

## Legal Weed, Legal Trouble? Here's How to Stay Ahead.

### Marijuana Legalization Laws: What Your Company Needs to Know (with straight talk you can trust)

Marijuana laws have been evolving faster than your last "mandatory" team-building event, and 2024 was no exception. Companies everywhere are trying to keep up as legislation flies in from every direction. Need a snapshot? We've got you. Four states—Florida, Nebraska, North Dakota, and South Dakota—had marijuana-related measures on the 2024 November ballot. Nebraska was the only one that passed legalization, with 71% of voters saying, "Yep, we want it," despite whispers of potential legal challenges.

The legalization wave keeps rolling, and a recent Gallup poll shows that 70% of U.S. adults now support legal cannabis—a staggering shift from just 33% in 1969. Let's be honest: gone are the days when you could just blanket-test your workforce for everything and call it good. Now, employers are balancing on a tightrope between safety protocols and employee privacy rights.

#### **The 2024 Breakdown of Key States (and a Glimpse at 2025)**

##### **California**

- **2024:** AB 2188 prohibits discriminating against off-the-clock cannabis use unless you're in a safety-sensitive role.
  - **2025 Watch:** Tighter regulations on testing methods and non-safety-sensitive roles are looming.
- Resource: [California Legislative Information](#)

## Colorado

- **2024:** Protects employees under the "Lawful Off-Duty Activities Statute."
- **2025:** Potential expansion of protections and stricter definitions of safety-sensitive roles. o  
Resource: [Colorado General Assembly](#)

## Connecticut, Delaware, Maryland, and Minnesota

Each of these states has greenlit recreational marijuana and tightened up workplace protections. If it's legal off-duty, most companies can't touch it—unless job performance takes a hit.

- o Resource: [Connecticut General Assembly](#)
- o Resource: [Delaware General Assembly](#)
- o Resource: [Maryland General Assembly](#)
- o Resource: [Minnesota Legislature](#)

## Missouri, New York, and Rhode Island

Employers can't take action against off-duty cannabis use in these states either, with the usual carve-out for safety-sensitive positions. But watch for court challenges in 2025 that might further define what constitutes "impairment."

- o Resource: [Missouri House of Representatives](#)
- o Resource: [New York State Assembly](#)
- o Resource: [Rhode Island General Assembly](#)

## Washington and D.C.

**2024:** Both have legalized recreational marijuana and prohibits employment discrimination based on off-duty cannabis use, with limited exceptions.

These jurisdictions have some of the strongest off-duty protections for workers. Translation? If your policy's outdated, you're begging for a lawsuit.



## New Kids on the Legal Block

Other cities and states are likely to follow the lead of progressive hubs like New York and Washington. In fact, cities like Philadelphia and Chicago are rumored to be considering additional restrictions on pre-employment drug testing.



## Managing a Drug-Free Workplace in a Legalization Nation

Legal marijuana doesn't mean workplace chaos. Here's how to keep things buttoned up while staying compliant.

- 1. Policy Refresh Time:** o Update your drug screening policy to reflect state-specific laws. Yes, that means different versions for different states if you're national.
- 2. Define Safety-Sensitive Roles:** o Be crystal clear about which roles require stricter rules—like machine operators, healthcare workers, or drivers.
- 3. Impairment Over Detection:** o Shift your focus from "did they use" to "are they impaired." This could mean investing in training for supervisors to spot impairment in real-time.
- 4. Privacy Is Paramount:** o Implement strict protocols to keep drug test results confidential. Nothing says "lawsuit incoming" like loose lips about sensitive employee info.
- 5. Legal Counsel:** o If your legal team hasn't weighed in yet, get them on speed dial. Compliance isn't optional.



## Remote and Mobile Workforces: A Compliance Minefield

- **Remote Workers:** Follow the laws of the state where the employee works. If you're in California, but your employee is in Florida, Florida's rules apply.
- **Mobile Workforces:** Develop a flexible, hybrid policy that accommodates multi-state legal variations. This could mean testing only for federally mandated reasons or narrowly defining job roles that justify random testing.



## Industries with Strict Drug Testing Requirements

- **Department of Transportation (DOT):** Mandatory random drug tests for roles like commercial truck drivers, pilots, and train operators.
- **Healthcare:** Sectors like anesthesiology, surgery, and emergency response have zero tolerance for impairment. Facilities often follow federally mandated testing, regardless of state laws.





## Types of Drug Screening

Drug screening methods have come a long way from the basic "pee-in-a-cup" tests. Companies now have a variety of options, each with its strengths and weaknesses. You've got lab-based tests, which remain the gold standard for accuracy and court defensibility, but they can be time-consuming. Then there are rapid tests, which give near-instant results and are handy for on-site checks. Some companies opt for mailed-in specimen kits, giving remote employees an easy way to comply without visiting a lab. Hair follicle tests provide a longer detection window, while saliva tests are gaining popularity for their convenience and real-time detection of recent use. The key is choosing the right method based on the role and your compliance requirements.



## Why Your Background Screening Partner Matters

Navigating this legal maze is no small feat, and your choice of a background screening partner can make or break your compliance game. CIChecked gets it—whether you're facing New York's toughest regulations or managing a nationwide workforce, we know how to keep you compliant and confident. Our team goes beyond checking boxes; we help you craft policies and processes that work across state lines without the guesswork. With us, you spend less time tangled in legal jargon and more time running your business like a boss.



## About **CIChecked.**



CIChecked™, the evolution of Commercial Investigations, delivers thorough, human-driven background checks that go way beyond surface-level searches. Our licensed investigators dive deep, cross-checking information to unearth discrepancies that can make or break compliance.

We've earned the trust of our clients and the industry, landing a top spot in HRO Today's Baker's Dozen for background screening. What makes us stand out? Our commitment to innovation and results that are complete, current, and compliant—all at a cost that cuts expenses, not corners.

We've got you covered with:

- Identity Verifications
- Criminal, State, and Municipal Background Checks
- Drug Screening
- Cyber Investigations
- Continuous Monitoring
- And more.

When compliance is on the line, CIChecked's meticulous investigative process means you can move forward with confidence—and speed. Don't let confusing regulations and impersonal services hold up your hiring. CIChecked works with you to provide clarity and confidence, empowering you to make the right call so you can move forward with that prospective hire.

