



• **Massachusetts**

Massachusetts - State Specific Information

Information provided is current as of December 23, 2025, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2012 (Chapter 369)
Recreational Use	Legalized – 2016 (Chapter 55)
Possession/Personal Use Specifics	Adults 21+ may possess up to 1 ounce in public and 10 ounces at home (amounts over 1 oz must be locked). Note: Legislation is pending to increase public possession to 2 ounces. Adults 21+ may possess up to 1 ounce in public and 10 ounces at home (amounts over 1 oz must be locked). Note: Legislation is pending to increase public possession to 2 ounces. Cannabis must be transported in a sealed container and cannot be accessed during transit, and licensed "Social Consumption Establishments" are legal in opt-in municipalities.

State Regulatory Agency Information

State Regulatory Agency	Maryland Cannabis Control Commission (CCC)
State Forms (If Applicable)	Urinalysis Chain of Custody Form

State Testing Policy

General Information	Massachusetts permits testing, but case law (Barbuto) and new legislation (H. 2179) have shifted the focus from "past use" to "active impairment." Employers must treat medical cannabis as a potential reasonable accommodation. Termination for a positive test without proving "undue hardship" (e.g., safety risk or loss of federal contract) is a high-risk for disability discrimination claims. Most employers cannot conduct cannabis screenings until after a conditional offer. Remember, establishing robust documentation is a key risk mitigant for employers in states like Massachusetts.
Safety Sensitive Positions	Roles where impairment could lead to a lapse of attention resulting in actual, immediate, and permanent physical injury or loss of life. These roles (and those federally regulated) remain exempt from medical accommodation requirements.

Privacy Laws	Drug test results are protected under the Massachusetts Privacy Act . Employers must maintain strict confidentiality and only share results with those with a specific "need to know."
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Recommended Procedures

Does the state have recommended procedures?	It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations. Although Massachusetts doesn't mandate specific procedures for drug-free workplace programs, the Massachusetts Cannabis Control Commission (CCC) offers helpful guidelines such as policy development, employee education, confidentiality, non-discrimination, and marijuana considerations.
State Employee Procedures and Policies	Massachusetts state employees are subject to drug testing. While specific policies may vary across different state agencies, there is a general expectation of maintaining a drug-free workplace .

Protections for Use Outside Workplace/ Work Hours

Is Massachusetts a "Right to Weed State"?	Requires employers with six or more staff to treat medical cannabis as a potential reasonable accommodation under the Barbuto ruling . Cannot enforce a blanket zero-tolerance policy against medical cardholders; must instead engage in an "interactive process" to see if off-duty use can be accommodated. For recreational users, H. 2179 (2026) generally prevents using a positive test as a hiring barrier. Unless the role is safety-sensitive or federally regulated, employees are protected for off-duty use, though you maintain the right to discipline for active workplace impairment.
More Detailed Information	Mass General Laws c.94G

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	103 DOC 240
Main Requirement:	Although many states have passed laws regulating or restricting an employer's right to require drug testing, Massachusetts has not. Massachusetts legislation does not address drug testing in private employment.