



HR Highlights June 2021

Pending Updates to DHRM Policy 1.05, Alcohol and Other Drugs

DHRM Policy 1.05, Alcohol and other Drugs is being revised in response to statutory changes in state code regarding legalized recreational marijuana and medically certified use of cannabis products that will be effective July 1, 2021. Similar to alcohol, employees must not be impaired by marijuana while performing official job duties.

In general the new regulation **DOES NOT**:

- Require agencies to permit or accommodate marijuana use (or other conduct permitted by the recreational or medical marijuana laws) in any workplace or on the employer's property.
- Prohibit an agency from disciplining an employee for violation of a workplace drug policy or for working while intoxicated by marijuana or marijuana products.
- Prevent an agency from discharging, disciplining or otherwise taking adverse employment against an individual because of the individual's violation of a workplace drug policy or intoxication by marijuana or marijuana products while performing official job duties. Agencies are strongly encouraged to seek legal counsel prior to engaging in such actions.

The full draft policy is currently under legal and administrative reviews, and will be shared with human resource directors prior to publication in July. Agencies should anticipate that the impact and interpretation of these new laws will be an evolving process.