



## Minnesota - 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

<b>Medical Use</b>	Legalized – 2014 ( <a href="#">Chapter 36</a> )
<b>Recreational Use</b>	Legalized – 2023 ( <a href="#">House File 100</a> )
<b>Possession/Personal Use Specifics</b>	Adults can legally possess up to 2 ounces of cannabis flower, 8 grams of concentrate, or edibles with 800mg THC in public places, and up to 2 pounds at home. Individuals can grow up to eight marijuana plants at home, with four flowering at a time, for personal use.  Consumption is allowed on private property (unless prohibited by the owner), in private residences, and at licensed establishments (though licensing isn't yet available). Public consumption remains illegal.

### State Regulatory Agency Information

<b>State Regulatory Agency</b>	<a href="#">Minnesota Office of Cannabis Management</a>
<b>State Forms (If Applicable)</b>	<a href="#">None Specified</a>

### State Testing Policy

<b>General Information</b>	<a href="#">Employers have broad freedom</a> to create drug testing policies, including random testing for safety-sensitive positions like those involving heavy machinery or public safety. However, pre-employment testing for recreational marijuana is generally prohibited, and off-duty use outside of safety-sensitive roles cannot be the sole reason for termination.
<b>Safety Sensitive Positions</b>	<a href="#">Any supervisory or management position</a> , in which an impairment caused by drug, alcohol, or cannabis usage would threaten the health or safety of any person
<b>Privacy Laws</b>	<a href="#">Minnesota lacks specific laws</a> safeguarding drug testing privacy for private employees. This means employers have considerable leeway in how they handle test results. Federal privacy laws will still apply for medical information.

## Recommended Procedures

**Does the state have recommended procedures?** [Minnesota doesn't mandate specific drug-free workplace procedures for private employers.](#) They have substantial freedom to establish their own policies, including testing for various substances within legal boundaries. Notably, pre-employment testing for recreational marijuana is generally prohibited, and termination solely based on off-duty use outside safety-sensitive roles is restricted

**State Employee Procedures and Policies** [Minnesota's state program](#) prohibits the unlawful manufacture, distribution, possession, or use of controlled substances while working or performing assigned duties. This policy applies to all employees, regardless of position or classification. Violating these guidelines can lead to disciplinary action, up to and including termination.

## Protections for Use Outside Workplace/ Work Hours

**Is Minnesota a "Right to Weed State"?** [Employers do not have a legal duty](#) to request or require an employee or job applicant to undergo drug or alcohol testing.

**More Detailed Information** [Minnesota's Drug and Alcohol Testing in the Workplace Act](#)

## State Requirements for Drug & Alcohol Testing Program

**Testing policy requirements:** [Minnesota Statute 181.951](#)

**Main Requirement:** While employers can test in specific situations, like safety-sensitive positions or after accidents, they generally can't test for recreational marijuana pre-employment or base termination solely on off-duty use. However, reasonable suspicion or accidents allow for testing. Importantly, discrimination based on protected characteristics is illegal.