

NEVADA

NEW LAW: Nevada Becomes First State To Ban Pre-Employment Marijuana Drug Tests

On June 5, 2019, Nevada Governor Steve Sisolak signed [Assembly Bill 132](#) into law. This new law effectively bans pre-employment marijuana testing because it makes it unlawful for any Nevada employer to fail or refuse to hire a job applicant because they tested positive for marijuana use on a pre-employment drug test.

The new law does not apply if the applicant is applying for any of the following types of positions:

- A firefighter
- An emergency medical technician
- A position that requires an employee to operate a motor vehicle and for which federal or state law requires the employee to submit to screening tests
- A position that, in the determination of the employer, could adversely affect the safety of others
- A position that is funded by a federal grant

The new law goes into effect on January 1, 2020; therefore it is recommended that all Nevada employers prepare for this new change and insure that, starting January 1st, job applicants are not tested for marijuana use. Also, since the law does not clearly define what is meant by an employer using its discretion to conduct marijuana testing on a job applicant because the position “could adversely affect the safety of others,” it is recommend that employers consult with an HR Professional or legal counsel before using that exemption as a basis for testing applicants for marijuana use.

NOTE: This new law does not appear to affect an employer’s ability to test for marijuana use on current employees – who are not applying for a new position in the company.