

California Expands Marijuana Employment Antidiscrimination Law

By Christopher W. Olmsted and Charles L. Thompson, IV



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CALIFORNIA REPUBLIC

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Quick Hits

- SB 700 amends California's Fair Employment and Housing Act to prohibit employers from requesting information from job applicants relating to their prior use of cannabis.
- The FEHA amendments take effect on January 1, 2024.

SB 700

The California Fair Employment and Housing Act (FEHA) prohibits various forms of workplace discrimination. Last year, [Assembly Bill \(AB\) No. 2188](#) amended FEHA, effective January 1, 2024, to prohibit employers from engaging in any adverse employment action against employees for off-duty marijuana use.

SB 700 expands that protection by prohibiting employers from requesting information from an applicant for employment relating to the applicant's prior use of cannabis. SB 700 also prohibits employers from using information obtained from a criminal history about an applicant or employee's prior cannabis use, unless the employer is permitted to consider or inquire about that information under the state's [Fair Chance Act](#), or other state or federal law.

Preparing for SB 700

Employers may wish to prepare for SB 700's effective date by reviewing and revising their antidiscrimination policies and drug use policies to comport with the new protections concerning prior cannabis use.

Ogletree Deakins will continue to monitor developments and will publish updates on the [California](#) and [Drug Testing](#) blogs as additional information becomes available.

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Christopher W. Olmsted

Office Managing Shareholder, [San Diego](#)



Charles L. Thompson, IV

Office Managing Shareholder, [San Diego](#) Shareholder, [San Francisco](#)

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