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Drug Testing at Work: Are Businesses Using Non-THC Drug Tests?

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Over the past few years, the acceptance and use of marijuana has skyrocketed. Not surprisingly, today, most states have legalized medical marijuana, and many have even legalized the use of the drug recreationally.

Because of this, many companies have been tossing out their “zero tolerance” policies, allowing their employees to use it, but many still hold on to that ideology, which can lead to anxiety in those who use the drug for both medical and recreational activities.

Despite the legalization of marijuana, many people fear being fired if they test positive for cannabis with random drug testing at work. So, this begs many questions, such as whether a marijuana user is legally protected and if companies nationwide are still checking for THC use in drug tests.

Are Recreational and Medical Marijuana Users Legally Protected in the Workplace?

Marijuana is still illegal federally, however, around 30 states have already legalized it on the state level, and around half of those have laws in place that protect marijuana use for medicinal purposes.

In many states, such as California and Illinois, there are laws in place that protect medical marijuana users from being discriminated against if they test positive for cannabis. To be protected, though, a user must present a card that declares and specifies their medical exemption.

However, these laws only protect a user if they partake in using marijuana *outside* the workplace. That means if they are found to be under the influence *while* at work, their employer reserves the right to fire them, especially if the user poses a major safety risk.

In terms of recreational use of marijuana, although it is now legal in states like Washington and Michigan, it still does not protect an employee from being fired. These laws leave the decision up to the employers, which means that anyone who uses marijuana recreationally is still at risk for termination.

How Have Companies Reacted to the Legalization of Marijuana? And Are They Still Testing for THC?

One of the biggest priorities (and challenges) a company faces is to keep up with the times. Now that marijuana is legal in most states, employers and companies across the country have been updating their drug policies to stay current.

For most users, this is great news; now that companies have been 86-ing their no tolerance drug policies, this means they are now more open to hiring new talent even if they have tested positive for marijuana and do not fire an employee if they test positive for it, as well. With these new guidelines, users can continue to use marijuana recreationally and for medicinal purposes without fear of losing their livelihood.

However, the repercussions also depend on what exactly an employee tests positive for. When it comes to marijuana, it is the component called tetrahydrocannabinol (THC) that makes a person inebriated. This interferes with the ability to react to situations, can cause disengagement, drowsiness, and so on. On the other hand, there is another type of chemical found in both marijuana and hemp called cannabidiol (CBD), which is known for its anti-inflammatory and medical properties. CBD does not interfere with a person's state of mind, rather, it treats inflammation and can significantly decrease pain, seizures, and it is a common part of treatment to control many other medical conditions.

So, while THC can often negatively impact a person's ability to function purposefully in the workplace, CBD can be the reason why an individual can function at work at all. Also, CBD, which typically comes in an oil or supplement, is legal federally, which means anyone can take advantage of its benefits without facing consequences.

Even though THC can have serious side effects, if a person uses a product containing marijuana outside of work, most companies will let it slide; it only matters if the THC affects them by raising issues at work. Because of this, some employers have started using drug testing options that do not check for THC. Fortunately, there are many drug testing brands that provide accurate drug testing options which confirm the use of other drugs, which means marijuana users don't have to worry about false positives.

However, this is not the case for every company, especially for those with high profiles or dangerous work environments. Employers generally expect the best production from their employees regardless of the THC factor, which means if an employee is a marijuana user and is not performing well or causes (or nearly causes) an accident, for legal protection, the company may decide to let that employee go for the safety and health betterment of the company and other employees.

Overall, whether a company [tests for THC](#) depends heavily on both state laws and the company's drug testing protocols; however, at this point, most employers still opt to be aware of THC use even if they choose not to use it as a hiring or firing factor.

Image:  Proxyclick Visitor Management System

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