

# FEDERAL CANNABIS DE-SCHEDULING: WHAT EVERY EMPLOYER NEEDS TO KNOW—AND WHY PREPARATION IS CRITICAL

The United States stands on the threshold of a historic shift in cannabis policy. With federal leadership signaling active review of rescheduling marijuana from Schedule I to Schedule III, employers must prepare now for a rapidly evolving legal, operational, and cultural landscape. This paper explores what de-scheduling means for the workplace, outlines specific risks and opportunities, and provides a roadmap for proactive adaptation.

## The Path to Federal De-Scheduling

Recent statements from the administration confirm that a federal decision is likely in the immediate future. Movement from Schedule I (no recognized medical use, greatest federal restriction) to Schedule III (accepted medical use, lower criminal penalties) will not equate to nationwide legalization. However, it acknowledges medical utility, removes significant barriers to research, and reduces legal jeopardy for businesses and individuals.

## What Does This Mean for Employers?

### State vs. Federal Law: The Patchwork Persists

- Employers will continue to navigate complicated, often conflicting, state and local marijuana rules even after federal rescheduling.
- Accommodation, drug testing, and anti-discrimination protections will remain governed largely by state and local laws, exposing businesses to legal risk if not monitored closely.

### HR Policy and Compliance

- Many employers will need to revise and clarify their substance use and impairment policies.
- Disability claims and lawsuits are set to increase as more workers seek medical cannabis accommodations.
- Inconsistent or outdated enforcement could result in costly litigation, reputational harm, or regulatory penalties.

### Safety, Testing & Supervisor Training

- Pre-employment, random, and reasonable suspicion testing must be updated to reflect new scientific and legal realities.
- Supervisors should be retrained to identify and address impairment, relying on observed behaviors and robust documentation over positive drug test results alone.

### Proactive Employer Strategies

- Policy Audits: Comprehensive reviews of all drug, accommodation, and safety policies, with input from legal and HR experts.
- Supervisor & Employee Training: Education about the difference between legal use, impairment, and workplace expectations.
- Technology: Adoption of digital, real-time documentation tools to protect organizational interests and ensure defensible HR actions.
- Vendor Partnerships: Work with organizations versed in the latest compliance, such as Advanced Training Products (ATP), for policy frameworks and implementation support.

## Conclusion

De-scheduling is imminent. Forward-thinking employers will act now—auditing policies, investing in training, and implementing technology—rather than risking legal, safety, and reputational harm by waiting for federal directives.

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