



Marijuana Considerations by State

GEORGIA

(Updated as of January 2020)

Legal Status of Marijuana

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

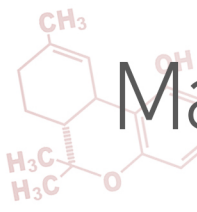
**Marijuana is either totally illegal, or there may be laws decriminalizing possession, or use of marijuana, or, the state may have a CBD law legalizing THC at a level constituting marijuana-derived CBD.*

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.



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FROM THE STATE

Employer Concerns

Significant

- Only low-THC (marijuana-derived) medical cannabis oil will be permitted.
 - Currently, qualified persons are protected from prosecution for having it in their possession, but it is not available in state. It is anticipated that in-state production/sale of medical marijuana-derived CBD with no more than 5% THC will be available in state within a year.
- An employer is not required to accommodate use on or off the job and can enforce a zero-tolerance policy.
- An employer can prohibit an employee from working under the influence of medical cannabis.
- Any amount of marijuana present in a driver's blood or urine is considered a violation of Georgia's code.
- Georgia has a voluntary drug testing law that, although not required, if an employer elects to comply, they will qualify for a workers' compensation premium discount. It does require testing for marijuana.
- Georgia has unemployment and workers' compensation voluntary laws that, although not required, with compliance, an employer has greater latitude to deny claims.

Testing

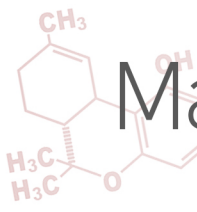
- Georgia has a voluntary drug testing law that, although not required, if an employer elects to comply, they will qualify for a workers' compensation premium discount. It does require testing for marijuana and many more details required of a testing program. For example,
 - An employer must give employees 60 days advance notice before implementing drug testing. Supervisors must receive qualified training and employees must receive routine education.

Hiring/Termination

- Because Georgia's drug testing law mentions (Georgia Code Ann. 34-9-414), "...actions the employer may take against an employee or job applicant on the basis of a positive confirmed test result," it is presumed that the employer has latitude to declare and maintain discipline up to and including termination for policy violations.
- An individual shall be disqualified for unemployment benefits if he or she has been discharged or suspended for violation of the employer's drug-free workplace policy or more stringent standards established by federal law or regulations, including a positive drug test.

Discipline

- Because Georgia's drug testing law mentions (Georgia Code Ann. 34-9-414), "...actions the employer may take against an employee or job applicant on the basis of a positive confirmed test result," it is presumed



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that the employer has latitude to declare and maintain discipline up to and including termination for policy violations.

Use/Possession

- Only low-THC (marijuana-derived) medical cannabis oil is permitted.
- Smoking and vaporizing cannabis is prohibited and illegal.

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

- Georgia has a voluntary drug testing law that, although not required, if an employer elects to comply, they will qualify for a workers' compensation premium discount. It does require testing for marijuana.
- Georgia has unemployment and workers' compensation voluntary laws that, although not required, with compliance, an employer has greater latitude to deny claims. For example,
 - An individual shall be disqualified for unemployment benefits if he or she has been discharged or suspended for violation of the employer's drug-free workplace policy or more stringent standards established by federal law or regulations, including a positive drug test.
 - If there is any level of marijuana in the employee's system within 8 hours of the accident, there will be rebuttable presumption that the accident/injury was caused by substance and therefore not compensable for workers' compensation.
- 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)

- Georgia Code Ann. 16-12-190 – Medical marijuana
- Georgia Code Ann. 34-9-410 to 421 – Drug testing related
- Georgia Code Ann. 34-8-194 – Unemployment law
- Georgia Code Ann. 34-9-17 – Workers' compensation related

DISCLAIMER: This resource, developed by *Working Partners*®, is meant for educational purposes only. It is provided with the understanding that those involved in the resource are not engaged in rendering legal counsel. An experienced attorney with proven knowledge about these 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.