

California Senate Passes Bill Ending Cannabis Employment Protections for Certain Law Enforcement Roles

The California Senate this week passed a bill that would roll back existing employment protections for people who legally use marijuana while away from work, removing them for sworn law enforcement positions that involve certain specified duties.

Bill Passage and Details

Senators passed the measure on third and final reading Wednesday on a 31–3 margin, sending the bill next to the Assembly for consideration. The bill, SB 1264, from Sen. Shannon Grove (R), was initially introduced in February as a minor technical fix to the state’s employment protection law, which took effect at the beginning of this year and prevents employers from discriminating against workers for pre-hire or off-the-clock marijuana use.

Amendments and Scope

In March, the measure was significantly amended to roll back those protections for a wide range of public service jobs, including not only police and sheriffs’ deputies but also positions in animal control, law enforcement communications, and public administration. Last month, a subsequent amendment revised the list of exempted positions to include only five categories of sworn law enforcement employees: those involved in the apprehension, incarceration, or correction of criminal offenders; those who handle civil enforcement matters; workers involved in evidence gathering and processing; and those providing coroner functions.

Senate Approval

That version of the bill advanced out of the Senate Appropriations Committee on a 7–0 vote last week and was approved on the floor Wednesday with no additional changes. The legislation “is narrowly drawn to provide a targeted exemption for just those sworn law enforcement applicants and employees who are undertaking difficult duties directly associated with law enforcement,” Grove said on the Senate floor ahead of the latest vote.

Rationale and Support

“This is the same exemption that the building trades and construction trades currently have in statute,” she said. “The work of both of these professions is important and has important implications for the public’s safety. Peace officers are expected to overcome intense physical challenges and make split-second decisions in life-or-death situations, and these responsibilities are generally incompatible with the effects of cannabis use.”

“SB 1264 will ensure departments retain the ability to test employees for cannabis use to ensure the highest professional standards are met,” she said. The legislation has the support of law enforcement groups, such as the California State Sheriffs’ Association and the California Police Chiefs Association, but was broadly opposed by labor unions.

Opposition and Concerns

Cory Salzillo, a lobbyist for the California State Sheriffs’ Association, said earlier this month that the bill would provide needed clarity on whether law enforcement agencies can test applicants and workers for cannabis. “We believed we were exempt under the language of that bill,” Salzillo said of the employment protection bill that took effect in January. “And since its passage and implementation and some more refined legal analysis, there is a little bit less clarity than we initially had. So we think this is a very targeted exemption.”

Opponents have included labor groups such as the United Food and Commercial Workers International Union (UFCW); the Service Employees International Union (SEIU); the California School Employees Association; the American Federation of State, County, and Municipal Employees (AFSCME); and the California Employment Lawyers Association. Drug advocacy groups such as the Drug Policy Alliance and California NORML also opposed the rollback bill.

Labor Union Perspective

Kristin Heidelberg, a cannabis workforce development advisor and legislative advocate for UFCW, said at an earlier hearing that the union is worried the change could lead to a slippery slope. “We have major concerns with this bill even in its amended condition,” she said, “because we feel that what this does is carve out a huge group of workers [and] that, next year, we’re going to be fighting another group of workers, and the following year we could be carving out another group of workers.”

Broader Context

During her 13 years in a labor union, “I’ve watched multiple workers harassed or discriminated against...or threatened with a cannabis test,” Heidelberg said. “Our Black and brown brothers and sisters are disproportionately impacted by this, because they are subject to higher rates of testing.”

Even under existing law, “two facts remain,” she added: “You cannot be under the influence of cannabis and go to work. Nothing in current law allows that. Additionally, you have the right to test your workers now.”

Related Legislative Efforts

Meanwhile in California, Assembly lawmakers this week approved a bill to legalize cannabis cafes in the state, months after the governor vetoed a previous iteration of the proposal. The plan now proceeds to the Senate. Assemblymember Matt Haney (D) is again sponsoring the proposal, which would allow on-site marijuana consumption at licensed businesses that could also offer non-cannabis food and non-alcoholic drinks and host live events such as concerts if they get permission from their local government.

Gov. Gavin Newsom (D) vetoed the prior version, saying that while he appreciated that the intent was to “provide cannabis retailers with increased business opportunities and an avenue to attract new customers,” he felt “concerned this bill could undermine California’s long-standing smoke-free workplace protections.”

Psychedelic Legislation

Separately, a California Senate committee earlier this month effectively killed a bill to legalize psychedelic service centers where adults 21 and older could access psilocybin, MDMA, mescaline, and DMT in a supervised environment with trained facilitators.

The “Regulated Therapeutic Access to Psychedelics Act” was drafted in a way that was meant to be responsive to concerns voiced by Gov. Gavin Newsom (D) last year when he vetoed a broader proposal that included provisions to legalize low-level possession of substances such as psilocybin. Instead, the revised bill would have provided regulated access to psychedelics in a facilitated setting, without removing criminal penalties for possession outside of that context. It did not lay out any specific qualifying medical conditions that a person would need to have in order to access the services.

Ongoing Initiatives

Assembly member Marie Waldron (R), the lead on the Assembly side, is sponsoring a different psychedelics bill focused on promoting research and creating a framework for the possibility of regulated therapeutic access that has already moved through the Assembly this year with unanimous support.

An initiative campaign to put psilocybin legalization on the state’s November ballot recently announced that it did not secure enough signatures to qualify in time for a deadline. Another campaign filed and then abruptly withdrew an initiative to create a \$5 billion state agency tasked with funding and promoting psychedelics research last year.

Local Reforms

A third campaign also entered the mix late last year, proposing to legalize the possession and cultivation of substances like psilocybin, LSD, MDMA, DMT, ibogaine, and mescaline. People could buy them for therapeutic use with a doctor’s recommendation. Advocates for that measure still have time to gather and turn in signatures. The California Legislative Analyst’s Office (LAO) has since released its review of that proposal, outlining not only the plan’s policy implications but also its potential fiscal impacts on the state—which the report calls “various” and “uncertain.”

Some California municipalities, meanwhile, are pushing forward with reform on the local level. The city of Eureka, for example, adopted a resolution in October to decriminalize psychedelic plants and fungi and make enforcement of laws against personal use, cultivation, and possession a low priority for police. It’s at least the fifth local jurisdiction in the state to embrace the policy change. Others include San Francisco, Oakland, Santa Cruz, and Arcata.

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