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February 23, 2024

**To: Members of the House Economic Matters Committee**

**RE: Support HB 525 (Employment discrimination – Use of cannabis products)**

**From: Paul Armentano, Deputy Director – National Organization for the Reform of Marijuana Laws (NORML): Washington, DC ([paul@norml.org](mailto:paul@norml.org))**

I am a Maryland resident who has worked professionally in the field of marijuana policy for nearly 30 years. I am currently the Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws, a nationwide public interest advocacy organization based in Washington, DC.<sup>1</sup>

During my professional career, I have authored several books on cannabis, health, and public safety and my writing has been featured in over two dozen academic anthologies. In 2022, I was the lead witness before Congress at the hearing “Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level,”<sup>2</sup> which was convened by the House Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties. **I also have an extensive understanding of cannabinoid pharmacokinetics**, and I have testified as an expert witness in numerous state and federal court cases specific to marijuana and drug testing.

**I am providing testimony today in support of House Bill 525 (and its companion bill SB 513)**, which prohibits certain employers from discriminating against workers solely because of their off-the-job use of state-legal cannabis products.

This legislation protects personal freedoms and does not jeopardize workplace safety.

Changes in the state-legal status of marijuana do not adversely impact workplace safety.<sup>3</sup> In fact, **studies consistently show that employees who consume cannabis during their off-hours perform no differently than their non-using peers**. Their workplace productivity does not differ from that of their coworkers, many of whom consume alcohol, and they do not pose any increased safety risk.

Several studies and peer-reviewed papers affirm this fact. For example, an exhaustive review by the US National Academy of Sciences determined, **“There is no evidence to support a statistical association between cannabis use and occupational accidents or injuries.”**<sup>4</sup>

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<sup>1</sup> <https://norml.org/about-norml/staff/>

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<https://oversightdemocrats.house.gov/legislation/hearings/developments-in-state-cannabis-laws-and-bipartisan-cannabis-reforms-at-the>

<sup>3</sup> <https://norml.org/marijuana/fact-sheets/marijuana-legalization-and-impact-on-the-workplace/>

<sup>4</sup> [https://nap.nationalacademies.org/resource/24625/Cannabis\\_committee\\_conclusions.pdf](https://nap.nationalacademies.org/resource/24625/Cannabis_committee_conclusions.pdf)



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A more recent literature review, published in the journal *Substance Use and Misuse*, similarly confirms, **“The current body of evidence does not provide sufficient evidence to support the position that cannabis users are at increased risk of occupational injury.”**<sup>5</sup>

Most recently, the results of a multi-year study – published in the *Canadian Journal of Public Health* – reported no increased risk of workplace injury among those who consume cannabis as compared to those who did not. The study’s authors concluded, **“Compared to no past-year cannabis use, there was no difference in workplace injury risk for non-workplace cannabis use.”**<sup>6</sup>

To be clear: **Nothing in HB 525 allows employees to be under the influence in the workplace or to consume cannabis while at work.** It simply prohibits certain employers from taking adverse action against workers based solely upon that person having engaged in the legal use of cannabis during non-work hours. It also prohibits certain employers from sanctioning an employee based solely upon a positive test for the presence of inactive marijuana metabolites. Because these inert compounds may be detectable on a standard drug screen for days, weeks, or even months following cannabis use,<sup>7</sup> such tests do not provide any indication of whether someone has recently used marijuana or is under its influence.<sup>8</sup> By contrast, employers would continue to be free to utilize performance testing technology, such as AlertMeter,<sup>9</sup> in the workplace. This technology, unlike urinalysis or blood testing, gauges employees’ actual performance versus their own personal baseline – therefore providing a far more accurate determination of whether someone is impaired on the job.

**Legislation similar HB 525 | SB 513 restricting workplace discrimination against those who consume cannabis responsibly while away from the job is the law in several other states,** including California, Connecticut, Minnesota, Montana, New Jersey, New York, and Rhode Island. Marylanders deserve these same common-sense protections.

For these reasons, I urge you to advance HB 525.

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<sup>5</sup> Biasutti et al. 2020. Systematic Review of Cannabis Use and Risk of Occupational Injury. *Substance Use and Misuse* 55: 1733-1745. <https://pubmed.ncbi.nlm.nih.gov/32441179/>

<sup>6</sup> Carnide et al., 2023. Workplace and non-workplace cannabis use and the risk of workplace injury: Findings from a longitudinal study of Canadian workers. *Canadian Journal of Public Health* 114: 947-955. <https://link.springer.com/article/10.17269/s41997-023-00795-0>

<sup>7</sup> Musshoff and Madea. 2006. Review of biological matrices (urine, blood, hair) as indicators of recent or ongoing cannabis use. *Therapeutic Drug Monitoring* 28: 155-163. [https://norml.org/wp-content/uploads/pdf\\_files/Review\\_biologic\\_matrices\\_indicators\\_cannabis\\_use.pdf](https://norml.org/wp-content/uploads/pdf_files/Review_biologic_matrices_indicators_cannabis_use.pdf)

<sup>8</sup> According to the US Department of Justice, “A positive test result, even when confirmed, only indicates that a particular substance is present in the test subject’s body tissue. It does not indicate abuse or addiction; recency, frequency, or amount of use; or impairment.”

<sup>9</sup> <https://predictivesafety.com/alertmeter/>



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**AUTHOR'S NOTE:** *Paul Armentano has nearly three decades of professional experience in cannabis policy. He is the Deputy Director of NORML – The National Organization for the Reform of Marijuana Laws – the nation's oldest and only consumer-oriented cannabis reform advocacy organization.*

*His writing on cannabis and cannabis policy has appeared in over 1,000 publications, scholarly and/or peer-reviewed journals, and in over two dozen textbooks and anthologies. Mr. Armentano is the co-author of the book *Marijuana is Safer: So Why Are We Driving People to Drink?* (2009, 2013: Chelsea Green), which has been licensed and translated internationally. He is also the author of the book *Clinical Applications for Cannabis and Cannabinoids* (2021: National Organization for the Reform of Marijuana Laws), which summarizes over 450 peer-reviewed studies specific to the safety and efficacy of cannabis among different patient populations.*

*Mr. Armentano works closely with politicians and regulators to draft and enact cannabis policy reforms, and he is a frequently sought-after speaker on the topic at legal and academic seminars.*

*Mr. Armentano was the principal investigator for defense counsel in the federal case *U.S. v Schweder et al.*, one of the first legal cases in decades to challenge the constitutionality of cannabis as a Schedule I controlled substance. He was also an expert in the successful Canadian constitutional challenge, *Allard v Canada*, which preserved qualified patients' right to grow cannabis at home.*

*He is the recipient of the 2013 Alfred R. Lindesmith Award for Achievement in the Field of Scholarship and the 2019 Al Horn Memorial Award in appreciation of advancing the cause of justice.*