

E-ALERT: New York City Bans Pre-Employment Drug Testing for Marijuana



Background

The New York City Council has passed a groundbreaking new bill that prohibits pre-employment drug testing for the presence of marijuana or tetrahydrocannabinols (THC), the chemical responsible for most of marijuana's psychological effects. The law takes effect on May 10, 2020, and employers will have one year to comply, by May 10, 2021, including updating their policies and procedures.

Summary

The law prohibits all New York City employers from requiring prospective employees to submit to a drug test for marijuana or THC. The law, however, would not prohibit employers from drug testing current employees for marijuana.

The exceptions under the law include high risk or otherwise safety-sensitive positions, including:

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- Law enforcement positions;
- Laborers, mechanics, workers, contractors, or those working in a public work site;
- Employees working in compliance with New York City building codes;
- Any driver with a commercial driver's license;
- Any position supervising or caring for children, medical patients, or vulnerable persons;
- Any position that could significantly impact the health or safety of employees or the public; or
- Any exclusion in accordance with state or federal departments of transportation, federal contracts, state or federal statutes, or collective bargaining agreements.

Employer Next Steps

- New York City employers who conduct pre-employment drug testing should work with their drug-testing provider to ensure compliance with this new law beginning on May 10, 2020.
- New York City employers should review their handbook and drug-testing policy to ensure compliance with this new law.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your handbook and drug-testing policy, please [email us](#).
- If you are interested in learning more about our preferred drug-testing vendor, Verified First, please [contact us](#).

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