



**Maryland Joint  
Legislative Committee**

February 23, 2024

*The Voice of Merit Construction*

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**TO: ECONOMIC MATTERS COMMITTEE**  
**FROM: ASSOCIATED BUILDERS AND CONTRACTORS**  
**RE: S.B. 513 – EMPLOYMENT DISCRIMINATION – USE OF CANNABIS PRODUCTS**  
**POSITION: OPPOSE**

On behalf of the Associated Builders and Contractors of Maryland, we appreciate the opportunity to opine on S.B. 513, the Employment Discrimination - Use of Cannabis Products bill.

Associated Builders and Contractors and our member contractors are champions of jobsite safety. The association, as a member of the Construction Coalition for a Drug- and Alcohol-free Workplace, encourages contractors to implement a substance abuse policy and program in their companies, and administers a world-class safety program known as the STEP Safety Management System. Contractors that participate in this program have an OSHA total recordable incident rate 84% lower than the national industry average. The ability of construction companies to maintain commonsense drug policies is a very serious matter for the protection of workers, businesses, and residents in Maryland. Accordingly, we respectfully ask the General Assembly to take our concerns and recommendations seriously.

ABC supports codification of statute explicitly protecting Maryland employers' enforcement of zero-tolerance substance policies, provided subject employees occupy safety-sensitive positions so designated at the employer's reasonable discretion.

With that said, we would like to offer the following amendment(s):

Page 5, Line 24, Senate Bill 513

20–604

(A) This subtitle does not apply to:

- (1) an employer with respect to the employment of aliens outside of the State; or
- (2) a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion, sexual orientation, or gender identity to perform work connected with the activities of the religious entity; **OR**

**(3) AN EMPLOYEE WORKING IN A SAFETY-SENSITIVE POSITION, WHICH MEANS A POSITION, AS DESIGNATED BY THE EMPLOYER, WHERE IT IS REASONABLY FORESEEABLE THAT IF THE EMPLOYEE PERFORMS THE POSITION'S ROUTINE TASKS OR DUTIES WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL, THE EMPLOYEE WILL LIKELY CAUSE ACTUAL, IMMEDIATE, AND SERIOUS BODILY INJURY OR LOSS OF LIFE TO SELF OR OTHERS.**

In closing, while ABC does not engage in the debate around whether cannabis should be legalized as a general point of policy, it holds a very strict position that employer zero-tolerance policies for drug use and the preservation of drug- and alcohol-free jobsites must be allowed to continue.

On behalf of over 1500 ABC business members in Maryland, we respectfully request an unfavorable report on S.B. 513 as drafted but remain available to work with the Sponsor regarding this matter.

Marcus Jackson, Director  
Government Affairs