



## Arizona - State Specific Information

Information provided is current as of August 22, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

Medical Use	Legalized – 2010 ( <a href="#">Proposition 203</a> )
Recreational Use	Legalized – 2020 ( <a href="#">Proposition 207</a> )
Possession/Personal Use Specifics	<p><a href="#">Residents may possess up to one ounce</a> for either medical or recreational use, or 5 grams or less of marijuana concentrate.</p> <p>Residents may grow up to six cannabis plants for non-commercial purposes per adult, or 12 plants per household.</p> <p>Medical marijuana users with valid cards are generally protected from employer discrimination based on their status or positive drug tests. However, this protection doesn't cover on-site use, possession, or impairment while working. <a href="#">Employers</a> can take action against employees in these situations, even if it doesn't violate federal law, as long as they can demonstrate safety concerns or potential financial ramifications.</p>

### State Regulatory Agency Information

State Regulatory Agency	<a href="#">Arizona Department of Health Services</a>
State Forms (If Applicable)	None Required

### State Testing Policy

General Information	<p>Employers must have a clear written <a href="#">drug testing policy</a> that outlines testing requirements, including reasonable suspicion criteria, which can be based on observed conduct or reported information.</p> <p>Remember, establishing robust documentation is a key risk mitigant for employers in states like Arizona.</p>
Safety Sensitive Positions	<p><a href="#">Arizona defines a safety-sensitive position</a> as any job designated by an employer or one where duties could affect the safety of others, including operating equipment, repairing machinery, or handling food.</p>
Privacy Laws	<p>Employers might <a href="#">violate employee privacy</a> in the way it conducts the test. For example, requiring employees to disrobe or provide a urine sample in front of others could be a privacy violation.</p>

## Recommended Procedures

<b>Does the state have recommended procedures?</b>	<p>It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations</p> <p><a href="#">Arizona recommends a nuanced approach to drug testing</a> that balances workplace safety with employee rights. Employers should clearly define and document the inherent safety-sensitivity of each position, establish objective indicators of potential drug use, and document any observed instances.</p> <p>Adhere to the established drug testing policy throughout the process. Refrain from solely relying on positive test results; conduct additional assessments and seek legal guidance when uncertainties arise.</p>
<b>State Employee Procedures and Policies</b>	<a href="#">Employees shall not consume alcohol, drugs, or other intoxicants</a> while performing job functions or while on-call or stand-by to perform job functions.

## Protections for Use Outside Workplace/ Work Hours

<b>Is Arizona a “Right to Weed State”?</b>	<p>employers may not discriminate in hiring, termination, terms of employment, or in any other way penalize an individual based on his or her status as a registered person, unless doing so would cause an employer to lose a monetary or licensing benefit under federal law. <a href="#">Arizona Medical Marijuana Act (AMMA)</a>.</p>
<b>More Detailed Information</b>	<a href="#">Arizona Department of Health</a>

## State Requirements for Drug & Alcohol Testing Program

<b>Testing policy requirements:</b>	<a href="#">AZ 23-493.04</a>
<b>Main Requirement:</b>	Testing details must be outlined in a written testing policy.