



# SUPPORT CANNABIS CONSUMERS' FREEDOM TO WORK

One in five Americans admit to having used cannabis in the past year, and 54% of Americans live in a state where cannabis is legal for adults. Yet, large numbers of employers continue to shut cannabis consumers out of jobs. States are increasingly moving to protect patients' and consumers' right to work, provided they don't work while impaired.



- **Drug testing for cannabis is an ineffective approach to workplace safety.** Because THC and its metabolites stay in one's system long after the last use, drug tests result in completely sober, capable workers losing their jobs for having used cannabis days or weeks earlier. These policies also push people to use far more addictive and dangerous substances, including opioids, painkillers, and alcohol.
- **Numerous studies have found no increased risk of workplace accidents among cannabis consumers compared to non-cannabis consuming peers.** As the prestigious National Academy of Sciences found, "There is no evidence to support a statistical association between cannabis use and occupational accidents or injuries."
- **Performance testing is a better approach.** Urine testing doesn't detect workers who are impaired by hangovers, fatigue, grief, or a myriad of other factors. Employers with a safety-sensitive workforce should shift to performance-based tests, such as the Alert Meter which can detect workers who are unable to safely perform regardless of the cause.
- **States are increasingly acting to ensure workers don't lose their jobs for cannabis.** At least nine of the 24 legalization states – California, Connecticut, Nevada, New Jersey, New York, Minnesota, Montana, Rhode Island, and Washington – have some employment protections for adult-use cannabis consumers. And 27 of the 41 medical cannabis states have some employment protections. These laws only apply to off-hours cannabis use. Every state allows employers to fire workers who are impaired at work.
- **With federal rescheduling, the Americans with Disabilities Act should protect patients.** For years, federal law ignored the reality that medical cannabis helps patients and is safer than opioids and other Schedule II prescriptions. In April 2026, that changed. This means patients should be able to avail themselves of ADA protections. However, unless and until there is a binding court ruling, many employers will continue with their policy of not hiring or firing workers for testing positive for having used cannabis days or weeks earlier.