



New Mexico - State Specific Information

Information provided is current as of January 4, 2026, and companies are encouraged to consult legal counsel on these complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2014 (Lynn and Erin Compassionate Use Act)
Recreational Use	Legalized – 2021 (Cannabis Regulation Act)
Possession/Personal Use Specifics	Recreational users can possess up to 2 ounces of cannabis flower, 16 grams of concentrate, 800 milligrams of edibles, with the ability to grow up to 6 mature and 12 immature plants at home. Registered medical patients can now possess up to 15 ounces of flower over a 90-day period (tax-free), up from the previous lower limits. Smoking, vaporizing, or ingesting marijuana in public places in New Mexico is strictly prohibited.

State Regulatory Agency Information

State Regulatory Agency	NMRLD – Cannabis Control Division
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	As of 2026, New Mexico law (via HB 230) provides robust protections for medical cannabis patients, explicitly prohibiting random THC testing for these individuals. Adverse action against a medical patient cannot be based solely on a positive drug test; employers must instead provide documented evidence of workplace impairment based on state-issued physical and cognitive guidelines. While private employers may still enforce zero-tolerance and random testing for recreational users, they must accommodate medical patients unless doing so results in the loss of a federal contract or licensing benefit. Remember, establishing robust documentation is a key risk mitigant for employers in states like New Mexico.
Safety Sensitive Positions	While you can still designate roles as safety-sensitive, HB 230 removed the "blanket exception" that allowed employers to ignore medical protections just by labeling a job "safety-sensitive." You can still fire a patient for impairment in a safety role, but you cannot fire them for a positive test during a random screen unless they are subject to federal (DOT) mandates.

Privacy Laws

While New Mexico offers protections for medical marijuana patients, [employers still have flexibility](#) in drug testing policies, considering job requirements, impairment concerns, and adherence to anti-discrimination laws.

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 Mexico](#) does not have a generally applicable drug testing law. However, to legally test a medical patient after an accident, there must be a third party involved or significant property damage coupled with documented reasonable suspicion of active impairment. Employers must now utilize state-issued guidelines focusing on physical and cognitive symptoms rather than relying solely on a positive lab result, which the law explicitly states is not proof of impairment.

State Employee Procedures and Policies

The [State of New Mexico](#) has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public employees do not threaten life and limb due to the abuse of drugs and adheres to the Federal Drug-Free Workplace Act of 1988.

Protections for Use Outside Workplace/ Work Hours

Is New Mexico a “Right to Weed State”?

New Mexico protects [medical cannabis](#) users from employment discrimination and requires reasonable accommodations but does not require employers to permit cannabis use or impairment during work hours, and drug testing and workplace policies can still be enforced.

More Detailed Information

[New Mexico HB 230](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:

[New Mexico Judicial Branch Drug & Alcohol Testing Policy](#)

Main Requirement:

New Mexico Employers have substantial discretion in devising and implementing drug testing policies.