



• Colorado

Colorado - State Specific Information

Information provided is current as of July 29, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legalized – 2000 (Amendment 20)
Recreational Use	Legalized – 2012 (Amendment 64)
Possession/Personal Use Specifics	Adults 21 and over can legally possess up to 1 ounce of marijuana and 8 grams of concentrates in public, with higher limits allowed at home. Medical marijuana patients can possess up to 2 ounces and 2 ounces of concentrates.
	May grow up to 6 plants per adult and a maximum of 12 plants per household in a secure area and out of public view. Consumption is restricted to private property where the owner permits it, and this includes smoking, vaping, or ingesting edibles. Public use is subject to fines and other legal consequences.

State Regulatory Agency Information

State Regulatory Agency	Colorado Department of Revenue – Marijuana Enforcement Division (MED)
State Forms (If Applicable)	Non-Specified

State Testing Policy

General Information	Allows employers to conduct drug tests for various reasons, including pre-employment, reasonable suspicion, and post-accident testing. While marijuana use is legal in the state, it does not prevent employers from enforcing drug-free workplace policies, and testing positive for THC can still affect employment decisions.
	Remember, establishing robust documentation is a key risk mitigant for employers in states like Colorado.
Safety Sensitive Positions	Federal law mandates testing for workers in safety-critical roles like transportation or defense sectors. Additionally, a comprehensive drug and alcohol policy for state employees exists, influenced by federal guidelines, executive orders, and state legislation.

Privacy Laws

Require that test results be kept confidential and disclosed only to individuals with a legitimate need to know. Employees must be informed of and consent to testing procedures and must respect legal protections for medical marijuana use, though they can enforce drug-free policies in safety-sensitive positions.

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.

Colorado does not have a state-mandated program specifically requiring employers to implement workplace impairment programs. Employers are encouraged to develop their own policies and procedures to address impairment. These policies should align with state laws, including those related to marijuana use, and follow best practices for maintaining a safe and compliant workplace.

State Employee Procedures and Policies

The [Workplace Impairment Program](#) requires a clear policy defining impairment, procedures for addressing it, and testing protocols, along with mandatory training for supervisors and employees. Testing must be conducted confidentially and in line with state regulations, while thorough documentation and adherence to legal standards, including those related to medical marijuana.

Protections for Use Outside Workplace/ Work Hours**Is Colorado a “Right to Weed State”?**

Employers can enforce drug policies and [take action](#) if an employee tests positive, particularly if it impacts job performance or safety. Medical marijuana patients have some protections, but these do not fully prevent employment actions.

More Detailed Information

[Denver Chamber of Commerce](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements: [5 CCR 1005-2](#)

Main Requirement:

Employers can test for marijuana, especially in safety-sensitive positions or where federal law requires it. Employers must provide notice of drug testing policies. Testing under reasonable suspicion is permitted, and employees have rights to contest positive results.

