



Vermont - State Specific Information

Information provided is current as of January 7, 2026, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2004 (Bill 76); Updated – 2024 (Act 166)
Recreational Use	Legalized – 2018 (HB 511)
Possession/Personal Use Specifics	Adults (21+) may possess up to one ounce of cannabis or 5 grams of hashish in public. At home, they may possess two mature and four immature plants. There is no longer a separate "home possession" limit of two ounces; rather, adults can legally possess the entire harvest of their own home-grown plants as long as it remains on the premises where grown.
	Smoking or consuming marijuana in public is illegal. This includes parks, sidewalks, and even private property that is open to the public.

State Regulatory Agency Information

State Regulatory Agency	Vermont Cannabis Control Board – (CCB)
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Vermont generally prohibits drug testing unless it is required by federal law (e.g., DOT). For non-federal roles, an employer may only test if they have probable cause (a higher standard than "reasonable suspicion") to believe the employee is under the influence on the job. Furthermore, an employer cannot terminate an employee for a first-time positive test; they must refer the employee to a rehabilitation program and may only terminate if the employee subsequently fails a test after completing that program. Remember, establishing robust documentation is a key risk mitigant for employers in states like Vermont.
Safety Sensitive Positions	There is no general state-level " safety-sensitive " carve-out that allows for random testing in the private sector. The only exception to Vermont's ban on random/blanket testing is for roles strictly regulated by federal mandates (such as commercial drivers, nuclear workers, or certain Department of Defense contractors).

Privacy Laws	Vermont lacks specific privacy laws directly addressing drug testing, but employers must act cautiously to avoid infringing on common-law privacy rights, ensuring informed consent, following reasonable testing procedures, and adhering to anti-discrimination laws.
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Recommended Procedures

Does the state have recommended procedures?	Vermont maintains some of the highest employee protections in the U.S. Under 21 V.S.A. § 513, private employers are prohibited from random testing and may only test an employee if they have probable cause of active workplace impairment. Even with a positive test, Vermont law requires a "rehab-first" approach, meaning an employer cannot terminate an employee for their first positive result and must instead offer a referral to an Employee Assistance Program (EAP). These restrictions do not apply to roles subject to federal testing mandates (e.g., DOT).
State Employee Procedures and Policies	All classified employees, as well as exempt, appointed, temporary and contractual, with the Executive Branch of the State of Vermont participate in the Federal Drug Free Workplace program.

Protections for Use Outside Workplace/ Work Hours

Is Rhode Island a "Right to Weed State"?	Vermont is a "Right to Weed" state in practice. Because an employer must have probable cause of on-the-job impairment to even conduct a test, off-duty use is effectively protected. Additionally, under the "rehab-first" rule, an employee cannot be fired for a positive THC test result unless it is a repeat offense following treatment.
More Detailed Information	5 Things to Know About Drug Testing in Vermont

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	Vermont Drug Testing Requirements
Main Requirement:	In Vermont, drug testing requires reasonable suspicion or involvement in safety-sensitive jobs, and random testing is banned. While employers have some leeway, strict regulations and individual considerations are crucial to avoid legal challenges.