



Ohio Revised Code

Section 3796.28 Rights of employer.

Effective: March 20, 2026

Legislation: Senate Bill 56

(A) Nothing in this chapter does any of the following:

- (1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of marijuana;
- (2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of marijuana;
- (3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;
- (4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;
- (5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to marijuana;
- (6) Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code.

(B) A person who is discharged from employment because of that person's use of marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code and shall be ineligible to serve a waiting period or to be paid benefits for the



duration of the individual's unemployment as described in division (D)(2) of that section if the person's use of marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of marijuana.

(C) It is not a violation of division (A), (D), or (E) of section 4112.02 of the Revised Code if an employer discharges, refuses to hire, or otherwise discriminates against a person because of that person's use of marijuana if the person's use of marijuana is in violation of the employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of marijuana.