



Bill No: HB 525—Employment Discrimination— Use of Cannabis Products

Committee: Economic Matters

Date: 2/23/2024

Position: Unfavorable

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George’s Counties. AOBA members serve as employers for property management, building maintenance staff, and engineers.

House Bill 525 prohibits an employer from discriminating against an individual because of the individual’s use of cannabis products. Employers who drug test employees must provide an updated drug policy for all employees before the policy becomes effective. Adverse employment action is defined as refusing to hire or employ an individual, requiring forced retirement, or discriminating against an individual in the employment’s compensation or terms and conditions. **Though well-intentioned, as employers, AOBA members have concerns with the legislation as drafted, as cannabis use in employment is already heavily regulated by the federal and state governments.**

Marijuana is still illegal at the federal level as it is still classified as a Schedule I drug, and members have strict cannabis use policies on properties to limit its consumption for renters and employees alike. This law is duplicative as there are laws in place that protect employees from such adverse employment actions and require more burdensome documentation on the employer to avoid any legal concerns. The current regulations are appropriate for ensuring employees follow policies established by the employers on conduct and protect employees from being discriminated against for cannabis use during outside work hours.

For these reasons, AOBA requests an unfavorable report on HB 525. For further information, contact Ryan Washington, AOBA’s Government Affairs Manager, at 202-770-7713 or email rwashington@aoba-metro.org.