



Indiana - State Specific Information

Information provided is current as of January 7, 2026, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Not Legal. (Only low-THC CBD oil with less than 0.3% THC).
Recreational Use	Not legal
Legal Status	Marijuana remains a Schedule I controlled substance under Indiana Code § 35-48-4-11 . Possession of any amount is a Class B misdemeanor (up to 180 days in jail). Possession of more than 30 grams with a prior conviction is a Level 6 felony.
"Farm Bill loophole", Senate Bill 250 (2026) introduced to align state law with new federal restrictions, banning the sale of Delta-8 THC and other intoxicating synthetic cannabinoids by capping total THC at 0.4mg per container.	

State Regulatory Agency Information

State Regulatory Agency	Indiana Alcohol and Tobacco Commission (ATC) designated to oversee permitting and regulation of remaining low-THC hemp-derived market.
State Forms	None Specified

Employer Drug Testing

General Information	Indiana is a strict "employment-at-will" state with no statutes restricting private employers from drug testing. Employers have broad authority to conduct pre-employment, random, and post-accident testing. Since there is no medical program, there is no requirement to accommodate any form of THC use, and positive results are legal grounds for termination or refusal to hire. *Remember, establishing robust documentation is a key risk mitigant for employers in states like Wisconsin.
Safety Sensitive Positions	Indiana does not strictly define "safety-sensitive" roles for private employers, allowing companies to designate these roles at their discretion. For state employees, Testing Designated Positions (TDP) are strictly regulated and subject to mandatory random testing.
Privacy Laws	The Indiana Fair Employment Act requires that testing not be conducted in a discriminatory manner. Results are generally treated as confidential medical records.