

It has been several years since medical marijuana was legalized in North Dakota, and WSI continues to receive questions from employers about employee marijuana use.

This guide will help employers and their employees understand the legal framework around marijuana and the workplace in North Dakota.

North Dakota's Medical Marijuana Law

Effective August 2017, the North Dakota legislature approved the use of medical marijuana for patients with debilitating medical conditions such as:

- Cancer
- PTSD
- Fibromyalgia
- Spinal Stenosis
- Chronic back pain
- Chronic or debilitating disease/condition resulting in severe, debilitating pain and/or muscle spasms

To qualify for medical marijuana, a patient must apply and be approved for a registry identification card. Marijuana products covered under the medical marijuana statute include:

- dried leaves/flowers
- capsules
- patches
- topicals

Edible marijuana products remain prohibited by law, and only a Compassion Center, approved by the North Dakota Department of Health, is authorized to process, produce, or dispense medical marijuana. [N.D.C.C. Ch. 19-24.1](#)

How Does This Impact North Dakota Employers?

Recreational use of marijuana remains illegal, and employers may still require employees to be drug free. The law does not prohibit an employer from disciplining an employee for possessing or consuming marijuana in the workplace or working while under the influence.

In addition, the law provides the following protections:

- The law does not prohibit an employer from disciplining an employee for possessing or consuming marijuana in the workplace or working while under the influence. [N.D.C.C. §19-24.1-34\(2\)](#).
- The law prohibits WSI from paying for medical marijuana. [N.D.C.C. §§ 65-05-07\(8\)\(l\)](#) and [19-24.1-34\(1\)\(a\)](#).
- WSI may not pay wage loss benefits if the wage loss is related to the use or presence of medical marijuana. [N.D.C.C. § 65-05-08\(11\)](#).
- An injury is not compensable if it is caused by the use of intoxicants including recreational marijuana use, or the illegal use of a controlled substance. A level of an illegally used controlled substance sufficient to cause impairment found by a duly administered drug test at or above the cutoff level in the Code of Federal Regulations, creates a rebuttable presumption that the injury was due to the impairment. [N.D.C.C. §§ 65-01-02\(11\)\(b\)\(3\)](#) and [65-01-11](#).
- Testing positive for marijuana may result in discontinuation of chronic opioid therapy. [N.D.C.C. § 65-05-39](#).

For details on how North Dakota law or federal regulations impact your workplace, seek guidance from your company's human resources department or legal counsel.