

State	Reference	Scope	Summary
Alabama		No law	
Alaska	Alaska Stat. Ann. §§ 17.37.010 to 17.37.080, 17.38.010 to 17.38.050	Medical and recreational marijuana	Employers are not required to accommodate medical or recreational marijuana use in the workplace.
Arizona	Ariz. Rev. Stat. Ann. §§ 36-2801 to 36-2819	Medical marijuana only	Employers may not discriminate against medical marijuana users based solely on their status as registered cardholders or for testing positive on a drug test for marijuana, unless it would cause the employer to lose money or licensing benefits under federal law. Employers may fire or take other adverse action against employees who use, possess, or are impaired by medical marijuana on company property or during work hours.
Arkansas	Ark. Const. amend. XCVIII, §§ 3, 6	Medical marijuana only	Employers with 9 or more employees may not discriminate against applicants or employees based on past or present status as a medical marijuana cardholder or as a designated caregiver for a physically disabled medical marijuana patient. Employers may take adverse action against employee based on a good faith belief that the employee used, possessed, or was impaired by medical marijuana on company property or during work hours. A positive drug test alone is not sufficient grounds for a good faith belief. Employers may, however, exclude employees from safety-sensitive positions based on a positive drug test. Employees called to active state duty as a member of the armed forces of Arkansas or any other state (including the state national guard, militia, and reserves) have the same leave and reinstatement rights and benefits guaranteed under USERRA.
California	Cal. Health & Safety Code §§ 11362.5, 11362.7 to 11362.9; Cal. Health & Safety Code §§ 11362.1 to 11362.45; Ross v. RagingWire Telecommunications, Inc., 42 Cal.4th 920 (2008)	Medical and recreational marijuana	Employers are not required to accommodate medical or recreational marijuana use in the workplace. Employers may fire employees who test positive for marijuana, even if the use was off duty and for a medical condition with a valid medical marijuana card.

Colorado	Colo. Const. art. XVIII, §§ 14, 16; Coats v. Dish Network, LLC, 350 P.3d 849 (2015)	Medical and recreational marijuana	Employers are not required to accommodate medical or recreational marijuana use in the workplace. Employer may fire employees who test positive for marijuana, even for off-duty use with a valid medical marijuana card.
Connecticut	Conn. Gen. Stat. Ann. §§ 21a-408 to 21a-408v	Medical marijuana only	Employers may not discriminate against applicants or employees based on their status as a qualifying patient or primary caregiver of a qualifying patient under medical marijuana laws. Employers may prohibit employees from using marijuana during work hours and discipline employees for being under the influence of marijuana during work hours.
Delaware	Del. Code Ann. tit. 16, §§ 4901A to 4928a	Medical marijuana only	Employers may not discriminate against medical marijuana users based on their status as registered cardholders or for testing positive for marijuana on a drug test, unless it would cause the employer to lose money or other licensing-related benefits under federal law. Employers may take adverse action against employees who use, possess, or are impaired by marijuana on company property or during work hours.
District of Columbia	D.C. Code Ann. §§ 7-1671.01 to 7-1671.13; 48-904.01	Medical and recreational marijuana	Medical marijuana statute does not address employment. Recreational marijuana law does not require employers to allow or accommodate the use or possession of marijuana in the workplace. Employers may enforce policies restricting use of recreational marijuana by employees.
Florida	Fla. Stat. Ann. § 381.986	Medical marijuana only	Employers are not required to accommodate the use of medical marijuana in the workplace or allow an employee to work under the influence of marijuana.
Georgia	Ga. Code Ann. §§ 16-12-190, 16-12-191, 31-2A-18	Medical marijuana only	Employers are not required to allow or accommodate the use or possession of marijuana in the workplace. Employers may enforce a zero-tolerance drug policy and terminate employees for testing positive for marijuana, even for off-duty use.
Hawaii	Haw. Rev. Stat. Ann. §§ 329-121 to 329-131	Medical marijuana only	Medical marijuana law does not authorize use in the workplace.
Idaho		No law	
Illinois	410 Ill. Comp. Stat. Ann. §§ 130/30 to 130/50	Medical marijuana only	Employers may not discriminate based solely on status as a registered medical marijuana patient or designated caregiver of a medical marijuana patient, unless it would

			cause the employer to violate federal law or lose money or licensing-related benefits under federal law. Employers may take adverse action based on a good faith belief that the employee used or possessed marijuana on company property or during work hours. Employers may also take adverse action based on a good faith belief that the employee was impaired while working on company property during work hours, but the employee must be given a chance to challenge the basis for the determination.
Indiana		No law	
Iowa		No law	
Kansas		No law	
Kentucky		No law	
Louisiana		No law	
Maine	Me. Rev. Stat. tit. 22, §§ 2421 to 2430-B; Me. Rev. Stat. tit. 7, §§ 2441 to 2455	Medical and recreational marijuana	Medical marijuana: Employers may not discriminate based on status as a medical marijuana patient or primary caregiver of a medical marijuana patient, unless it would cause the employer to violate federal law or lose a federal contract or funding. Employers are not required to allow employees to smoke marijuana on company premises or allow employees to work under the influence of marijuana. Recreational marijuana: Employers may not discriminate against applicants or employees based on purely off-duty marijuana use. However, employers are not required to accommodate use or possession of marijuana at the workplace and may discipline employees who are under the influence of marijuana at work.
Maryland		No law	
Massachusetts	Mass. Gen. Laws Ann. Ch. 94I §§ 1 to 8; 105 Mass. Code Regs. 725.650; Barbuto v. Advantage Sales and Marketing, LLC, 477 Mass. 456 (2017); Mass. Gen. Laws Ann. ch. 94G, § 2	Medical and recreational marijuana	Medical marijuana: Employers are not required to accommodate on-site use of medical marijuana at the workplace. However, an employee who uses medical marijuana to treat a disability is entitled to reasonable accommodation under the state disability discrimination law. Under that law, employers with 6 or more employees must accommodate off-site, off-duty use, unless there is an equally effective alternative treatment available or it would cause the employer undue hardship. Recreational

			marijuana: Employers are not required to accommodate recreational marijuana use in the workplace. Employers may enforce workplace policies restricting marijuana consumption by employees.
Michigan	Mich. Comp. Law §§ 333.26421 to 333.26430, 333.26424, 333.26427; Casias v. Wal-Mart Stores, Inc., 695 F.3d 428 (2012)	Medical marijuana only	Employers are not required to accommodate marijuana use at the workplace or allow an employee to work under the influence of marijuana. Employers may fire employee for testing positive for marijuana on a drug test, even when the use was off duty and the employee had a valid medical marijuana card.
Minnesota	Minn. Stat. Ann. §§ 152.21 to 152.37	Medical marijuana only	Employers may not discriminate against applicants or employees based on status as a registered medical marijuana patient or for testing positive for marijuana on a drug test, unless it would cause the employer to violate federal law or lose money or licensing-related benefits under federal law. Employers may take adverse action against an employee who uses, possesses, or is impaired by marijuana on company property or during work hours.
Mississippi		No law	
Missouri		No law	
Montana	Mont. Code Ann. §§ 50-46-301 to 50-46-345	Medical marijuana only	Employers are not required to accommodate the use of medical marijuana by a registered cardholder. As part of an employment contract, employers may include a provision prohibiting an employee's use of medical marijuana.
Nebraska		No law	
Nevada	Nev. Rev. Stat. Ann. §§ 453A.800, 453D.100	Medical and recreational marijuana	Medical marijuana: Employers are not required to allow use of medical marijuana in the workplace. However, employers must try to make reasonable accommodations for registered medical marijuana patients, as long as it would not pose a safety threat to people or property, cause an undue hardship, or prevent the employee from fulfilling his or her job responsibilities. Recreational marijuana: Employers may enforce a workplace policy prohibiting or restricting use of recreational marijuana by employees.
New Hampshire	N.H. Rev. Stat. Ann. §§ 126-X:1 to 126-X:11	Medical marijuana only	Employers are not required to accommodate use of medical marijuana on company property. Employers may discipline employees for using marijuana in the workplace or for working while under the influence of marijuana.

New Jersey	N.J. Stat. Ann. §§ 24:6I-1 to 24:6I-16	Medical marijuana only	Employers are not required to accommodate use of medical marijuana in the workplace.
New Mexico	N.M. Stat. Ann. §§ 26-2B-1 to 26-2B-7; Garcia v. Tractor Supply Company, 154 F.Supp.3d 1225 (2016)	Medical marijuana only	Employers may fire or discipline medical marijuana users based on a positive drug test.
New York	N.Y. Pub. Health Law §§ 3360 to 3369-E; N.Y. Comp. Codes R. & Regs. Tit. 10, § 1004.18	Medical marijuana only	Employers may not discriminate against applicants or employees based on status as a medical marijuana patient, but they may enforce a policy that prohibits employees from working while impaired by marijuana. Employers with four or more employees must also provide reasonable accommodations to medical marijuana users. Employers are not required to take any action that would cause them to violate federal law or lose a federal contract or funding.
North Carolina		No law	
North Dakota	N.D. Cent. Code Ann. §§ 19-24.1-01 to 19-24.1-40	Medical marijuana only	Employers may discipline employees for possessing or using marijuana in the workplace or for working while under the influence of marijuana.
Ohio	Ohio Rev. Code Ann. §§ 3796.01 to 3796.30	Medical marijuana only	Employers are not required to accommodate an employee's use or possession of medical marijuana. Employers may enforce zero-tolerance drug policies and discipline, fire, or refuse to hire medical marijuana users.
Oklahoma		No law	
Oregon	Or. Rev. Stat. Ann. §§ 475B.413, 475B.020; Emerald Steel Fabricators, Inc. v. Bureau of Labor and Industries, 230 P.3d 518 (2010)	Medical and recreational marijuana	Medical marijuana: Employers are not required to accommodate the use of medical marijuana in the workplace. Employers may fire or discipline employees for testing positive for marijuana, even if the use was off duty and with a valid medical marijuana card. Recreational marijuana: The law does not impose any restrictions on employers.
Pennsylvania	35 Pa. Stat. Ann. §§ 10231.510, 10231.1309, 10231.2103	Medical marijuana only	Employers may not discriminate based on status as a medical marijuana patient. Employers may discipline employees for being under the influence of marijuana at the workplace, or for working while under the influence of medical marijuana, but only when the employee's conduct falls below the normally accepted standard of care for that job. Employers are not required to accommodate medical marijuana use on company property and may prohibit

			employees from performing any duty that would pose a health or safety risk. Employers are not required to take any action that would violate federal law.
Rhode Island	R.I. Gen. Laws §§ 21-28.6-4, 21-28.6-7; Callaghan v. Darlington Fabrics Corp., No. PC-2014-5680 (R.I. Super. 2017)	Medical marijuana only	Employers are not required to accommodate the medical use of marijuana in the workplace. However, employers may not refuse to hire or otherwise penalize a person based solely upon the person's status as a medical marijuana patient or for testing positive for marijuana on a drug test.
South Carolina		No law	
South Dakota		No law	
Tennessee		No law	
Texas		No law	
Utah		No law	
Vermont	Vt. Stat. Ann. tit. 18, §§ 4230a, 4471 to 4474m	Medical and recreational marijuana	Medical marijuana: The law does not address employment. Recreational marijuana: Employers are not required to accommodate, and may regulate or prohibit, use or possession of marijuana in the workplace.
Virginia		No law	
Washington	Wash. Rev. Code Ann. § 69.51A.060; Roe v. TeleTech Customer Care Mgt. (Colorado) LLC, 257 P.3d 586 (Wash. 2011); Wash. Rev. Code Ann. § 69.50.4013	Medical and recreational marijuana	Medical marijuana: Employers may establish a drug-free workplace policy, in which case no accommodation for medical marijuana use is required. Employers may refuse to hire applicants or fire employees for testing positive for marijuana on a drug test, even if the use was off duty. Recreational marijuana: The law does not address employment.
West Virginia	W. Va. Code Ann. §§ 16A-5-10, 16A-15-4	Medical marijuana only	Employers may not discriminate against employees based solely on their status as certified to use medical marijuana. Employers may discipline an employee for falling below normally accepted standard of care while under the influence of medical marijuana. Employers may also prohibit employees from performing any duty that would be life-threatening, or that would pose a public health or safety risk, while under the influence of marijuana. Employers are not required to take any action that would violate federal law.
Wisconsin		No law	
Wyoming		No law	

