

# STAYING AHEAD: WHY EMPLOYERS MUST PROACTIVELY UPDATE DRUG-FREE WORKPLACE POLICIES BEFORE FEDERAL CHANGE HITS

Federal cannabis reform will upend the legal and practical landscape for employer drug-free workplace policies. The most successful organizations will not wait for law to compel action but instead will move quickly to audit, update, and communicate policies—protecting themselves from risk and ensuring business continuity.

## The Dangers of Delay

- Federal de-scheduling or rescheduling will likely coexist with a patchwork of state-level marijuana laws, accommodation rules, and local ordinances, creating ambiguity for multi-state employers.
- Waiting to update HR policies risks non-compliance, inconsistent enforcement, ADA or state discrimination claims, and loss of trust among employees.

## Building Future-Ready Policies

- Policy Template Updates: Revise all handbook and employment policy language—clarifying what constitutes prohibited conduct, testing circumstances, and accommodation procedures.
- Medical Marijuana Accommodation: Establish a defensible process for assessing requests, balancing disability law with safety and operational needs.
- Communication and Training: Proactively communicate all changes to employees and supervisors, emphasizing safety, fairness, and legal obligations.

## Technology & Recordkeeping

- Adopt digital platforms for policy management, impairment documentation, and intervention reporting—ensuring transparency, defensibility, and preparedness in the face of complaints or litigation.

## Why Proactive Beats Reactive

- Regulatory and case law will continue to evolve well after federal change. Early policy modernization demonstrates good faith, enhances legal defensibility, and minimizes exposure to quickly shifting enforcement.
- Partnering with workplace risk experts, like ATP, positions employers to adapt quickly and remain compliant.

## Conclusion

- Don't wait for the law to change—those ahead of the curve will be best prepared for whatever the next phase of cannabis reform brings.

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