

Drug Testing and Legalised Marijuana – Challenges and Solutions



In 2016, legislation to legalise the use of medical cannabis was passed by the Australian Federal Government. As a part of the legislation, the approval for medical cannabis prescriptions is now governed and overseen by the TGA.

While medicinal cannabis can be used to treat sleep, mental health, pain, neurological conditions and cancer, it also poses a new challenge to workplace ethics and safety. This is particularly relevant to workplaces and industries that now test for marijuana as a part of their drug testing regimen.

Throughout this article, we will delve into the legal landscape surrounding marijuana legalisation, how employers can adapt drug testing policies and procedures, and how this can impact drug testing for Australian workplaces.

Overview of Drug Testing and Legalised Marijuana

In Australia, the legality of marijuana use has shifted significantly in recent years. It is now recognised as a therapeutic drug, with some states and territories permitting its use for medical purposes.

Medical Marijuana

Legalising the use of medical marijuana has opened up new opportunities for those in need due to a medical condition. Patients can access medical marijuana products through a prescription from a registered health provider.

Recreational Marijuana

Recreational use of marijuana is not legal at a federal level in Australia, and penalties for possession or use of this illicit drug vary across states and territories. Minor penalties or diversion programs are put into place for small amounts of cannabis.

Drug testing

Workplace drug testing is a common practice and includes testing for marijuana. Employers may conduct random drug tests or test employees in specific situations, such as following a workplace accident. These testing methods can include urine, saliva, or hair tests.

Traffic Safety and Drug Driving Laws

In Australia, drug driving laws are enforced to ensure safety on the road. This includes testing drivers for the presence of drugs, including cannabis products.

Federal legislation

Although Australian states and territories have autonomy on drug laws, the federal government maintains a stance against the legalisation of marijuana.

With this overview in mind, always verify your jurisdiction's current laws and regulations, which can be subject to change. Looking for a practical drug test? [Pathtech](#) has a range of reliable options available for delivery, including [THC test kits in Australia](#), such as the [urine cup and Securetec Drugwipe](#).

Challenges Posed By Drug Testing and Legalised Marijuana



This [article](#) by the National Library of Medicine states that empirical and clinical studies demonstrate significant adverse effects of cannabis smoking on physical and mental health as well as its interference with social and occupational functioning. Let's explore how implementing varying degrees of decriminalisation and medical marijuana programs has become a challenge for workplaces conducting drug testing.

1. Difficulty in Implementing Drug Testing in the Workplace

With drug testing at work—whether you are using [saliva drug tests](#) or [urine drug tests](#)—employers can find it difficult to differentiate between medicinal marijuana and recreational marijuana. This can lead to legal and ethical issues, as a positive drug test may not always indicate impairment on the job.

2. Complications Related to Medical Marijuana

If employees with valid prescriptions test positive for marijuana use, it can be challenging to balance medical needs and workplace policies. Accommodating medical conditions requires careful consideration from employers.

3. Lack of Up-To-Date Research on Cannabis Products

A lack of understanding of various strains, delivery methods, and impacts on cognitive or motor functions poses a challenge for employers seeking accurate information and making informed decisions on their workplace health and safety policies.

4. Contradictory Federal Government Policies Regarding Cannabis Use

While some states have decriminalised medical marijuana, the federal government has a stricter stance. This inconsistency in policy creates uncertainty for employers when aligning their practices with state and federal guidelines.

5. Adverse Effects Associated with Recreational Cannabis Use

Unlike alcohol—which has established legal limits—determining the level of impairment on the job from marijuana consumption is more complex. Marijuana's effects vary from person to person, and this makes it difficult for employers to enforce policies that address impairment from cannabis use.

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Solutions for Implementing Drug Testing and Legalised Marijuana in the Workplace

To keep your workplace safe, proactive solutions are needed. So, what are some key strategies employers can consider to balance organisational safety and employee wellbeing?

Educating Employees on the Potential Harms of Recreational Cannabis Use and Illicit Drugs

Employee education is a great first step when designing a safer workplace. Create awareness campaigns that provide accurate information about the harms of recreational cannabis use. This way, employees can make better decisions about their health and how illicit drugs can have harmful effects.

Requiring Employee Training Programs on Substance Abuse Awareness

Mandating substance abuse awareness training programs can further inform employees about the risks they face. Covering potential risks associated with cannabis use, this program can support employees to seek help for illegal drug concerns.

Establishing policies for medical cannabis use

Employers can put in place policies that accommodate employees with valid prescriptions. This can include defining what is acceptable for medical marijuana use, accommodations, and communication protocols for employees to disclose medical needs.

Updating drug testing policies

Like any legislation, employers must review and update their drug testing policies. It's important to stay informed about changes in state and federal government regulations so workplace policies remain in compliance with the law.

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