

# HOW CANNABIS RESCHEDULING COULD AFFECT WORKPLACES

EMPLOYERS MAY eventually need to adjust some workplace policies in response to President Trump's executive order directing the federal government to move marijuana from Schedule 1 to Schedule 3 under the Controlled Substances Act.

While rescheduling cannabis does not mean people can be high at work, it would allow doctors to prescribe cannabis for medical issues. The change will likely affect employers' drug testing programs, disability accommodation obligations and safety-sensitive job requirements. It may also require increased vigilance by employers on detecting if someone is under the influence while on the job.

Employers would continue to have the right to discipline workers who are under the influence during working hours or who violate company policies, much as they do with alcohol or prescription medications.

Here's a look at the likely effects on workplaces

## ADA and medical accommodation considerations

If marijuana becomes a Schedule 3 drug, some individuals could be entitled under federal law to use marijuana products prescribed to treat medical conditions.

Under the Americans with Disabilities Act, employers may need to consider reasonable accommodation requests related to prescribed cannabis, similar to how they handle other medications. This could include off-duty use or non-impairing formulations.

However, employers would not be required to accommodate marijuana use that poses a direct threat to safety or interferes with essential job duties. Rescheduling would not require employers to allow intoxication at work or tolerate unsafe behavior.



## Drug testing policies may face pressure

Many employers have already moved away from pre-employment marijuana testing, particularly in states that restrict or prohibit such testing. Rescheduling could reinforce that trend, especially for non-safety-sensitive roles.

### Many rules could stay in place

After rescheduling, employers would still be able to:

- Prohibit impairment during work hours.
- Test employees based on reasonable suspicion.
- Enforce zero-tolerance policies where permitted by law.

The shift, if any, would be toward impairment-based enforcement rather than blanket testing, especially as marijuana becomes more legally analogous to prescription opioids.

## Transportation and safety-sensitive jobs

The most significant potential changes could affect employers regulated by the Department of Transportation, including trucking, aviation, rail and transit.

The law firm of Littler Mendelson noted in a recent [blog](#) that if marijuana is removed from Schedule 1, the federal statute authorizing the DOT to require marijuana testing for safety-sensitive transportation workers may no longer support mandatory cannabis testing. In that scenario, DOT rules requiring routine marijuana testing could eventually be invalidated unless Congress or the agency adopts new regulations.

This would be particularly consequential for the trucking industry and fleet operators. Littler cautions that any such change would not be immediate and would almost certainly prompt new regulatory action focused on safety concerns.

For now, DOT-regulated employers must continue to follow existing drug testing rules without exception.

### Employer action plan

- Once marijuana is placed in Schedule 3, employees may assume that cannabis is now "legal" in the workplace. Employers should be prepared to communicate clearly that rescheduling does not eliminate workplace restrictions.
- Employers should prepare for a more nuanced regulatory environment. Practical steps include reviewing drug and alcohol policies for clarity, training supervisors to recognize impairment, monitoring federal and state developments and preparing for employee questions about what rescheduling does and does not allow.
- Rescheduling marijuana to Schedule 3 would not transform workplace norms overnight. But it may push employers toward clearer, impairment-focused policies that balance employee health needs with safety and operational requirements.