Medical Cannabis Laws and Employment Protections

Patients who use prescription medicines often have recourse under the Americans with Disabilities Act (ADA) if they are discriminated against for using their medicine. However, courts have found that ADA protections do not apply to medical cannabis since it is federally illegal. Many of the more recent medical cannabis statutes include language intended to prevent employment discrimination against medical cannabis patients.

In 24 of the 40 medical cannabis states, either the medical cannabis law includes protections, or courts or the state Attorney General has indicated there are some protections for employees and/or applicants. The states with some legal protections related to employment are Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia, and West Virginia. In two of them, protections only apply to state and/or local governmental workers — Louisiana and Utah.

The below chart reviews employment protections (or lack thereof) for state-legal medical cannabis patients. In some of the cases, protections apply to all adults, and are part of the adult-use cannabis law.

State	Court Decisions	Statutory Language Providing Protections	Language Limiting Protections
Alabama (no known protections)	None known.	N/A	N/A
Alaska (no known protections)	None known.	N/A	N/A
Arizona (statutory protections)	None known	"B. Unless a failure to do so would cause an employer to lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either: 1. The person's status as a cardholder. 2. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment." — AZ Rev. St. § 36-2813.	The prohibitions on discrimination by employers do not apply if failing to penalize the cardholder would "cause an employer to lose a monetary or licensing related benefit under federal law or regulations." — AZ Rev. St. § 36-2813. The law also does not allow anyone to undertake "any task under the influence of marijuana when doing so would constitute negligence or professional malpractice." — AZ Rev Stat § 36-280 (A) A 2011 law limits liability for employers acting against employees. (Some or all of this law could be thrown out due to the AZ Voter Protection Act.) — AZ Rev Stat § 23-493.06.

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Arkansas (state Constitution protections)	None known.	"An employer shall not discriminate against an individual in hiring, termination, or any term or condition of employment, or otherwise penalize an individual, based upon the individual's past or present status as a qualifying patient or designated caregiver." — Ark. Const., Amend. 98, §3 (3)	"The authorized or protected actions of an employer under this subdivision (f)(3) include without limitation: (i) Implementing, monitoring, or taking measures to assess, supervise, or control the job performance of an employee; (ii) Reassigning an employee to a different position or job duties; (iii) Placing an employee on paid or unpaid leave; (iv) Suspending or terminating an employee; (v) Requiring an employee to successfully complete a substance abuse program before returning to work; (vi) Refusing to hire an applicant ... " — See Ark. Const., Amend. 98, § 3 (3) (C-G) for full text of limitations.
California (statutory protections)	In *Ross v. Ragingwire*, the state Supreme Court ruled that the law at the time did not protect patients from firing for testing positive. Since then, the legislature enacted employment protections..	IEmployers may not fire, refuse to hire, or otherwise penalize workers for a "person's use of cannabis off the job and away from the workplace." They may not take adverse action based on "employer-required drug screening test" that finds "nonpsychoactive cannabis metabolites."	ThThe law "does not apply to" "an employee in the building and construction trades" or "applicants or employees hired for positions that require a federal government background investigation or security clearance." It "does not prohibit an employer from discriminating in hiring, or any term or condition of employment, or otherwise penalize a person based on scientifically valid preemployment drug screening conducted through methods that do not screen for nonpsychoactive cannabis metabolites." — Cal.Gov.Code § 12954
Colorado (no known protections)	In *Coats v. DISH Network*, the Colorado Supreme Court ruled against a paralyzed patient who sued after being terminated for off-hours medical marijuana use.	None known. Mr. Coats' attorney unsuccessfully argued the state's "Lawful Off-Duty Activities Statute," which protects employees from being penalized for legal outside-of-work behavior, protected his medical cannabis use. The court found it did not apply due to federal illegality.	N/A

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Connecticut (statutory protections and favorable case)	*Noffsinger v. SSN Niantic Operating Co. LLC* (D. Conn 2018) found federal law doesn't preempt employee protections.	"No employer may refuse to hire a person or may discharge, penalize or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient or primary caregiver under sections 21a-408 to 21a-408n, inclusive. Nothing in this subdivision shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours." — CT Gen Stat § 21a-408p (3)	The protections from discrimination include an exception for if it is "required by federal law or required to obtain federal funding." CT law does not "restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours." — CT Gen Stat § 31-51y "Nothing in this subdivision shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours."
Delaware (statutory protections)	In December 2018, a Superior Court judge ruled the state's protections weren't preempted by federal law and a fired patient could pursue a lawsuit. (*https://casetext.com/case/chance-v-kraft-heinz-foods-co*)	"Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following: a. The person's status as a cardholder; or b. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment." — 16 Del. C. § 4905A. (3)	The prohibitions on discrimination by employers do not apply if failing to penalize the cardholder would "cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations." — 16 Del. C. § 4905A. (3)
District of Columbia (statutory protections)	None known.	Sec. 102 "(a) An employer may not refuse to hire, terminate from employment, suspend, fail to promote, demote, or penalize an individual based upon: (1) The individual's use of cannabis; (2) The individual's status as a medical cannabis program patient; or (3) The presence of cannabinoid metabolites in the individual's bodily fluids in an employer-required or requested drug test without additional factors indicating impairment pursuant to subsection (b)(4) of this section." — See D.C. Law 24-190	Includes exceptions for if the person is impaired at work, if they work in a "safety-sensitive position "— defined in D.C. Law 24-190 and including "The provision of security services, such as police, special police, and security officers, or the custodianship, handling, or use of weapons, including firearms "— or if adverse action is required by a federal law or regulation, a federal agreement, or a federal contract. — D.C. Law 24-190
Florida (no known protections)	None known.	N/A	N/A

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Hawaii (no known protections)	In *Lambdin v. Marriott Resorts Hospitality Group*, a federal District court ruled in favor of Marriott, which terminated an employee who tested positive for medical marijuana. (2017)	N/A	N/A
Illinois (limited statutory protections)	None known.	"No school, employer, or landlord may refuse to enroll or lease to, or otherwise penalize, a person solely for his or her status as a registered qualifying patient or a registered designated caregiver, unless failing to do so would put the school, employer, or landlord in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules." — 410 ILCS 130/40 (a)(1)	Employers may penalize a person for their status as a patient or caregiver if "failing to do so would put the school, employer, or landlord in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal law or rules." — 410 ILCS 130/40 (a)(1) "(b) Nothing in this Act shall prohibit an employer from enforcing a policy concerning drug testing, zero-tolerance, or a drug free workplace provided the policy is applied in a nondiscriminatory manner." — 410 ILCS 130/50 includes additional language re: limitations, too
Kentucky (no known protections)	None known.	N/A	N/A
Louisiana (statutory protections for state government employees)	None known.	"A. No state employer shall subject an employee or prospective employee to negative employment consequences based solely on a positive drug test for marijuana, marijuana components, including tetrahydrocannabinols, or marijuana metabolites if the employee or prospective employee has been clinically diagnosed as suffering from a debilitating medical condition and a licensed physician has recommended marijuana for therapeutic use by the employee in accordance with R.S. 40:1046." — La. St. 49 § 1016	"B. Subsection A of this Section shall not be construed to prohibit the imposition of negative employment consequences on an employee who uses or is impaired by marijuana on the premises of the employer or during work hours or an employee whose principal responsibility is to operate a state vehicle, maintain a state vehicle, or supervise any employee who drives or maintains a state vehicle. C. The provisions of this Section shall not apply to emergency medical services, law enforcement, public safety officials, any state employee of the horse racing commission, and firefighter services." — La. St. 49 § 1016
Maine (statutory protections)	None known.	"A school, employer or landlord may not refuse to enroll or employ or lease to or otherwise penalize a person solely for that person's status as a qualifying patient or a caregiver unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding." — Maine St. 22 §2430-C (3).	The protections do not apply if they would put a "school, employer, or landlord in violation of federal law or cause it to lose a federal contract or funding." — Maine St. 22 §2430-C (3).

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Massachusetts (favorable case, interpreting the Commonwealth's law re: handicap discrimination)	In *Barbuto v. Advantage Sales and Marketing*, the Supreme Judicial Court of Mass. found the Commonwealth's anti-discrimination law applies to handicapped employees who use medical cannabis. It found the employer has an obligation to provide reasonable accommodation.	None in the Massachusetts medical cannabis law, but the state/Commonwealth's anti-discrimination law applies. It is an "unlawful practice ... [f]or any employer ... to dismiss from employment or refuse to hire ..., because of [her] handicap, any person alleging to be a qualified handicapped person, capable of performing the essential functions of the position involved with reasonable accommodation, unless the employer can demonstrate that the accommodation required to be made to the physical or mental limitations of the person would impose an undue hardship to the employer's business." — Mass. Gen. Laws c. 151B, § 4	N/A
Michigan (unfavorable case ruling no statutory protections)	In *Casias vs. Wal-Mart*, the U.S. Court of Appeals for the Sixth District ruled against a registered medical marijuana patient who sued Wal-Mart for terminating his employment for testing positive for marijuana.	N/A	N/A
Minnesota (statutory protections)	None known.	"(c) Unless a failure to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person, if the discrimination is based upon either of the following: (1) the person's status as a patient enrolled in the registry program ... ; or (2) a patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment or during the hours of employment.." — Minn. Stat. § 152.32 Subd. 3(c)(1).	The law does not require accommodation if it would violate federal law or regulations or "use an employer to lose a monetary or licensing-related benefit under federal law or regulation." — Minn. Stat. § 152.32 Subd. 3(c)(1).
Mississippi (no known protections)	None known.	N/A	N/A

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Missouri (state constitutional protections)	None known.	"(15) Unless a failure to do so would cause an employer to lose a monetary or licensing-related benefit under federal law, an employer may not discriminate against a person in hiring, termination or any term or condition of employment or otherwise penalize a person, if the discrimination is based upon either of the following: (a) The person's status as a qualifying patient or primary caregiver who has a valid identification card, including the person's legal use of a lawful marijuana product off the employer's premises during nonworking hours, unless the person was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment; or (b) A positive drug test for marijuana components or metabolites of a person who has a valid qualifying patient identification card, unless the person used, possessed, or was under the influence of medical marijuana on the premises of the place of employment or during the hours of employment." — Missouri Const. Amend. 3, 2022	"Nothing in this subdivision shall apply to an employee in a position in which legal use of a lawful marijuana product affects in any manner a person's ability to perform job-related employment responsibilities or the safety of others, or conflicts with a bona fide occupational qualification that is reasonably related to the person's employment." — Missouri Const. Amend. 3, 2022
Montana (statutory protections)	The only known decision predated the statutory protections and was a memorandum opinion, which is not binding precedent in Montana. (*Johnson v. Columbia Falls Aluminum.*)	"(1) For purposes of this section, "lawful product" means a product that is legally consumed, used, or enjoyed and includes food, beverages, tobacco, and marijuana. (2) Except as provided in subsections (3) and (4), an employer may not refuse to employ or license and may not discriminate against an individual with respect to compensation, promotion, or the terms, conditions, or privileges of employment because the individual legally uses a lawful product off the employer's premises during nonworking hours." — M.C.A. § 39-2-313	The prohibition on discrimination "does not apply to: (a) use of a lawful product, that: (i) affects in any manner an individual's ability to perform job-related employment responsibilities or the safety of other employees; or (ii) conflicts with a bona fide occupational qualification that is reasonably related to the individual's employment; (b) an individual who, on a personal basis, has a professional service contract with an employer and the unique nature of the services provided authorizes the employer, as part of the service contract, to limit the use of certain products; or (c) an employer that is a nonprofit organization that, as one of its primary purposes or objectives, discourages the use of one or more lawful products by the general public." — See M.C.A. § 39-2-313 for additional exceptions

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Nevada (statutory protections and a favorable case)	In 2002, a court found there was a private right of action for a violation of the NRS 678C.850 (3) — employers must make reasonable accommodations for off-site, off-hours cannabis use by medical cannabis patients. (*Freeman Expositions, LLC v. Eighth Judicial District Court*)	"The provisions of this chapter do not: ... 3. Except as otherwise provided in subsection 4, require an employer to modify the job or working conditions of a person who engages in the medical use of cannabis that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of cannabis if the employee holds a valid registry identification card, provided that such reasonable accommodation would not: [see next column] — NRS 678C.850	[See prior column, accommodation is not required if it would]: " (a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or (b) Prohibit the employee from fulfilling any and all of his or her job responsibilities. 4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of cannabis. 5. As used in this section, "law enforcement agency" means: (a) The Office of the Attorney General, the office of a district attorney within this State or the Nevada Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the Nevada Gaming Control Board; or (b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency." — NRS 678C.850
Nebraska	None known.	No explicit protections in the medical cannabis law.	
New Hampshire (favorable case)	A former employee sued Ride-Away for failing to make reasonable accommodations for his disability (he used medical cannabis for PTSD during non-work hours). A trial court ruled against Mr. Paine arguing that, "the use of therapeutic cannabis prescribed in accordance with New Hampshire law cannot, as a matter of law, be a reasonable accommodation for an employee's disability," but the ruling was reversed and remanded by the state Supreme Court in 2022. (*Paine v. Ride-Away, Inc.*)	No clear statutory protections in the medical cannabis act. However, the Supreme Court found the use of therapeutic cannabis could be entitled to reasonable accommodation under New Hampshire's Law Against Discrimination. — RSA chapter 354-A	The law does not require "any accommodation of the therapeutic use of cannabis on the property or premises of any place of employment." — N.H. Rev. Stat. § 126-X:3, III (c)
New Jersey (statutory protections for both medical and adult-use)	None known subsequent to clearer anti-discrimination protections being added.	"(a)(1) No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because that person does or does not smoke, vape, aerosolize or otherwise use cannabis items, and an employee shall not be subject to any adverse action by an employer solely due to the presence of cannabinoid metabolites in the employee's bodily fluid from engaging in conduct permitted under P.L.2021, c.16" — See N.J. Stat. § 24:6I-52 for full text.	"(a)(1) .. However, an employer may require an employee to undergo a drug test upon reasonable suspicion of an employee's usage of a cannabis item while engaged in the performance of the employee's work responsibilities, or upon finding any observable signs of intoxication related to usage of a cannabis item, or following a work-related accident subject to investigation by the employer. A drug test may also be done randomly by the employer, or as part of a pre-employment screening, or regular screening of current employees to determine use during an employee's prescribed work hours." — See N.J. Stat. § 24:6I-52 for more.

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New Mexico (statutory protections)	No reported decisions since explicit protections were enacted in 2019. A nurse sued after his employer, Valleywise Medical Center, said he would not be allowed to use medical cannabis. In 2020, the hospital modified its drug policy, allowing state-legal medical cannabis use.	"A. Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, it is unlawful to take an adverse employment action against an applicant or an employee based on conduct allowed under the Lynn and Erin Compassionate Use Act." — N.M. Stat § 26-2B-9	The employment protections do not "apply to an employee whose employer deems that the employee works in a safety-sensitive position." — N.M. Stat § 26-2B-9 (B)(2)
New York (statutory protections for both medical and adult-use)	None known.	"Being a certified patient shall be deemed to be having a 'disability' under [sections of law including NY's non-discrimination law] ..." — N.Y. Pub. Health L. §3369 (2). NY's legalization law amended the state's lawful off-duty conduct statute to protect "an individual's legal use of consumable products, including cannabis in accordance with state law, prior to the beginning or after the conclusion of the employee's work hours, and off of the employer's premises and without use of the employer's equipment or other property" — N.Y. Lab. Law § 201-D	"This subdivision [continuing from the medical text in the prior column] shall not bar the enforcement of a policy prohibiting an employee from performing his or her employment duties while impaired by a controlled substance. This subdivision shall not require any person or entity to do any act that would put the person or entity in violation of federal law or cause it to lose a federal contract or funding." — N.Y. Pub. Health L. §3369 (2).
North Dakota (no known protections)	None known.	N/A	N/A
Ohio (no clear protections or favorable cases)	None known.	N/A	N/A
Oklahoma (statutory protections)	None known.	"H. .... 1. No employer may refuse to hire, discipline, discharge or otherwise penalize an applicant or employee solely on the basis of such applicant's or employee's status as a medical marijuana licensee; and 2. No employer may refuse to hire, discipline, discharge or otherwise penalize an applicant or employee solely on the basis of a positive test for marijuana components or metabolites, unless: [see next column]" — 63 OK Stat § 63-427.8	The protections do not apply if "otherwise required by federal law or required to obtain federal funding" or ".the applicant or employee is not in possession of a valid medical marijuana license, b.the licensee possesses, consumes or is under the influence of medical marijuana or medical marijuana product while at the place of employment or during the fulfillment of employment obligations, or c.the position is one involving safety-sensitive job duties, as such term is defined in subsection K of this section." — See 63 OK Stat § 63-427.8 for full text and definition of safety-sensitive.
Oregon (no known protections, unfavorable court decision)	In 2010, the state Supreme Court ruled in *Emerald Steel v. BOLI* that patients are not protected from being fired for testing positive for metabolites.	N/A	N/A

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Pennsylvania (limited statutory protections and favorable case)	In 2019, the Court of Common Pleas of Lackawanna County ruled the state's medical cannabis law includes an implicit right of action for wrongful termination and allowed a patient's lawsuit to proceed. *(Pamela Palmiter v. Commonwealth Health Systems Inc., et al.)*	"(1) No employer may discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location or privileges solely on the basis of such employee's status as an individual who is certified to use medical marijuana." — 35 P.S. Health and Safety § 10231.2103 (b)(1)	"Nothing in this act shall require an employer to commit any act that would put the employer or any person acting on its behalf in violation of Federal law." — 35 P.S. Health & Safety § 10231.2103 (b)(3) "A patient may not perform any employment duties at heights or in confined spaces, including, but not limited to, mining while under the influence of medical marijuana." Sets a 10 ml/nanogram limit for THC of blood for certain hazardous activities and creates other limitations. — See 35 Pa. Stat. § 10231.510
Rhode Island (statutory for adult-use and medical and a court decision)	In *Callaghan v. Darlington Fabrics Corp.*, the Superior Court ruled an employer could not refuse to hire an intern who was a state-legal medical marijuana patient even if she wouldn't pass a drug test.	"No school, employer, or landlord may refuse to enroll, employ, or lease to or otherwise penalize a person solely for his or her status as a cardholder." — RI Gen L § 21-28.6-4 (d) The adult-use law provides that, unless an exception applies, an employer shall not fire or take disciplinary action against an employee solely for an employee's private, lawful use of cannabis outside the workplace and as long as the employee has not and is not working under the influence of cannabis. — R.I. G.L 21-28.11-29 (d)	The adult-use law includes exceptions for if "such use is prohibited pursuant to the terms of a collective bargaining agreement" and when mandated by federal law, licensing, or contracts. For safety-sensitive positions, employers can prohibit cannabis use 24 hours prior to work. — See R.I. G.L 21-28.11-29 (d-e) for full text
South Dakota (statutory protections)	None known.	"Except as provided in this chapter, a registered qualifying patient who uses cannabis for a medical purpose shall be afforded all the same rights under state and local law, as the person would be afforded if the person were solely prescribed a pharmaceutical medication, as it pertains to: (1) Any interaction with a person's employer; (2) Drug testing by a person's employer; or (3) Drug testing required by any state or local law, agency, or government official." — SDCL § 34-20G-22	"The rights provided by §§ 34-20G-19 to 34-20G-25, inclusive, do not apply to the extent that they conflict with an employer's obligations under federal law or regulation or to the extent that they would disqualify an employer from a monetary or licensing-related benefit under federal law or regulation." — SDCL § 34-20G-23 "Nothing in this section prohibits adverse employment action, based solely on a positive test result for cannabis metabolites, if the person is employed in a safety-sensitive job. Nothing in this section prohibits an employer from refusing to hire a person, based solely on a positive test result for cannabis metabolites, if the person is seeking employment in a safety-sensitive job." — SDCL § 34-20G-22
Texas (no known protections)	None known.	N/A	

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Utah (statutory protections for state and local gvt employees)	None known.	"(a)Notwithstanding any other provision of law and except as provided in Subsection (2)(b), the state or any political subdivision shall treat: (i) an employee's use of medical cannabis in accordance with this chapter or Section 58-37-3.7 in the same way the state or political subdivision treats employee use of any prescribed controlled substance; and (ii) an employee's status as a medical cannabis cardholder or an employee's medical cannabis recommendation from a qualified medical provider or limited provider in the same way the state or political subdivision treats an employee's prescriptions for any prescribed controlled substance. (b)"A state or political subdivision employee who has a valid medical cannabis card is not subject to retaliatory action, as that term is defined in Section 67-19a-101, for failing a drug test due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or otherwise adversely affected in the employee's job performance due to the use of medical cannabis." — U.C.A. 1953 § 26-61a-111(2)	"(c) Subsections (2)(a) and (b) do not apply: (i) where the application of Subsection (2)(a) or (b) would jeopardize federal funding, a federal security clearance, or any other federal background determination required for the employee's position; (ii) if the employee's position is dependent on a license or peace officer certification that is subject to federal regulations, including 18 U.S.C. Sec. 922(g)(3); or (iii) if an employee described in Subsections 34A-2-102(1)(h)(ii) through (vi) uses medical cannabis during the 12 hours immediately preceding the employee's shift or during the employee's shift." — U.C.A. 1953 § 26-61a-111(2)(b)
Vermont (AG opinion protected by Vt's Fair Employment Practices Act)	None known, but see next column.	Not in the medical cannabis law. However, in 2018, Vermont's Attorney General issued a guide saying medical cannabis patients with a disability (as defined by the ADA) are protected under Vermont's Fair Employment Practices Act. In addition, Vermont law restricts the circumstances in which employers may drug test.	N/A

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Virginia (statutory protections)	None known.	"B. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 54.1-3408.3." — VA Code Ann. § 40.1-27.4 . "'Employer' ... includes the Commonwealth, any county, city, town, or other political subdivision thereof, and any agency of the Commonwealth or such county, city, town, or political subdivision."	Does not "restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer... to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test." —VA Code Ann. § 40.1-27.4
Washington (statutory protections for job applicants)	In 2011, the Washington State Supreme Court ruled in favor of an employer who was sued after terminating a medical marijuana patient (*Roe v. Teletech Customer Care Management*).	Not yet codified, was SB 5123 (2023). "(1) It is unlawful for an employer to discriminate against a person in the initial hiring for employment if the discrimination is based upon: (a) The person's use of cannabis off the job and away from the workplace; or b) An employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids."	"(2) Nothing in this section: (a) Prohibits an employer from basing initial hiring decisions on scientifically valid drug screening conducted through methods that do not screen for nonpsychoactive cannabis metabolites; (b) Affects the rights or obligations of an employer to maintain a drug and alcohol free workplace, or any other rights or obligations of an employer required by federal law or regulation; or (c) Applies to testing for controlled substances other than preemployment, such as postaccident testing or testing because of a suspicion of impairment or being under the influence of alcohol, controlled substances, medications, or other substances. (3) This section does not apply to an applicant seeking: [the following positions: corrections officers, airline or aerospace industries jobs, most law enforcement positions, fire-protection and department positions, first responders, 911 dispatchers, jobs requiring a federal government background investigation or security clearance, or "a safety sensitive position for which impairment while working presents a substantial risk of death."

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West Virginia (statutory protections)	None known.	"(1) No employer may discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location or privileges solely on the basis of such employee's status as an individual who is certified to use medical cannabis." —W. Va. Code, § 16A-15-4 (b)	"(3) Nothing in this act shall require an employer to commit any act that would put the employer or any person acting on its behalf in violation of federal law." — W. Va. Code, § 16A-15-4 (b)