


Va. Code Ann. § 40.1-27.4

Current through 2024 Acts effective April 1, 2024

Code of Virginia 1950 > Title 40.1. Labor and Employment. (Chs. 1 — 9) > Chapter 3. Protection of Employees. (Arts. 1 — 5) > Article 1. General Provisions. (§§ 40.1-22 — 40.1-28.7:11)

Notice

 This section has more than one version with varying effective dates.

§ 40.1-27.4. (Effective July 1, 2024) Discipline for employee's medicinal use of cannabis oil prohibited.

A. As used in this section:

“*Cannabis oil*” means the same as that term is defined in § 4.1-1600.

“*Employee*” means the same as that term is defined in § 40.1-2, except that for the purposes of this section, “employee” does not include any law-enforcement officer, as defined in § 9.1-101.

“*Employer*” means the same as that term is defined in § 40.1-2, except that for the purposes of this section, “employer” also includes the Commonwealth, any county, city, town, or other political subdivision thereof, and any agency of the Commonwealth or such county, city, town, or political subdivision.

B. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil under the laws of the Commonwealth pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 4.1-1601.

C. Notwithstanding the provisions of subsection B, nothing in this section shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.

History

2021, Sp. Sess. I, c. 395; 2023, cc. 740, 773; 2024, cc. 632, 674.

Code of Virginia 1950

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