

Testimony - SB 513, Employment Discrimination - Use of Cannabis Products
Favorable
Senate Finance Committee
February 22, 2024
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Chair Beidle & Members of the Senate Finance Committee:

SEIU Local 500 represents over 20,000 workers in Maryland who serve our state's residents from cradle to career. Our members come from diverse backgrounds and many have experienced their civil rights infringed upon for the sake of what they look like. In other states, they would have their rights infringed upon for just being union members. Across this nation, we see the creep of authoritarianism reach through every level of government and into our judicial system. Nowhere has this been more prevalent than the War on Drugs that has been waged across this nation for the past 50+ years. The expense to taxpayers being in the billions while the expenses to families harmed by the authoritarian policies created during this war are innumerable.

Many states in this nation have decided to apply better science and modern approaches to the prohibition of controlled substances with particular regards to cannabis. Marylanders supported the adoption of adult-use cannabis laws after seeing the success of this state's medical cannabis program. The people get it. They understand that cannabis should not be treated in the same category as other Schedule I substances. The people understand the medicinal value of cannabis therapy.

As laws to overturn prohibition continue to take shape across this nation, legislatures should not forget that other policies must also be revised to keep up with the times. The discrimination against cannabis users in the workplace is one of those policies it is time to update. Cannabis legalization and impacts on the workplace are a concern for many.

Opponents will claim negative effects on productivity and attempt to draw concerns around workplace safety. However, off-the-job cannabis use is not positively associated with elevated rates of occupational accidents or injuries.¹²³⁴

This legislation protects personal freedoms and does not jeopardize workplace safety. Changes in the state-legal status of cannabis do not adversely impact workplace safety. 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 prescription drugs, and they do not pose any increased safety risk.

More recent literature reviews in the journal *Substance Use and Misuse*, confirm and conclude, “The current body of evidence does not provide sufficient evidence to support the position that cannabis users are at increased risk of occupational injury.”⁵

Nothing in SB 513 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 cannabis metabolites. Because these inert compounds may be detectable on a standard drug screen for days, weeks, or even months following cannabis use,⁶ such tests do not provide any indication of whether someone has recently used cannabis or is under its influence.⁷

¹ 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*, 2023
<https://link.springer.com/article/10.17269/s41997-023-00795-0>

² Cannabis use and work-related injuries: A cross-sectional analysis, *Occupational Medicine*, 2020
<https://pubmed.ncbi.nlm.nih.gov/33108459/>

³ Altered states or much to do about nothing? A study of when cannabis is used in relation to the impact it has on performance, *Group & Organizational Management*, 2020
<https://journals.sagepub.com/doi/abs/10.1177/1059601120917590?journalCode=gomb>

⁴ Medical marijuana and workplace fatalities in the United States, *International Journal of Drug Policy*, 2018
<https://pubmed.ncbi.nlm.nih.gov/30092547/>

⁵ Systematic review of cannabis use and risk of occupational injury, *Substance Use and Misuse*, 2020
<https://pubmed.ncbi.nlm.nih.gov/32441179/>

⁶ 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_biological_matrices_indicators_cannabis_use.pdf

⁷ *Drugs, Crime, and the Justice System: A National Report from the Bureau of Justice Statistics*, 1992
<https://bjs.ojp.gov/library/publications/drugs-crime-and-justice-system-national-report-bureau-justice-statistics>

The people of Maryland overturned cannabis prohibition at the ballot box because they understand common sense solutions to problems that need not be. Liberalized marijuana laws are associated with greater labor participation, lower rates of absenteeism, declines in workers' compensation filings, and higher wages.⁸⁹¹⁰¹¹

Legislation similar to 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 protections. Thank you to SEIU Local 500 member Senator Mary Washington for bringing forth this common-sense legislation.

We ask you to support SB 513 and provide a favorable committee report.

Thank you.

⁸ The effects of recreational marijuana legalization on employment and earnings, National Bureau of Economic Research, 2022

https://www.nber.org/system/files/working_papers/w30813/w30813.pdf

⁹ Does marijuana legalization affect workplace capacity? Evidence from workers' compensation benefits, National Bureau of Economic Research, 2021

<https://www.nber.org/papers/w28471>

¹⁰ The impact of medical marijuana laws on the labor supply and health of older adults: Evidence from the Health and Retirement Study, NBER Working Paper No. 22688, 2016

<https://www.nber.org/papers/w22688>

¹¹ Marijuana decriminalization and labor market outcomes, ESSPRI (Economic Self-Sufficiency Policy Research Institute, University of California, Irvine) Working Paper, 2016

<https://www.esspri.uci.edu/files/docs/2016/ESSPRI%20Working%20Paper%2020162%20Timothy%20Young.pdf>