FP Flash Survey Reveals Half of Employers Don't Test Applicants for Cannabis: 7 Biggest Employer Takeaways

Insights

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48% of employers don't test for cannabis in the pre-hire process, and many have made this choice to ensure they meet their talent acquisition and retention goals. In fact, 44% of organizations that <u>do</u> test for cannabis report they have faced challenges recruiting qualified candidates. Those are just a few of the findings from the latest FP Flash Survey conducted between September 23 and October 2, gathering information from nearly 1,000 employers across the country. The survey revealed seven key findings that provide an enlightening glimpse into the current state of cannabis testing, and could help you navigate this modern era.

Half of Employers Don't Test for Cannabis

The main takeaway from this latest survey is that just about half of responding employers do not test for cannabis during the pre-hire process. 475 of the 989 responses (48%) from organizations indicated that they either no longer or have never tested for cannabis. Meanwhile, 12% of respondents said they test for cannabis at the pre-hire stage but only for some jobs, such as those that are safety-sensitive or those where a legal requirement mandates pre-hire cannabis testing. This leaves 40% of respondents reporting that they continue to test all applicants for cannabis in the pre-hire stage.
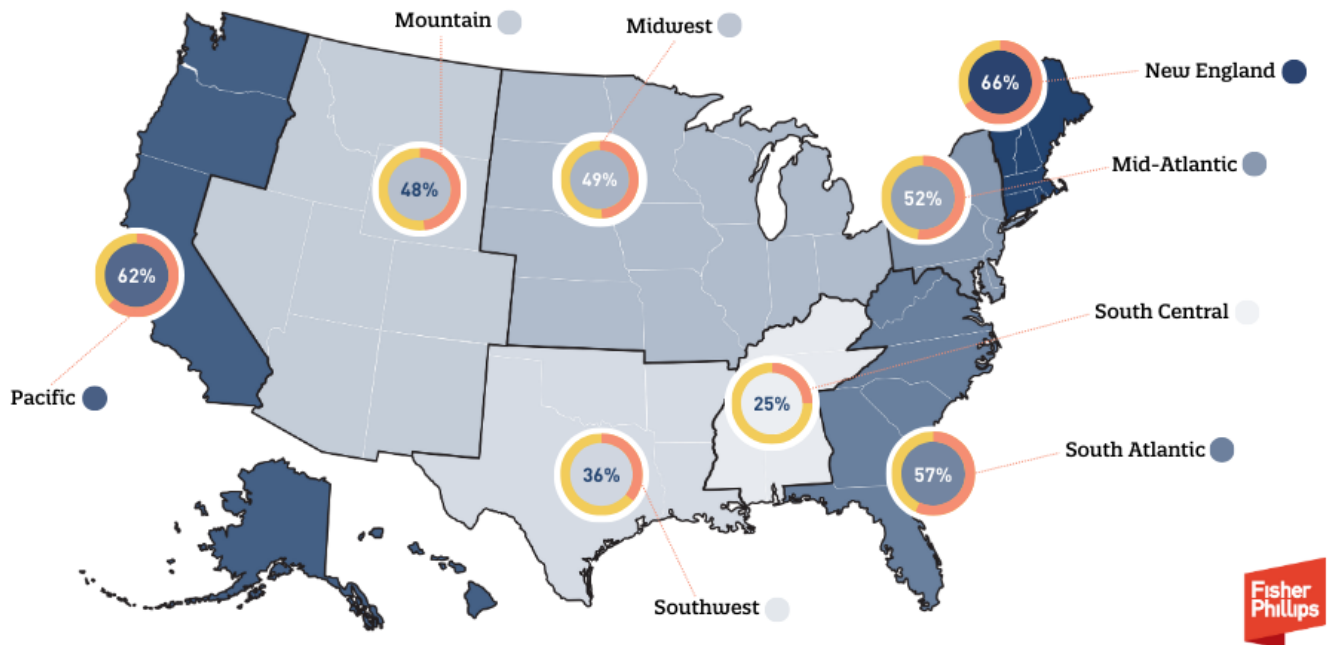
48% of employers

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44% of orgs that **DO** test

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Employers on Both Coasts Less Likely to Test

It might not be a surprise to learn that employers primarily stationed on both coasts are less likely to mandate pre-hire cannabis testing than their peers across the country, while employers across the southwest and south-central part of the country are far more likely to require such testing. What percentage of employers said they do **not** test for cannabis during pre-hire? Here's a breakdown by region:

- New England (CT, ME, MA, NH, RI, VT) – **66%**

- Pacific (CA, OR, WA, AK, HI) – **62%**

- South Atlantic (VA, WV, SC, NC, GA, FL) – **57%**

- Mid-Atlantic (NJ, NY, PA, DE, DC, MD) – **52%**

- Midwest (MN, IA, MO, KS, NE, SD, ND, WI, MI, IL, IN, OH) – **49%**

- Mountain (NV, WY, MT, UT, CO, ID, AZ, NM) – **48%**

- Southwest (OK, TX, AR, LA) – **36%**

- South Central (AL, KY, MS, TN) – **25%**

Percentage of Employers That Do Not Test Applicants For Cannabis

Mountain: 48%
Midwest: 49%
New England: 66%
Mid-Atlantic: 52%
Pacific: 62%
South Central: 25%
South Atlantic: 57%
Southwest: 36%

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Talent Acquisition and Retention are Key Reasons Why Companies Don't Test for Cannabis

While exactly half (50%) of employers who choose not to test for cannabis do so because of state laws legalizing it, more than a third (37%) say that talent acquisition and retention are drivers that have led them not to test. Here's a breakdown of all the reasons employers gave for not pre-hire testing for cannabis:

- 50% - Cannabis legalization in our state

- 37% - Talent acquisition and retention

- 25% - Company culture and values

- 19% - Administrative burdens

- 15% - Lack of safety concerns in our workplace

- 15% - Costs

- 8% - Employee pushback

Employers That Don't Test for Cannabis Are Split on Testing for Other Controlled Substances

Almost half of employers who don't test for cannabis (45%) also don't test for other controlled substances such as opiates, PCP, cocaine, or amphetamines – while 55% of employers continue to administer something akin to the classic five-panel drug test for applicants.

Many Employers That Test Applicants for Cannabis Face Recruiting Roadblocks

Close to half (44%) of employers that require pre-hire cannabis testing report that they have faced challenges in recruiting qualified candidates because of their policy, underscoring how things have changed in the modern workplace.

Some Employers are Considering Softening Their Cannabis-Testing Stance

Out of those organizations that test their applicants for cannabis, 22% report that they are considering softening their stance in the near future, while an additional 29% say they are unsure if they will lower their guardrails. That means only 49% are committed to maintaining pre-hire cannabis testing in the near future.

Safety Overwhelmingly Serves as Top Reason for Cannabis Testing

An overwhelming 81% of employers that continue to test applicants for cannabis report doing so primarily because of safety concerns.

- A little more than half (51%) of employers report they test for cannabis at the pre-hire stage to stay compliant with legal requirements, while about the same number (46%) continue to test because they are concerned about legal liability.

- 43% of employers report that they continue to test for cannabis because of client or industry requirements or norms, and 40% say they do so because of company culture or values.

- Only 20% say that concerns about employee productivity have led them to continue testing applicants for cannabis.

Want Industry-Specific Details?

If your organization is in the manufacturing, construction, healthcare, or hospitality industries, click here to review our industry-specific Insight diving into more detail.

Conclusion

We will continue to monitor developments related to drug testing in the workplace. Make sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney on our Workplace Safety and Catastrophe Management Practice Group.

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