



## Illinois - 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="#">Compassionate Use of Medical Cannabis</a> )
<b>Recreational Use</b>	Legalized – 2019 ( <a href="#">HB 1438</a> )
<b>Possession/Personal Use Specifics</b>	adults 21+ can legally possess marijuana. Residents can hold up to 30 grams of flower, 5 grams of concentrate, and 500mg of THC in edibles. Non-residents have half those amounts.
	consumption is only allowed privately or at licensed locations, never in public or vehicles. Transporting cannabis requires child-resistant packaging and keeping it out of reach within the vehicle.

### State Regulatory Agency Information

<b>State Regulatory Agency</b>	Adult Use Cannabis Program - <a href="#">IDFPR</a>
<b>State Forms (If Applicable)</b>	<a href="#">None Specified</a>

### State Testing Policy

<b>General Information</b>	<a href="#">Illinois doesn't have specific laws</a> governing employer drug testing. This means employers have broad leeway to implement drug-free workplace policies, including pre-employment, reasonable suspicion, and random testing
<b>Safety Sensitive Positions</b>	Includes, but is not limited to, a <a href="#">position</a> in which a lapse of attention could result in injury, illness, death, or damage to property, including, among other specified positions, road or commercial construction.
<b>Privacy Laws</b>	<a href="#">Employees must give written consent</a> . Cannabis use alone cannot be grounds for discipline, except in safety-sensitive positions or if it exceeds DUI limits. Employers cannot discriminate based on protected characteristics.

## Recommended Procedures

**Does the state have recommended procedures?** The state provides a detailed program for [workplace safety](#) that includes procedures and policies recommended for determining reasonable suspicion, as well as aspects to incorporate Total Worker Health® initiatives for more productive and healthy workplace.

**State Employee Procedures and Policies** Unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance, including cannabis, on company property or while performing work duties is strictly prohibited. Violating this policy will result in disciplinary action, up to and including termination of employment. Employees must adhere to all aspects of this policy. State provides [EAPs](#) for workplace safety initiatives.

## Protections for Use Outside Workplace/ Work Hours

**Is Illinois a “Right to Weed State”?** Under [Illinois law](#), an employer may not refuse to hire a candidate or discharge an employee based on the fact that the individual possesses a medical marijuana card.

**More Detailed Information** [MMCP Regulations](#)

## State Requirements for Drug & Alcohol Testing Program

**Testing policy requirements:** [820 ILCS 265/15](#)

**Main Requirement:** While Illinois [doesn't have specific laws](#) governing private sector drug testing, it provides broad discretion for employers. They can conduct pre-employment, random, reasonable suspicion, and post-accident tests with a written, consistently applied policy. However, they must have employee consent, and cannabis use alone cannot be grounds for discipline except in safety-sensitive roles or exceeding DUI limits.