

Alaska - State Specific Information

Information provided is current as of July 28, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

Legalization History

Topic:	
Medical Use	Legalized - 1998
Recreational Use	Legalized - 2015
Possession/Personal Use Specifics	Residents may possess up to one ounce for either medical or recreational use. Residents may grow up to six cannabis plants for non-commercial purposes per adult, or 12 plants per household.

State Regulatory Agency Information

State Regulatory Agency	AMCO - Alaska Alcohol and Marijuana Control Board
State Forms (If Applicable)	None Required

State Testing Policy

General Information	Both private and state employers can implement drug testing policies, including pre-employment, random, post-accident, and reasonable suspicion tests, while still maintaining the right to enforce drug-free workplaces despite the legalization of recreational and medical marijuana. Remember, establishing robust documentation is a key risk mitigant for employers in states like Alaska.
Safety Sensitive Positions	Roles where impairment could jeopardize safety, such as transportation workers, public safety personnel, construction and maintenance workers, healthcare providers, and industrial workers.
Privacy Laws	Drug testing in Alaska is risky for employers . While legal, it faces legal challenges based on labor laws, discrimination, and privacy concerns. Public employers need "reasonable suspicion" to substantiate testing. Consider costs, morale, and legal risks before starting a program. Key decisions include who to test, notification methods, and handling positive results.

Recommended Procedures

Does the state have recommended procedures?	It is always recommended to have a standardized documentation procedures and regular employee evaluations to set clear performance expectations. Employers should carefully develop drug-free policies and provide clear communication regarding what constitutes a violation. Industry specific requirements, including those for safety or security sensitive positions, require additional consideration.
State Employee Procedures and Policies	Classified employees and appointed officials are prohibited from engaging in the improper or unlawful use manufacture, distribution, dispensing, possession, or use of alcohol or a controlled substance on state property, in the workplace or while in performance of official duties.

Protections for Use Outside Workplace/ Work Hours

Is Alaska a “Right to Weed State”?	Employers are not required to permit or accommodate medical or recreational marijuana use in the workplace.
More Detailed Information	Alaska Department of Health

State Requirements for Drug & Alcohol Testing Program

State Testing Policy	CSHB 207
Main Requirement	There are no workplace drug testing laws in Alaska that encourage or prohibit employers from drug testing, but employers may choose to participate in workplace drug testing programs