

- California Drug Free Work Place -

Under Proposition 64 the Adult Use of Marijuana Act, employers remain free to test workers for marijuana use before hiring them or at any point during their careers. And if workers test positive, the law says companies can choose to let them go – even if there’s no indication they were actually high on the job.

The courts have held that: No state law could completely legalize marijuana for medical purposes because the drug remains illegal under federal law. An employer can require prospective employees to undergo testing for illegal drugs and alcohol, and the employer can have access to the test results without violating California’s Confidentiality of Medical Information Act (Cal. Civ. Code, § 56 et seq.)

(The law is clear: Nothing in Prop. 64 prohibit an employer from maintaining a drug policy that mandates drug testing, including for marijuana use.)