# Impacts of Proposition 64 on California Employers

By Tony Zhao on November 10, 2016

California voters have decided on a number of important Propositions yesterday. Of the Propositions receiving majority support, California employers may particularly wonder about the potential impacts of Proposition 64, which will legalize the recreational use of marijuana. Below are some potential impacts of Prop 64 on Employers in California:

- Proposition 64 is not expected to affect an employer's workplace drug policies. Proposition 64's primary component is the decriminalization of recreational marijuana use, **not** banning or restricting an employer's ability to regulate marijuana usage in the workplace.
- Proposition 64 explicitly allows public and private employers to enact and enforce workplace policies pertaining to marijuana.
- Proposition 64 explicitly provides it **does not** amend, repeal, affect, restrict, or preempt "the rights and obligations of public and private employers to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees, or prevent employers from complying with state or federal law."
- Under the Controlled Substances Act, Marijuana remains a Schedule I drug (a designation for controlled substances prone to abuse and psychological/physical dependence). Hence, employers can still rely on federal law to refuse to hire applicants who tested positive for marijuana use.
- In the meantime, employers should review their drug policies to ensure that potential applicants and employees clearly understand the expectations on marijuana use.

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