

Marijuana Considerations by State

VERMONT

(Updated as of January 2020)

Legal Status of Marijuana

Medical Marijuana Law	Yes
Recreational Marijuana Law	Yes
No broad laws legalizing marijuana*	X

**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.

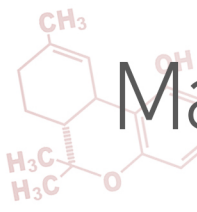
Lastly, where there are quotation marks, the language is directly from published law cited just before the quote. The quoted words are significant, but it will benefit the reader to review the information in context (go to the law) and in relation to other laws (e.g., disability discrimination, workers’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

- Public and private employers must follow Vermont’s mandatory drug testing laws which are very detailed and stringent and include requirements, such as having an Employee Assistance Program, if an employer wants to do drug testing.
- Vermont prohibits random drug testing unless required under federal law.



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- Employers are not required to accommodate use and may regulate or prohibit use and possession at the workplace.
- An employee is not exempt from being arrested or prosecuted for using or being under the influence of marijuana while operating a motor vehicle, boat or other named vessels; in a workplace; or while operating heavy machinery or handling dangerous instruments.

Testing

- Public and private employers must follow Vermont's mandatory drug testing laws which are very detailed and stringent (i.e., prohibits random testing).

Hiring/Termination

- See **Significant** above.

Discipline

- See **Significant** above.

Use/Possession

- Smoking is permissible but not in any public place, including a workplace.

Other Impacting Laws

- There is no requirement for coverage or reimbursement by health insurers as defined in Vermont's medical marijuana law, any insurance company regulated under Title 8, an employer, or workers' compensation for medical marijuana or use of it.
- 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)

- Vermont Stat. Ann. 18-4471 to 4474m – Medical marijuana
- Vermont Stat. Ann. 21-5111-520 – Drug testing law
- Vermont Stat. Ann. 21-649 – 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.