

# EMPLOYMENT LAW ALERT



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## **ATTENTION EMPLOYERS** **NYC BANS PRE-EMPLOYMENT DRUG TESTING FOR MARIJUANA**

As of May 10, 2020 most employers in New York City will no longer be permitted to require job applicants, as a condition of employment, to submit to testing for marijuana or its active ingredient, tetrahydrocannabinols (THC). The trailblazing legislation - the first of its kind in the United States – was passed by the NYC City Council on April 9, 2019 and became law 30 days later when Mayor de Blasio failed to sign or veto the bill, despite having been widely anticipated to give his approval.

The prohibition on drug testing does not apply to existing employees and provides several exceptions allowing pre-employment testing of:

- Applicants for certain safety and security sensitive jobs, such as police officers and certain other law enforcement or investigative positions, certain construction and maintenance jobs, positions requiring a commercial driver's license, positions requiring the supervision or care of children, medical patients or certain vulnerable persons identified under the Social Services Law, or "any position with the potential to significantly impact the health or safety of employees or members of the public"; and
- Applicants for positions for which testing is otherwise required or regulated by the U.S. Department of Transportation, federal contracts or grants, federal or state statute, regulation or order, or the terms of collective bargaining agreements.

The law requires the New York City Commission on Human Rights to promulgate rules. NYC will update employers once those rules are published.

[CLICK HERE](#) if you have any questions on this new ban or would like guidance in reviewing and revising your drug-testing and hiring policies to ensure compliance.

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