



NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – www.NFIB.com/Maryland

TO: House Economic Matters Committee

FROM: NFIB – Maryland

DATE: February 23, 2024

RE: **OPPOSE HOUSE BILL 525** – Employment Discrimination – Use of Cannabis Products

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America’s small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland’s small businesses, NFIB-Maryland opposes House Bill 525 – legislation regulating employer’s drug policies on cannabis use.

NFIB is concerned with the drafting of SB513. Section 20-605 (A)(5) allows an employer to prohibit the possession and use of intoxicating substances during work hours and take adverse employment action against an employee for possessing or using these substances during work hours. This language must also allow an employer to take adverse action against an employee who tested positive for these substances. Taken together, this is consistent with many of the drug policies employers use.

However, §20-606 (A)(2) then requires an employer to show by preponderance of the evidence that an “unlawful use of cannabis” has impaired an employee’s ability to perform work functions if that employer is to take an adverse employment action.

These two sections taken together create an unworkable framework for small businesses to create and enforce an effective drug policy at their place of business.

Small business owners would much prefer current law which allows them the latitude to create a drug policy that works for their individual work place. And allows for the protection of themselves, their employees, and their customers.

For these reasons, **NFIB OPPOSES SB513** and requests an unfavorable committee report.