



## California - State Specific Information

Information provided is current as of December 21, 2025, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Medical Use                       | Legalized – 1996 ( <a href="#">Proposition 215</a> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Recreational Use                  | Legalized – 2020 ( <a href="#">Proposition 64</a> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Possession/Personal Use Specifics | <a href="#">Medical marijuana</a> patients are allowed to possess up to 8 ounces of dried cannabis and cultivate up to 6 mature plants for personal use, restricted to private settings, and must have a valid medical marijuana ID card.<br><br>For <a href="#">recreational use</a> , adults aged 21 and over can legally possess up to 1 ounce of cannabis or 8 grams of concentrated cannabis and grow up to 6 plants per household. Use is permitted in private residences but prohibited in public places, and driving under the influence of marijuana remains illegal. |

### State Regulatory Agency Information

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| State Regulatory Agency     | Department of Cannabis Control - <a href="#">DCC</a> |
| State Forms (If Applicable) | None Specified                                       |

### State Testing Policy

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| General Information        | California law ( <a href="#">AB 2188 and SB 700</a> ) prohibits most employers from penalizing workers for off-duty cannabis use or for testing positive for non-psychoactive metabolites, which only indicate past consumption. Employers must instead use impairment-based testing, such as saliva tests, to detect active THC. Additionally, companies are barred from asking job applicants about prior cannabis use or discriminating based on use revealed in criminal history. |
| Safety Sensitive Positions | California does not recognize a broad "safety-sensitive" exception for most jobs. Except for construction trades and federal-contract roles, employers cannot penalize workers for off-duty cannabis use, even in high-risk positions, unless they can prove actual on-the-job impairment.                                                                                                                                                                                            |
| Privacy Laws               | Pre-employment drug testing can occur upon a job offer, but they must detect only active, psychoactive                                                                                                                                                                                                                                                                                                                                                                                |

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|  | THC, not inactive metabolites. January 2024, employers cannot discriminate based on off-duty, off-site cannabis use. |
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## Recommended Procedures

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| <b>Does the state have recommended procedures?</b> | It is always recommended to have a standardized documentation procedures and regular employee evaluations to set clear performance expectations. <a href="#">Employers can't discriminate</a> based on off-duty cannabis use, they can implement pre-employment tests that detect only active THC. For existing employees, testing is restricted to situations with reasonable suspicion of impairment or specific requirements like safety-sensitive positions. Resources like confidential employee assistance programs (EAPs) are encouraged to address personal issues that might impact workplace safety. |
| <b>State Employee Procedures and Policies</b>      | California recommends that <a href="#">private employers</a> create a clear, written drug testing policy covering pre-employment, random, post-accident, and reasonable suspicion testing. Employers should use methods that accurately reflect current impairment, such as oral fluid or blood tests, and apply the policy consistently to avoid discrimination, ensuring confidentiality and legal compliance.                                                                                                                                                                                               |

## Protections for Use Outside Workplace/ Work Hours

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| <b>Is California a "Right to Weed State"?</b> | A <a href="#">new California law</a> prevents most employers from punishing workers who use cannabis away from the job. Employees who are impaired at work can face repercussions, but, in most cases, a mere positive drug test for marijuana will not be a serious issue when the law was implemented in January 2024. |
| <b>More Detailed Information</b>              | <a href="#">California Marijuana Employment Antidiscrimination Law</a>                                                                                                                                                                                                                                                   |

## State Requirements for Drug & Alcohol Testing Program

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| <b>Testing policy requirements:</b> | <a href="#">California Drug Testing Laws</a>                                                                                                                                 |
| <b>Main Requirement:</b>            | Although drug testing of employees is allowed in California, it may be justified only in very limited and strictly defined circumstances and must show reasonable suspicion. |