



# Maryland Motor Truck Association

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**HEARING DATE:** February 23, 2024

**BILL NO/TITLE:** House Bill 525: Employment Discrimination - Use of Cannabis Products

**COMMITTEE:** Economic Matters

**POSITION:** Oppose

Maryland Motor Truck Association (MMTA) appreciates the intention of HB525 to protect employees from discrimination based on their lawful use of cannabis; however, the Association is concerned that the passage of this legislation blurs the line for employers that have safety sensitive positions that are not specifically covered under Federal drug and alcohol regulations. As such, we would oppose House Bill 525 unless amended to address workers in those safety sensitive positions.

Under Federal law, commercial drivers' license (CDL) holders are subject to pre-employment, random, reasonable suspicion, and post-accident drug and alcohol testing. However, the Federal rules do not cover drivers operating commercial trucks over 10,000 lbs. but less than 26,001 lbs. These are typically box trucks, package delivery vans, construction equipment, etc. These operators are subject to many Federal rules and regulations (e.g., medical certification), but are excluded from the drug and alcohol testing rules.

Beyond drivers, the trucking industry is filled with mechanics and warehouse workers that operate heavy equipment which can cause significant bodily injury or death to the employee or others. Under SB513, the employer would have to show by a preponderance of the evidence that a person's use of cannabis has impaired his or her ability to perform the individual's job responsibilities. Without testing, how can that be demonstrated before putting an individual behind the wheel, under a vehicle, or operating a forklift and risking the health of his/herself or others? This has been recognized in other jurisdictions, including the District of Columbia, where they have specifically excluded those in safety sensitive positions from similar protections.

For the reasons noted above, Maryland Motor Truck Association opposes HB525 unless amended to exclude these workers. Suggested amendment language is below, which mirrors that in the District of Columbia.

On page 5, after the word "entity" in line 24, insert:

; 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.

**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