

# Coming Soon: No Pre-Employment Marijuana Testing in New York City

April 24, 2019

Following its usual approach of lifting employment restrictions in the five boroughs, on April 9, 2019 the New York City Council approved legislation that will prevent employers from conducting pre-employment screens for tetrahydrocannabinols, commonly known as THC, the active ingredient in marijuana. The bill was sent to Mayor Bill de Blasio, who is expected to sign it into law.

While the law will apply to most private employers operating in New York City, there will be some exceptions. The bill carves out specific positions that can still be tested for THC prior to employment, including (1) positions requiring a commercial driver's license, (2) positions supervising children, medical patients, or vulnerable persons, as defined by law, (3) positions where testing is required by federal law for purposes of safety and security, and (4) positions where an employer is subject to a collective bargaining agreement regarding pre-employment testing, among others.

It's also important to focus on what this law does not do. It does not prohibit employers from testing current employees for THC. And most importantly, according to NYC Public Advocate Jumaane Williams, it does not allow anyone to come to work impaired.

If Mayor de Blasio signs the bill into law it will go into effect in one year.

Employers should begin looking at their pre-employment screening and on-boarding process now to ensure they will be in compliance when the law comes into effect. If employers use outside vendors to process pre-employment drug screens, they should ensure the vendor is aware of the new legislation and is prepared to remove THC screening from its typical screening procedures should the law come into effect.