



New Jersey - 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 – 2010 (Compassionate Use Medical Marijuana Act)
Recreational Use	Legalized – 2020 (CREAMM Act)
Possession/Personal Use Specifics	New Jersey adults 21+ can possess up to 6 ounces of cannabis and purchase up to 1 ounce from licensed retailers. Home cultivation remains illegal for both recreational and medical users in New Jersey as of January 2026. New Jersey is currently one of the only "legal" states to still ban all home-grow. New Jersey currently prohibits public cannabis use and consumption, requiring it to occur on private property or licensed consumption areas.

State Regulatory Agency Information

State Regulatory Agency	NJ Cannabis Regulatory Commission - NJCRC
State Forms (If Applicable)	Reasonable Suspicion Observed Behavior Report

State Testing Policy

General Information	Under the CREAMM Act , any adverse action based on suspected impairment must be supported by both a scientifically reliable drug test and a physical evaluation documented in a Reasonable Suspicion Observation Report. While the state has not yet finalized the formal WIRE certification, employers must designate a trained staff member to perform these evaluations. Exceptions only apply to federal contractors or positions subject to federal testing mandates (e.g., DOT). Remember, establishing robust documentation is a key risk mitigant for employers in states like New Jersey.
Safety Sensitive Positions	New Jersey does not have a broad "safety-sensitive" carve-out for private employers. Unless the employee is subject to federal mandates (like DOT/CDL drivers), you generally cannot terminate for a positive test without documented evidence of workplace impairment.
Privacy Laws	While New Jersey protects off-duty cannabis use, employers can drug test in certain high-risk roles after

obtaining approval and adhering to anti-discrimination laws, while ensuring that there has been no violation of employee privacy in how the test is administered.

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

New Jersey doesn't enforce a mandatory drug-free workplace policy for private employers but rather recommends program aspects as outlined in the state employee policy.

State Employee Procedures and Policies

While New Jersey allows recreational cannabis use for adults, state employees are held to higher standards regarding workplace intoxication. The state maintains a [drug-free workplace policy](#) prohibiting the use, possession, or being under the influence of any illegal drugs or cannabis during work hours. This applies to all state employees, regardless of position or location.

Protections for Use Outside Workplace/ Work Hours

Is New Jersey a "Right to Weed State"?

[New Jersey law](#) explicitly prohibits adverse action based solely on off-duty use or the presence of metabolites. This applies to both applicants and current employees.

More Detailed Information

[New Jersey Workers Comp](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements: [Bill A890](#)

Main Requirement:

No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because that person does or does not smoke, vape, aerosolize or otherwise use cannabis items.