



## District of Columbia - State Specific Information

Information provided is current as of August 1, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

<b>Medical Use</b>	Legalized – 2009 *Revised in 2022 ( <a href="#">Medical Cannabis Amendment Act of 2022</a> )
<b>Recreational Use</b>	Legalized – 2014 ( <a href="#">Initiative 71</a> )
<b>Possession/Personal Use Specifics</b>	In D.C., adults 21 or older can legally possess up to two ounces of marijuana and gift up to one ounce to another adult, as long as no money or goods are exchanged. Growing up to six plants with no more than three mature at a time within your primary residence is also permitted.
	Marijuana use is restricted to private residences or private property with permission, and consuming marijuana in public spaces, including on sidewalks, parks, or in vehicles, is prohibited.

### State Regulatory Agency Information

<b>State Regulatory Agency</b>	<a href="#">Alcohol Beverage and Cannabis Administration</a>
<b>State Forms (If Applicable)</b>	<a href="#">Reasonable Suspicion Observation Form</a>

### State Testing Policy

<b>General Information</b>	Can test for drug and alcohol use based on reasonable suspicion of impairment, following established policies. The <a href="#">Cannabis Employment Protections Amendment Act of 2022</a> prohibits employers from using positive tests as the sole basis for hiring or disciplinary actions. Remember, establishing robust documentation is a key risk mitigant for employers in states like the District of Columbia.
<b>Safety Sensitive Positions</b>	Positions designated as <a href="#">safety sensitive</a> have duties or responsibilities that if performed while under the influence of drugs or alcohol could actual, immediate, and permanent physical injury or loss of life to the employee or others.
<b>Privacy Laws</b>	Must be kept <a href="#">confidential</a> , disclosed only to authorized personnel with a legitimate need to know, and handled according to the employer's written policies, which must be communicated to employees.

## Recommended Procedures

<b>Does the state have recommended procedures?</b>	<p>It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations.</p> <p>While D.C. doesn't mandate a formal program, it recommends that workplace policies include clear procedures for testing, including pre-employment, <a href="#">reasonable suspicion</a>, and post-accident testing, as well as confidentiality and employee notification guidelines.</p>
<b>State Employee Procedures and Policies</b>	<p>While public safety agencies likely have stricter internal policies, the Cannabis Employment Protections Amendment Act of 2022 generally protects state employees from termination or disciplinary action based solely on off-duty marijuana use or a positive test result not tied to on-the-job impairment.</p>

## Protections for Use Outside Workplace/ Work Hours

<b>Is the District of Columbia a "Right to Weed State"?</b>	<p>In D.C. employers cannot fire or discipline employees solely based on a positive marijuana test, thanks to the <a href="#">Cannabis Employment Protections Amendment Act</a>.</p>
<b>More Detailed Information</b>	<p><a href="#">MPP - District of Columbia</a></p>

## State Requirements for Drug & Alcohol Testing Program

<b>Testing policy requirements:</b>	<p><a href="#">District of Columbia Drug Testing Policy</a></p>
<b>Main Requirement:</b>	<p>In D.C., most employers cannot fire, or discipline employees solely based on a positive marijuana test, thanks to the Cannabis Employment Protections Amendment Act, except for safety-sensitive positions. However, post-incident, reasonable suspicion, and return-to-work testing for any position remain permissible, with additional requirements for non-safety-sensitive roles.</p>