

Ohio Now Has Legal Recreational Marijuana: What Employers Need to Know

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Effective Aug. 6, 2024, recreational marijuana is legal in Ohio and is being sold in 98 dispensaries around the state. While medical marijuana has been legal and widely available in Ohio for several years, there will likely be an uptick in recreational marijuana use now that it is legal.

This does not mean, however, that employers are required to accommodate marijuana abuse. Ohio employers are allowed to enforce drug-free workplace policies. They may still prohibit marijuana use, possession, and distribution in the workplace and on work time. They may drug test and discipline or terminate an employee for a positive marijuana test, even if the employee lawfully used the marijuana outside the workplace during their private time.

Employers also may refuse to hire an applicant based on that applicant's use, possession, or distribution of marijuana. In short, little to nothing is changing for employers, and employers who wish to maintain a zero-tolerance marijuana policy may do so consistent with Ohio law.

Ohio employers should review their drug policies and determine how they intend to address legal marijuana use. While some employers will take a zero-tolerance approach, others will treat off-duty marijuana use like alcohol and will not discipline an employee for off-duty use unless it causes harmful or dangerous effects at work.

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