



South Carolina - State Specific Information

Information provided is current as of January 7, 2026, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Not Legal. (Only " Julian's Law " permits low-THC CBD oil for severe epilepsy).
Recreational Use	Not legal
Legal Status	Marijuana is a Schedule I controlled substance. Possession of 28 grams (1 oz) or less is a misdemeanor punishable by up to 30 days in jail. A second offense is a misdemeanor punishable by up to 1 year.
House Bill 137 (2025-2026) introduced a strict licensing system and age restrictions (21+), with many psychoactive hemp derivatives being phased out or strictly capped to align with the November 2026 federal ban of 0.4mg total THC per container.	

State Regulatory Agency Information

State Regulatory Agency	Department of Health and Environmental Control (DHEC) handle hemp oversight and criminal enforcement.
State Forms	None Specified

Employer Drug Testing

General Information	South Carolina maintains a strict "no-THC" stance for the workplace. This means a positive THC result is a clear violation of a drug-free workplace policy. Incentivized by allowing a 5% Workers' Compensation premium discount for compliant employers and disqualifying any employee fired for a positive drug test from receiving unemployment benefits. *Remember, establishing robust documentation is a key risk mitigant for employers in states like South Carolina.
Safety Sensitive Positions	Employers are free to define these roles at their discretion. For roles involving machinery, driving, or public safety, zero-tolerance is the standard. Furthermore, an employee terminated for failing a drug test is considered discharged "for cause" and is ineligible for unemployment benefits under S.C. Code § 41-35-120 .
Privacy Laws	Employers must ensure testing is done by certified laboratories and maintain confidentiality. If a written policy is in place and consistently applied, the employer is generally immune from civil liability for the testing process.