



New Mexico - State Specific Information

Information provided is current as of August 6, 2024, and companies are encouraged to consult with legal counsel on these 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	Recreational users can possess up to 2 ounces of cannabis flower, 16 grams of concentrate, 800 milligrams of edibles, with the ability to grow up to 6 mature and 12 immature plants at home. Registered medical cannabis patients can hold up to 8 ounces of cannabis flower, 16 grams of concentrate, and 800 milligrams of edibles, and they may grow up to 4 mature and 12 immature plants at home.
	Smoking, vaporizing, or ingesting marijuana in public places in New Mexico is strictly prohibited.

State Regulatory Agency Information

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

State Testing Policy

General Information	<p>New Mexico doesn't require specific workplace drug testing policies, but employers should create clear policies on testing, procedures, and consequences, comply with relevant laws, and accommodate medical marijuana users. Testing based on reasonable suspicion of impairment is allowed if supported by observable behavior.</p> <p>Remember, establishing robust documentation is a key risk mitigant for employers in states like New Mexico.</p>
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”?

New Mexico protects [medical cannabis](#) users from employment discrimination and requires reasonable accommodations but does not require employers to permit cannabis use or impairment during work hours, and drug testing and workplace policies can still be enforced.

More Detailed Information

[New Mexico SB 406](#)

State Requirements for Drug & Alcohol Testing Program

Testing policy requirements: [Bill 406](#)

Main Requirement:

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