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Ohio's Medical Marijuana Bill

Earlier this month, Ohio Governor John Kasich signed Ohio House Bill 523 (HB523), authorizing the use of medical marijuana. The bill will be effective beginning September 8, 2016.

The new law offers extensive protections for employers, including the right to fire employees for violations of any drug-free workplace or zero-tolerance policies. Any person who is discharged for use of medical marijuana in violation of a drug-free workplace policy or other formal program/policy will be considered to have been discharged for "just cause" for purposes of unemployment compensation.

The provisions relating to employers state that **nothing** in the new law does any of the following:

- (1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana.
- (2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana.
- (3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.
- (4) Interferes with any federal restrictions on employment.
- (5) Permits an employee or applicant to file suit against an employer for discrimination, retaliation, or otherwise taking an adverse employment action with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana.
- (6) Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established by law.

To the extent employers make any changes to current workplace drug policies relating to this new law, those changes should be communicated to employees.

If you have questions about HB523, the new medical marijuana law, or its impact on employers, please feel free to contact [Deborah Adams](#), [David Skidmore](#) or any attorney in Frost Brown Todd's [Labor and Employment Practice Group](#).

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