



# Marijuana Considerations by State

## ALABAMA

(Updated as of January 2020)

### Legal Status of Marijuana

Medical Marijuana Law	No
Recreational Marijuana Law	No
No broad laws legalizing marijuana*	✓

*\*Marijuana is either totally illegal, or there may be laws decriminalizing possession, or use of marijuana, or, the state may have a CBD law legalizing THC at a level constituting marijuana-derived CBD.*

**Understanding this report:** The objective of this state report is to identify direct factors that impact employment rights, protections and obligations as they relate to an employee’s use of marijuana.

In some cases, information can be confusing or even appear contradictory. This underscores the necessity of having legal counsel, specialized in marijuana and all related state laws, assist the employer in determining impactors/influences. Further, it is wise to have a professional experienced in drug-responsible workplace programs (i.e., drug-free workplace program [DFWP] consultant) assist in the development of corporate policies and operational practices. (See the NDS article [Workplace Considerations For Marijuana Use.](#))

The subtitle categories within each state report are standardized. Because the marijuana laws and other laws directly associated to dealing with employee use of marijuana are different in every state, there may be categories within a state’s report that have no information. This indicates there has been no specific information found.

Lastly, where there are quotation marks, the language is directly from published law cited just before the quote. The quoted words are significant, but it will benefit the reader to review the information in context (go to the law) and in relation to other laws (e.g., disability discrimination, workers’ compensation, unemployment law). Additionally, there may be case decisions in a state, that set precedence and clarify or further detail the operational meaning of a law for an employer.

### FROM THE STATE

#### Employer Concerns

#### Significant

- The only legal access to CBD (“Carly’s Law”) is with a prescription from a board-certified neurologist through the authority of the University of Alabama at Birmingham (UAB) Department of Neurology. Patients diagnosed with debilitating epileptic ailments by a certified neurologist may discuss using CBD oil as a treatment in certain municipalities.



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- “Leni’s Law” was subsequently passed providing an affirmative defense for possession of CBD oil “for specified debilitating conditions that produce seizures.”

## Testing

## Hiring/Termination

## Discipline

## Use/Possession

### Other Impacting Laws (e.g., drug testing, workers’ compensation, unemployment)

- Alabama has a voluntary drug testing law which also provides a premium discount for compliance.
- There are unemployment and workers’ compensation laws in Alabama that contain their own drug testing requirements and which the employer’s program must be consistent with in order to position themselves for denying unemployment or workers’ compensation claims.
  - A confirmed positive drug test is considered conclusive presumption of impairment by illegal drugs. If the employer complies with Alabama’s unemployment law regarding the operation of a drug-free workplace, employees will be disqualified for unemployment compensation if their discharge was the result of illegal drug use, refusal to test, or attempts to manipulate the specimen.
  - No compensation shall be allowed for an injury caused by an accident due to the injured employee being intoxicated from the use of alcohol or being impaired by illegal drugs. A positive drug test shall be a conclusive presumption of impairment resulting from the use of illegal drugs.
- Apply the [Checklist of Impacting Issues for Employee Use of Marijuana](#) provided by NDS for additional state laws and issues that can relate to and/or impact your operations regarding employee use of marijuana.

## Miscellaneous

### Sources (e.g., Bill Number, Authority)

- Senate Bill 174 - Carly’s Law
- House Bill 61 - Leni’s Law
- Alabama Code 25-5-300 to -340 - Voluntary Drug Testing Law
- Alabama Administrative Code 480-5-6 - Voluntary Drug Testing Law
- Alabama Code 25-4-78 - Unemployment Law
- Alabama Code 25-5-51 - Workers’ compensation Law

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issues should be consulted for legal advice. In addition, an experienced drug-free workplace professional should be relied upon for assistance on operational issues for your company's program.