Pot Smokers in Nevada No Longer Need to 'Study' for That Pre-Employment Drug Test

A new law in Nevada prohibits employers from denying a job merely because the applicant tested positive for marijuana.

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While some employers have said they will no longer base hiring decisions on whether a job applicant uses marijuana, state lawmakers in Nevada have taken the extra step of making doing so against the law.

In a bill recently signed into law, the Nevada State Legislature made it illegal for employers to reject a job applicant because they failed a marijuana test. The law, which goes into effect on Jan. 1, 2020, includes "common-sense exceptions for public safety and transportation professionals," Gov. Steve Sisolak said, according to Newsweek.

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Cannabis in Nevada

Lawmakers, most notably in New Jersey and New York, have agonized but failed to create a regulated marijuana sales system but Nevada, on the other hand, came flying out of the gates in 2017. Legal recreational pot sales started just eight

months after voters approved the measure in November 2016.

Marijuana was immediately so popular that dispensaries were soon sold out, leading the governor to declare a state of emergency. By the end of the first four months of sales, sales had already reached $126 million.

Cannabis sales totaled $425 million in the first full year of legalization, with $70 million going into state coffers. Those numbers are driven in large part by the millions of people who visit Las Vegas every year. There are 47 marijuana dispensaries in Clark County alone, the majority of them in Las Vegas.

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Protecting Job Applicants

With marijuana sales so high and with so much available, lawmakers decided to protect applicants from mandatory drug tests that, in reality, are tests for traces of marijuana that linger in the body long after the intoxication has passed. The new law prohibits employers from not hiring an applicant solely for a drug test revealing marijuana. This includes tests of the blood, urine, hair or saliva. There is even some protection after a person is hired for a job. The law allows employees to have a screening test of their own done to rebut the results of any test required by an employer within 30 days of being hired.

There are exceptions to the law. Specifically, the law denies the marijuana exception for firefighters, emergency medical technician or anyone who must operate a vehicle as part of their job. The law allows employer to deny employment if the employee who tested positive “could adversely affect the safety of others,” a phrase that is clearly open to interpretation.

The law also does not apply to any job that is paid for using federal funds, as cannabis remains illegal at the federal level.

Nevada also just this year created a Cannabis Compliance Board, something most states have in place before sales begin. Two years after sales started, the board will ensure businesses comply with state laws. The board will be modeled after the state's gaming commission, which regulates all gambling in Nevada.

"Our marijuana industry is now a key part of our state economy, and to make sure it stays that way, we must hold it to the highest standard while empowering the industry to continue thriving," Sisolak said in a statement.

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