

JULY 29, 2021 | EVENTS

The State of the Law Regarding Marijuana, Drug Testing and Background Checks [Webinar Recording]

On July 13, 2021, [Dan Deacon](#), [Aaron Gelb](#), and [Ashley D. Mitchell](#) presented a webinar regarding [“The State of the Law Regarding Marijuana, Drug Testing and Background Checks”](#).

The green wave continued to roll through America during 2020, as several new jurisdictions legalized marijuana in some form. However, new regulatory developments regarding medical and recreational marijuana have created a host of compliance concerns for employers. 35 states and the District of Columbia have passed legislation giving medical marijuana usage the green light. Fifteen states and the District of Columbia have legalized recreational marijuana. Several states have also enacted laws making the possession of small amounts of the drug a civil, not criminal, offense. Although marijuana is currently still illegal under federal law, for the first time in fifty years, a bill was introduced in the U.S. House of Representatives to remove marijuana from the Schedule I controlled substances list in the Controlled Substances Act. In sum, it seems to be only a matter of time before marijuana is legalized in some form throughout the entire country. 

This webinar explored the changing legal landscape concerning marijuana, analyzed potential issues related to zero-tolerance policies, and reviewed tips for developing effective drug testing and background check policies. More specifically, participants learned:

- The changing legal landscape regarding medical and recreational marijuana in states around the country and the District of Columbia
- How state marijuana laws affect your federal compliance obligations under the DOT and other agencies
- Which state laws provide explicitly for employee non-discrimination protections
- Whether medical marijuana usage may qualify as a reasonable accommodation under the Americans with Disabilities Act or state disability discrimination laws
- How to address off-duty use of marijuana in states where it is legal
- An overview of both Federal and state background check laws and various state and local nuances
- Tips to conduct a legally compliant background check

We are pleased to share this link to a [copy of the slides](#). If you missed the live webinar, [click here to subscribe to our YouTube channel](#) and access the recording.

This was the 7th regularly scheduled webinar event in Conn Maciel Carey's [2021 Labor and Employment Webinar Series](#). [Click here](#) to view our full schedule, detailed program descriptions, and individual registration pages for all of the webinars in the 2021 Labor and Employment Webinar Series. To register for all of Conn Maciel Carey's Labor and Employment webinars, click [here](#) to send us an email request, and we will register you. If you missed any of our past webinars in our annual Labor and Employment Webinar Series, [click here to subscribe to our YouTube channel](#) and view our webinar archive.



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For resources on issues related to COVID-19, please visit Conn Maciel Carey's [COVID-19 Resource Page](#) for an [extensive index of frequently asked questions](#) with our answers about HR, employment law, and OSHA regulatory developments and guidance, as well as COVID-19 recordkeeping and reporting flow charts. Likewise, subscribe to our [Employer Defense Report](#) blog and [OSHA Defense Report](#) blog for regular updates about the Labor and Employment Law or OSHA implications of COVID-19 in the workplace. Conn Maciel Carey's COVID-19 Task Force is monitoring federal, state, and local developments closely and is continuously updating these blogs and the FAQ page with the latest news and resources for employers.