



Baltimore Fire Officers Association

Local No. 964

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CHARTERED FEBRUARY 20, 1948



February 21, 2024

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
Room 231
House Office Building
Annapolis, MD 21401
SENT VIA EMAIL

RE: Testimony in Favor of HB0525

Dear Chair Wilson and Members of the House Economic Matters Committee,

On behalf of the members of the Baltimore Fire Officers IAFF Local 964, we would strongly encourage you to issue a favorable report for House Bill 525: Employment Discrimination – Use of Cannabis Products.

This legislation effectively addresses a long-standing issue that has been increasing in severity for employees throughout the State of Maryland. At its root, urinalysis testing is being used by employers to discriminate against employees for their use of cannabis. To be clear – use that is off-duty, off-site from the work location, and fully within the parameters of existing Maryland law.

The urinalysis test screens for particular metabolites that are produced when the body breaks down the active ingredients in cannabis after ingestion. These metabolites are detectable as many as seventy-five (75) days after ingestion, or longer. It is well established that the effects of cannabis wear off within a few hours. Therefore, this test is unreliable for testing for intoxication.

To be clear, this is an excellent test in the world of absolute cannabis prohibition. In that world, the metabolites from cannabis use should never be in anyone's system. In Maryland, however, medicinal cannabis has been permitted under the law since 2014. This was extended to recreational use of cannabis in 2023. In short, we do not live in the world of cannabis prohibition anymore and must adapt. During this entire time, employers are still able to use an irrelevant urinalysis test to screen for metabolite remnants of cannabis use and discipline employees as though they were intoxicated. This allows for discipline up to and including termination.

Also, over the course of this time period from 2014 through the present, what we have learned about the benefits of cannabis are in stark contrast with the prohibition education many of us received in grade school. Cannabis is a remarkable substance for treating musculoskeletal pain, post-traumatic stress disorder (PTSD), multiple uses in treatment of cancer, treatment of sleep dysrhythmias, etc. All of the above listed afflictions effect firefighters at a greater rate than the rest of society. Unfortunately, due to the archaic urinalysis testing, cannabis has been unavailable to firefighters even when off duty and off the job site. Instead, they are prescribed powerful, dangerous, and oft times addictive substances such as opiates and narcotics, which can lead to disastrous substance abuse issues. In contrast, cannabis has no known addictive properties.

Recreational cannabis use was approved by seventy percent (70%) of voters in 2022. With a record low unemployment rate¹, employers can prohibit 98.1% of the Maryland population from using cannabis legally by tying their use to their employment through urinalysis testing. This does not serve public policy at all.

As a compromise, you are likely to hear from opponents who wish to include “safety-sensitive” classification of certain employees so that they can continue urinalysis testing on employees they deem fit. We strongly disagree with any such compromise. Either the test is valid for screening for intoxication, or it is not. Science has proven, as documented through Congressional reports², that it does not. It is therefore *per se* invalid to be used for such purposes.

This bill does not say that we, or anyone, are encouraging employees to come to work intoxicated or to become intoxicated while at work. Employers can still enforce drug free workplace standards through use of a policy that uses reasonable, articulable suspicion in identifying violations of policy and treating accordingly. This approach has already been implemented for State employees by Governor Moore through Executive Order.

We greatly appreciate your time and attention to this matter. We strongly recommend a favorable report on this legislation.

Respectfully,



Joshua L. Fannon, President
IAFF Local 964 Baltimore Fire Officers

CC: Jeffrey Buddle, President, Professional Fire Fighters of Maryland

¹ U.S. Department of Labor Statistics most recent data for Maryland reports an unemployment rate of 1.9%. See also <https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/unemployrates.html>.

² “Urine test results cannot be used to prove that a driver was under the influence of the drug at the time of arrest or testing. Detection of THC or other cannabinoids in urine does not necessarily reflect recent use.” *Marijuana Impaired Driving, A Report to Congress*. Department of Transportation, p. 10.