



## California - State Specific Information

Information provided is current as of February 1, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

Medical Use	Legalized – 1996 ( <a href="#">Proposition 215</a> )
Recreational Use	Legalized – 2020 ( <a href="#">Proposition 64</a> )
Possession/Personal Use Specifics	<a href="#">Medical marijuana</a> patients are allowed to possess up to 8 ounces of dried cannabis and cultivate up to 6 mature plants for personal use, restricted to private settings, and must have a valid medical marijuana ID card.  For <a href="#">recreational use</a> , adults aged 21 and over can legally possess up to 1 ounce of cannabis or 8 grams of concentrated cannabis and grow up to 6 plants per household. Use is permitted in private residences but prohibited in public places, and driving under the influence of marijuana remains illegal.

### State Regulatory Agency Information

State Regulatory Agency	Department of Cannabis Control - <a href="#">DCC</a>
State Forms (If Applicable)	None Specified

### State Testing Policy

General Information	Effective January 1, 2024, <a href="#">California Assembly Bill 2188</a> limits employers from using urine tests for cannabis metabolites to make employment decisions and shifts focus to tests that better indicate current impairment, such as oral fluid or blood tests. Employers can still conduct drug tests based on reasonable suspicion of impairment but must follow these new legal standards.
Safety Sensitive Positions	In California, with <a href="#">safety-sensitive positions</a> , under AB 2188, employers must use testing methods that reflect current impairment, not just urine tests for cannabis metabolites, even for safety-sensitive roles.
Privacy Laws	Pre-employment drug testing can occur upon a job offer, but they must detect only active, psychoactive THC, not inactive metabolites. January 2024, employers cannot discriminate based on off-duty, off-site cannabis use.

## Recommended Procedures

### Does the state have recommended procedures?

It is always recommended to have a standardized documentation procedures and regular employee evaluations to set clear performance expectations. [Employers can't discriminate](#) based on off-duty cannabis use, they can implement pre-employment tests that detect only active THC. For existing employees, testing is restricted to situations with reasonable suspicion of impairment or specific requirements like safety-sensitive positions. Resources like confidential employee assistance programs (EAPs) are encouraged to address personal issues that might impact workplace safety.

### State Employee Procedures and Policies

California recommends that [private employers](#) create a clear, written drug testing policy covering pre-employment, random, post-accident, and reasonable suspicion testing. Employers should use methods that accurately reflect current impairment, such as oral fluid or blood tests, and apply the policy consistently to avoid discrimination, ensuring confidentiality and legal compliance.

## Protections for Use Outside Workplace/ Work Hours

### Is California a “Right to Weed State”?

A [new California law](#) will prevent most employers from punishing workers who use cannabis away from the job. Employees who are impaired at work can face repercussions, but, in most cases, a mere positive drug test for marijuana will not be a serious issue when the law was implemented in January 2024.

### More Detailed Information

[California Marijuana Employment Antidiscrimination Law](#)

## State Requirements for Drug & Alcohol Testing Program

### Testing policy requirements:

[California Drug Testing Laws](#)

### Main Requirement:

Although drug testing of employees is allowed in California, it may be justified only in very limited and strictly defined circumstances and must show reasonable suspicion.