



• Montana

Montana - 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 – 2004 (Montana Medical Marijuana Act)
Recreational Use	Legalized – 2020 (Montana I-190)
Possession/Personal Use Specifics	<p>It is legal for adults over the age of 21 to purchase and possess up to an ounce of cannabis. Montana residents can grow up to four plants at home.</p> <p>You may consume marijuana in private accommodations and private residences/property with the owner's permission. You may NOT consume marijuana in outdoor public spaces.</p>

State Regulatory Agency Information

State Regulatory Agency	Montana Department of Revenue – Cannabis Control Division
State Forms (If Applicable)	Montana Reasonable Suspicion Form

State Testing Policy

General Information	<p>Montana employers aren't bound by state-mandated drug and alcohol testing procedures. They can set their own rules, including random testing, and testing for any substance, even off-duty. However, fairness, respecting privacy laws, and adhering to industry regulations are crucial. Public employers might have stricter policies.</p>
Safety Sensitive Positions	<p>For roles designated as "safety-sensitive," stricter guidelines established by the Department of Defense and Nuclear Regulatory Commission are referenced in the legislation.</p>
Privacy Laws	<p>Testing must be conducted according to the terms of written policies and procedures that must be adopted by the employer and must be available for review by all employees 60 days before the terms are implemented or changed.</p>

Recommended Procedures

Does the state have recommended procedures?

The facility must have written policy and procedure that support a [drug-free workplace for all employees](#). The policy must require that all potential employees pass a drug and alcohol test prior to beginning work at a facility; and include reference to pre-employment testing and ongoing drug testing in conformity with state law

State Employee Procedures and Policies

It is the policy of the [State of Montana](#) and the DNRC that the unlawful manufacture, distribution, dispensing, possession or use of dangerous drugs as defined in Section 50-32-101 MCA, by any employee in the workplace or in a work status is prohibited.

Protections for Use Outside Workplace/ Work Hours

Is Montana a “Right to Weed State”?

Employers are generally [prohibited](#) from refusing to employ or taking adverse employment action against an individual with respect to compensation, promotion, or the terms of employment because of those individuals lawful use of cannabis off work premises and during non-working hours.

More Detailed Information

[Montana Labor Laws](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:

[Montana DNRC Drug Free Workplace](#)

Main Requirement:

Montana allows private employers broad discretion in drug testing, while public employees may face stricter guidelines due to state or federal regulations. Consult legal professionals for specific situations.