

MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2023

NEW: CANNABIS IN THE WORKPLACE

CANNABIS POLICY - (MN Statutes 181.952)

IF you want to include cannabis use into your current drug/alcohol policy, you can use your current policy and add appropriate cannabis language.

- Employers **are not required** to allow cannabis flower, product, lower-potency hemp edibles, or hemp-derived consumer product “use, possession, impairment, sale, or transfer” while an employee is working, on school premises, or operating school vehicles, machinery, or equipment.
- Employers may only enact and enforce cannabis work rules if they are in a **written policy**.

CANNABIS TESTING AND DISCIPLINE - (MN Statutes 181.953)

- Employers who request or require job applicants or employees to undergo drug testing for cannabis **must** use the services of a testing laboratory that meets specific conditions.
 - Employers **cannot** conduct their own cannabis testing or require the contribution or payment of the cost of the test.
- Employers **must follow** the current rules in statute for workplace drug and alcohol testing pertaining to giving forms acknowledging awareness of the policy, positive test procedures, notice of testing results, the rights to a copy of test results, requests of retests, and limitations on employee discharge discipline or discrimination.
- Employers can **discipline, discharge, or take other adverse personnel action** against an employee for cannabis use, possession, impairment, sale, or transfer while an employee is working, on school premises, or operating school vehicles / machinery / equipment **IF**:
 - as a result of consuming cannabis or hemp-derived product the employee does not have “clearness of intellect and control of self that the employee otherwise would have”
 - testing verifies cannabis or hemp-derived product use
 - the employer’s written work rules contain minimum information on their cannabis at work policy
 - state or federal law or regulations authorize and require it, and if a failure to do so would cause the employer to lose money or a licensing-related benefit under federal law / regulations

EFFECTIVE AUGUST 1st, 2023