

Marijuana Considerations by State

SOUTH CAROLINA

(Updated as of April 2022)

Legal Status of Marijuana

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

*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, *Finding Answers to Your Questions about Marijuana in the Workplace.*)

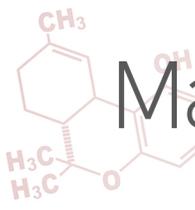
The subtitle categories within each state report are standardized. Because the marijuana laws and other laws directly associated to dealing with employee use of marijuana are different in every state, there may be categories within a state’s report that have no information. This indicates there has been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

Significant

- It is illegal to use cannabis in South Carolina except for FDA-approved CBD products which contain less than 0.9% THC and more than 15% cannabidiol to treat specific conditions and for which the patient has a doctor’s written certification. These products are not easily available.
- South Carolina 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.



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- South Carolina has unemployment compensation voluntary laws with drug testing requirements that, although not required, with compliance, an employer has greater latitude to deny claims.

Testing

- Under South Carolina's unemployment law, if an employee's drug test is positive for an illegal drug or a drug for which the employee has no prescription, he or she will not qualify for unemployment benefits.

Hiring/Termination

Discipline

Use/Possession

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

- It is illegal in South Carolina for an individual to drive a vehicle while under the influence of any drug which causes impairment to the person's faculties.
- South Carolina has unemployment compensation voluntary laws with drug testing requirements that, although not required, with compliance, an employer has greater latitude to deny claims.
- Apply the **Checklist of Impacting Issues to Research** 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)

- Julian's Law S 1035 – CBD related
- South Carolina Code Ann. 41-1-15 – Drug testing related
- South Carolina Code Ann. 38-73-500 – Drug testing related
- South Carolina Code Ann. 41-35-120 – Unemployment related
- South Carolina Code Ann. 42-9-60 – 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.