



## Matthew Scully and Diamond Stewart Discuss The Evolution of Marijuana Laws in the Remote Workplace

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An article titled "Exploring the Evolution of Marijuana Laws in the Remote Workplace" written by Partner Matthew Scully and Staff Attorney Diamond Stewart was published in Corporate Counsel.

Excerpt from the article:

"Hiring employees to work remotely in states with recreational marijuana laws can raise complex issues. An employer who hires an employee in a state with recreational marijuana laws should ensure that its hiring practices align with state law.

For example, if a business is located in Alabama (where there are currently no recreational marijuana laws in place), but the employer hires a remote worker based in Connecticut where certain recreational marijuana use is legal, the employer will need to re-examine hiring policies and practices to ensure consistency with Connecticut laws. For example, effective in 2022 in Connecticut, a positive drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol (a specified metabolite formed in the body after marijuana is consumed) cannot be the only basis for refusing to hire a prospective employee unless the test was for a prospective employee with a conditional job offer and the employer explicitly established in its policy that a positive test result for this substance may result in adverse employment action.

As another example, employers must check specific drug testing and pre-screening laws in states where they hire employees. For example, Nevada enacted a law that prohibits employers from

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refusing to hire prospective employees for positive marijuana tests. Additionally, New York City and Philadelphia have passed laws prohibiting employers from testing most prospective employees for marijuana.

To comply with these laws, employers must not only be aware of them but have policies that address each state's specific requirements and ensure that the managers and personnel involved in the hiring process know and understand them."

To read more on this and hear their advice on this topic, [click here to read the full article](#).