

GUIDE

RECREATIONAL MARIJUANA: WHAT EMPLOYERS NEED TO KNOW

AUGUST 2025



GovDocs[™]

INTRODUCTION

The growth of legalized recreational marijuana across the U.S. continues unabated. And that has created additional compliance issues for employers.

From pre-employment hiring regulations to drug testing rules and laws that protect off-duty use, employers have several items to consider regarding legalized marijuana. Meanwhile, public sentiment has begun to swing toward favoring legalization over the past several years, which likely means more legalization efforts - and compliance concerns moving forward.

Notes on Using This Guide

This guide focuses on the 24 states, plus the District of Columbia, where recreational marijuana is legal as of August 2025. This guide does not include information on states where medicinal marijuana is legal.

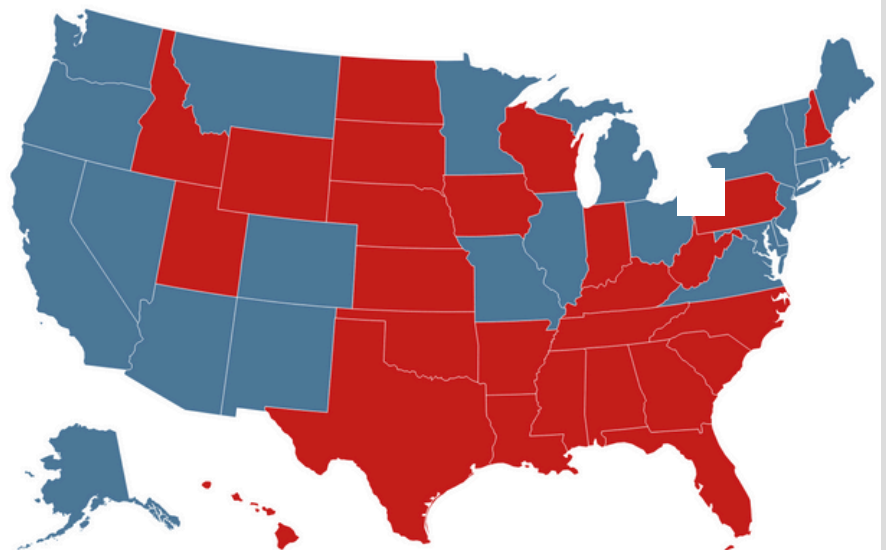
The items outlined in this guide apply to most situations. Certain industries and jobs, such as those related to safety or health, or that fall under federal rules, are often exempt from laws offering protections to marijuana users.

In addition, there are protections for employees who work in San Francisco, New York City, and Philadelphia.

Employers do have the right to maintain a drug-free workplace, despite marijuana's legality in certain states. As always with this topic, it should be noted that marijuana remains illegal at the federal level.

Legalized Recreational Marijuana by State (2025)

Recreational
■ No ■ Yes



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MARIJUANA LAWS

State	Pre-Employment Drug Screening	Off-Duty Use Protected	Testing Existing Employees	Additional Notes
Alaska	Allowed	No	Allowed	Employers who drug test employees and applicants must have adopted a written drug testing policy. The policy must be made available to employees and applicants need to be informed they must undergo drug testing.
Arizona	Allowed	No	Allowed	Employers who drug test employees and applicants must have adopted a written drug testing policy. The policy must be made available to employees and applicants need to be informed they must undergo drug testing.

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California	Allowed – employers should test as part of a pre-employment medical exam applied non-discriminately to all applicants for a position and use appropriate notification and testing procedures.	Employers cannot discriminate against employees on the basis of off-duty recreational marijuana use.	Allowed – employers should either have reasonable cause for the test or the employee is in a safety sensitive position.	Employers in California need to ensure that their drug testing policies do not infringe on a person's constitutional right to privacy under CA law.
Colorado	Allowed	No	Allowed	Employers are not required to accommodate personal use of marijuana in the workplace

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Connecticut	Allowed	Employers cannot discharge or take adverse action against an employee due to legal off-duty marijuana use unless failure to do so would cause employer to violate federal contract or lose federal funding and the employer has disseminated a policy.	Employers may test existing employees if the test is authorized under federal law, the employee is in a high risk or safety sensitive position or involves driving a school bus or student transportation, or the test is conducted as part of an employee assistance program in which employee voluntarily participates.	Employers who drug test applicants must notify the applicant in writing at the time of application of the drug testing requirement. Testing must be done with a reliable method and confirmation. The applicant must receive a copy of any positive test result.
Delaware	Allowed	No	Allowed	Certain government positions require applicants or employees to be drug tested. State contractors must test employees for drug use.

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District of Columbia	Allowed but only after a conditional offer of employment had been extended to applicant.	Employers cannot refuse to hire or take adverse action against an employee for using recreational marijuana or participating in a medical marijuana program or failing to pass a drug test for marijuana (exceptions apply).	Allowed	Employers do not have to accommodate the use, consumption, possession, transfer, or display of marijuana in the workplace.
Illinois	Allowed	Employers may not refuse to hire, discharge, or discipline an individual for using lawful products while off duty or not on call.	Allowed	Unless an employer has a drug policy regarding drug testing that allows the employer to discipline or terminate an employee based on a failed drug test, a positive marijuana drug test alone may be insufficient to discipline the employee since it may only indicate off-duty recreational use.

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Maine	Allowed if employer has policy regarding drug testing.	No	Allowed if employer has policy drug testing.	Testing is only allowed if a company has a drug testing policy that has been approved by the Maine Department of Labor.
Maryland	Allowed	No	Allowed	Maryland has specific requirements for drug testing regarding specimen collection and screening procedures.
Massachusetts	Allowed	No	Allowed	Employer should ensure that any drug testing of applicant or employee does not violate the individual's right to privacy.
Michigan	Allowed	No	Allowed	The law does not require accommodations for recreational use.

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Minnesota	Not allowed – some exceptions apply.	An employer may not refuse to hire an applicant or discipline or discharge an employee for the use of off-duty marijuana use not on employer's premises.	Not allowed – some exceptions apply.	Employers can no longer require or request an employee or job applicant undergo testing for cannabis on an arbitrary or capricious basis.
Missouri	Allowed	No	Allowed	Employers may refuse to hire, discharge and discipline or take adverse action against an individual for working while under the influence of marijuana.
Montana	Allowed	Yes	Allowed	Montana's Workforce and Alcohol Testing Act outlines specific rules for drug testing of applicants and employees.

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Nevada	Allowed	<p>Employers may not refuse to hire an applicant due to a positive marijuana drug test. However, this does not apply to:</p> <ul style="list-style-type: none"> • safety sensitive positions • motor vehicle operators • firefighters or EMTs • positions funded by federal grants 	Allowed, but if employer tests employee in first 30 days of employment, employee has the right to rebut the results at the employee's own expense.	Employers may still adopt workplace policies that prohibit or restrict an employee's use or possession of marijuana.
New Jersey	Allowed	Employers may not refuse to hire, discharge, or take adverse action against an individual because of marijuana use or due solely to the presence of cannabinoid metabolites in the employee's system.	Allowed	Employers are still allowed to maintain a drug free workplace and prohibit intoxication and use of marijuana during working hours.

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New Mexico	Allowed	No	Allowed	Employers may adopt zero-tolerance policies concerning the use of cannabis and expressly provides that such policy may permit the discipline or termination of an employee based on a positive drug test that indicates any amount of delta-9-tetrahydrocannabinol (THC) or delta-9-tetrahydrocannabinol metabolite.

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New York	Generally not allowed unless permitted under state law (Section 201-D(4-a)) or federal law.	Yes. Employers are prohibited from discriminating against applicants and employees for off duty marijuana use	Generally not allowed unless permitted under state law (Section 201-D(4-a)) or federal law.	An employer who refuses to hire an applicant based on the results of a pre-employment drug screening must be able to show that its testing method bears a "rational relationship to and is a valid predictor of employee job performance, and that it does not create an arbitrary, artificial and unnecessary barrier to employment which operates invidiously to discriminate on the basis of an impermissible classification."

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Ohio	Allowed	No	Allowed	Ohio employers are generally free to take adverse action against an applicant or employee who tests positive for marijuana.
Oregon	Allowed	No	Allowed	Employers in Oregon may take adverse action against applicants and employees for violation of the employer's drug policy.
Rhode Island	Allowed after a conditional offer of employment is extended.	An employer may not fire or take disciplinary action against an employee for off-duty, lawful marijuana use.	Allowed	Employers may not take adverse action against an employee who tests positive for marijuana unless the employer can show the employee was using marijuana during work hours or impaired while working.

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Vermont	Allowed once a conditional offer for employment is extended and the applicant is given the written notice of the drug testing procedure.	No	Allowed	Random and company-wide drug testing is prohibited in Vermont unless required by federal law.
Virginia	Allowed	No	Allowed	Employers are prohibited from requiring applicants to disclose information regarding an arrest, criminal charge, or conviction for simple marijuana possession during the hiring process, including disclosures on any application for hire.

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Washington	Allowed	Yes. Employers are prohibited from discriminating against applicants for off duty marijuana use.	Allowed	Exceptions for federal contracts, those receiving federal funding or licensing, and safety sensitive positions.

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CONCLUSION

The expanded legalization of marijuana and the differing laws at the state level gives employers a number of items to consider. Depending on the job market, industry type, and more, employers need to stay on top of their policies and procedures, especially as it relates to hiring and drug testing, to ensure compliance with the evolving laws in this area.

With decriminalization of recreational marijuana becoming more accepted, even potentially at the federal level, the complexities of handling these myriad laws will continue to be challenging.

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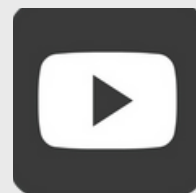
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