

Cannabis in the Workplace: From Stigma to Acceptance

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The recent federal policy shift, marked by Executive Order 14370: Increasing Medical Marijuana and Cannabidiol Research, reflects not only a legal development but also a broader cultural transformation. Cannabis is increasingly viewed less as a dangerous narcotic and more like alcohol — a substance that, while legal in many contexts, still requires responsible use. This evolving perception influences employee attitudes and expectations, making it critical for employers to reassess how they approach cannabis in the workplace. While cannabis remains classified as illegal under federal law, many employer obligations are driven by state and local law, where legalization and employee protections continue to develop.

For employers not subject to federal contractor requirements or safety-sensitive regulations, the challenge lies in addressing impairment without overreaching into lawful off-duty conduct. This is where the alcohol analogy becomes especially useful. Most organizations do not prohibit employees from having a glass of wine at home; they prohibit being intoxicated at work. A similar framework can apply to cannabis. Rather than banning all use, employers can focus on what truly matters: performance, safety, and productivity. Policies can prohibit use during work hours, impairment on the job, and conduct that compromises workplace safety, while respecting employees' lawful off-duty choices. However, employees should understand that while cannabis may be legal and more socially accepted, being impaired at work is never acceptable.

Employers should review their drug and alcohol policies to ensure they reflect both legal requirements and company values. Consider whether a zero-tolerance approach aligns with your operational needs, or whether a policy modeled on alcohol use — prohibiting on-duty use and impairment — makes more sense. Managers should be trained to recognize signs of impairment and respond consistently and objectively.

Because cannabis laws vary widely by jurisdiction, consulting legal counsel before implementing changes remains essential. Thoughtful policy design allows employers to manage risk effectively while acknowledging the reality of a rapidly changing legal and cultural landscape.