

# SENATE BILL 439

D5, A3, E4  
SB 1023/25 – FIN

6lr2816  
CF HB 797

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By: **Senator Jackson**

Introduced and read first time: January 30, 2026

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Employment Discrimination – Fire and Rescue Public Safety Employees – Use of**  
3 **Medical Cannabis**

4 FOR the purpose of prohibiting an employer from taking certain discriminatory  
5 employment actions against a fire and rescue public safety employee for the use of  
6 medical cannabis, subject to certain conditions; and generally relating to  
7 employment discrimination and the use of medical cannabis.

8 BY repealing and reenacting, without amendments,  
9 Article – Alcoholic Beverages and Cannabis  
10 Section 36–101(a), (m), (ee), and (kk)  
11 Annotated Code of Maryland  
12 (2024 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – State Government  
15 Section 20–601 and 20–606  
16 Annotated Code of Maryland  
17 (2021 Replacement Volume and 2025 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Alcoholic Beverages and Cannabis**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 36–101.

2 (a) In this title the following words have the meanings indicated.

3 (m) “Certifying provider” means an individual who:

4 (1) (i) 1. has an active, unrestricted license to practice medicine  
5 that was issued by the State Board of Physicians under Title 14 of the Health Occupations  
6 Article; and

7 2. is in good standing with the State Board of Physicians;

8 (ii) 1. has an active, unrestricted license to practice dentistry  
9 that was issued by the State Board of Dental Examiners under Title 4 of the Health  
10 Occupations Article; and

11 2. is in good standing with the State Board of Dental  
12 Examiners;

13 (iii) 1. has an active, unrestricted license to practice podiatry  
14 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the  
15 Health Occupations Article; and

16 2. is in good standing with the State Board of Podiatric  
17 Medical Examiners;

18 (iv) 1. has an active, unrestricted license to practice registered  
19 nursing and has an active, unrestricted certification to practice as a nurse practitioner or  
20 a nurse midwife that was issued by the State Board of Nursing under Title 8 of the Health  
21 Occupations Article; and

22 2. is in good standing with the State Board of Nursing; or

23 (v) 1. has an active, unrestricted license to practice as a  
24 physician assistant issued by the State Board of Physicians under Title 15 of the Health  
25 Occupations Article;

26 2. has an active collaboration agreement with a patient care  
27 team physician who is a certifying provider; and

28 3. is in good standing with the State Board of Physicians;

29 (2) has a State controlled dangerous substances registration; and

30 (3) is registered with the Administration to make cannabis available to  
31 patients for medical use in accordance with regulations adopted by the Administration.

1 (ee) “Qualifying patient” means an individual who:

2 (1) has been provided with a written certification by a certifying provider  
3 in accordance with a bona fide provider–patient relationship; and

4 (2) if under the age of 18 years, has a caregiver.

5 (kk) “Written certification” means a certification that:

6 (1) is issued by a certifying provider to a qualifying patient with whom the  
7 provider has a bona fide provider–patient relationship;

8 (2) includes a written statement certifying that, in the certifying provider’s  
9 professional opinion, after having completed an assessment of the patient’s medical history  
10 and current medical condition, the patient has a condition:

11 (i) that meets the inclusion criteria and does not meet the exclusion  
12 criteria of the certifying provider’s application; and

13 (ii) for which the potential benefits of the medical use of cannabis  
14 would likely outweigh the health risks for the patient; and

15 (3) may include a written statement certifying that, in the certifying  
16 provider’s professional opinion, a 30–day supply of medical cannabis would be inadequate  
17 to meet the medical needs of the qualifying patient.

## 18 Article – State Government

19 20–601.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) (1) “Disability” means:

22 (i) 1. a physical disability, infirmity, malformation, or  
23 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy; or

24 2. a mental impairment or deficiency;

25 (ii) a record of having a physical or mental impairment as otherwise  
26 defined under this subsection; or

27 (iii) being regarded as having a physical or mental impairment as  
28 otherwise defined under this subsection.

29 (2) “Disability” includes:

- 1 (i) 1. any degree of paralysis, amputation, or lack of physical  
2 coordination;
- 3 2. blindness or visual impairment;
- 4 3. deafness or hearing impairment;
- 5 4. muteness or speech impediment; and
- 6 5. physical reliance on a service animal, wheelchair, or other  
7 remedial appliance or device; and

8 (ii) intellectual and any other mental impairment or deficiency that  
9 may have necessitated remedial or special education and related services.

10 (c) (1) "Employee" means:

- 11 (i) an individual employed by an employer; or
- 12 (ii) an individual working as an independent contractor for an  
13 employer.

14 (2) Unless the individual is subject to the State or local civil service laws,  
15 "employee" does not include:

- 16 (i) an individual elected to public office;
- 17 (ii) an appointee on the policy making level; or
- 18 (iii) an immediate adviser with respect to the exercise of the  
19 constitutional or legal powers of an elected office.

20 (d) (1) "Employer" means:

- 21 (i) a person that:
- 22 1. is engaged in an industry or business; and
- 23 2. A. has 15 or more employees for each working day in  
24 each of 20 or more calendar weeks in the current or preceding calendar year; or

25 B. if an employee has filed a complaint alleging harassment,  
26 has one or more employees for each working day in each of 20 or more calendar weeks in  
27 the current or preceding calendar year; and

28 (ii) an agent of a person described in item (i) of this paragraph.

1           (2) “Employer” includes the State to the extent provided in this title.

2           (3) Except for a labor organization, “employer” does not include a bona fide  
3 private membership club that is exempt from taxation under § 501(c) of the Internal  
4 Revenue Code.

5           (e) (1) “Employment agency” means:

6                   (i) a person that regularly undertakes with or without  
7 compensation to procure:

8                           1. employees for an employer; or

9                           2. opportunities for employees to work for an employer; and

10                   (ii) an agent of a person described in item (i) of this paragraph.

11           (2) Except for the United States Employment Service and the system of  
12 State and local employment services receiving federal assistance, “employment agency”  
13 does not include a unit of the United States, the State, or a political subdivision of the State.

14           (f) **“FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE” MEANS A**  
15 **FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, A CARDIAC RESCUE**  
16 **TECHNICIAN, OR A PARAMEDIC EMPLOYED BY:**

17                   **(1) A MUNICIPAL CORPORATION;**

18                   **(2) A COUNTY;**

19                   **(3) THE STATE;**

20                   **(4) THE STATE AIRPORT AUTHORITY; OR**

21                   **(5) A FIRE CONTROL DISTRICT.**

22           **(G)** “Genetic information” has the meaning stated in § 27–909(a)(3) of the  
23 Insurance Article.

24           **[(g)] (H)** “Genetic test” has the meaning stated in § 27–909(a)(5) of the Insurance  
25 Article.

26           **[(h)] (I)** “Harassment” includes:

27                   (1) unwelcome and offensive conduct, which need not be severe or  
28 pervasive, when:

1 (i) the conduct is based on race, color, religion, ancestry or national  
2 origin, sex, age, marital status, sexual orientation, gender identity, disability, or military  
3 status; and

4 (ii) 1. submission to the conduct is made either explicitly or  
5 implicitly a term or condition of employment of an individual;

6 2. submission to or rejection of the conduct is used as a basis  
7 for employment decisions affecting the individual; or

8 3. based on the totality of the circumstances, the conduct  
9 unreasonably creates a working environment that a reasonable person would perceive to  
10 be abusive or hostile; and

11 (2) sexual harassment.

12 **[(i)] (J)** (1) "Labor organization" means:

13 (i) a labor organization engaged in an industry; and

14 (ii) an agent of an organization described in item (i) of this  
15 paragraph.

16 (2) "Labor organization" includes:

17 (i) an organization of any kind, an agency, or an employee  
18 representation committee, group, association, or plan:

19 1. in which employees participate; and

20 2. that exists, wholly or partly, for the purpose of dealing  
21 with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other  
22 terms or conditions of employment; and

23 (ii) a conference, general committee, joint or system board, or joint  
24 council that is subordinate to a national or international labor organization.

25 **[(j)] (K)** "Religion" includes all aspects of religious observances, practice, and  
26 belief.

27 **[(k)] (L)** "Sexual harassment" includes conduct, which need not be severe or  
28 pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other  
29 conduct of a sexual nature when:

30 (1) submission to the conduct is made either explicitly or implicitly a term  
31 or condition of employment of an individual;

1 (2) submission to or rejection of the conduct is used as a basis for  
2 employment decisions affecting the individual; or

3 (3) based on the totality of the circumstances, the conduct unreasonably  
4 creates a working environment that a reasonable person would perceive to be abusive or  
5 hostile.

6 20–606.

7 (a) An employer may not:

8 (1) fail or refuse to hire, discharge, or otherwise discriminate against any  
9 individual with respect to the individual’s compensation, terms, conditions, or privileges of  
10 employment because of:

11 (i) the individual’s race, color, religion, sex, age, national origin,  
12 marital status, sexual orientation, gender identity, genetic information, military status, or  
13 disability unrelated in nature and extent so as to reasonably preclude the performance of  
14 the employment; or

15 (ii) the individual’s refusal to submit to a genetic test or make  
16 available the results of a genetic test;

17 (2) limit, segregate, or classify its employees or applicants for employment  
18 in any way that would deprive or tend to deprive any individual of employment  
19 opportunities or otherwise adversely affect the individual’s status as an employee because  
20 of:

21 (i) the individual’s race, color, religion, sex, age, national origin,  
22 marital status, sexual orientation, gender identity, genetic information, military status, or  
23 disability unrelated in nature and extent so as to reasonably preclude the performance of  
24 the employment; or

25 (ii) the individual’s refusal to submit to a genetic test or make  
26 available the results of a genetic test;

27 (3) request or require genetic tests or genetic information as a condition of  
28 hiring or determining benefits;

29 (4) fail or refuse to make a reasonable accommodation for the known  
30 disability of an otherwise qualified employee or an applicant for employment; or

31 (5) engage in harassment of an employee.

32 (b) An employment agency may not:

1           (1) fail or refuse to refer for employment or otherwise discriminate against  
2 any individual because of the individual's race, color, religion, sex, age, national origin,  
3 marital status, sexual orientation, gender identity, military status, or disability unrelated  
4 in nature and extent so as to reasonably preclude the performance of the employment; or

5           (2) classify or refer for employment any individual on the basis of the  
6 individual's race, color, religion, sex, age, national origin, marital status, sexual  
7 orientation, gender identity, military status, or disability unrelated in nature and extent  
8 so as to reasonably preclude the performance of the employment.

9           (c) A labor organization may not:

10           (1) exclude or expel from its membership, or otherwise discriminate  
11 against, any individual because of the individual's race, color, religion, sex, age, national  
12 origin, marital status, sexual orientation, gender identity, military status, or disability  
13 unrelated in nature and extent so as to reasonably preclude the performance of the  
14 employment;

15           (2) limit, segregate, or classify its membership, or classify or fail or refuse  
16 to refer for employment any individual, in any way that would deprive or tend to deprive  
17 the individual of employment opportunities, limit the individual's employment  
18 opportunities, or otherwise adversely affect the individual's status as an employee or as an  
19 applicant for employment because of the individual's race, color, religion, sex, age, national  
20 origin, marital status, sexual orientation, gender identity, military status, or disability  
21 unrelated in nature and extent so as to reasonably preclude the performance of the  
22 employment; or

23           (3) cause or attempt to cause an employer to discriminate against an  
24 individual in violation of this section.

25           (d) An employer, labor organization, or joint labor-management committee  
26 controlling apprenticeship or other training or retraining programs, including on-the-job  
27 training programs, may not discriminate against any individual in admission to, or  
28 employment in, any program established to provide apprenticeship or other training or  
29 retraining because of the individual's race, color, religion, sex, age, national origin, marital  
30 status, sexual orientation, gender identity, military status, or disability unrelated in nature  
31 and extent so as to reasonably preclude the performance of the employment.

32           (e) (1) Except as provided in paragraph (2) of this subsection, an employer,  
33 labor organization, or employment agency may not print or cause to be printed or published  
34 any notice or advertisement relating to employment by the employer, membership in or any  
35 classification or referral for employment by the labor organization, or any classification or  
36 referral for employment by the employment agency that indicates any preference,  
37 limitation, specification, or discrimination based on race, color, religion, sex, age, national  
38 origin, marital status, sexual orientation, gender identity, disability, or military status.

1           (2) A notice or advertisement may indicate a preference, limitation,  
2 specification, or discrimination based on religion, sex, age, national origin, marital status,  
3 disability, or military status if religion, sex, age, national origin, marital status, disability,  
4 or military status is a bona fide occupational qualification for employment.

5           (f) An employer may not discriminate or retaliate against any of its employees or  
6 applicants for employment, an employment agency may not discriminate against any  
7 individual, and a labor organization may not discriminate or retaliate against any member  
8 or applicant for membership because the individual has:

9           (1) opposed any practice prohibited by this subtitle; or

10           (2) made a charge, testified, assisted, or participated in any manner in an  
11 investigation, proceeding, or hearing under this subtitle.

12           **(G) (1) IN THIS SUBSECTION, “WRITTEN CERTIFICATION” HAS THE**  
13 **MEANING STATED IN § 36-101 OF THE ALCOHOLIC BEVERAGES AND CANNABIS**  
14 **ARTICLE.**

15           **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON THE BASIS**  
16 **OF A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE’S POSSESSION OF A VALID**  
17 **WRITTEN CERTIFICATION, OR ON THE BASIS OF A FIRE AND RESCUE PUBLIC SAFETY**  
18 **EMPLOYEE TESTING POSITIVE FOR CANNABIS COMPONENTS OR METABOLITES**  
19 **WHILE HOLDING A VALID WRITTEN CERTIFICATION, AN EMPLOYER MAY NOT:**

20           **(I) DISCIPLINE, DISCHARGE, OR OTHERWISE DISCRIMINATE**  
21 **AGAINST THE FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE WITH RESPECT TO THE**  
22 **EMPLOYEE’S COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF**  
23 **EMPLOYMENT; OR**

24           **(II) LIMIT, SEGREGATE, OR CLASSIFY ITS EMPLOYEES IN ANY**  
25 **WAY THAT WOULD DEPRIVE OR TEND TO DEPRIVE THE FIRE AND RESCUE PUBLIC**  
26 **SAFETY EMPLOYEE OF EMPLOYMENT OPPORTUNITIES OR OTHERWISE ADVERSELY**  
27 **AFFECT THE FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE’S STATUS AS AN**  
28 **EMPLOYEE.**

29           **(3) NOTHING IN THIS SUBSECTION:**

30           **(I) REQUIRES AN EMPLOYER TO COMMIT AN ACT THAT WOULD:**

31                   **1. VIOLATE FEDERAL LAW OR REGULATIONS; OR**

32                   **2. CAUSE THE EMPLOYER TO LOSE A MONETARY OR**  
33 **LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS; OR**

1 (II) PROHIBITS AN EMPLOYER FROM:

2 1. ADOPTING POLICIES AND PROCEDURES THAT  
3 PROHIBIT A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE FROM PERFORMING THE  
4 EMPLOYEE’S DUTIES WHILE IMPAIRED BY CANNABIS; OR

5 2. PROHIBITING A FIRE AND RESCUE PUBLIC SAFETY  
6 EMPLOYEE FROM USING CANNABIS WHILE ON DUTY.

7 (4) IF A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE REPORTS FOR  
8 WORK WHILE IMPAIRED BY CANNABIS, THE EMPLOYER SHALL REPORT THE  
9 INCIDENT TO THE STATE EMERGENCY MEDICAL SERVICES BOARD.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2026.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.