

RÉSUMÉ DIGEST

ACT 651 (HB 988)

2022 Regular Session

Landry

New law provides relative to persons employed by the state being treated with medical marijuana.

Existing law (R.S. 40:1046) authorizes a licensed physician to recommend, in any form as permitted by the rules and regulations of the La. Bd. of Pharmacy, raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by any patient clinically diagnosed as suffering from a debilitating medical condition.

Existing law (R.S. 49:1015) authorizes a public employer to:

- (1) Require employees, as a condition of continued employment, to be tested for the presence of drugs following an accident during the course and scope of his employment, under other circumstances which result in reasonable suspicion that drugs are being used, or as a part of a monitoring program established by the employer to assure compliance with terms of a rehabilitation agreement.
- (2) Require prospective employees, as a condition of hiring, to be tested for the presence of drugs.
- (3) Implement a program of random drug testing of those employees who occupy safety-sensitive or security-sensitive positions.

Existing law (R.S. 49:1001) provides that negative employment consequences means any action which negatively impacts an employee's or prospective employee's employment status, including termination of employment, refusal to hire, or altered conditions of employment such as counseling, probation, suspension, and demotion.

New law prohibits a state employer from subjecting an employee or prospective employee to negative employment consequences based solely on a positive drug test for marijuana if the employee or prospective employee has been clinically diagnosed as suffering from a debilitating medical condition and a licensed physician has recommended marijuana for therapeutic use by the employee in accordance with existing law.

New law provides that new law shall not be construed to prohibit the imposition of negative employment consequences on an employee when:

- (1) The employee uses or is impaired by marijuana on the premises of the employer or during work hours.
- (2) The employee's principal responsibility is to operate or maintain a state vehicle.
- (3) The employee is a supervisor of any employee who drives or maintains a state vehicle.

New law provides that new law shall not apply to emergency medical services, law enforcement, public safety officials, any state employee of the horse racing commission, and firefighter services.

Effective August 1, 2022.

(Adds R.S. 49:1016)