

Law & Policy Group

Roundup: US employer resources on states' recreational marijuana laws



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Section 1

Introduction

Twenty-four states, Guam and Washington, DC, have legalized the possession and personal use of marijuana for recreational purposes. To provide employers with some information on states' actions and the varying employment considerations involved, this roundup provides links to organizations, government websites, third-party analysis, news articles and viewpoints on marijuana usage for recreational purposes. Thirty-eight states, Guam, Puerto Rico, the US Virgin Islands and Washington, DC, have legalized marijuana use for medical purposes, but this roundup focuses on legal recreational marijuana use and its implications for employers. The aggregated content in each section is organized in reverse chronological order and is by no means comprehensive. It also does not necessarily reflect Mercer's or the authors' point of view on the subject.

Section 2

Multistate resources

- [Recreational marijuana by state](#) (Ballotpedia)
- [Testing for marijuana in 2022 — Do you know your state's laws?](#) (National Drug Screening, Inc.)
- [Marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Marijuana considerations & laws by state](#) (National Drug Screening, Inc.)
- [Checklist of impacting issues for employee use of marijuana](#) (National Drug Screening, Inc.)
- [US Cannabis newsletter](#) (Dentons)
- [Legal marijuana and the workplace](#) (registration required) (SHRM)
- [Man tests positive for marijuana, blames it on his lip balm, and doubles down with an ADA lawsuit](#) (Pierson Ferdinand, May 7, 2024)
- [DOJ plans to reclassify marijuana from Schedule I to lower-risk schedule III drug](#) (Ogletree Deakins, May 1, 2024)
- [An employee using marijuana is not protected under the ADA](#) (Shawe Rosenthal, April 30, 2024)
- [Weed testing for workers may not be worth it anymore](#) (subscription required) (podcast) (Bloomberg Law, April 23, 2024)
- [2024 marijuana legalization review: A guide for employers in a complex legal landscape](#) (Forbes, April 19, 2024)
- [Marijuana legality by state — Updated April 2, 2024](#) (DISA)
- [The week in weed](#) (The Blunt Truth Law, March 29, 2024)
- [Where is marijuana legal in the US? A state-by-state guide](#) (NBC, March 27, 2024)
- [Ohio's weed win brings new attention to feds and marijuana use](#) (subscription required) (The Washington Post, Nov. 17, 2023)
- [Where is marijuana legal? A guide to marijuana legalization](#) (US News, Nov. 8, 2023)
- [How employers are reacting to legal marijuana](#) (Business News Daily, Oct. 24, 2023)
- [Marijuana laws should cue employers to update workplace policies](#) (Bloomberg, Oct. 6, 2023)
- [Clearing the haze: Marijuana drug testing legal updates](#) (Jackson Lewis, Aug. 17, 2023)

- [Smoking weed after work? A growing number of employers don't mind.](#) (subscription required) (Washington Post, July 17, 2023)
- [Legal weed drives companies to relax their drug testing policies](#) (subscription required) (Bloomberg, July 14, 2023)
- [Stirring the pot: employee cannabis use in New York](#) (Reuters, July 10, 2023)
- [Amazon is supporting the effort to reform the nation's cannabis policy](#) (Amazon, June 8, 2023)
- [Right-to-weed states: Assessing impairment and managing employee conduct in the workplace](#) (Ogletree Deakins, June 9, 2023)
- [Employers struggle with state marijuana laws](#) (SHRM, June 1, 2023)
- [Majority of states have legalized marijuana but OSHA's post-incident drug-testing guidance hasn't changed](#) (Ogletree Deakins, May 30, 2023)
- [Marijuana in the manufacturing workplace](#) (Jackson Lewis, May 23, 2023)
- [The increasingly absurd illogic of workplace drug tests](#) (The New York Times, May 18, 2023)
- [The number of US workers testing positive for marijuana hits 25-year high](#) (Fortune, May 18, 2023)
- [Cannabis in the workplace and employment law considerations](#) (LexisNexis, May 11, 2023)
- [Needing younger workers, federal officials relax rules on past drug use](#) (subscription required) (New York Times, April 30, 2023)
- [More US states are regulating marijuana. See where it's legal across the country](#) (CNN, April 27, 2023)
- [Where is marijuana legal? A guide to marijuana legalization](#) (US News, April 24, 2023)
- [Where recreational marijuana is — and isn't — legal in 2023](#) (The Hill, April 20, 2023)
- [Does your state protect off-duty cannabis use? 8 questions for employers to consider as you revamp your policies](#) (Fisher Phillips, April 20, 2023)
- [Pot-testing limits create hazy compliance plans for employers](#) (Bloomberg, April 18, 2023)
- [4 trends for cannabis industry employers to track in 2023](#) (Fisher Phillips, April 13, 2023)
- [US legislation that may impact background screening](#) (Forbes, April 12, 2023)
- [Budding workplace marijuana impairment laws put employers in a bind](#) (McGlinchey, April 4, 2023)
- [Weed at work: Real-time cannabis legislation employers must know about](#) (HR Professionals Magazine, March 29, 2023)

- [Where is marijuana legal and how do people feel about it? Five charts show the shifting landscape](#) (CNN, March 7, 2023)
- [Employers: Clock is ticking to update marijuana policies](#) (mcglinchey, Jan. 27, 2023)
- [Up in smoke: Should businesses still drug test for marijuana?](#) (MSN, Jan. 20, 2023)
- [2023 and beyond: What employers need to know about marijuana and the workplace](#) (Recruiting Daily, Jan. 18, 2023)
- [Managing marijuana use in the workplace: What's at stake for employers](#) (Employee Benefit News, Jan. 3, 2023)
- [Will marijuana be federally legalized in 2023? A breakdown of its progress so far](#) (International Business Times, Jan. 1, 2023)
- [Where will marijuana be legal in 2023?](#) (The Hill, Dec. 31, 2022)
- [Marijuana workplace law in 2023](#) (CPA Practice Advisor, Dec. 28, 2022)
- [Marijuana legalization results: Growth opportunities as new states open for legal cannabis](#) (Forbes, Dec. 15, 2022)
- [Here are the biggest marijuana reform victories of 2022, from legalization to workplace protections](#) (Marijuana Moment, Dec. 12, 2022)
- [A mixed bag: State marijuana ballot initiatives in the 2022 election cycle](#) (Arnold & Porter, Dec. 9, 2022)
- [Half-baked: An overview of current cannabinoid laws & regulations](#) (Butler Snow, Dec. 9, 2022)
- [Cannabis state-of-play](#) (Arnold & Porter, Dec. 8, 2022)
- [Employment tip of the month — December 2022](#) (Wilson Elser, Dec. 1, 2022)
- [Marijuana use by employees: Drug-free policies and the changing legal landscape](#) (Fordham Urban Law Journal, 2022)
- [Employers and legal marijuana: Marijuana laws by state](#) (National Drug Screening, Inc., Nov. 18, 2022)
- [Marijuana in the workplace](#) (SHRM, Nov. 17, 2022)
- [Where is marijuana legal? A guide to marijuana legalization](#) (US News, Nov. 9, 2022)
- [2 wins and 3 losses for legalizing marijuana](#) (MSN, Nov. 9, 2022)
- [Here's how five states voted on the legalization of recreational marijuana](#) (CNBC, Nov. 9, 2022)
- [Marijuana is now legal in 21 states. These startups want to be the 'Amazon of weed'](#) (MSN, Nov. 9, 2022)
- [Employer alert: Asthma in the cannabis workplace](#) (JD Supra, Nov. 1, 2022)

- [Back to basics: Marijuana in the workplace](#) (EHS Daily Advisor, Oct. 31, 2022)
- [As marijuana laws shift, many employers are also rethinking their stances](#) (The Business Journals, Oct. 30, 2022)
- [Recreational marijuana and employment law protections](#) (GovDoc, Sept. 5, 2022)
- [The latest in multi-jurisdictional marijuana compliance](#) (Ogletree Deakins, Aug. 16, 2022)
- [Marijuana in the workplace: The 2022 guide for employers and employees](#) (TWB, June 7, 2022)
- [Marijuana laws and the 2022 workplace](#) (SHRM, March 31, 2022)
- [Weed in the workplace — Marijuana roundup](#) (HR Defense, Jan. 11, 2022)
- [Marijuana laws in 2022: Updated regs for employers](#) (HR Morning, Jan. 6, 2022)
- [Marijuana laws impacting employers spread like a weed in 2021: A year in review](#) (JD Supra, Jan. 3, 2022)
- [Cannabis and employment laws: Medical and recreational policies in the states](#) (NCSL, Nov. 1, 2021)
- [The ADA does not require accommodating medical marijuana use. But, what about synthetic THC?](#) (Fisher Broyles, Dec. 14, 2020)

Section 3

Individual state resources

Alaska

On Nov. 4, 2014, voters approved a ballot measure that allowed people age 21 and older to possess up to one ounce of marijuana and up to six plants. It also made the manufacture, sale and possession of marijuana paraphernalia legal.

- [Alaska marijuana legalization, ballot measure 2 \(2014\)](#) (Ballotpedia)
- [Alaska — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Alaska](#) (MPP, Nov. 17, 2022)

Arizona

On Nov. 3, 2020, voters approved a measure to legalize the possession and use of marijuana for persons who are at least 21 years old and required the Department of Health and Human Services to develop rules to regulate marijuana businesses.

- [Arizona proposition 207, marijuana legalization initiative \(2020\)](#) (Ballotpedia)
- [Arizona](#) (MPP)
- [Arizona — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Marijuana in Arizona: Implications for employers](#) (Ballard Spahr, Nov. 5, 2020)

California

On Nov. 8, 2016, voters approved a measure that legalized recreational marijuana for persons aged 21 years or older under state law and established certain sales and cultivation taxes. On Sept. 18, 2022, the governor signed legislation (AB 2188) that, effective Jan. 1, 2024, makes it generally unlawful for an employer to discriminate based on non-workplace cannabis use under the Fair Employment and Housing Act. On Oct. 7, 2023, the governor signed legislation (SB 700) effective Jan. 1, 2024, that will prohibit employers from asking applicants about prior cannabis use.

- [California proposition 64, marijuana legalization \(2016\)](#) (Ballotpedia)
- [AB 2188 Discrimination in employment: Use of cannabis](#) (Legislature)
- [California](#) (MPP)
- [SB 700 Employment discrimination: Cannabis Use](#) (Legislature)
- [California — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [California bans inquiries about applicant cannabis use](#) (Jackson Lewis, Oct. 9, 2023)

- [California governor signs bill blocking most employers from asking about past marijuana use during interview process](#) (Marijuana Moment, Oct. 9, 2023)
- [New recreational cannabis use protections for employees under FEHA](#) (Gordon & Rees, November 2022)
- [Up in smoke: AB 2188 outlaws discrimination in employment in California based on employees' off-duty cannabis use \(but it doesn't take effect until 2024\)](#) (Venable, Oct. 27, 2022)
- [California employers and off-duty marijuana use](#) (HR Works, Oct. 7, 2022)
- [A changed legal landscape? Analyzing California's new cannabis laws](#) (podcast) (Greenberg Glusker, Oct. 6, 2022)
- [AB 2188 leaves California employers' policies on marijuana use up in smoke](#) (Stoel Rives, Oct. 2, 2022)
- [California marijuana employment discrimination law](#) (GovDocs, Sept. 19, 2022)
- [California passes bill protecting employees' off-duty marijuana use](#) (Ogletree Deakins, Sept. 6, 2022)

Colorado

On Nov. 6, 2012, voters approved a constitutional amendment to legalize the use and possession of, at most, an ounce of marijuana for residents who are 21 and older.

- [Colorado cannabis](#) (Government)
- [Colorado marijuana legalization initiative amendment 64 \(2012\)](#) (Ballotpedia)
- [Colorado](#) (MPP)
- [Colorado — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Colorado lawmakers reject bill seeking to prohibit employers from firing workers for cannabis use](#) (The Colorado Sun, March 24, 2022)
- [Drug testing: What Colorado employers need to know](#) (Obsidian HR, Aug. 16, 2021)
[New Colorado marijuana laws effective 2021](#) (Newburn Law, July 12, 2021)
- [What employers should know about Colorado's new marijuana use law](#) (Ogletree Deakins, Nov. 30, 2012)

Connecticut

On June 22, 2021, the governor signed legislation that legalized marijuana for adults age 21 and older effective July 1, 2021.

- [SB No. 1201](#) (Connecticut General Assembly)
- [Connecticut](#) (MPP)

- [Summary of Connecticut's SB 1201 — An act concerning responsible and equitable regulation of adult-use cannabis](#) (MPP)
- [Connecticut — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Marijuana legalization: What Connecticut employers must know](#) (CBIA, July 13, 2022)
- [Connecticut's employers navigate state and federal laws for marijuana use](#) (CT Examiner, July 7, 2021)
- [Connecticut update: Recreational marijuana, captive audience meetings, and leave notices requirements take effect July 1, 2022](#) (Ogletree Deakins, June 30, 2022)
- [Can my employer test me? A look at legal cannabis in CT](#) (CT Insider, March 28, 2022)
- [What employers need to know as Connecticut legalizes recreational marijuana](#) (Fox Rothschild, June 29, 2021)

Delaware

On April 23, 2023, a recreational cannabis bill became law without the signature of the Governor that allows state residents aged 21 and older to possess up to 1 ounce of marijuana but prohibits them from growing their own.

- [HB 1](#) (Legislature)
- [HB 2](#) (Legislature)
- [Recreational marijuana sale now in effect in Delaware](#) (ABC, April 27, 2023)
- [Delaware just became the latest state to legalize recreational marijuana. See a list of every state where cannabis is legal](#) (Insider, April 27, 2023)
- [Delaware legalizes recreational marijuana despite governor's opposition](#) (Forbes, April 24, 2023)
- [Governor Carney releases statement on House bill 1 and House bill 23](#) (Government, April 21, 2023)
- [Delaware governor says he won't block marijuana legalization](#) (US News, April 21, 2023)

Florida (proposal)

- [Florida marijuana legalization initiative \(2024\)](#) (Ballotpedia)
- [Florida takes recreational marijuana to the polls: What to know](#) (USA Today, April 2, 2024)
- [Florida Supreme Court approves ballot measure to legalize recreational marijuana](#) (MSN, April 2, 2024)
- [Florida voters will decide whether to protect abortion rights and legalize pot in November](#) (AP, April 1, 2024)

- [Florida will vote on marijuana legalization initiative in November](#) (Forbes, April 1, 2024)
- [Florida Supreme Court to begin hearing arguments on recreational marijuana use](#) (Yahoo, Nov. 8, 2023)
- [State Supreme Court to hear arguments today over proposed marijuana ballot language](#) (Spectrum News, Nov. 8, 2023)
- [When is Florida's recreational amendment on the ballot? Here's when you can vote](#) (Yahoo News, Sept. 14, 2023)

Guam

In April 2019, the governor signed legislation that allows adults at least 21 years old to possess up to one ounce of marijuana.

- [Guam Cannabis Industry Act](#)
- [Recreational marijuana use by adults now legal on Guam, new law draws swift reactions](#) (Pacific daily news, April 4, 2019)

Illinois

On June 25, 2019, the governor signed HB 1438 that allowed adults over age 21 to legally purchase marijuana for recreational use from licensed dispensaries, effective Jan. 1, 2020.

- [HB 1438](#) (Illinois General Assembly)
- [Adult use cannabis summary](#) (Government)
- [Cannabis](#) (Illinois Department of Public Health)
- [Illinois](#) (MPP)
- [Overview of the Illinois cannabis regulation and tax act](#) (MPP)
- [Cannabis and employment FAQs](#) (Illinois Legal Aid Online)
- [Illinois — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Legalized marijuana in Illinois: 5 things employers need to know](#) (GovDocs, Aug. 9, 2021)
- [Marijuana and the workplace: 7 things for Illinois employers to know](#) (Jackson LLP, Feb. 14, 2020)
- [Employer insights: Recreational marijuana in Illinois](#) (Epstein Becker Green, June 18, 2019)

Maine

On Nov. 8, 2016, voters legalized recreational marijuana for adults over the age of 21.

- [Maine marijuana legalization, question 1 \(2016\)](#) (Ballotpedia)
- [Maine](#) (MPP)

- [Guide for employers: Marijuana in the workplace](#) (Department of Labor)
- [Maine — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Maine employers no longer require marijuana tests](#) (Bangor Daily News, Feb. 14, 2021)
- [Maine recreational marijuana law limits drug testing, disciplinary consequences imposed by employers](#) (Jackson Lewis, Feb. 21, 2018)

Maryland

On Nov. 8, 2022, voters in Maryland approved a ballot measure that supported legalizing marijuana for adults 21 years of age or older beginning in July 2023, and directed the Maryland State Legislature to pass laws for the use, distribution, regulation and taxation of marijuana. HB 837 became effective upon approval of the constitutional amendment.

- [HB 837](#) (Maryland General Assembly)
- [Constitutional amendment — cannabis — adult use and possession](#) (Maryland General Assembly)
- [Maryland question 4, marijuana legalization amendment \(2022\)](#) (Ballotpedia)
- [Maryland](#) (MPP)
- [Summary of Maryland's HB 837 and SB 833: Cannabis reform](#) (Marijuana Policy Project)
- [Maryland — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Maryland and Missouri pass recreational marijuana, Missouri adds medical marijuana cardholder employment protections](#) (Ogletree Deakins, Nov. 21, 2022)
- [Recreational marijuana in Maryland? What employers need to know](#) (Shawe Rosenthal, Nov. 16, 2022)
- [What Maryland's legalization of recreational marijuana means for employers](#) (Paley Rothman, Nov. 10, 2022)

Massachusetts

On Nov. 8, 2016, voters approved a measure to legalize marijuana and regulate it in ways similar to alcoholic beverages.

- [Massachusetts law about recreational marijuana](#) (Government)
- [Massachusetts marijuana legalization, question 4 \(2016\)](#) (Ballotpedia)
- [Massachusetts](#) (MPP)
- [Massachusetts — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Can Massachusetts employers fire workers for off-duty marijuana use?](#) (SHRM, July 12, 2019)

- [Recreational marijuana in Massachusetts: What should employers know?](#) (Epstein Becker Green, June 29, 2018)
- [What marijuana legalization means for Massachusetts employers](#) (Schwartz Hannum, March 2017)

Michigan

On Nov. 6, 2018, voters approved a measure that supported legalizing the recreational use and possession of marijuana for persons 21 years of age or older.

- [Michigan proposal 1, marijuana legalization initiative \(2018\)](#) (Ballotpedia)
- [Michigan](#) (MPP)
- [Cannabis regulatory agency](#) (Government)
- [Michigan — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Marijuana legalization: What Michigan employers need to know](#) (Trion Solutions, April 10, 2019)
- [Weed in the workplace: What Michigan employers can do now that marijuana use is legal](#) (Varnum, Nov. 7, 2018)
- [Michigan employer action steps for recreational marijuana use](#) (Barnes & Thornburg, Dec. 5, 2018)

Minnesota

On May 30, 2023, the governor signed legislation that allows adults 21 years and older beginning Aug. 1, 2023 to possess and use certain amounts of cannabis and cannabis products.

- [HF 100](#) (Legislature)
- [Attention employers: New Minnesota cannabis laws effective August 1, 2023](#) (Vogel, Aug. 1, 2023)
- [What recreational marijuana legalization means for Minnesota employers & job candidates](#) (subscription required) (Forbes, June 5, 2023)
- [Governor Walz signs bill legalizing adult-use cannabis in Minnesota starting Aug. 1, 2023](#) (Governor's office, May 30, 2023)
- [Minnesota legalizes recreational marijuana, but federal laws against cannabis still apply](#) (MinnPost, June 13, 2023)
- [What recreational marijuana legalization means for Minnesota employers & job candidates](#) (Forbes, June 5, 2023)
- [Minnesota becomes 23rd state to legalize recreational marijuana](#) (CNN Politics, May 30, 2023)

Missouri

On Nov. 8, 2022, voters approved a measure that legalized the purchase, possession, consumption, use, delivery, manufacture and sale of marijuana for personal use for adults over the age of 21.

- [Missouri amendment 3, marijuana legalization initiative \(2022\)](#) (Ballotpedia)
- [Missouri](#) (MPP)
- [What Missouri employers need to know about marijuana legalization](#) (LewisRice, Dec. 6, 2022)
- [Recreational marijuana in Missouri is coming soon](#) (Certiphi, Nov. 28, 2022)
- [Missouri voters approve legalization of recreational marijuana — What employers need to know](#) (Worklaw Network, Nov. 15, 2022)
- [Missouri — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Maryland and Missouri pass recreational marijuana, Missouri adds medical marijuana cardholder employment protections](#) (Ogletree Deakins, Nov. 21, 2022)
- [What adult-use marijuana means for Missouri employers](#) (Armstrong Teasdale, Nov. 10, 2022)
- [Missouri's new marijuana law: What employers need to know](#) (Thompson Coburn, Nov. 9, 2022)
- [Amendment 3 has passed in Missouri: What's next for recreational marijuana in the state?](#) (Thompson Coburn, Nov. 9, 2022)
- [Legalized cannabis in Missouri: What employers need to know](#) (Ogletree Deakins, Oct. 7, 2022)

Montana

On Nov. 3, 2020, voters approved a measure that supported legalizing the possession and use of marijuana for adults over the age of 21 and required the Department of Revenue to develop rules to regulate marijuana businesses.

- [Cannabis control division](#) (Montana Department of Revenue)
- [Montana I-190, marijuana legalization initiative \(2020\)](#) (Ballotpedia)
- [Montana](#) (MPP)
- [Montana — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Montana will protect off-duty marijuana use](#) (SHRM, June 21, 2021)
- [Montana will protect off-duty use of marijuana next year](#) (The National Law Review, June 9, 2021)

- [Montana legalizes marijuana for recreational use and will protect lawful off-work use](#) (Littler, May 25, 2021)

Nevada

On Nov. 8, 2016, voters approved a measure supported legalizing the recreational use of one ounce or less of marijuana by individuals by individuals 21 and over.

- [Cannabis Compliance Board](#) (Government)
- [Nevada marijuana legalization, question 2 \(2016\)](#) (Ballotpedia)
- [Nevada](#) (MPP)
- [Nevada — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Nevada Supreme Court sides with employer in marijuana dispute](#) (Manatt, Sept. 28, 2022)
- [Nevada prohibits pre-employment discrimination for marijuana use](#) (Clark County Bar Association, April 1, 2020)
- [Nevada passes pre-employment marijuana testing law](#) (GovDocs, July 9, 2019)
- [Nevada applicants and new employees with positive marijuana test results will receive legal protections](#) (Littler, June 25, 2019)
- [Nevada curbs use of pre-employment tests for marijuana](#) (SHRM, June 12, 2019)
- [Nevada's new recreational marijuana law: What employers need to know](#) (Ogletree Deakins, Nov. 11, 2016)

New Jersey

On Nov. 3, 2020, voters approved a measure that supported the constitutional amendment to legalize the possession and use of marijuana for persons age 21 and older and legalize the cultivation, processing and sale of retail marijuana.

- [New Jersey public question 1, marijuana legalization amendment \(2020\)](#) (Ballotpedia)
- [New Jersey](#) (MPP)
- [Marijuana at work: Employer Resource](#) (Employers Association of New Jersey)
- [New Jersey — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Walmart applicant's cannabis bias lawsuit could be headed to New Jersey court](#) (Reuters, March 6, 2024)
- [New Jersey marijuana guidance](#) (GovDocs, Oct. 3, 2022)
- [Dazed but less confused: New Jersey releases workplace guidance on new recreational cannabis law](#) (Fisher Phillips, Sept. 16, 2022)

- [NJ cannabis regulatory commission publishes guidance for employers to address marijuana impairment](#) (National Law Review, Sept. 16, 2022)
- [New Jersey Cannabis Regulatory Commission issues workplace guidance on reasonable suspicion determinations](#) (Littler, Sept. 14, 2022)
- [New Jersey's new adult-use marijuana law & the workplace](#) (ClearStar, Sept. 10, 2021)
- [New Jersey marijuana law employment provisions take effect](#) (SHRM, Sept. 1, 2021)

New Mexico

On April 12, 2021, the governor signed HB 2 that legalized and regulated marijuana for adults 21 and older.

- [HB 2](#) (Legislature)
- [New Mexico's HB 2, The Cannabis Regulation Act](#) (MPP)
- [New Mexico — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Understanding New Mexico's cannabis laws](#) (REDW, Sept. 2, 2021)
- [New laws and the 2021 cannabis effect on employers](#) (McGuire Woods, April 19, 2021)

New York

On March 31, 2021, the Marijuana Regulation and Taxation Act was signed into law, legalizing the use of marijuana for persons age 21 and older and creating a new Office of Cannabis Management to regulate marijuana.

- [Marihuana Regulation & Taxation Act](#) (Government)
- [Adult use cannabis and the workplace](#) (Department of Labor)
- [Cannabis \(Marijuana: Legal adult use and possession in NYC\)](#) (Department of Health)
- [New York](#) (MPP)
- [New York — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [New York's rollout of its adult-use cannabis program hits another snag](#) (Carter Ledyard, Dec. 5, 2022)
- [New York proposes adult-use rules](#) (Foley Hoag, Nov. 28, 2022)
- [Legalized marijuana in New York: What employers need to know](#) (GovDocs, Nov. 3, 2021)
- [New York Department of Labor publishes FAQs on legalization of recreational marijuana](#) (McGuire Woods, Nov. 3, 2021)

- [Guidance from NY Department of Labor clears the smoke around adult-use cannabis and the workplace](#) (Fox Rothschild, Nov. 3, 2021)
- [New York Department of Labor issues guidance on cannabis and the workplace](#) (Proskauer, Oct. 27, 2021)
- [Employers in New York State cannot test most workers for marijuana](#) (ESR, Oct 25, 2021)
- [Can NY employers test for marijuana use? State issues new guidance](#) (Oct. 22, 2021)
- [New York State Department of Labor issues guidance concerning employee cannabis use](#) (Davis Wright Tremaine, Oct. 14, 2022)
- [A New York State of mind — What legalized weed in the workplace means for employers](#) (Hire Right, April 13, 2021)

Ohio

On Nov. 8, 2023, voters approved a ballot measure that enables people 21 years and older to buy and possess up to 2.5 ounces of marijuana.

- [Ohio Issue 2, marijuana legalization initiative \(2023\)](#) (Ballotpedia)
- [House Speaker Jason Stephens is respecting the voters in refusing to change the recreational marijuana law: Today in Ohio](#) (MSN, April 4, 2024)
- [Ohio weed legalization 2023: The latest on the state's new marijuana law](#) (Akron Beacon Journal, Dec. 8, 2023)
- [O-Hi\(gh\)-O: The Buckeye state legalizes adult use cannabis](#) (Vorys, Nov. 8, 2023)
- [Puff, puff, passed: A 6-step plan for Ohio employers as recreational marijuana legalized](#) (Fisher Phillips, Nov. 8, 2023)
- [Ohio passes recreational marijuana law: What employers should know](#) (Jackson Lewis, Nov. 8, 2023)
- [Understanding Ohio's new recreational marijuana law: What employers need to know](#) (Forbes, Nov. 8, 2023)
- [Ohio legalizes recreational marijuana, but employers' ability to enforce workplace drug policies remains intact](#) (Squire Patton Boggs, Nov. 8, 2023)
- [Ohio voters approve measure legalizing recreational marijuana](#) (Forbes, Nov. 7, 2023)

Oregon

On Nov. 4, 2014, voters approved a ballot that legalized recreational marijuana for people age 21 and older and allowed them to possess up to eight ounces of dried marijuana and up to four plants.

- [Oregon legalized marijuana initiative, measure 91 \(2014\)](#) (Ballotpedia)
- [Oregon](#) (MPP)

- [Oregon — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [The battle over Oregon employee marijuana regulations](#) (National Drug Screening, Inc., Feb. 25, 2021)
- [Three new employment-related laws in Oregon impacting cannabis employers](#) (Portland Business Journal, Sept. 5, 2019)

Pennsylvania (Philadelphia)

Pennsylvania does not have a recreational marijuana use law, but as of Jan. 1, 2022, it is an unlawful employment practice for employers to administer pre-employment testing of marijuana in Philadelphia.

- [Pennsylvania — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Philadelphia's new marijuana law explained](#) (Zeff Law Firm, Feb. 3, 2022)
- [Philadelphia ban on marijuana tests in effect](#) (GovDocs, Jan. 5, 2022)
- [New Pennsylvania laws affect pre-employment marijuana testing](#) (Iprospectcheck, Dec. 27, 2021)
- [New Philadelphia ordinance prohibits pre-employment marijuana testing](#) (Troutman, Pepper, June 14, 2021)
- [Philadelphia passes ordinance banning marijuana tests for many prospective employees](#) (Littler, May 4, 2021)
- [Pre-employment marijuana screens will be outlawed for many in Philadelphia](#) (SHRM, Apr 29, 2021)

Rhode Island

On May 25, 2022, legislation that legalized the recreational use of marijuana for people age 21 and older was enacted.

- [SB 2430 The Rhode Island Cannabis Act](#) (Legislature)
- [Rhode Island](#) (MPP)
- [Rhode Island — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Rhode Island marijuana law: Info for employers](#) (GovDocs, June 14, 2022)
- [Rhode Island legalizes recreational marijuana and protects off-duty use for employees](#) (Morgan Lewis, June 9, 2022)
- [Employer drug-testing rules clipped by Rhode Island marijuana legalization](#) (Littler, June 7, 2022)
- [Rhode Island legalizes marijuana in 2022](#) (Abilheira Law, May 27, 2022)

Tennessee (proposal)

- [Tennessee lawmakers push for nonbinding cannabis questions on 2024 ballot](#) (Cannabis Business Times, Feb. 9, 2024)

Vermont

On Jan. 22, 2018, the governor signed legislation into law — effective 1 July 2018 — that permits the possession of up to one ounce of marijuana by individuals over the age of 21 and allows individuals to grow up to two marijuana plants in their homes. The law does not allow for retail sales of marijuana in the state.

- [2018 Vermont legislative session](#) (Ballotpedia)
- [Vermont](#) (MPP)
- [Vermont employment law and marijuana](#) (BarrSternberg, July 18, 2022)
- [What Vermont's legalization of recreational marijuana means for employers](#) (Jackson Lewis, June 21, 2018)
- [Marijuana law guidance for employers released by AG](#) (Office of the Vermont Attorney General, June 14, 2018)
- [Vermont legalizes recreational marijuana](#) (SHRM, Feb. 8, 2018)

Virginia

On April 7, 2021, the governor signed legislation that eliminated criminal penalties for simple possession of up to one ounce of marijuana by person 21 years of age or older. It also established a regulatory and licensing structure.

- [HB 2312 Marijuana: legalization of simple possession, etc.](#) (Virginia General Assembly)
- [Virginia](#) (MPP)
- [Vermont — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Marijuana's new hazy marijuana law and what employers should know](#) (Setliff Law, July 28, 2021)
- [Marijuana use laws budding in Virginia](#) (SHRM, July 12, 2021)
- [Marijuana in the Virginia workplace](#) (PLDR, July 1, 2021)
- [What employers and employees need to know about Virginia's new marijuana law](#) (Thatcher Law Firm, May 14, 2021)
- [Virginia legalizes marijuana and bolsters employee protections: What employers need to know](#) (Williams Mullen, April 29, 2021)
- [Legal Insider: Implications in Virginia on employers and new marijuana law](#) (ARL now, April 19, 2021)

Washington

On May 9, 2023, the governor signed legislation that will protect prospective employees from discrimination in hiring due to their lawful off-duty use of marijuana. The law is effective on Jan. 1, 2024. On Nov. 6, 2012, voters approved a measure that legalized the production, possession, delivery and distribution of marijuana for people 21 and older.

- [2023 Ch. 359, SB 5123 \(Legislature, May 9, 2023\)](#)
- [Washington marijuana legalization and regulation, initiative 502 \(2012\)](#) (Ballotpedia)
- [Washington](#) (MPP)
- [Cannabis](#) (Washington State Department of Labor & Industries)
- [Washington — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc.)
- [Cannabis Employment Protections Amendment Act enforceable July 13, 2023](#) (ESR, July 11, 2023)
- [Washington amends law to protect off-duty marijuana use in 2024](#) (Littler, May 19, 2023)
- [Implications of marijuana legalization for Washington employers](#) (Jackson Lewis, Nov. 9, 2012)

Washington, DC

Voters on Nov. 4, 2014 approved a measure that permitted the use of up to two ounces of marijuana and the possession and cultivation of up to three marijuana plants.

- [Washington DC marijuana legalization, initiative 71 \(November 2014\)](#) (Ballotpedia)
- [On the horizon: Broad employment protections for marijuana users in the District of Columbia](#) (Sheppard Mullin, April 24, 2023)
- [Washington — Considerations for marijuana in the workplace](#) (National Drug Screening, Inc., April 18, 2023)
- [Marijuana users offered broad job protections in DC](#) (Forbes, 3 October 2022)
- [Washington, DC, marijuana hiring and firing law](#) (GovDocs, June 9, 2022)
- [Washington, DC takes steps to protect employees' off-duty marijuana](#) (Morgan Lewis, June 21, 2022)



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