



• Colorado

## Colorado - State Specific Information

Information provided is current as of December 21, 2025, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Medical Use                       | Legalized – 2000 ( <a href="#">Amendment 20</a> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Recreational Use                  | Legalized – 2012 ( <a href="#">Amendment 64</a> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Possession/Personal Use Specifics | Adults <a href="#">21 and over</a> can legally possess up to 2 ounces of marijuana (flower or concentrate). Medical patients can possess up to 2 ounces of flower/concentrate.<br><br>Adults may grow up to 6 plants (maximum 3 flowering). Strict 12-plant limit per household regardless of the number of adults, unless a medical patient has a verified state-exempt status for more.<br><br>Public consumption remains illegal and is a petty offense. Use is restricted to private property (with owner consent) or licensed "Marijuana Hospitality" businesses. |

### State Regulatory Agency Information

|                             |                                                                                       |
|-----------------------------|---------------------------------------------------------------------------------------|
| State Regulatory Agency     | Colorado Department of Revenue – <a href="#">Marijuana Enforcement Division</a> (MED) |
| State Forms (If Applicable) | <a href="#">Non-Specified</a>                                                         |

### State Testing Policy

|                            |                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Information        | Colorado allows employers to maintain drug-free workplaces. Testing is permitted for pre-employment, reasonable suspicion, and post-accident. Colorado does not mandate a specific "Workplace Impairment Program" for private employers, but the state highly recommends a written policy that defines impairment and outlines the steps for " <a href="#">Reasonable Suspicion</a> " observation reports. |
| Safety Sensitive Positions | Federal law mandates testing for workers in <a href="#">safety-critical roles</a> like transportation or defense sectors. Additionally, a comprehensive drug and alcohol policy for state employees exists, influenced by federal guidelines, executive orders, and state legislation.                                                                                                                     |

## Privacy Laws

Require that test results be kept confidential and disclosed only to individuals with a legitimate need to know. Employees must be informed of and consent to testing procedures and must respect legal protections for medical marijuana use, though they can enforce drug-free policies in safety-sensitive positions.

## Recommended Procedures

### Does the state have recommended procedures?

Colorado does not mandate a specific "Workplace Impairment Program" for private employers, but the state highly recommends a written policy that defines impairment and outlines the steps for "Reasonable Suspicion" observations. Employers should use standardized "Observation Reports" to document physical signs of impairment (e.g., speech, odor, balance) before requesting a test.

### State Employee Procedures and Policies

The [Workplace Impairment Program](#) requires a clear policy defining impairment, procedures for addressing it, and testing protocols, along with mandatory training for supervisors and employees. Testing must be conducted confidentially, in line with state regulations, while thorough documentation and adherence to legal standards, including those related to medical marijuana.

## Protections for Use Outside Workplace/ Work Hours

### Is Colorado a "Right to Weed State"?

Employers can generally terminate or discipline employees for off-duty use if it violates an established company drug policy. There is currently no broad state protection for recreational off-duty use that overrides an employer's policy.

### More Detailed Information

[Denver Chamber of Commerce](#)

## State Requirements for Drug & Alcohol Testing Program

### Testing policy requirements:

[1 CCR 212-3 \(MED Rules\)](#)  
[C.R.S. § 24-34-402.5 \(Lawful Off-Duty Activities\)](#)

### Main Requirement:

Employers have the right to test for marijuana. If an employer chooses to allow off-duty use but prohibit impairment at work, they are encouraged to use oral fluid (saliva) testing, which has a shorter detection window than urine, better reflecting recent use.