



LEGISLATIVE POSITION:

Letter of Information

Senate Bill 504

Discrimination in Employment – Use of Medical Cannabis – Prohibition

Senate Judicial Proceedings Committee

Tuesday, February 9, 2021

Dear Chairman Smith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

SB 504, as introduced, prevents employers from discriminating against applicants or employees in any form based on their holding a written certification for the use of medical cannabis or for an individual's positive drug test for cannabis if the individual holds a written certification for the use of medical cannabis. The Maryland Chamber of Commerce greatly appreciates this legislation and supports all efforts to reduce discrimination in the workplace, however, Maryland employers retain some concern with SB 504 as written.

SB 504 includes an exemption for employers if, "... A FAILURE TO DO SO WOULD VIOLATE FEDERAL LAW OR REGULATIONS OR CAUSE THE EMPLOYER TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS...". This provision is critical as Maryland is home to many federal installations, employers, and contractors. However, it is the opinion of the Maryland Chamber of Commerce that this exemption provision should also include "state" and "local" laws and regulations. There are some instances, like state law which disallows the use of medical cannabis to receive an EE license to drive a Commercial Motor Vehicle (CMV).

Additionally, the Maryland Chamber would suggest adding language referring to "any contract" in addition to federal law and regulation for the government contractors whose government clients will not allow a person to work on a government site or contract if they are a medical cannabis card holder or test positive. We suggest "any contract" as there are instances where a private entity could certainly tell a contractor the same thing.

Finally, there is concern about an employer's ability to effectively adopt and enforce any policies and procedures they may adopt laid out in subsection (G) to protect the employee and broader

workplace safety while that employee is impaired by medical cannabis. Currently, an accepted reliable and accurate method of testing for medical cannabis impairment on the job site does not exist. As a result, an employer cannot be expected to reasonably know if an employee is currently under the influence of medical cannabis or not while on the job. Without a reliable method of testing, employers are truly unable to ensure a safe work environment.

The Maryland Chamber of Commerce looks forward to working alongside the bill sponsor and members of the Senate Judicial Proceedings Committee to find agreeable solutions to these very real concerns.

