



Questions employers are asking about California AB 2188:

What is AB 2188?

AB 2188 is a California law that prohibits employers from taking adverse action on pre-employment and/or post-employment drug testing results based (1) on an individual's off-the-job use of cannabis away from the workplace or (2) the presence of non-psychoactive cannabis metabolites in hair, blood, urine, or other bodily fluids. The law goes into effect on January 1, 2024.

Who is exempt from AB 2188?

There are a few exceptions to AB 2188. Employers can still require drug testing pursuant to federal regulations. The only specific carve out for AB 2188 for nonfederally mandated drug screening is for positions in the construction trades.

Can employers still test employees for drugs after they have been hired?

Yes, employers can still perform drug screening on employees post-hire according to the company's drug testing policy. In order to have the ability to take adverse employment action, an employer should utilize a testing matrix (eg, oral fluid) that provides drug testing results based on the presence of tetrahydrocannabinol (THC) in the specimen.

What are the best drug testing options for employers under AB 2188?

The best drug testing options for employers, if the employer wants to have an actionable marijuana drug screening result, the best drug testing options under AB 2188 are either laboratory-based or instant oral fluid drug testing. Oral fluid drug testing is an observed collection that is noninvasive. Furthermore, instant oral fluid drug testing provides immediate drug screening results, whereas a second oral fluid collection would need to be performed and sent to the laboratory to provide a confirmed result.

How can I still manage a safe workplace and have an actionable drug testing THC result?

At Quest Diagnostics, oral fluid drug testing (laboratory-based and instant) tests for parent THC, the psychoactive drug.

How can employers implement laboratory-based or instant oral fluid drug testing in their organization?

To implement laboratory-based or instant oral fluid drug testing in your organization, contact Quest Diagnostics; we are the global leader in workforce drug testing.

What are the benefits of using Quest Diagnostics for your workforce drug testing?

Quest Diagnostics is the only laboratory that performs drug testing in-house for all three matrices (urine, oral fluid, and hair). Quest Diagnostics has the experience and expertise to ensure that your drug testing program is conducted in a fair and accurate manner.

The above is based on interpretation of state laws by Quest Diagnostics, if you have any further questions about AB 2188 policy, legal, or other regulatory-related items, please consult an attorney.

For additional questions or to speak with someone, please contact us at WorkforceSolutions@QuestDiagnostics.com

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