



CHITTENDEN GROUP
INSURANCE

LEGAL UPDATE

CONNECTICUT

New Recreational Marijuana Law Includes Employment Provisions

On June 22, 2021, Connecticut joined 18 other states and the District of Columbia in legalizing recreational marijuana.

Effective July 1, 2021, the Responsible and Equitable Regulation of Adult-Use Cannabis Act ([RERACA](#)) allows individuals aged 21 and older to use and possess up to 1.5 ounces of marijuana on their persons and up to 5 ounces in their homes or a locked trunk or glove box. The new law also allows for limited home cultivation starting July 1, 2023, and retail sales are expected to begin by the end of 2022.

Impact on Employers

The RERACA does not restrict any employer's ability to maintain a drug-free workplace or to take adverse actions against an employee for using or being impaired by marijuana at work, while working or while on call.

However, the law does include a general prohibition against taking adverse actions based solely on an employee's positive test for marijuana. An employer may be exempt from this prohibition if it:

- Operates in certain industries, such as healthcare, mining or manufacturing; or
- Has a workplace policy prohibiting all marijuana use by employees.

The law also provides details about the types of additional evidence—such as evidence of impairment—a nonexempt employer would need in order to take an adverse action based partially on a positive drug test.

Enforcement

An employer that violates the REREAC's employment-related provisions may be sued in civil court for job reinstatement, back pay, attorney's fees and costs.

Important Dates

June 22, 2021

Connecticut became the 19th state to legalize recreational marijuana.

July 1, 2021

Adults may possess and use up to 1.5 ounces of marijuana in the state.

Dec. 31, 2022

Date by which retail marijuana sales are expected to begin the state.

July 1, 2023

Adults aged 21 and older may cultivate up to six plants, three of which may be mature.

Most employers may not take adverse actions based solely on a positive test for marijuana unless they have a policy prohibiting all use.

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