



New Mexico - 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 – 2014 (Lynn and Erin Compassionate Use Act)
Recreational Use	Legalized – 2021 (Cannabis Regulation Act)
Possession/Personal Use Specifics	Adults 21+ in New Mexico can legally possess up to 2 ounces of marijuana flower, 16 grams of concentrate, or 800 milligrams of edibles. Smoking, vaporizing, or ingesting marijuana in public places in New Mexico is strictly prohibited. While in public, an adult may possess up to two ounces of cannabis, but it may only be smoked, vaporized, or ingested in a designated "cannabis consumption area."

State Regulatory Agency Information

State Regulatory Agency	NMRLD – Cannabis Control Division
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	A clause in the amended SB 406 , specifies that private New Mexico employers outside the federal Drug-Free Workplace Act, details workplace drug testing procedures for illegal drugs, alcohol, and marijuana, aiming to ensure a safe and healthy work environment for all employees. Remember, establishing robust documentation is a key risk mitigant for employers in states like New Mexico.
Safety Sensitive Positions	New Mexico defines a safety sensitive position as a person performing under the influence of drugs or alcohol would constitute an immediate or direct threat of injury or death to that person or another.
Privacy Laws	While New Mexico offers protections for medical marijuana patients, employers still have flexibility in drug testing policies, considering job requirements, impairment concerns, and adherence to anti-discrimination laws

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.

New Mexico does not have a generally applicable drug testing law. Employers have substantial discretion in devising and implementing drug testing policies.

State Employee Procedures and Policies

The [State of New Mexico](#) has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public employees do not threaten life and limb due to the abuse of drugs and adheres to the Federal Drug-Free Workplace Act of 1988.

Protections for Use Outside Workplace/ Work Hours

Is New Mexico a “Right to Weed State”?

[As of 2019, New Mexico law](#) protects registered medical marijuana patients from termination solely based on a positive test for their medication during off-duty hours.

More Detailed Information

[New Mexico SB 406](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements:

[Bill A890](#)

Main Requirement:

New Mexico Employers have substantial discretion in devising and implementing drug testing policies.