



What is in the Law

Employer

Overview

On March 31, 2021, New York State legalized adult-use cannabis (also known as marijuana, or recreational marijuana) by passing the Marijuana Regulation & Taxation Act (MRTA). The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law. Employers are required to adhere to standards established in the MRTA. The law is not intended to limit the authority of an employer to establish policies and procedures prohibiting employees from being impaired by cannabis in the workplace, and employers are not required to engage in any conduct that would otherwise violate federal law or cause the employer to lose federal funding.

The information below is a collection of key provisions from the MRTA which impact employers and workplace conduct. For additional information or to contact the Office of Cannabis Management, please visit our website at: www.cannabis.ny.gov or e-mail us at: info@ocm.ny.gov.

Workplace Policies

Employers may create policies which prohibit employees from performing employment duties while impaired by cannabis.

Protections for Medical Use

Employees certified as patients in the Medical Cannabis Program must be treated as having a “disability” and are protected from discriminatory action based solely on their status as medical cannabis patients.

Unlawful Employer Conduct

Pursuant to Section 201-d of the Labor Law, it is unlawful for an employer to refuse to hire, employ, or license someone, or to discharge an employee or otherwise discriminate against an individual in compensation, promotion or terms, conditions or privileges of employment, as a result of an individual’s use of cannabis in accordance with state law outside of work hours, off of the employer’s premises, and without use of the employer’s equipment or other property.

Lawful Employer Conduct

Employers can prohibit an employee from engaging in cannabis use and take action related to the use of cannabis, under the following circumstances:

- Where an employer is required to do so by state or federal statute, regulation, ordinance, or other state or federal government mandate.
- Where an employee is impaired by the use of cannabis while working and such impairment decreases or lessens the employee’s performance, or interferes with an employer’s obligation to provide a safe and healthy workplace.

- Where the employer's actions would require such employer to commit an act that would cause the employer to be in violation of federal law or would result in the loss of a federal contract or federal funding.

Contact Us

Please visit our website or contact us using the e-mail and phone number below for more information.

Website: www.cannabis.ny.gov

Call: 1-888-OCM-5151

Email: info@ocm.ny.gov