



- Colorado

Colorado - 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 – 2000 (Amendment 20)
Recreational Use	Legalized – 2012 (Amendment 64)
Possession/Personal Use Specifics	Adults 21 and older can purchase up to 1 ounce of retail marijuana, 8 grams of retail marijuana concentrate, or marijuana products containing up to 800 milligrams of THC in a single transaction
	Public use of any kind is strictly prohibited , including parks, businesses, and even common areas in your own building. Keep in mind that federal land and certain private properties (including hotels and rentals) are off-limits for consumption, regardless of state laws. For complete legal clarity, always check local regulations specific to your city and county before indulging.

State Regulatory Agency Information

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

State Testing Policy

General Information	Despite recreational and medical marijuana legalization, Colorado employers retain the right to conduct random, scheduled, or pre-employment drug tests and can potentially fire or disqualify you for failing, even if the positive result is for THC.
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	Even an employer that has a legitimate reason to test might violate employee privacy in the way it conducts the test.

Recommended Procedures

Does the state have recommended procedures? For an [employer's zero-tolerance drug policy](#) to be effective for purposes of workers' compensation, it must be clearly communicated to employees in writing and equally enforced. It should expressly exclude the use of both medical and recreational marijuana and specify when drug testing will be required.

State Employee Procedures and Policies Colorado utilizes a multi-faceted [Drug-Free Workplace program for state employees](#). While not explicitly requiring drug testing, it emphasizes prevention and awareness through crucial elements like a universal Policy, manager training, employee Assistance program (EAP) as well as Reasonable Suspicion Testing. This approach prioritizes education, support, and responsible action, fostering a healthy and safe work environment for all state employees.

Protections for Use Outside Workplace/ Work Hours

Is Colorado a "Right to Weed State"? In Colorado, [failing a workplace drug test](#), even for off-duty, legal usage, can result in termination. Employers hold the legal right to conduct drug tests and dismiss employees with positive results, including for marijuana (THC).

More Detailed Information [Denver Chamber of Commerce](#)

State Requirements for Drug & Alcohol Testing Program

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

Main Requirement: There is no state legislation regulating workplace drug testing and no statutes are in place that dictate the circumstances under which drug testing could be mandated by employers.