



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 513 – Employment Discrimination - Use of Cannabis Products

Senate Finance Committee

Thursday, February 22, 2024

Dear Chairwoman Beidle 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 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

SB 513 has two distinct parts:

First, the bill prevents an employer from discriminating against someone in the hiring process because of their legal use of cannabis outside of work. SB 513 would eliminate the use of drug testing for cannabis as a part of employment screening but makes limited exceptions for violation of federal law, leading to the loss of a federal contract or funding, or circumventing required federal drug testing for employment.

Second, SB 513 prevents (or intends to prevent) an employer from determining if someone is under the influence while on the job by using existing drug tests. Instead, the bill replaces the use of drug tests to determine current intoxication with subjective measures of observable behavior on the part of the employer. This portion of the bill removes an employer's ability to ensure a safe working environment for their employees and customers. Furthermore, the bill does not include any exemptions for safety sensitive positions like healthcare workers, teachers and childcare workers, heavy equipment operators, construction trades, manufacturing, etc. All positions where it is imperative for an employer to have access to testing if they suspect an employee is under the influence while at work. Many states who have adopted similar policies have included similar exemptions. Prohibiting the use of testing will have significant impacts on employers in areas of liability insurance, insuring company fleets, workers' compensation insurance, etc., all which drive up the cost of doing business in Maryland.

Finally, SB 513 does not differentiate between types of tests which can be used. A blanket ban on testing cuts off the use of future technologies which may produce more accurate results.

For these reasons, the Maryland Chamber of Commerce encourages an **unfavorable report on SB 513**.