

Marijuana Use Among Workers Hits a New High

Nearly 20% of workers in the general U.S. workforce tested positive for drug use in 2025, compared to 13.1 % in 2021, an increase of nearly 46%, according to the most-recent report from Quest Diagnostics, which performs drug tests yearly.

The 20% figure includes all-drug positivity - the share of hair tests positive for any drug (marijuana, cocaine, methamphetamine, amphetamines, etc.) The increase in marijuana use over the past five years is striking:

- Marijuana hair-test positivity: 9.5% (2021) → 15.1% (2025), up 58.9%
- Pre-employment hair-test marijuana positivity: 10.1% → 15.1%, up 49.5%
- Random hair-test marijuana positivity: 18.3% → 21.0%, up 14.8%
- Marijuana accounted for 52.5% of all hair-test drug positives in 2025 — the release explicitly calls it “the primary driver of positive drug tests across all specimen types and workforce segments”
- Urine-test marijuana positivity: 4.4%; oral fluid: 11.1%; hair: 15.1%
- Cocaine (up 48.1%), amphetamines (up 27.8%) and methamphetamine (up 19.0%) all rose too between 2021-2025

Quest conducted about eight million workforce drug tests in 2025. “The findings suggest that a sizeable minority of the American workforce uses drugs, principally marijuana, on a recurring or chronic basis. While traditional urine testing methods only capture drug use within a window of several hours or days, hair analysis provides an extended detection window that delivers a long-term history of substance use patterns over extended periods, offering insights into ongoing drug use behaviors,” Quest says.

The company uses hair and oral fluid testing methods which are substantially more resistant to tampering or substitution than urine testing. Quest says it has detected that some U.S. workers are going to great lengths to attempt to subvert the drug testing process.

“Hair and oral fluid testing capture different windows of use. This gives employers more accurate insight into safety risks,” said Jason S. Hudson, PhD, Scientific Director and Laboratory Director, Workforce Solutions, for Quest Diagnostics. “That matters because substance use in the workplace doesn’t just affect productivity; it can directly impact safety, decision-making, and the well-being of employees, particularly in safety-sensitive roles where even small lapses can have serious consequences.”

Industry-level data shows drug-positive rates remained elevated in sectors such as Retail Trade (5.4%), and Professional and Technical Services (5.3%), while lower rates were observed in Manufacturing (4.2%) and Transportation and Warehousing (4.2%).

In 2025, overall drug-positivity in the healthcare sector reached 5.8%, the highest among all sectors, and an increase of nearly 14% compared to five years ago. This trend was driven by marijuana, which remained the most commonly detected positive substance (2.9% in 2021 vs. 4.2% in 2025), followed by amphetamines (1.5% in 2021 vs. 2.3% in 2025).

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Changes at the Industrial Commission: What Employers and Practitioners Need to Know

By: Tracey Jones

The 2026 North Carolina Appropriations Act (Senate Bill 257) includes significant changes to the governance structure of the North Carolina Industrial Commission (NCIC). While the legislation does not alter the substantive rights and obligations under the Workers' Compensation Act, it does reshape how Industrial Commission Commissioners are appointed and how the Commission is administered.

A New Appointment Structure

Historically, all six Industrial Commissioners were appointed by the Governor. Under the new legislation, appointment authority will be divided among three appointing entities:

- Two commissioners appointed by the Governor.
- Two commissioners appointed by the Commissioner of Labor.
- One commissioner appointed by the General Assembly upon recommendation of the Speaker of the House.
- One commissioner appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate.

Although appointment authority is changing, the statute preserves the Commission's longstanding balance between employer and employee interests. The six-member Commission will continue to include three commissioners representing employers and three commissioners representing employees.

Term Limits Remain

The legislation still imposes term limits on Industrial Commissioners. No commissioner may serve more than two terms. A partial term of less than three years will not count toward that limit.

Legislative Confirmation Still Required

Appointments made by the Governor and Commissioner of Labor will require confirmation by the General Assembly through a joint resolution. The legislation also provides procedures for situations in which nominations are not submitted on time or vacancies arise during a term.

Change in Chair and Vice Chair Appointment Authority

Another notable administrative change is the transfer of authority to designate the Commission's Chair and Vice Chair. Under the amended statute, this authority moves from the Governor to the Commissioner of Labor.

Current Commissioners Will Complete Their Terms

Importantly, the legislation does not remove current commissioners from office. Existing commissioners will continue serving until the expiration of their current terms. As those terms expire, appointments will transition to the new structure on a staggered basis through 2031.

Transition Schedule

As noted above, the legislation does not immediately remove current Commissioners. Existing commissioners complete their current terms, and future appointments follow the new structure.

The transition schedule is:

Term Expires	Appointing Authority	Class
June 30, 2026	Speaker of the House recommendation	Employee representative
April 30, 2027	Governor	Employee representative
June 30, 2028	President Pro Tem recommendation	Employer representative
April 30, 2029	Commissioner of Labor	Employee representative
June 30, 2030	Governor	Employer representative
April 30, 2031	Commissioner of Labor	Employer representative

What Does This Mean for the Workers' Compensation Community?

For employers, self-insured entities, carriers, third-party administrators, injured workers, and practitioners, the immediate impact is primarily structural rather than substantive. The legislation does not modify benefit levels, claim procedures, compensability standards, or other core provisions of the North Carolina Workers' Compensation Act. Instead, the changes affect who appoints Industrial Commissioners and how the Commission is governed. Over time, those changes may influence the composition of the Commission, but the Commission will remain a six-member body equally divided between employer and employee representatives.

Tracey L. Jones is a Partner at Teague Campbell Dennis & Gorham LLP and co-chair of the firm's Workers' Compensation Practice Group. She represents employers and insurance carriers throughout North Carolina. She is based in Raleigh and speaks regularly on workers' compensation topics.

Motor Vehicle Accidents Remain Costliest Claims

Motor vehicle accidents comprise about 5% of workers' compensation lost-time claims nationally but account for roughly 10% of total benefit costs. Such claims average more than \$100,000, about 70% higher than the average lost-time claim of any kind, according to a recent research brief from the National Council on Compensation Insurance.

NCCI found motor vehicle accident claims are more than twice as likely as the average lost-time claim to involve injuries to multiple body parts, and injuries to the head and lower extremities in particular tend to end up being far more expensive when the cause is a vehicle collision.

“The picture gets more serious at the high end of the cost distribution. The share of workers' compensation claims exceeding \$1 million due to motor vehicle accidents has more than tripled over the past two decades. Today, MVAs account for roughly one in every five dollars of benefit costs paid out on claims at that catastrophic threshold,” NCCI says.

Motor vehicle accidents are also, by a wide margin, the leading cause of work-related fatalities. NCCI's data shows they cause roughly twice as many worker deaths as the next-highest cause, and account for about four out of every ten fatalities across the entire workers' compensation system.

Unlike the steady overall drop in claims frequency over the past 15 years, the number of motor vehicle accidents has remained essentially flat since 2012, and NCCI's early post-pandemic data suggests the flat trend is likely to continue.

The group points to distracted driving — cell phone use in particular — as a significant contributing factor, noting that roughly one in three crashes involves phone use within a minute of the accident. Rising overall vehicle mileage and a growing share of inexperienced drivers on the road are also contributing factors.

One operationally important detail for claims and finance teams: nearly half of all MVA lost-time claims

involve a collision with another vehicle, meaning a third party may bear some or all of the liability. NCCI found that about one in four MVA lost-time claims result in a subrogation recovery. Even accounting for that recovery potential, MVA claims still cost 70% more than the average lost-time claim — a reminder that subrogation offsets, while valuable, don't close the cost gap on their own.

A Rare Bright Spot: Trucking

Not every driving-exposed sector tells the same story. NCCI highlighted the trucking industry as an exception, noting several consecutive years of declining MVA frequency there. The report ties that improvement to a combination of regulatory and technology measures: mandatory electronic stability control in new truck tractors, federally required electronic logging devices to curb driver fatigue, and the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse.

NCCI frames this as evidence that meaningful frequency reduction is achievable in a driving-heavy industry when technology and regulation reinforce each other. NCCI also flagged autonomous trucking technology as an emerging factor to watch, while noting that broad adoption remains a distant prospect rather than a near-term solution.

Among the steps employers can take:

- Rigorous driver selection standards and periodic motor vehicle records review
- Enforce distracted-driving policies given NCCI's finding on phone use near the time of crash
- Telematics or fleet monitoring where operationally feasible
- Clear protocols for third-party collision claims to ensure subrogation opportunities aren't missed
- Return-to-work planning specific to the multi-injury patterns MVAs tend to produce, since recovery timelines often look different than for a single-site injury

coming up

Wednesday, March 31 - Friday, April 2
NCASI Annual Conference 2027

Holiday Inn Resort Lumina on Wrightsville Beach

Make reservations by February 28, 2027 to get the discounted rate.
Our group code is ASI. Use this link for reservations: [NCASI 2027 Conf.](#)

NC Workers' Comp News is produced quarterly by the North Carolina Association of Self-Insurers. To be added to our distribution list, please contact Moby Salahuddin, executive director, at mobysal@outlook.com

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NC Industrial Commission Update

Attorney Portal Access: Launch Update

The North Carolina Industrial Commission is continuing preparations to provide attorneys and their designated staff with external access to Commission case files, with launch now planned for September 21, 2026.

If your firm has not yet submitted its Access Manager information, please take the following steps:

1. Select your firm's Access Manager(s).
2. Confirm that each designated Access Manager has an active portal user account through the Commission's Online Services Center.
3. Submit the Access Manager's information using the Access Manager Identification electronic form.

Once the Commission receives your submission, the Clerk's Office will work with your designated Access Manager(s) to prepare your firm for access. Training materials and additional information will be provided to Access Managers before the September 21 launch.

Tyler Younts Appointed Chairman

North Carolina Commissioner of Labor Luke Farley has designated Tyler Younts as chairman of the North Carolina Industrial Commission. He was appointed commissioner by the General Assembly for a six-year term beginning June 30, 2026.

Younts previously served at the Industrial Commission as a law clerk for the Full Commission, and he also served a six-year term as a Deputy Commissioner hearing claims arising under the Workers' Compensation Act, State Tort Claims Act, and Public Safety Employees' Death Benefits Act. Thereafter, Younts entered private practice and was a partner at Orbock Ruark & Dillard, PC in Winston-Salem, where he litigated workers' compensation claims at the Deputy Commissioner, Full Commission, and appellate court levels. He currently serves as Deputy General Counsel for Litigation at the North Carolina Department of Labor where he manages litigation to protect workers in OSHA, Wage & Hour, and Retaliatory Employment Discrimination Act matters.

Younts is a native and life-long resident of North Carolina. He is a graduate of the University of North Carolina at Chapel Hill and the Campbell University School of Law.