



• **Massachusetts**

Massachusetts - State Specific Information

Information provided is current as of August 2, 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	Purchase and possession at state-licensed retailers requires valid ID and is restricted to adults 21+. Outside your residence, carry no more than 1 ounce, while home storage allows up to 10 ounces. Cultivation is permitted for individuals 21+: grow up to 6 plants at home, or 12 in residences with multiple qualifying adults. Cannabis must be transported in a sealed container and cannot be accessed during transit, and public use of cannabis is prohibited in any public place, including parks, sidewalks, and motor vehicles

State Regulatory Agency Information

State Regulatory Agency	Maryland 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. Remember, establishing robust documentation is a key risk mitigant for employers in states like Massachusetts.
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. Employers must handle drug test results and employee information confidentially.

Recommended Procedures

Does the state have recommended procedures?	<p>It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations.</p> <p>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, confidentiality, non-discrimination, and marijuana considerations.</p>
State Employee Procedures and Policies	<p>Massachusetts state employees are subject to drug testing. While specific policies may vary across different state agencies, there is a general expectation of maintaining a drug-free workplace.</p>

Protections for Use Outside Workplace/ Work Hours

Is Massachusetts a "Right to Weed State"?	<p>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.</p>
More Detailed Information	<p>Mass General Laws c.94G</p>

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:	<p>103 DOC 240</p>
Main Requirement:	<p>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.</p>