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Nevada Bans Discrimination Over Cannabis Use

In January 2020, Nevada will become the first state to bar employers from refusing to hire a prospective employee due to a positive drug test for cannabis. The new law carves out some exceptions for employees who operate a motor vehicle or whose cannabis use could adversely impact the safety of others but protects all other job applicants.

Similarly, the New York City Council passed a bill in April that bars employers from requiring job applicants to pass a drug test for cannabis as a condition of employment.

Likewise, while only addressing federal employees, there is pending legislation in Congress that would bar drug-test discrimination by federal agencies in states that have legalized cannabis. The Fairness in Federal Drug Testing Under State Laws Act (HR 1687) seeks to explicitly bar federal agencies from discriminating against workers solely because of their status as a cannabis consumer or due to testing positive for marijuana use on a workplace drug test.

As more states legalize the use of cannabis, there is a growing trend towards preventing discrimination against applicants and workers for the off-duty use of marijuana.

Questions? Contact Stokes Wagner.