

## **New York City Bans Pre-Employment Marijuana Testing**

Written by Emily Nash, Christopher Feudo, Jonathan A. Keselenko

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On Sunday, May 10, 2020, a groundbreaking New York City law went into effect prohibiting most employers from requiring job applicants to submit to marijuana or tetrahydrocannabinols (THC) tests during the hiring process. The New York City Council passed the measure 40-to-4 in April 2019, establishing that requiring such testing as a condition of employment constituted an unlawful discriminatory practice, even as marijuana was (and remains) illegal in the state.

The law applies to public and private employers in New York City, including companies with headquarters elsewhere. Certain positions are exempt from the ban, however, including police officers and law enforcement, positions caring for children or medical patients, certain construction positions, and roles requiring a commercial driver's license. Additionally, the law does not supersede drug testing requirements established in contracts between federal or employers and contractors or collective bargaining agreements. Also, the law does not bar marijuana testing of current employees, nor does it limit an employer's right to discipline employees for bringing marijuana or THC to the workplace.

Employers with a New York City presence should review their drug testing policies and procedures to make sure their hiring practices comply with the City's new law.

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