



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Paul Joseph
Chief of Police

**SUBJECT: CANNABIS USE BY DEPARTMENT
MEMBERS**

DATE: February 28, 2025

Bulletin #2025-005

Effective January 1, 2024, California Government Code Section 12954 states the following:

(1) Except as specified in subdivision (c), it is unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalizing a person, if the discrimination is based upon any of the following:

(A) The person's use of cannabis off the job and away from the workplace. This paragraph does not prohibit an employer from discriminating in hiring, or any term or condition of employment, or otherwise penalize a person based on scientifically valid preemployment drug screening conducted through methods that do not screen for nonpsychoactive cannabis metabolites.

(B) An employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.

(2) This subdivision does not apply to an employee in the building and construction trades.

(b) Except as specified in subdivision (c), it is unlawful for an employer to request information from an applicant for employment relating to the applicant's prior use of cannabis.

(c) Information about a person's prior cannabis use obtained from the person's criminal history is subject to subdivisions (a) and (b), unless the employer is permitted to consider or inquire about that information under Section 12952 or other state or federal law.

(d) This section does not permit an employee to possess, to be impaired by, or to use, cannabis on the job, or affect the rights or obligations of an employer to maintain a drug- and alcohol-free workplace, as specified in Section 11362.45 of the Health and Safety Code, or any other rights or obligations of an employer specified by state or federal law or regulation.

(e) This section does not preempt state or federal laws requiring applicants or employees to be tested for controlled substances, including laws and regulations requiring applicants or employees to be tested, or the manner in which they are tested, as a condition of employment, receiving federal funding or federal licensing-related benefits, or entering into a federal contract.

(f) This section does not apply to applicants or employees hired for positions that require a federal government background investigation or security clearance in accordance with

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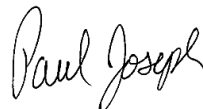
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regulations issued by the United States Department of Defense pursuant to Part 117 of Title 32 of the Code of Federal Regulations, or equivalent regulations applicable to other agencies.

Department policy requires Department members to be able to perform their scheduled duties unimpaired at all times. No Department member shall report for duty, be on-duty, represent the Department in any capacity, or operate a vehicle owned or leased by the City while under the influence of any substance that can negatively affect their behavior and/or performance, including cannabis. Additionally, no Department member shall possess cannabis products in a City vehicle or on City property (Refer to Duty Manual Section C 1413.5 – USE OF CANNABIS).

In the event a sworn Department member tests positive for cannabis, either in a random test or pursuant to a vehicle collision, the representative of the testing company will immediately notify the on-duty Area Commander of the positive test. The Area Commander will respond to the location where the test is being conducted to ensure that the Department member is fit to remain on-duty and/or drive a City-owned vehicle. If necessary, the Area Commander may ensure that field sobriety tests (in accordance with Training Bulletin 2023-012 – STANDARDIZED FIELD SOBRIETY TESTS) are conducted in a private location, out of view from members of the public and other Department members.

If the Area Commander deems the Department member to be impaired and/or in violation of 23152 VC, an investigation for possible violation of the City's Substance Abuse Program and Policy and/or driving under the influence will be initiated. Area commanders are reminded that, prior to questioning on an administrative matter, the officer shall be informed of their POBAR rights. Additionally, when custody exists in a criminal matter, Area Commanders are reminded to inform the officer of their constitutional rights pursuant to the Miranda decision. If no impairment is found, the Department member will return to duty without consequence, unless they tested positive for other tested substances.



Paul Joseph
Chief of Police

PJ:PH