



New York - State Specific Information

Information provided is current as of January 5, 2026, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2014 (Compassionate Care Act)
Recreational Use	Legalized – 2021 (Marihuana Regulation and Taxation Act (MRTA))
Possession/Personal Use Specifics	Adults (21+) can possess up to 3 ounces of flower and 24 grams of concentrate in public. As of 2024, all adults may grow up to 6 plants at home (3 mature, 3 immature), with a household cap of 12 plants. Public smoking is permitted wherever tobacco smoking is legal, though it remains prohibited in motor vehicles and most indoor workplaces.

State Regulatory Agency Information

State Regulatory Agency	NYS Office of Cannabis Management (OCM)
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Under NY Labor Law § 201-D , employers are prohibited from testing both applicants and employees for cannabis in most circumstances. Cannabis is a "legal consumable product," and off-duty use is a protected activity. Adverse action is only permitted if an employee manifests specific, articulable symptoms of impairment (physical or cognitive) that interfere with their duties or workplace safety. A drug test cannot serve as the basis for a conclusion of impairment.
Safety Sensitive Positions	Testing for cannabis in roles like construction or machinery operation is prohibited unless a specific federal or state mandate (DOT regulations or a federal contract) requires it. In the absence of a legal mandate, New York employers must rely on documented articulable symptoms of impairment during work hours rather than lab results to justify any adverse action.
Privacy Laws	New York's privacy laws restrict pre-employment marijuana testing in most cases. Employers must balance workplace safety with individual privacy when conducting drug testing.

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. While private employers in New York are not mandated to have a drug-free workplace policy, they need to navigate a complex legal landscape involving balancing workplace safety with individual privacy rights, particularly in regard to marijuana use. Understanding the limitations on marijuana testing and adhering to privacy regulations is crucial for employers in the state.
State Employee Procedures and Policies	New York state employees are subject to a stricter Drug-Free Workplace Policy compared to private employers. While off-duty recreational marijuana use is no longer a basis for discrimination, on-the-job use or impairment from any controlled substance is strictly prohibited.

Protections for Use Outside Workplace/ Work Hours

Is New York a “Right to Weed State”?	New York is a strict "Right to Weed" state. Employers cannot refuse to hire or terminate an individual based on a positive THC test or known off-duty use. To discipline an employee, the employer must document objective signs of impairment during work hours.
More Detailed Information	Cannabis in NYC: Know Your Rights

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	NYC Commission on Human Rights
Main Requirement:	If you don't have a federal mandate to test, and the employee isn't staggering or slurring on the clock, you generally cannot take action for cannabis in New York.