



**Maryland Joint
Legislative Committee**

The Voice of Merit Construction

March 9, 2023

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TO: FINANCE COMMITTEE
FROM: ASSOCIATED BUILDERS AND CONTRACTORS
RE: S.B. 516 – CANNABIS REFORM
POSITION: INFORMATION

On behalf of the Associated Builders and Contractors of Maryland, we appreciate the opportunity to opine on S.B. 516, the Cannabis Reform bill.

While ABC is agnostic on the issue of legalizing cannabis for recreational use in the Maryland, we are adamant that companies in safety-sensitive industries, such as construction, be permitted to enforce zero-tolerance policies for drug and alcohol use, including for cannabis. ABC Maryland is a member of the Construction Coalition for a Drug and Alcohol-free Workplace, which includes a pledge to prevent substance abuse. Contractors that participate in this program through the STEP Safety Management System 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 the Maryland. Accordingly, we respectfully ask the General Assembly to take our concerns and recommendations seriously.

Worker Safety is more than OSHA compliance it's a Core Value

Worker safety permeates every aspect of the construction industry. It is not hyperbole to say that safety is Priority #1 for every ABC Maryland member. When our employees come to work each day, they deserve to know that the person working next to them is not under the influence of drugs or alcohol. Permitting construction employers to enforce a drug and alcohol-free jobsite is essential to protecting workers. At its very core, it's a pro-worker position.

With this in mind, we have reviewed S.B. 516 and respectfully recommend the following construction focused language:

36-101(O) (1) (pg 21 of bill, new language)

Understands the dose, potency, and effects of being under the influence of cannabis being consumed; and

36-101 (O)(2) (pg21 of bill, new language)

Consumes in a responsible manner so as not to be under the influence of cannabis while traveling to and reporting ready for work.

36-101(KK) (pg 25 of bill, new language)

“Safety Sensitive” means any position in the construction industry or with regular duties that in the reasonable judgement of the employer would pose a risk of injury to the employee, other employees, or the public if performed under the influence of cannabis.

36-1102(A) (pg 69 of bill, new language)

(6) Use cannabis in violation of a drug-free workplace or employment policy that:

- (I) Requires pre-placement, fit for duty, post-accident, reasonable suspicion, and/or random drug testing of employees for cannabis or other drugs or drug testing of employees in safety sensitive positions;
- (II) Is necessary to comply with federal law, including the Drug-Free Workplace Act of 1988, or a federal contract or funding agreement, if applicable to the employer.

General language:

36–1301 (pg 72 of bill, additions in bold)

(E)(1) This section does not prevent a PRIVATE or government employer from disciplining an employee or a contractor for:

- (I) Ingesting cannabis in the workplace;
- (II) working while impaired by cannabis

In closing, I want to reiterate the seriousness with which construction companies take the issue of workplace safety, as well as underscore the potential ramifications of S.B. 516, as introduced, on the right of construction workers to work in a safe environment. On behalf of over 1500 ABC business members in Maryland, we remain available to the Committee as it works to finalize this legislation.

Marcus Jackson, Director
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