

CANNABIS RESCHEDULING IS INEVITABLE— ARE EMPLOYERS READY FOR THE COMING EMPLOYMENT LAW REVOLUTION?

The federal status of cannabis is on the brink of a historic shift. President Donald Trump, echoing a consensus forming across industry, public health, and advocacy groups, has publicly confirmed that his administration is actively reviewing the rescheduling of cannabis—from Schedule I (the strictest category, alongside heroin) to Schedule III, a move that acknowledges accepted medical use and reduces criminal penalties. Trump has publicly stated that his administration will make a decision on cannabis rescheduling “in the next few weeks,” suggesting the possibility of significant federal policy changes and adding to the growing perception that rescheduling could be on the horizon.

The Implications of Federal Cannabis Rescheduling

1. Impact on Drug Testing, Accommodation, and Policies

- **Reduced Criminality, Not Legalization:** While federal rescheduling would lower barriers for medical research and business operations, it does not fully legalize marijuana nationwide. Employers will still retain the right, and in some cases the obligation (e.g., DOT-regulated roles), to enforce policies around on-the-job impairment.
- **State Law Patchwork Persists:** Even as federal law changes, states will maintain authority over local rules—including drug testing, accommodations, and anti-discrimination protections for cannabis users. Employers will need to carefully review and revise policies to align with both new federal guidelines and a growing array of state rules.
- **Testing and Disability Claims:** As cannabis becomes an accepted medicine for conditions like chronic pain or anxiety, more employees will seek accommodations and will challenge adverse employment actions tied to out-of-work use or positive test results. This creates exposure to disability claims and other forms of litigation if policies are not updated and consistently enforced.

2. Tax, Banking, and Business Considerations

- **Business Deductions Restored:** Rescheduling would end the application of IRS Rule 280E for cannabis businesses, allowing them to deduct ordinary business expenses, improving financial stability.
- **Banking Still Uncertain:** Access to banking and financial services will not change overnight with rescheduling, but pressure will mount for additional reforms, like the SAFER Banking Act, to further integrate the industry.

3. Workplace Safety and Compliance

- With rescheduling, HR leaders can expect a rise in requests for accommodation, more nuanced impairment concerns, and increased complexity in pre-employment and reasonable suspicion testing. Employers in safety-sensitive sectors must take care to document performance and behavior, and to train supervisors in recognizing impairment beyond drug test results.

How ATP Prepares Employers for the New Cannabis Era

As this new reality takes shape, ATP leads with tools and training that futureproof organizational compliance:

- Policy Frameworks for a New Age: ATP legal partners can help craft, review, and revise workplace policies that balance safety, compliance, and employee rights in line with the latest federal and state laws.
- Supervisor Training (WIRE): Empowers supervisors with skills and documentation tools to recognize and act on impairment, providing legal defensibility even as the definition of impairment evolves.
- Employee Training (WAIT): Informs staff of their obligations and educates them on the difference between legal use, impairment, and workplace expectations.
- Objective Digital Documentation: ATP's software captures incidents in real-time, protecting organizations if policies are challenged post-rescheduling.
- Gaize assessment technology: The ATP strategic partner with cutting edge technology for ocular scanning. Portable, consistent and fast, this universally accepted and accurate tool has been deployed across the country to assist and protect the most critical organizations and roles.

Federal rescheduling of cannabis is no longer speculation; it is coming into focus every day, an approaching certainty that will reshape the landscape of employment law, workplace safety, and HR policy across the country. The only real questions are how soon it arrives—and whether your organization will be ready to meet the changing legal, operational, and cultural demands it brings.

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