

# New York City Council Passes Bill Limiting Pre-Employment Drug Testing for Marijuana

**Law and the Workplace** on April 12, 2019

The New York City Council overwhelmingly passed [legislation](#) which would prohibit most City employers from requiring job applicants to submit to drug tests for marijuana use. Specifically, the bill would amend the City's Fair Chance Act to make it an unlawful discriminatory practice for an employer (including employment agencies and their agents) to require a prospective employee to submit to testing for the presence of marijuana as a condition of employment.

Several categories of applicants, primarily those applying to work in areas involving public safety, would be exempt from the law, including: (1) law enforcement personnel; (2) individuals working on construction sites (not just those operating heavy machinery); (3) positions requiring a commercial driver's license; and (4) positions requiring the supervision or care of children, medical patients or people with disabilities. The bill also provides the Commissioner of Citywide Administrative Services wide latitude to make exceptions for positions "with the potential to significantly impact the health or safety of employees or members of the public." Drug-testing provisions in collective bargaining agreements would be unaffected by the new law, as would pre-employment drug-testing required by federal and state regulations, contracts and grants.

If signed by Mayor Bill De Blasio, the bill would take effect one year after its enactment.

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