



Senate Bill 504

Discrimination in Employment - Use of Medical Cannabis - Prohibition

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: February 9, 2021

To: Judicial Proceedings Committee

From: Drew Jabin

The Maryland Association of Counties (MACo) **SUPPORTS SB 504 WITH AMENDMENTS**. The bill would prohibit employers, including counties, from taking adverse actions against an employee based on the employee's receipt of a written certification for use of medical cannabis or the employee's positive drug test for cannabis components or metabolites. MACo urges that public sector employees, many in positions of deep public trust, be removed from the bill's effects.

Although the bill does not prohibit an employer from adopting policies and procedures that prohibit an employee from performing work duties while impaired by medical cannabis, current drug testing technology is incapable of definitively discerning between an employee who tests positive for marijuana and is currently impaired versus an employee who tests positive as a result of prior marijuana use. As such, it is virtually impossible for employers to determine through testing whether an employee is impaired by cannabis during work hours.

County employees regularly interact with the public. Law enforcement, code inspection, emergency services, and countless other public functions demand accountability and responsible public interactions. Providing a safe, productive, and drug-free work environment allows county employees to perform the essential functions of their jobs safely and efficiently, which is in the best interest of all employees and the residents they serve.

Despite their differences, Maryland county governments all have one goal in common: to provide for the health, safety, and well-being of their residents. This bill removes one tool available to further that important goal. For these reasons, MACo urges the committee to issue a **FAVORABLE with AMENDMENTS** report and **remove county governments from the scope of SB 504**.