



West Virginia - 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	2017 - (Senate Bill 386)
Recreational Use	Not legal
Possession/Personal Use Specifics	West Virginia law limits medical cannabis possession to a 30-day supply. Patients and caregivers must carry a valid ID when in possession of medical cannabis, and cannabis must be kept in its original packaging.
	Home cultivation of medical cannabis is not permitted in West Virginia. The state's medical cannabis program requires patients to purchase their medication from licensed dispensaries.

State Regulatory Agency Information

State Regulatory Agency	West Virginia Office of Medical Cannabis (OMC)
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Under W. Va. Code § 16A-15-4, employers are prohibited from discriminating against, refusing to hire, or terminating an employee solely based on their status as a certified medical cannabis patient. While employers may maintain drug-free workplaces, a positive test result alone for a cardholder in a non-safety-sensitive role is generally insufficient for termination without evidence of active workplace impairment. *Remember, establishing robust documentation is a key risk mitigant for employers in states like West Virginia.
Safety Sensitive Positions	Patients are legally <u>prohibited</u> from performing specific "safety-sensitive" duties while under the influence, including: operating a motor vehicle or heavy machinery, working with high-voltage electricity, or working at heights/confined spaces. Employers may legally reassign or discipline patients in these roles if they test positive, as the law does not require employers to accommodate use that creates a public safety risk.
Privacy Laws	West Virginia law prioritizes employer rights in drug testing, allowing pre-employment, random, post-accident, and reasonable suspicion testing. While employees have limited privacy protections, employers must follow accuracy and fairness standards.