

LEGAL UPDATE

EEOC Issues Guidance on Opioid Addiction and the ADA

On Aug. 5, 2020, the Equal Employment Opportunity Commission (EEOC) issued two new publications that aim to clarify existing requirements related to opioid addiction and employment under the Americans with Disabilities Act (ADA).

ADA Protections for Opioid Users

The first document, titled [Use of Codeine, Oxycodone, and Other Opioids: Information for Employees](#), makes clear that current, illegal drug use is not a covered disability under the ADA. However, it also clarifies that the ADA does protect an individual from disability discrimination if he or she is:

- Lawfully using opioid medication;
- Receiving medication-assisted treatment for opioid addiction; or
- In recovery from opioid addiction.

The document also provides information about reasonable accommodations for employees who legally use opioids and guidance for when an employer has concerns about an employee's ability to safely perform his or her job.

Information for Health Care Providers

The second document, titled [How Health Care Providers Can Help Current and Former Patients Who Have Used Opioids Stay Employed](#), informs health care providers about their patients' workplace rights under the ADA and aims to help them provide proper documentation to employers when a patient who uses opioids needs a reasonable accommodation in the workplace. It also provides information about how to help employers assess whether, and to what extent, an employee who legally uses opioids would pose a workplace safety risk.

Highlights

Illegal Drug Use

Current, illegal drug use is not an ADA-protected disability.

Legal Drug Use

The ADA protects individuals who use opioids legally or have recovered from opioid addiction.

Accommodating Opioid Use

Employers must provide reasonable accommodations for legal opioid use, unless doing so would pose a direct threat to safety in the workplace.

The new guidance describes existing requirements related to opioid use and employment under the ADA.

Provided to you by **Kinloch Consulting Group, Inc.**

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