



Maryland Motor Truck Association

9256 Bendix Road, Suite 203, Columbia, MD 21045

Phone: 410-644-4600 Fax: 410-644-2537



HEARING DATE: March 9, 2023

BILL NO/TITLE: Senate Bill 516: Cannabis Reform

COMMITTEE: Senate Finance Committee

POSITION: Letter of Information

Maryland Motor Truck Association offers this letter of information urging the Senate Finance Committee to retain important employer protection and workplace safety language on page 72, lines 16-22, in SB516 as these provisions have been removed from cross-filed legislation (HB556) in the House of Delegates.

Federal regulations require motor carriers to test all commercial drivers for alcohol and drug use before employment, on a random basis, after crashes, and whenever a supervisor has reasonable suspicion that a driver may be impaired. These regulations have been adopted by reference in the Maryland Transportation Article, §25-111 and in the Code of Maryland Regulations, 11.21.01.02.

Under the Federal Motor Carrier Safety Regulations (§391.41(12)), drivers are disqualified from using any Schedule I drug or any non-Schedule I drug that would adversely affect the driver's ability to safely operate a commercial motor vehicle. If a driver tests positive for marijuana use, even if he is not driving at the time, he is disqualified from operating a commercial motor vehicle. No level of impairment needs to be established.

If a commercial driver fails a drug test, the Federal regulations require him/her to be immediately suspended and complete a substance abuse program. Companies may choose to terminate the driver if it is company policy. The driver may not be reinstated to drive until he completes a Return to Duty process, and then must be randomly drug tested at least six times in the next 12 months. Positive test results must be reported to the Federal Motor Carrier Safety Administration's Drug & Alcohol Clearinghouse. Prospective employers are required to query the clearinghouse when they screen new applicant drivers, and annually thereafter for those drivers they hire.

For the reasons noted above, MMTA believes that retaining the employer protection and workplace safety language on page 72, lines 16-22, in SB516 are vital to avoid confusion among employees and employers who are subject to the Department of Transportation's drug testing rules. As such, we urge the Committee to include this language in any legislation that moves forward.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a non-profit trade association representing the trucking industry since 1935. In service to its 1,000 members, MMTA is committed to support, advocate and educate for a safe, efficient and profitable trucking industry in Maryland.

For further information, contact: Louis Campion, (c) 443-623-4223