



- Massachusetts

Massachusetts - 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 – 2012 (Chapter 369)
Recreational Use	Legalized – 2016 (Chapter 55)
Possession/Personal Use Specifics	Age 21 and over. Government-issued identification is required for purchase at licensed retailers. Possession limits: individuals can carry a maximum of 1 ounce outside their residence and store up to 10 ounces within their home. Home cultivation: individuals can grow up to 6 plants or 12 plants for residences with multiple adults over 21.

[Massachusetts keeps public spaces cannabis-free](#) – no smoking, vaping, or edibles! Remember, it's like alcohol: keep it concealed and secure during travel. An open container in your car's passenger area can land you a \$500 penalty. And remember, state lines are cannabis borders as well.

State Regulatory Agency Information

State Regulatory Agency	Massachusetts Cannabis Control Commission
State Forms (If Applicable)	Urinalysis Chain of Custody Form

State Testing Policy

General Information	In Massachusetts, employer drug testing policies have significant flexibility as the state lacks specific regulations. This means private companies can conduct pre-employment, random, reasonable suspicion, and post-accident testing with a written and consistently applied policy.
Safety Sensitive Positions	Any position with regular duties that, if performed while under the influence of drugs or alcohol could cause a significant risk to public health or public safety or cause serious bodily injury or loss of life.
Privacy Laws	Massachusetts legislation does not address drug testing in private employment. Massachusetts employers may screen employees and candidates for employment as long as all Federal requirements are followed.

Recommended Procedures

Does the state have recommended procedures? Although Massachusetts doesn't mandate specific procedures for drug-free workplace programs, the Massachusetts Cannabis Control Commission (CCC) offers [helpful guidelines](#) such as policy development, employee education, supervisor training, confidentiality, non-discrimination, and marijuana considerations.

State Employee Procedures and Policies Massachusetts state agencies may establish Drug-Free Workplace Programs, but specific procedures are not mandated. However, the Governor's Executive Order outlining the program recommends the same procedures as for any employer at the [state or federal level](#).

Protections for Use Outside Workplace/ Work Hours

Is Massachusetts a "Right to Weed State"? [Employers may terminate an employee](#) for off-duty and/or off-site recreational marijuana use because Massachusetts, unlike a number of other states, has no statutory protection for employees' lawful off-duty conduct.

More Detailed Information [Mass General Laws c.94G](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements: [103 DOC 240](#)

Main Requirement: Although many states have passed laws regulating or restricting an employer's right to require drug testing, Massachusetts has not. Massachusetts legislation does not address drug testing in private employment.