



Montana - State Specific Information

Information provided is current as of January 3, 2026, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2004 (Montana Medical Marijuana Act)
Recreational Use	Legalized – 2020 (Montana I-190)
Possession/Personal Use Specifics	It is legal for adults over the age of 21 to purchase and possess up to an ounce of cannabis. Montana residents can grow up to four plants (2 mature, 2 seedlings) at home. Marijuana may be consumed in private accommodations and private residences/property with the owner's permission. Marijuana may NOT be consumed in outdoor public spaces.

State Regulatory Agency Information

State Regulatory Agency	Montana Department of Revenue – Cannabis Control Division
State Forms (If Applicable)	Montana Reasonable Suspicion Form

State Testing Policy

General Information	Montana permits employers to maintain zero-tolerance policies, but they must strictly adhere to the Workforce Drug and Alcohol Testing Act (WDATA) . Employers are not required to accommodate medical or recreational cannabis use and may terminate or refuse to hire based on a positive THC test. A written testing policy must be distributed to all affected employees 60 days before implementation. While off-duty use is generally legal, employers retain broad authority to discipline for positive results, especially in safety-sensitive or hazardous roles, provided the procedural notice requirements are met.
Safety Sensitive Positions	Montana law permits drug and alcohol testing for employees in hazardous workplaces, positions involving driving, fiduciary roles, and public safety.
Privacy Laws	Test results are "confidential communications" and must be kept in a separate medical file, not the general personnel file.

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. The employer must have written policy and procedure that support a drug-free workplace for all employees. The policy may require that all potential employees pass a drug and alcohol test prior to beginning work at a facility; and include reference to pre-employment testing and ongoing drug testing in conformity with state law.
State Employee Procedures and Policies	Montana does not have a specific, statewide recommended drug policy for employers. While the state provides legal frameworks for drug and alcohol testing in certain workplaces, it primarily relies on individual employers to establish their own policies within those legal boundaries.

Protections for Use Outside Workplace/ Work Hours

Is Montana a “Right to Weed State”?	While legal off-duty marijuana use offers protection, employers can still terminate under specific circumstances. It hinges on factors such as: 1) Legality of the substance used, 2) Job duties and potential impairment risk (safety-sensitive roles have stricter rules), 3) Existence of a clearly communicated and enforced drug-free workplace policy, and 4) Montana's "just cause" standard requiring employers to demonstrate a legitimate reason for termination beyond just a failed test.
More Detailed Information	Montana Labor Laws

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	Montana DNRC Drug Free Workplace
Main Requirement:	Montana allows private employers broad discretion in drug testing, while public employees may face stricter guidelines due to state or federal regulations. Consult legal professionals for specific situations.