

KAREN LEWIS YOUNG
Legislative District 3A
Frederick County

Health and Government
Operations Committee

Subcommittees

Government Operations
and Estates and Trusts

Insurance and Pharmaceuticals



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 416
Annapolis, Maryland 21401
410-841-3436 · 301-858-3436
800-492-7122 Ext. 3436
Fax 410-841-3412 · 301-858-3412
Karen.Young@house.state.md.us

District Office
253 East Church Street
Suite 100
Frederick, MD 21701
301-858-3436
Fax 301-662-8521

February 15, 2022

Support of HB 628 – Employment – Workplace Discrimination – Use of Medical Cannabis

The Honorable C.T. Wilson, Chair
The Honorable Brian M. Crosby, Vice Chair
Economic Matters Committee
Maryland House of Delegates
6 Bladen Street, Room 231
Annapolis, MD 21401

Chair Wilson, Vice-Chair Crosby, and Esteemed Members of Economic Matters Committee:

House Bill 628 protects medical cannabis patients from employment discrimination because they hold a written certification for use of medical cannabis under state law, or the individual tests positive for cannabis components or metabolites while they hold that written certification.

When we legalized the use of medical cannabis for the treatment of certain conditions, we set forth protections for those who would choose to benefit from such a program. These protections include that medical cannabis users “may not be subject to . . . disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of or possession of medical cannabis.” MD. Code Ann., Health-General §13-3313. This legislation is the rational next step to ensuring the promise we already made to those who would seek medical cannabis as alternative treatment option.

Because medical cannabis is not legal under Federal Law, legal medical cannabis users in Maryland are not afforded the same employment protections under the American’s with Disabilities Act. As a result a growing number of states are enacting protections for medical cannabis patients to ensure equal access to employment. Of the Thirty-Six states and Washington, D.C. which recognize medical cannabis as a lawful medication, at least 14 of them, including most recently our neighboring Virginia, have enacted state level protections to prohibit discrimination against a qualifying medical cannabis patient or cardholder.

Take for example Dr. Stephanie Doersam, PT, DPT, a Pediatric Physical Therapist in Linthicum Maryland, who provided testimony in the Senate last year. Dr. Doersam has found that medical cannabis helps her effectively manage her chronic pain condition when she uses cannabis before bed, but doing so places her employment at risk every day. Conversely, Dr. Doersam could take prescription opiates, and be under the influence of low doses of opiates, during her work day without fear of losing her job. I have had numerous constituents contact my office with similar situations, but who have asked that they not be named for fear of reprisal.

This bill **does not prohibit employers from adopting policies that prohibit an employee from performing work duties while impaired by medical cannabis.** Further, the bill provides an exemption if having the employee carry out job duties would violate federal law or regulations or cause the employer to lose a monetary or licensing-related benefit under federal law or regulation.

Simply put – this legislation would ensure individuals are not treated differently in employment situations as a result of the treatment option they and their doctor have agreed upon. For these reasons, I urge you to support HB 628, and I request a favorable report.

Thank you,

A handwritten signature in blue ink that reads "Karen Lewis Young". The signature is written in a cursive, flowing style.

Delegate Karen Lewis Young