

Marijuana Considerations by State

NORTH CAROLINA

(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.

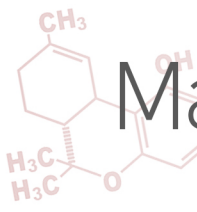
Lastly, where there are quotation marks, the language is directly from published law cited just before the quote. The quoted words are significant, but it will benefit the reader to review the information in context (go to the law) and in relation to other laws (e.g., disability discrimination, workers’ 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

- Only low THC hemp extract (less than 0.9% THC by weight, at least 5% CBD by weight and may not contain any other intoxicating substances) is permitted as an alternative form of treatment for individuals with intractable seizure disorders, such as epilepsy.
- Possession and consumption of usable cannabis is prohibited and can result in serious criminal penalties.



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- Although a very employer-friendly drug testing state, there are mandatory requirements if an employer does test.
- A driver is presumed to be driving under the influence if they have any amount of marijuana in their blood or urine.

Testing

Hiring/Termination

Discipline

Use/Possession

- Possession and consumption of usable cannabis is prohibited and can result in serious criminal penalties.

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

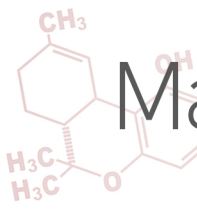
- North Carolina has a voluntary workers' compensation law that, although not required, a complying employer has greater latitude to deny claims. For example,
 - An injury is not compensable if it was proximately caused by the employee being under the influence or intoxicated.
- Employers subject to US Department of Transportation (DOT) must report certain drug program violations to the North Carolina Division of Motor Vehicles.
- It is an offense for an employee to assist or attempt to defraud a drug test or its results.
- 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)

- North Carolina Gen. Stat. 95-230 to 235– Drug testing related
- North Carolina Gen. Stat. 20-37.19 – Drug testing related
- North Carolina Gen. Stat. 14-401.20 – Drug testing related
- North Carolina Gen. Stat. 96-14.6 – Unemployment related

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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.