



## Maryland - State Specific Information

Information provided is current as of August 2, 2024, and companies are encouraged to consult with legal counsel on these types of complex matters.

### Cannabis Legalization History

Medical Use	Legalized – 2014 ( <a href="#">Maryland Medical Marijuana Caregiver Program</a> )
Recreational Use	Legalized – 2023 ( <a href="#">Question 4</a> )
Possession/Personal Use Specifics	Adults 21+ can possess up to 1.5 ounces of flower, 6 grams of concentrate. Can grow up to 2 cannabis plants per household for personal use, provided the plants are not visible from public areas.  Public consumption of cannabis is prohibited, and use is restricted to private property. Registered medical marijuana patients have similar possession limits but can possess up to 120 grams of medical cannabis.

### State Regulatory Agency Information

State Regulatory Agency	Maryland Cannabis Administration - <a href="#">MCA</a>
State Forms (If Applicable)	<a href="#">None Specified</a>

### State Testing Policy

General Information	Maryland's <a href="#">Cannabis in the Workplace</a> does not mandate drug testing for all employers, but those who implement it must have a clear, written policy that is communicated to employees, testing can be conducted based on reasonable suspicion of impairment, by a “sufficiently trained”. Remember, establishing robust documentation is a key risk mitigant for employers in states like Maryland.
Safety Sensitive Positions	Positions involving operating machinery or vehicles, healthcare and emergency services, public transportation, and working in hazardous environments, where impairment could significantly impact safety.
Privacy Laws	<a href="#">Only disclosed</a> to individuals with a legitimate need to know, such as human resources personnel or supervisors involved in decision-making, and must inform employees about the testing process and the handling of results to ensure transparency and compliance with privacy standards.

## Recommended Procedures

<b>Does the state have recommended procedures?</b>	<p>It is always recommended to have standardized documentation and training procedures and regular employee evaluations to set clear performance expectations.</p> <p>While Maryland doesn't mandate specific procedures for drug-free workplace programs, the <a href="#">Maryland Center for Workplace Safety and Health</a> offers recommended guidelines to aid employers.</p>
<b>State Employee Procedures and Policies</b>	<p>Requires drug testing for safety-sensitive positions or based on <a href="#">reasonable suspicion</a>, includes pre-employment and potentially random testing, mandates confidentiality of results, and necessitates clear, written policies that comply with state and federal regulations, with testing conducted by sufficiently trained individuals to ensure accurate and fair assessments.</p>

## Protections for Use Outside Workplace/ Work Hours

<b>Is Maryland a "Right to Weed State"?</b>	<p>Generally illegal for employers to fire or not hire someone solely based on having a <a href="#">medical marijuana</a> card. The law requires employers to accommodate employees who are registered medical marijuana patients, but they can still take action if an employee's use of medical marijuana impairs job performance or safety, particularly in safety-sensitive positions.</p>
<b>More Detailed Information</b>	<a href="#">HB 628</a>

## State Requirements for Drug & Alcohol Testing Program

<b>Testing policy requirements:</b>	<a href="#">§683. Testing procedures</a>
<b>Main Requirement:</b>	<p>The main requirement in Maryland for a drug and alcohol testing program is that employers must establish and maintain a clear, written policy outlining the procedures, reasons for testing, and consequences of testing. This policy must be communicated to all employees, ensuring transparency and consistency in the implementation and enforcement of the testing program.</p>