on their lawful use of medical marijuana.	No	Reimbursement not required - ME Supreme Court order.
Maryland	No	Maryland law does not prevent an employer from testing for use of cannabis for any reason or taking adverse action against an employee who tests positive for any reason.	No	No specific guidance yet.
Massachusetts	No HB 4966	Introduced bill would have placed limits on employer drug testing and the use of such tests for making decisions about hiring.	No	Reimbursement not required - court order.
Michigan	No		No	Reimbursement is not forbidden or required.

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Minnesota	Yes (2012) Minn. Stat. Ann. § 152.32	Unless a failure 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 may not 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 status as a registered patient or a positive drug test, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during hours of employment.	No	Not required to reimburse - MN Supreme Court order.
Mississippi	No		No	No specific guidance yet.
Missouri	No		No	No specific guidance yet.
Montana	Yes (2022) MCA § 39-2-313	Employer may not refuse to employ or license or discriminate against an employee because the individual legally uses a lawful product off the employer's premises during nonworking hours, unless such use conflicts with a bona fide occupational qualification that is reasonably related to the individual's employment.	No	Reimbursement is not forbidden or required.
Nevada	Yes (2015) Nev. Rev. Stat. Ann. § 613.333	It is unlawful for an employer to fail or refuse to hire a prospective employee or discharge or otherwise discriminate against an employee because the employee engages in lawful use of medical marijuana during nonworking hours, if that use does not adversely affect the employee's ability to perform the job or the safety of other employees. Allows for employees or applicants to bring civil action against employers for discrimination due to lawful use of medical marijuana.	Yes (2019) NRS 453A.800	Reimbursement is not forbidden or required.

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New Hampshire	No		No	May reimburse - court order. Ruled that explicit exclusion would require a statute change.
New Jersey	Yes (2021) N.J. Stat. Ann. § 24:6I-6.1	Protections against adverse employment action solely on the employee's status on the registry. Employees subject to drug testing have opportunity to present a legitimate medical explanation for the positive test result.	No	Required reimbursement - court order.
New Mexico	Yes (2019) Section 26-2B-9 NMSA 1978	Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, it is unlawful to take an adverse employment action against an applicant or an employee based on conduct allowed under the Lynn and Erin Compassionate Use Act. Employers may take adverse action against an employee for using or being impaired on the premises or during the hours of employment, or if the employee works in a safety-sensitive position.	No	Required reimbursement - court order.
New York	Yes (2014) N.Y. Pub. Health Law § 3369	Certified patients, designated caregivers, practitioners, registered organizations and the employees of registered organizations shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for the certified medical use or manufacture of marijuana, or for any other action or conduct in accordance with the law.	No	Required reimbursement - court order. Ruled that explicit exclusion would require a statute change.
North Dakota	No		No	May not reimburse - statute (N.D. Cent. Code § 65-05-08).

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Ohio	No (2021) Ohio Rev. Code Ann. § 3796.28	Statute does not require employers to permit or accommodate employee use, possession, or distribution of medical marijuana. Employers may refuse to hire, discharge, discipline, or otherwise take adverse action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana, in accordance with workplace policies.	No	May not reimburse - state administrative rules.
Oklahoma	Yes (2019) Okla. Stat. Ann. tit. 63, § 427.8	A medical marijuana patient or caregiver in possession of a license shall not be subject to arrest, prosecution or penalty in any manner or denied any right, privilege or public assistance, or disciplinary action by a business, occupational or professional licensing board or bureau, for the medical use of marijuana in accordance with the law. No employer may refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee solely on the basis of applicant's or employee's status as a medical marijuana licensee or a positive test for marijuana unless they are not in possession of a valid license or possession and use occurs at the place of employment, or unless otherwise required by federal law or required to obtain federal funding.	No	No specific guidance yet.
Oregon	No		No	Reimbursement is not forbidden or required.
Pennsylvania	Yes (2016) 35 Pa. Stat. Ann. § 10231.2103	No employer may 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 such employee's status as an individual who is certified to use medical marijuana.	No	Reimbursement is not forbidden or required.
Rhode Island	Yes (2013) 21 R.I. Gen. Laws Ann. § 21-28.6-4	No employer may refuse to employ, or otherwise penalize, a person solely for his or her status as a cardholder, except with respect to use, possession, or being under the influence in the workplace or if undertaking a task under the influence would constitute negligence, malpractice, or jeopardize workplace safety.	No	No specific guidance yet.

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South Dakota	Yes (2021) South Dakota Codified Laws 34-20G-22 et seq.	A registered qualifying patient who uses cannabis for a medical purpose shall be afforded all the same rights under state and local law, as the person would be afforded if the person were solely prescribed a pharmaceutical medication, as it pertains to interactions with employers and drug testing. No employer is required to allow the ingestion of cannabis in any workplace or to allow any employee to work while under the influence of cannabis. No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.	No	Reimbursement is not forbidden or required.
Utah	No		No	Reimbursement is not forbidden or required.
Vermont	18 V.S.A. § 4230a(e)	Employees and job applicants have no cause of action against an employer who discharges them for violation of their drug policy. Employers are not required to permit or accommodate use, possession, etc. or adopt anti-drug policies in the workplace, but employers must accommodate medical marijuana users under state disability discrimination laws (21 V.S.A. § 495).	No	Reimbursement is not forbidden or required.
Virginia	Code of Virginia § 40.1-27.4	Discipline or discrimination based on an employee's medicinal use of cannabis oil is not permitted. Employers may take adverse action due to an employee's use during work hours and can prohibit possession on the premises.	No	No specific guidance yet.
Washington	No		No	May not reimburse - state administrative rules (WAC 296-20-03010).
West Virginia	Yes (2017) W. Va. Code Ann. § 16A-15-4	No employer may 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 such employee's status as an individual who is certified to use medical cannabis.	No	No specific guidance yet.