

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 40.1-27.4 of the Code of Virginia, relating to employee protections;*
3 *medicinal use of cannabis oil.*

4
5 Approved

[S 391]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 40.1-27.4 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 40.1-27.4. Discipline for employee's medicinal use of cannabis oil prohibited.**

9 A. As used in this section, "~~cannabis~~":

10 "*Cannabis oil*" means the same as that term is defined in § 4.1-1600.

11 "*Employee*" means the same as that term is defined in § 40.1-2, except that for the purposes of this
12 section, "*employee*" does not include any law-enforcement officer, as defined in § 9.1-101.

13 "*Employer*" means the same as that term is defined in § 40.1-2, except that for the purposes of this
14 section, "*employer*" also includes the Commonwealth, any county, city, town, or other political
15 subdivision thereof, and any agency of the Commonwealth or such county, city, town, or political
16 subdivision.

17 B. No employer shall discharge, discipline, or discriminate against an employee for such employee's
18 lawful use of cannabis oil *under the laws of the Commonwealth* pursuant to a valid written certification
19 issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed
20 condition or disease pursuant to § 4.1-1601.

21 C. Notwithstanding the provisions of subsection B, nothing in this section shall (i) restrict an
22 employer's ability to take any adverse employment action for any work impairment caused by the use of
23 cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that
24 would cause the employer to be in violation of federal law or that would result in the loss of a federal
25 contract or federal funding, or (iii) require any defense industrial base sector employer or prospective
26 employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any
27 applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a
28 urine test or 10 pg/mg for a hair test.

ENROLLED

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