

General Employer Considerations Drug Testing in Pennsylvania

Governing Law

Pennsylvania has no statute governing drug testing; instead, employer policies dictate drug testing.

- A negative drug test may be a **condition of employment** for applicants and current employees.
- Drug tests are permitted and sometimes required for “**security sensitive**” or “**safety sensitive**” positions.
- The Public Utility Commission and/or Federal Department of Transportation may require drug testing.

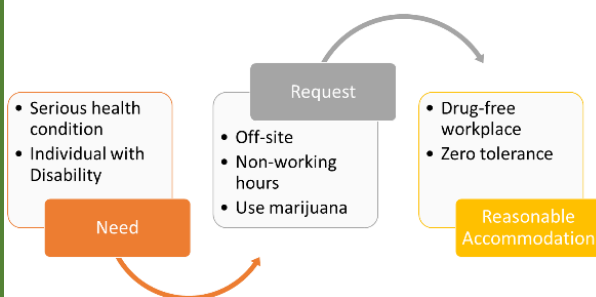
Employment Policies & Procedures

- If testing for “**illegal drugs**,” employers should define the illegal substances.
- Consideration should be given to the Federal treatment of **marijuana** versus Pennsylvania’s Medical Marijuana Act.
- A person using illegal drugs is not protected from adverse employment action but a person **recovering from drug addiction** may claim the addiction is a disability.

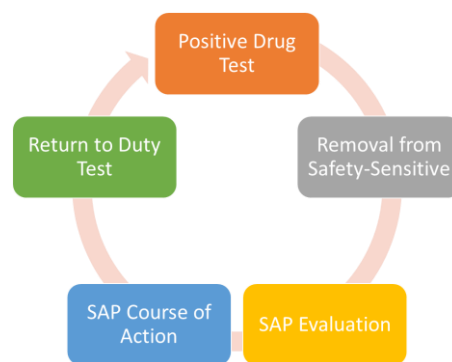


A positive drug test is not necessarily indicative of current impairment. A positive drug test should be analyzed before deciding to hire, terminate, or take adverse employment action.

Pennsylvania Human Relations Act & the Interactive Process



Federal D.O.T. Option



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