



New Jersey - State Specific Information

Information provided is current as of February 1, 2024, 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	<p>New Jersey adults 21+ can possess up to 6 ounces of cannabis and purchase up to 1 ounce from licensed retailers. Cultivation allowed for medical patients with up to 6 plants with a special permit.</p> <p>New Jersey currently prohibits public cannabis use and consumption, requiring it to occur on private property or licensed consumption areas.</p>

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	<p>New Jersey employers generally retain the right to test based on specific situations. Common reasons include pre-employment screening for safety-sensitive positions, reasonable suspicion of impairment on the job, post-accident investigations, or adherence to federal regulations.</p> <p>Remember, establishing robust documentation is a key risk mitigant for employers in states like New Jersey.</p>
Safety Sensitive Positions	<p>For workers in critical infrastructure facilities or construction sites where potential harm to others from impairment is exceptionally high, commission approval is necessary. The same applies to employees directly servicing public utilities, federally mandated positions as well as restrictions for law enforcement officers whose duties require firearm possession.</p>
Privacy Laws	<p>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.</p>

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”?

In general, an employer cannot fire, demote, suspend, or pass over for promotion an employee solely on the basis of a positive drug test.

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.