



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 (Proposition 215)
Recreational Use	Legalized – 2020 (Proposition 64)
Possession/Personal Use Specifics	<u>Legally allowed to possess</u> up to 8 ounces of marijuana each and maintain up to 6 mature plants. Effective 2024, California law shields most workers from punishment for off-duty cannabis use. While workplace impairment remains grounds for action, mere detection of non-psychoactive cannabis metabolites in drug tests won't jeopardize employment, offering new protections for responsible cannabis users.

State Regulatory Agency Information

State Regulatory Agency	Department of Cannabis Control - DCC
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	In California, it must be emphasized that the substance test results are not an end in themselves. They merely provide confirmation of the employee's drug or alcohol abuse. It is recommended to include other evidence such as documentation that shows a pattern of employee behavior.
Safety Sensitive Positions	California law restricts drug testing based on " sensitive positions ." Peace officer positions, explicitly defined by law, and any other role where drug or alcohol use could directly endanger others. Jobs with high trust and responsibility for safety, potential for critical errors due to impairment, and significant independence where mistakes could go unchecked.
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. For existing employees, drug testing is generally prohibited except under specific circumstances, such as reasonable suspicion of impairment.

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's Drug-Free Workplace Act](#) mandates for state contractors, employees, and stakeholders, individuals and entities must publish a clear statement, employees must be informed, in writing, about the complete prohibition or use of controlled substances within the workspace, outlining potential consequences for violating this policy. Implement an ongoing awareness program: Educate employees through regular information sessions about the dangers of drug abuse, the organization's commitment to a drug-free environment, available drug counseling and rehabilitation resources, and potential penalties for workplace drug-related infractions.

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 takes effect in 2024.

More Detailed Information

[California Marijuana Employment Antidiscrimination Law](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:

[Cal. Gov. Code § 12954](#)

Main Requirement:

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