

What the Marijuana Executive Order Means for Employer Policies



Cannabis laws have been evolving for years, largely at the state level. Most employers have been operating within that reality for some time, often with policies written when expectations felt more consistent.

Recent federal executive action brought the issue back into focus. Not because the rules fundamentally changed, but because it underscored how uneven and unresolved cannabis policy remains across jurisdictions. For employers, this moment has reignited questions about whether existing workplace policies still reflect current legal realities, enforcement practices, and employee expectations. This is especially true for organizations operating across multiple states.

The significance lies less in the executive order itself and more in what it exposes. Policy gaps that have existed for years are becoming harder to overlook.

**Federal action did not change the rules.
It exposed how uneven cannabis policy
still is for employers.**



WHAT'S ACTUALLY CHANGING (AND WHAT ISN'T)

At a high level, recent executive action does not legalize marijuana nationwide. It does not eliminate employer discretion. And it does not remove the need for workplace policies governing safety, conduct, and performance.

What it reinforces is the ongoing disconnect between federal positioning and state-level laws. Cannabis may be legal in one state, restricted in another, and treated differently depending on medical use, safety-sensitive roles, or industry requirements.

The challenge for employers is not transformation. It is uncertainty. There is still no single standard to rely on, only overlapping rules and limited clarity on how policies should be applied consistently across a diverse workforce.

This uncertainty is why policies that have not been revisited in years are starting to feel misaligned with day-to-day reality.



There is no single standard employers can rely on. Policies must work across overlapping state and federal rules.

WHERE EMPLOYER POLICIES FEEL THE IMPACT

Cannabis-related questions rarely surface as abstract compliance discussions. They tend to appear in real situations that directly affect employee experience and benefits administration. Several policy areas are most commonly affected:

- + **Drug testing programs.** Policies built on older assumptions may not reflect current state rules or enforcement expectations, creating confusion when test results intersect with claims, discipline, or return-to-work decisions.
- + **Workplace safety standards.** Employers must continue to maintain safe work environments, particularly in safety-sensitive roles, even as cannabis laws evolve. This often raises questions about impairment, documentation, and consistency.
- + **Disability and accommodation considerations.** Medical use introduces added complexity, especially when accommodation requests overlap with performance management or attendance policies.
- + **Leave, attendance, and disciplinary policies.** Cannabis-related issues frequently intersect with absences, conduct concerns, or leave requests, pulling multiple policies into a single decision.
- + **Multi-state workforce challenges.** Employers operating across jurisdictions face added pressure to apply policies fairly while accounting for different state requirements.

In these situations, benefits, HR, and workplace policy no longer operate in silos. Decisions made in one area often affect outcomes in others.



Most cannabis issues show up in real employee situations, not abstract compliance debates.

WHERE RISK SHOWS UP

Risk does not stem from cannabis itself. It stems from policies that are unclear, outdated, or applied inconsistently. When expectations are not clearly defined or uniformly enforced, common issues follow:

- + Inconsistent decision-making across managers or locations

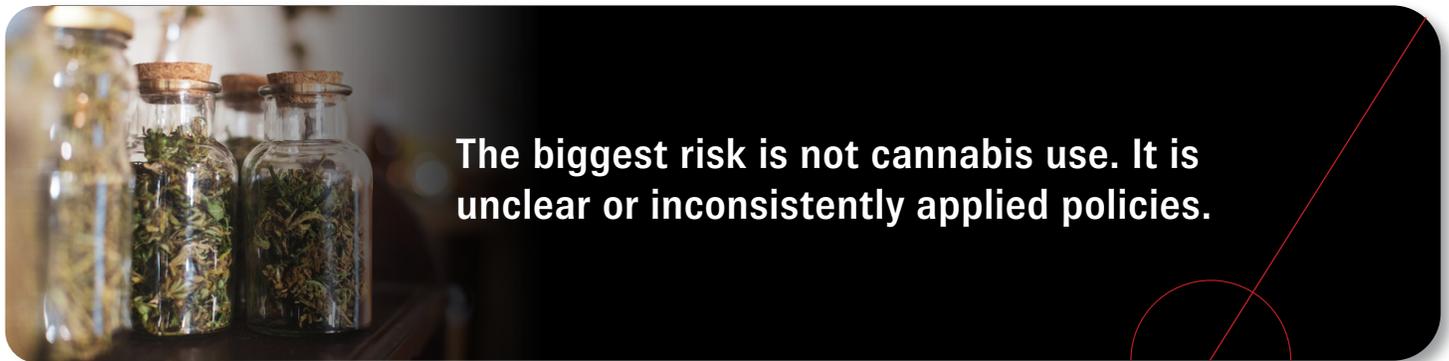
- + Conflicting guidance from internal teams
- + Employee confusion around rights and responsibilities
- + Increased exposure for HR and compliance teams

These challenges often surface later during claims reviews, employee disputes, or renewal conversations. By that point, the original policy decision is harder to unwind. Unclear policies create friction for employers and employees alike.

WHY THIS MATTERS FOR BROKERS

Cannabis-related questions frequently arise during benefits conversations. Brokers are often the first call when an employer encounters uncertainty around testing, accommodations, or employee concerns. These moments test broker judgment. They require the ability to recognize when an issue extends beyond compliance and into benefits strategy, workplace rules, and employee experience.

Proactive conversations help surface grey areas early. Flagging policy gaps before issues escalate can reduce downstream complications during claims discussions, leave coordination, or renewal cycles. In this way, cannabis policy reflects a broader trend. Employers are navigating growing complexity, and brokers have an opportunity to add value by helping them think through it with intention.



The biggest risk is not cannabis use. It is unclear or inconsistently applied policies.

BOTTOM LINE

Cannabis policy highlights a broader reality for employers today. Compliance is becoming more difficult as rules fragment and workforces expand across jurisdictions. The risk lies not in the substance itself, but in policies that fail to reflect how expectations are applied in practice. Addressing that risk requires coordination across HR, benefits, and compliance, not isolated decisions made under pressure.

CRC Benefits supports brokers by helping ensure policy considerations, benefits strategy, and ongoing support stay aligned. When these elements are considered together, employers are better positioned to manage uncertainty and reduce friction over time.

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