



• North Dakota

North Dakota - State Specific Information

Information provided is current as of December 20, 2025, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	2016 - (Measure 5)
Recreational Use	Recreational use remains illegal following the defeat of Initiated Measure 5 in the November 2024 election.
Possession/Personal Use Specifics	Registered medical patients may purchase up to 2.5 ounces of dried flower in a 30-day period, though cancer patients may be authorized for up to 6 ounces. While possession of amounts less than 0.5 oz for non-patients is "decriminalized," it remains a criminal infraction with no jail time but a fine of up to \$1,000.
	Home cultivation and public consumption is illegal in North Dakota for anyone, even medical cannabis patients.

State Regulatory Agency Information

State Regulatory Agency	North Dakota Medical Marijuana Program
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	North Dakota is an "open" drug testing state, meaning there are no specific statutes restricting an employer's right to conduct pre-employment, random, reasonable suspicion, or post-accident testing. Employers may enforce zero-tolerance policies and are not required to accommodate the use of medical cannabis, even if used off-duty. A positive THC test is a valid basis for termination or refusal to hire. *Remember, establishing robust documentation is a key risk mitigant for employers in states like North Dakota.
Safety Sensitive Positions	For private employers, "safety-sensitive" roles are determined by company policy. However, for public/government employers, random testing is restricted by the 4th Amendment; only city/state employees in roles where a lapse in judgment poses a high risk of injury can be placed in random testing pools.
Privacy Laws	test results must be kept confidential, employers should have a written policy and obtain employee consent before testing, and employees generally have the right to access and contest their results.