

# **Testimony - SB 513.pdf**

Uploaded by: Alonzo Washington

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB 513 - Employment Discrimination - Use of Cannabis Products**

Dear Chair Beidle, Vice Chair Klausmeyer and Members of the Senate Finance Committee,

Today, I am presenting SB513 – Employment Discrimination – Use of Cannabis Products because our State recently legalized cannabis possession and usage. With legalizing cannabis, our state recognized the unfair discrimination and targeting of Black and brown communities, blue collar workers, and working families, and how our policies on the War on Drugs have only led to misery and distrust in the government. Yet this discrimination is allowed to continue when it comes to employment.

There are thousands of cases in Prince George's County alone where people have been robbed of their employment opportunities for using a substance that is considered legal and acceptable. If there is no impairment to work function the following day, there is no reason as to why any person should be subject to cannabis usage testing, and more unacceptably, fired for their own free usage.

The bill I am proposing would mend the current situation, allowing for employees to use cannabis on their own leisure time, as declared legal by the state, without being subject to firing if it does not impair their work function. This would level cannabis with alcohol and create more equitable workplace conditions for people who enjoy their rightful leisure in different ways.

Additionally, this bill creates a prohibition for employers who discriminate in hiring based on past cannabis convictions. Currently, there is a non-instant expungement of incarceration records, and thus people with possession convictions over 1.5 ounces, or those who have had additional charges, are unable to immediately get rid of their unjust charges. Even for those that had their record expunged, an employer is still allowed to discriminate against them if they learn about the previous conviction. If those who have been unjustly incarcerated are denied employment, they truly will not be free.

As a state, we must protect the free leisure of our residents, and truly amend the mistake of making cannabis an illegal substance. This bill will be able to increase the quality of life of our constituents and take a burden off the shoulders of many who are worried about their employment if they engage in non-harmful activities.

For this reasons, I respectfully request a favorable committee report on SB 513.

# **Cannabis for Firefighters.pdf**

Uploaded by: Bradley Klukas

Position: FAV

## **Cannabis for Firefighters**

Cannabis has been used as a medicine for millennia, and was brought to the Americas in the 16th century. It wasn't until Harry Anslinger, the head of the Federal Bureau of Narcotics (FBN), coined the term "marihuana" because he believed different races were undermining America by introducing drugs to the people, that cannabis starting being viewed negatively. The word "marijuana" has roots firmly planted in racism. Cannabis was made illegal in 1937 with the "Marihuana Tax Stamp Act", which was later found to be unconstitutional. Then, in 1969, cannabis was designated a Schedule I drug by the DEA. Currently, the Department of Health and Human Services (DHHS) has recommended that the DEA reschedule it as a Schedule III medication, which would put it in the same category as Tylenol 3 with codeine, ketamine, steroids, and testosterone. California and Oregon were the first states to make cannabis medicinally legal in 1996.

Collectively there are over 600 compounds, or "strains" that researchers have identified. The components of cannabis can be broken into two categories - **terpenes** and **cannabinoids**. Terpenes can be understood as the "essential oils" that are found in ALL plants. Examples of terpenes are linolool (found in lavender), pinene (found in rosemary), and limonene (found in lemons). These are components that work with your body to help in a variety of ways, depending on the terpene percentage itself. Terpene profiles can be found online to guide you to the correct terpene and dosage to help with your specific ailment. For example, anecdotally, cannabis can cause some people to have anxiety. This complaint is commonly associated with the terpene Myrcene. If experiencing anxiety is a concern, you would look for a cannabis strain that is low in Myrcene, and higher in the terpene aimed at targeting your specific ailment.

Cannabinoids interact with the body's Endocannabinoid System (ECS) which was first discovered in 1988. Prior to that, cannabis studies were without any knowledge that a person's body is actually designed to use cannabinoids as a system to find **allostasis**. Allostasis is a term for the body's ability to adapt to its *surroundings* and find balance (whereas homeostasis is the body's ability to adapt to *itself* and find balance). Cannabinoids can be both psychoactive (THC, THCV, and CBN) and non-psychoactive (CBD, CBG, CBC). Each of these cannabinoids have their own unique capabilities to help the individual. The combination of terpenes and cannabinoids in the strain of cannabis can be custom fit for the desired effect of what you are looking to achieve medically which is known as the "entourage effect". The entourage effect is the key to understanding the medicinal value of cannabis. The combining of specific terpene and cannabinoid profiles allows for a broad range of effectiveness in treating a vast array of ailments.

**70% of firefighters experience chronic pain which require medicines to treat.** Numerous clinical studies have been performed, and an overwhelming preponderance of evidence supports its efficacy for use in not only pain management, but reduction of use or cessation of use of opioids. A Canadian study showed a 78% decrease in the amount of opioids individuals required for their pain, with 11% coming off opioids entirely. In 2017, the National Academies of Science, Engineering, and Medicine gave cannabis “conclusive high-quality evidence” (its highest rating) for use in pain management.

**Under Maryland's Presumptive Cancer Act, firefighters are far more susceptible (160% to 300%) to cancer than the general public.** Those cancers are brain, breast, colon, lymphoma, and prostate. Cannabis is life saving medicine that would help increase the survival rate of firefighters with cancer. Cancer is another field of research in which cannabinoids have proven to have a considerable effect. The main use for cannabis in cancer patients is to treat nausea and stimulate appetite in those undergoing chemotherapy. It can also prevent growth of some types of cancer, as well as prevent spread (metastasis) of cancer throughout the body, allowing chemotherapy to be far more effective. These cancers include, but are NOT limited to brain, breast, cervical, colon, leukemia/lymphoma, and prostate cancer - closely mirroring the list of cancers found within the Presumptive Cancer Act.

**Mental health is another prominent issue in the fire service,** which until recently had not been recognized as being pervasive. Unfortunately, 12.3% of firefighters have PTSD, and 18.7% experience chronic depression. Furthermore, 46.8% of firefighters have suicidal ideations, with 15.5% having actual suicide attempts. Mental health problems stem from a multitude of factors including traumatic calls, inability to have adequate time to recover between traumatic calls, and sleep problems. Cannabis has been shown to disassociate the brain's trauma response (sympathetic nervous response, or fight/flight) and keep the person in a parasympathetic nervous response pattern, which allows the individual to deal with the trauma they experienced rather than having it later create a traumatic response when remembering the event. Additionally, many of the terpenes and cannabinoids have a euphoric effect on the individual, greatly increasing their feeling of self-worth and happiness, and decrease their fear response. In addition, the sleep studies done on those individuals show deeper, more healing sleep while using cannabinoids. By understanding the terpene and cannabinoid profiles combined with proper dosing, cannabinoids can be used to GREATLY improve the overall mental health and sleep for firefighters, increasing their capabilities of performing their jobs and improving on the service we provide for our citizens, members, and visitors. Firefighters are **three times** more likely to die from suicide than from traumatic death in the line of duty.

**Cannabis is medicine.** By preventing firefighters from utilizing this medicine, a live-saving resource, is to deny us the adequate tools to perform the job we love so much. We want to come home to our families, and our families want us, the men and women they love, to be as happy and healthy as we can be.

**2.21.2024 MSEA Senate Bill 513 Testimony\_FAV.pdf**

Uploaded by: Christian Gobel

Position: FAV

**FAVORABLE**  
**Senate Bill 513**  
**Employment Discrimination – Use of Cannabis Products**

**Senate Finance Committee**  
**February 22, 2024**

**Christian Gobel**  
**Government Relations**

The Maryland State Education Association supports Senate Bill 513. Senate Bill 513 prohibits an employer from taking adverse employment action against an individual because of: i) the individual's use of cannabis products that is lawful under the laws in the state that occurs off the employer's premises during nonwork hours; ii) the individual's positive drug test for cannabinoids or cannabis metabolites, unless the individual used, possessed, or was under the influence of cannabis on the premises of the place of employment; or iii) the individual's prior arrest or conviction for a nonviolent cannabis offense that does not involve distribution to a minor.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

MSEA appreciates the sponsor for initiating legislation that provides employment protections for workers who engage in off-duty, legal use of cannabis under Maryland law. No worker should be penalized in their place of employment for their responsible use of legal products that occurs outside the workplace and off-duty. Numerous other jurisdictions across the country have enacted legislation to provide anti-discrimination employee protections for recreational cannabis use and Maryland should join their ranks.<sup>1</sup> Moreover, the legislation would not require an employer to

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<sup>1</sup> National Conference of State Legislatures, *Cannabis and Employment*,  
<https://www.ncsl.org/health/cannabis-and-employment-medical-and-recreational-policies->



commit an act that would violate federal law, or prohibit an employer from taking adverse employment action against an employee for possessing or using intoxicating substances during work hours. MSEA believes this bill is reasonable and necessary to protect workers.

**We urge the committee to issue a Favorable Report on Senate Bill 513.**

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[in-the-states](#) (updated January 22, 2024) (table listing jurisdictions that have enacted medical and recreational cannabis anti-discrimination employee protections and the associated year of reform.).



**Testimony - SB 513 - Favorable - SEIU Local 500.pd**

Uploaded by: Christopher Cano

Position: FAV

Testimony - SB 513, Employment Discrimination - Use of Cannabis Products  
Favorable  
Senate Finance Committee  
February 22, 2024  
Christopher C. Cano, MPA  
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

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.<sup>1234</sup>

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.”<sup>5</sup>

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,<sup>6</sup> such tests do not provide any indication of whether someone has recently used cannabis or is under its influence.<sup>7</sup>

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<sup>1</sup> 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>

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

<sup>3</sup> 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>

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

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

<sup>6</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\\_biological\\_matrices\\_indicators\\_cannabis\\_use.pdf](https://norml.org/wp-content/uploads/pdf_files/Review_biological_matrices_indicators_cannabis_use.pdf)

<sup>7</sup> *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.<sup>891011</sup>

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.

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<sup>8</sup> 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](https://www.nber.org/system/files/working_papers/w30813/w30813.pdf)

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

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

<sup>10</sup> 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>

<sup>11</sup> 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>

**SB 0513. MCCR Testimony.Use of Cannabis.02.22.24.p**

Uploaded by: Cleveland Horton

Position: FAV



# State of Maryland Commission on Civil Rights

*Respect...Integrity...Effective Communication*

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Wes Moore

**Lt. Governor**  
Aruna Miller

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Stephanie Suerth, MPA,  
CCEP

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**General Counsel**  
Glendora C. Hughes

**February 22, 2024**

## **Senate Bill 0513 – Employment Discrimination – Use of Cannabis Products**

### **POSITION: Support**

Dear Chair, Beidle, Vice Chair Klausmeier, and Members of the Senate Finance Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 0513 would prohibit employers from discriminating against individuals that consume cannabis under certain circumstances. The bill protects employees and their consumption of cannabis when the employee is off-site and not working. An employer may not take any adverse action against these employees. These employees cannot use or possess cannabis at work, and they cannot work under the influence. “Adverse actions” are defined as refusing to hire, forcing individuals to retire, or discriminating in the terms, conditions, or privileges of employment, including compensation. Some employers will need to provide employees with an updated drug policy.

Employers cannot use convictions of non-violent cannabis offenses that do not involved minors as a basis for any adverse action. Employers are still permitted to take adverse actions against employees that are in possession of cannabis, under the influence during work, or test positive during work hours. Employers are also permitted to decide that an employee’s job responsibilities cannot be performed if the employee uses cannabis and if it is based on the employee’s manifestation of specific articulable symptoms while working. The employer must prove this by a preponderance of the evidence or no adverse action may be taken.

Employers that are operating with the federal government are exempted from this subtitle under certain circumstances. When federal law requires drug testing for employment to maintain federal contracts, funding, or licensing, then SB 0513 will not apply. Additionally, employers are exempted if it would violate federal law or if the employer would lose federal contracts or funding as a result.

*“Our vision is to have a State that is free from any trace of unlawful discrimination.”*

William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202-1631  
Phone: 410-767-8600 · Toll Free: 1-800-637-6247 · Maryland Relay: 711 · Fax: 410-333-1841  
Website: [mccr.maryland.gov](http://mccr.maryland.gov) · E-Mail: [mccr@maryland.gov](mailto:mccr@maryland.gov)

A total of 38 states across the nation have legalized the use of medical cannabis and 24 have legalized recreational use. Americans smoke more cannabis than cigarettes, with nearly 10% of adults in Maryland reporting use of cannabis. Maryland is currently struggling with a severe worker shortage, and it would not be beneficial to allow for such a significant portion of the workforce and overall economy to be adversely affected. There are approximately 165,000 job openings in the state with only 54,778 unemployed residents. That means for every 100 job openings in the state there are only 33 unemployed residents to fill them.

Further, Maryland is a major tourism destination, with the state collecting \$19.4 billion in tourist spending in 2022. The service and hospitality industry accounts for a significant portion of those earnings. Unfortunately, the same industry has taken the brunt of the worker shortage, which can have negative effects on the entire state's economy. To ensure our economy has every opportunity to thrive, Maryland employees need these protections for use of cannabis products.

Disciplinary action at work has historically been unequal, with minority employees more likely to face disciplinary processes within the workplace than their White counterparts. The need for this legislation is great as minorities with medical marijuana cards have quit their jobs and faced discharge and layoffs more than White medical marijuana card holders. The State needs to provide employers with guidance about how to manage themselves and their employees in a non-discriminatory manner.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB 0513. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

# **Carrington 2024 SB513 HB525 Cannabis Use of Produc**

Uploaded by: Darrell Carrington

Position: FAV





CARRINGTON & ASSOCIATES, LLC  
*Integrity.Passion.Results*  
Since 2006

## **House Bill 525/Senate Bill 513 - Employment Discrimination – Use of Cannabis Products**

Carrington & Associates, LLC is writing to express our strong support for House Bill 525/Senate Bill 513, which addresses the prohibition of employment discrimination based on an individual's use of cannabis products under certain circumstances. This joint effort by Delegates Wilkins, Toles, Bofo, Fennell, Jackson, and Turner, as well as Senator Alonzo Washington, represents a significant step in establishing fair and reasonable guidelines regarding the use of cannabis products in the context of employment.

House Bill 525/Senate Bill 513 takes a balanced approach by recognizing the rights of both employees and employers. It acknowledges the evolving landscape of cannabis legalization and decriminalization across various states, emphasizing the need for a nuanced and updated approach to employment policies.

The key provisions of House Bill 525/Senate Bill 513 that I find particularly commendable include:

1. **Protection Against Discrimination:** The bill safeguards individuals from employment discrimination based on their lawful use of cannabis products outside of work hours, ensuring that such use does not adversely impact their professional lives.
2. **Drug Policy Requirements:** Employers conducting drug testing are required to provide updated drug policies to all employees before the effective date of the policy. This ensures transparency and awareness among the workforce regarding the employer's stance on drug use.
3. **Clarifications on Employer Actions:** The bill clearly outlines that it does not authorize employees to be impaired by, use, or possess cannabis products during work hours. Additionally, it specifies that employers are not required to commit acts that would violate federal law or jeopardize federal contracts or funding.
4. **Recognition of State Laws:** House Bill 525/Senate Bill 513 respects the legalization of cannabis under state laws and allows employees to use cannabis products lawfully without facing adverse employment actions, provided it occurs outside the employer's premises during non-work hours.

By supporting House Bill 525/Senate Bill 513, Maryland has an opportunity to lead in creating a fair and inclusive work environment that adapts to the changing legal landscape surrounding cannabis use. We believe this joint bill strikes a reasonable balance between individual rights and employer prerogatives.

We respectfully request you consider the positive impact this legislation could have on employee rights, workplace harmony, and the overall well-being of the workforce. Your support for House Bill 525/Senate Bill 513 would contribute to the creation of a more just and modern employment framework.

Thank you for considering our position, and we look forward to witnessing the positive impact House Bill 525/Senate Bill 513 can have on Maryland's cannabis landscape. Please do not hesitate to contact Darrell Carrington, Founding Board Member and former Executive Director of the Maryland Cannabis Industry Association (MDCIA), at 732-763-7398 or [darrell.carrington@verizon.net](mailto:darrell.carrington@verizon.net).

**SB 0513. MCCR Testimony.Use of Cannabis.02.22.24.p**

Uploaded by: Glendora Hughes

Position: FAV



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**February 22, 2024**

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Senate Bill 0513 would prohibit employers from discriminating against individuals that consume cannabis under certain circumstances. The bill protects employees and their consumption of cannabis when the employee is off-site and not working. An employer may not take any adverse action against these employees. These employees cannot use or possess cannabis at work, and they cannot work under the influence. “Adverse actions” are defined as refusing to hire, forcing individuals to retire, or discriminating in the terms, conditions, or privileges of employment, including compensation. Some employers will need to provide employees with an updated drug policy.

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**SB513 - PFFMD Written Testimony - Favorable; J. Bu**

Uploaded by: Jeffrey Buddle

Position: FAV

## **RESOLUTION NO. 2**

### **CANNABIS**

1           WHEREAS, the Maryland General Assembly passed House Bill 881 in 2014, which  
2 established the Maryland Medical Cannabis Commission (MMCC) and legalized cannabis for  
3 medical use in the State of Maryland; and

4           WHEREAS, Maryland voters approved a ballot referendum in the 2022 General Election,  
5 which established and legalized cannabis for recreational use in the State of Maryland; and

6           WHEREAS, research indicates the use of cannabis for either medical and/or recreational  
7 purposes have shown tremendous benefits on health and well-being, including but not limited to;  
8 pain relief, cancer treatment, treatment of sleep dysrhythmias, treatment of substance abuse, post-  
9 traumatic stress syndrome (PTSD), and many other benefits both known and unknown; and

10           WHEREAS, firefighters tend to have a higher rate than the general population in  
11 incidences of pain, cancer, sleep dysrhythmias, substance abuse, PTSD, and other medical and  
12 physical ailments that can be treated or eased through the use of medical and/or recreational  
13 cannabis; and

14           WHEREAS, firefighters could benefit from the use of medical and/or recreational cannabis  
15 in treating these ailments when not prohibited from doing so by their employers; and

16           WHEREAS, the majority, if not all, of the IAFF locals in this State have no protection from  
17 adverse employment action incurred due to the use of medical and/or recreational cannabis, such  
18 action that may include suspension, demotion, and/or dismissal; and

19           WHEREAS, other State Legislatures have enacted legislation that protects employees from  
20 discrimination in employment due to their off-duty cannabis use; and

21           WHEREAS, other State Legislatures have enacted legislation that bans employers from  
22 the use of drug testing employees using nonpsychoactive cannabinoid metabolite testing due to  
23 the non-scientific nature of such testing and the unreliability of the results,





# **Medical Marijuana Testimony - MD - Senate.pdf**

Uploaded by: John Gardell

Position: FAV

# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS



Statement of

CAPTAIN JOHN GARDELL  
Pittsburgh Bureau of Fire

before the

Senate Finance Committee  
on

Use of Cannabis Products

February 22, 2024

Thank you, Chairman/Chairwoman and distinguished members of the Senate. My name is John Gardell, and I am a Fire Captain with the Pittsburgh Bureau of Fire assigned to Truck 8 in the East Liberty section of the city. I joined Pittsburgh Bureau of Fire in 2005 after serving as a fire fighter and Lieutenant in the neighboring Borough of Wilkinsburg. Additionally, I was a member of the Pennsylvania Air National Guard, where I also served as a fire fighter. I appreciate the opportunity to appear before you today on behalf of the International Association of Fire Fighters, General President Edward A. Kelly, and the over 340,000 professional fire fighters and emergency medical personnel who serve as this nation's all-hazards emergency response force. Over the last 100 years, the IAFF has been and continues to be the nation's leading voice on fire safety, especially as it impacts the health and well-being of our nation's fire service professionals.

I come before you today to offer my testimony and experience on the use of marijuana by emergency service workers. In May 2018, the City of Pittsburgh adopted a policy allowing the members of the Pittsburgh Bureau of Fire to use medical marijuana to treat various illnesses. This policy was brought forward by Pittsburgh Fire Fighters Local No.1 of the International Association of Fire Fighters. Members of Local No.1 who had served in the armed forces during various conflicts were fighting numerous illnesses through the assistance of Veterans Affairs. Many had been recommended by their treating physicians to try marijuana as a treatment for a number of issues including Post Traumatic Stress Injuries, sleep disorders, and chronic pain.

These fire fighters had been dealing with these illnesses in various ways. Some turned to prescription medications, including sleep aids, mood-altering drugs, and opioids to relieve their symptoms. Many found that they did not like the lingering affects that followed or how these medications altered their ability to function. Other fire fighters used, and in some cases abused, alcohol in an attempt to deal with their illnesses.

Since the inception of the marijuana policy in the Pittsburgh Bureau of Fire, many members have reported that their quality of life has dramatically increased, while alcohol-related incidents, including driving under the influence and public intoxication, have plummeted.

This policy did bring with it some concerns regarding how administration and more specifically, supervisors, would handle an employee that was unfit for duty due to marijuana usage. Through discussion, it was determined that marijuana would be treated as any other prescription medication. Many prescription medications do not allow for the use or operation of a motor vehicle or other machinery. While a member may have a valid prescription for a medication, they are not permitted to use their medication while on duty if it could potentially hamper their ability to perform job-related tasks.

Supervisors or company officers in the City of Pittsburgh are charged with the duty to ensure that all personnel under their supervision are fit for duty. If a member reports for work unfit, to include being under the influence of drugs (including those prescribed legally), alcohol, or

mentally unfit for duty, it is their responsibility to send the individual for a reasonable suspicion test, by going through the chain of command. They are also responsible for documentation of the incident, including what actions led them to believe that the member was unfit for duty. Since the inception of the marijuana policy over 5 years ago, *not one incident has been reported involving marijuana usage.*

As a fire fighter for 27 years, serving in both the United States Air Force and in the City of Pittsburgh, I have personally battled with Post Traumatic Stress Injuries. Being diagnosed in 2019, I had found myself using over-the-counter sleep medications at an alarming rate in an attempt to sleep or “shut down” on my nights off. While my usage never carried over to work, I found that my tolerance had built and that continued usage would create numerous other health issues, some that had already begun.

In late 2019, I was prescribed medical marijuana as a treatment for my injury. I was very uncomfortable at the time, due to my unfamiliarity with marijuana and the numerous preconceived notions of its use. As a company officer, a father, and a husband, it was not only difficult to admit to needing help, but to then turn to a substance that was highly scrutinized was troublesome. I worried about what others would think, that I would lose respect of those I relied on, or that I would be viewed differently in my position. This could not have been further from the truth. Since my usage of marijuana as a treatment for my PTSD, I have found that I no longer am hampered by broken sleep on my nights at home, I am less irritable around loved ones, I am able to be more productive on my off days, which has allowed me to worry less and focus on my job and teaching while on duty.

While many still fight the the stigma of using marijuana for their illnesses. Numerous fire fighters in the City of Pittsburgh have turned to its use to increase the quality of their lives and those around them. As more States in our great nation continue to allow marijuana usage for both medical and recreational purposes, it is important that we recognize how it can benefit those that suffer the most. Please help the men and woman that are depended on everyday and allow them the ability to benefit from the medical uses of marijuana.

**Ltr to Senate Finance Comm 02.21.24.pdf**

Uploaded by: Joshua Fannon

Position: FAV



# Baltimore Fire Officers Association

Local No. 964

1030 S. LINWOOD AVENUE  
BALTIMORE, MARYLAND 21224  
(410) 276-6964 FAX: (410) 675-3930



CHARTERED FEBRUARY 20, 1948



February 21, 2024

The Honorable Pamela Beidle  
Chair, Senate Finance Committee  
3 East  
Miller Senate Office Building  
Annapolis, MD 21401  
**SENT VIA EMAIL**

RE: Testimony in Favor of SB0513

Dear Chair Beidle and Members of the Senate Finance Committee,

On behalf of the members of the Baltimore Fire Officers IAFF Local 964, we would strongly encourage you to issue a favorable report for Senate Bill 513: Employment Discrimination – Use of Cannabis Products.

This legislation effectively addresses a long-standing issue that has been increasing in severity for employees throughout the State of Maryland. At its root, urinalysis testing is being used by employers to discriminate against employees for their use of cannabis. To be clear – use that is off-duty, off-site from the work location, and fully within the parameters of existing Maryland law.

The urinalysis test screens for particular metabolites that are produced when the body breaks down the active ingredients in cannabis after ingestion. These metabolites are detectable as many as seventy-five (75) days after ingestion, or longer. It is well established that the effects of cannabis wear off within a few hours. Therefore, this test is unreliable for testing for intoxication.

To be clear, this is an excellent test in the world of absolute cannabis prohibition. In that world, the metabolites from cannabis use should never be in anyone's system. In Maryland, however, medicinal cannabis has been permitted under the law since 2014. This was extended to recreational use of cannabis in 2023. In short, we do not live in the world of cannabis prohibition anymore and must adapt. During this entire time, employers are still able to use an irrelevant urinalysis test to screen for metabolite remnants of cannabis use and discipline employees as though they were intoxicated. This allows for discipline up to and including termination.

Also, over the course of this time period from 2014 through the present, what we have learned about the benefits of cannabis are in stark contrast with the prohibition education many of us received in grade school. Cannabis is a remarkable substance for treating musculoskeletal pain, post-traumatic stress disorder (PTSD), multiple uses in treatment of cancer, treatment of sleep dysrhythmias, etc. All of the above listed afflictions effect firefighters at a greater rate than the rest of society. Unfortunately, due to the archaic urinalysis testing, cannabis has been unavailable to firefighters even when off duty and off the job site. Instead, they are prescribed powerful, dangerous, and oft times addictive substances such as opiates and narcotics, which can lead to disastrous substance abuse issues. In contrast, cannabis has no known addictive properties.

Recreational cannabis use was approved by seventy percent (70%) of voters in 2022. With a record low unemployment rate<sup>1</sup>, employers can prohibit 98.1% of the Maryland population from using cannabis legally by tying their use to their employment through urinalysis testing. This does not serve public policy at all.

As a compromise, you are likely to hear from opponents who wish to include “safety-sensitive” classification of certain employees so that they can continue urinalysis testing on employees they deem fit. We strongly disagree with any such compromise. Either the test is valid for screening for intoxication, or it is not. Science has proven, as documented through Congressional reports<sup>2</sup>, that it does not. It is therefore *per se* invalid to be used for such purposes.

This bill does not say that we, or anyone, are encouraging employees to come to work intoxicated or to become intoxicated while at work. Employers can still enforce drug free workplace standards through use of a policy that uses reasonable, articulable suspicion in identifying violations of policy and treating accordingly. This approach has already been implemented for State employees by Governor Moore through Executive Order.

We greatly appreciate your time and attention to this matter. We strongly recommend a favorable report on this legislation.

Respectfully,



Joshua L. Fannon, President  
IAFF Local 964 Baltimore Fire Officers

CC: Jeffrey Buddle, President, Professional Fire Fighters of Maryland

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<sup>1</sup> U.S. Department of Labor Statistics most recent data for Maryland reports an unemployment rate of 1.9%. See also <https://msa.maryland.gov/msa/mdmanual/01glance/economy/html/unemployrates.html>.

<sup>2</sup> “Urine test results cannot be used to prove that a driver was under the influence of the drug at the time of arrest or testing. Detection of THC or other cannabinoids in urine does not necessarily reflect recent use.” *Marijuana Impaired Driving, A Report to Congress*. Department of Transportation, p. 10.

**MPP ON SB 513 testimony FAV.pdf**

Uploaded by: Olivia Naugle

Position: FAV





February 22, 2024

SB 513

**Testimony from Olivia Naugle, senior policy analyst, MPP, favorable**

Dear Chair Beidle, Vice Chair Klausmeier, and members of the Senate Finance Committee:

My name is Olivia Naugle, and I am the senior policy analyst for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the United States. MPP has been working to improve cannabis policy for 29 years; as a national organization, we have expertise in the various approaches taken by different states.

**MPP strongly supports SB 513**, which would prevent most employers from discriminating against employees and job applicants for using cannabis outside of work or for testing positive for having cannabinoids or cannabis metabolites in their system as long as they do not work while impaired and federal law does not require otherwise.

A majority of Americans now live in a state where cannabis is legal in some form. This continued shift toward legalization has raised the question of whether pre-employment screening for cannabis is appropriate. Legalization states are increasingly acting to ensure workers don't lose their jobs for using cannabis after work hours. In fact, at least nine of the 24 legalization states — California, Connecticut, Nevada, New Jersey, New York, Minnesota, Montana, Rhode Island, and Washington — have some employment protections for adult-use cannabis consumers. And 22 of the 38 medical cannabis states have some employment protections. These laws only apply to off-hours cannabis use.<sup>1</sup> Every state allows employers to fire workers who are impaired at work, as SB 513 does.

Maryland should follow suit and pass SB 513 this year. Marylanders should not be subject to employment discrimination for using a now-legal product outside of work hours.

Importantly, drug testing for cannabis is an ineffective approach to workplace safety. Because THC and its metabolites stay in one's system long after the last use<sup>2</sup>, drug tests result in completely sober, capable workers losing their jobs or not being hired for having used cannabis days or even weeks earlier. Meanwhile, drug testing doesn't detect workers who are impaired by alcohol, hangovers, fatigue, or a myriad of other factors. Employers with a safety-sensitive workforce should instead consider performance-based tests<sup>3</sup>, which can detect workers who are unable to safely perform regardless of the cause.

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<sup>1</sup> The states are: Arizona, Arkansas, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia, and West Virginia. For details, see: <https://www.mpp.org/issues/medical-marijuana/medical-marijuana-laws-anti-discrimination-provisions/>

<sup>2</sup> See: "How long can you detect marijuana (cannabis) in the body?," Medical News Today.

<sup>3</sup> For example: <https://predictivesafety.com/alertmeter/>

The Americans with Disabilities Act (ADA) generally prevents patients from being fired for using their prescriptions as long as they are not impaired at work. But it does not extend to medical cannabis due to it being federal illegal. To fill the gap, most medical cannabis states have enacted state-level protections. SB 513 will also protect medical cannabis patients. Currently, even medical cannabis patients can be fired for testing positive for using their medicine, which can push patients to use far more addictive and dangerous medications, including opioids.

Additionally, passing SB 513 will make Maryland's cannabis policy more equitable. In the last couple of years, Maryland has made tremendous progress in enacting cannabis policies that are equitable and focused on repairing the decades of harm cannabis prohibition has caused, particularly in Black communities. Studies have shown that drug testing disproportionately affects people of color. Black people are more likely to face repercussions for failing a drug test than white people.<sup>4</sup> When Amazon, the nation's second-largest employer, ended testing for cannabis in pre-employment drug screens, Beth Galetti, senior vice president of human resources at Amazon noted,

“Pre-employment marijuana testing has disproportionately affected communities of color by stalling job placement, and by extension, economic growth, and we believe this inequitable treatment is unacceptable”<sup>5</sup>

Thank you, Senator Washington, for your leadership on this important issue. I respectfully urge the committee to issue a favorable report on SB 513.

Thank you for your time and attention. If you have any questions or need additional information, I would be happy to help and can be reached at the email address or phone number below.

Sincerely,

Olivia Naugle  
Senior Policy Analyst  
Marijuana Policy Project  
onaugle@mpp.org  
202-905-2037

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<sup>4</sup> How Ending Drug Tests Can Create Greater Workplace Equity <https://time.com/6103798/workplace-drug-testing/>.

<sup>5</sup> See: “Amazon Is supporting the effort to reform the nation's cannabis policy” [https://www.aboutamazon.com/news/policy-news-views/amazon-is-supporting-the-effort-to-reform-the-nations-cannabis-policy?asc\\_campaign=commerce-pra&asc\\_refurl=https%3A%2F%2Fwww.businessinsider.com%2Famazons-labor-shortage-solution-relax-cannabis-testing-2021-9&asc\\_source=browser&tag=thebusiinsi-20](https://www.aboutamazon.com/news/policy-news-views/amazon-is-supporting-the-effort-to-reform-the-nations-cannabis-policy?asc_campaign=commerce-pra&asc_refurl=https%3A%2F%2Fwww.businessinsider.com%2Famazons-labor-shortage-solution-relax-cannabis-testing-2021-9&asc_source=browser&tag=thebusiinsi-20)

**2024 MD SB513 NORML testimony.pdf**

Uploaded by: Paul Armentano

Position: FAV



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February 22, 2024

**To: Members of the Senate Finance Committee**

**RE: Support SB 513 (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 Senate Bill 513 (and its companion bill HB 525)**, 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/>

<sup>2</sup>

<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 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 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 SB 513 | HB 525 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 SB 514 | 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.*

**SB0513 Letter.pdf**

Uploaded by: Shanetha Lewis

Position: FAV

# VETERANS INITIATIVE 22

## Because We C.A.R.E

### Testimony on Maryland Senate Bill 0513:

TO: Senator Pamela Beidel Chair, Senator Katherine Klausmeier and Senate members of the Finance Committee

FROM: Shanetha Lewis, Veterans Initiative 22, Executive Director

DATE: 02/21/2024

BILL: SB0513

POSITION: Favorable

Veterans Initiative 22 is a 501(c)(3) non-profit organization that focuses on helping Veterans, Family and First Responders by providing resources, employment opportunities, and continuously advocating for rights and access to affordable cannabis and Veteran rights. VI 22 was named as such after the estimated 22 Veterans who commit suicide daily due to PTSD, and it is our organization's goal to bring national awareness to this tragedy, while also working to improve the lives of Veterans across the country.

Please note our strong **support** for this bill. For the following reasons:

First I want to say thank you for the opportunity to submit my testimony in support of SB. My name is Shanetha Marable Lewis and I hold a Master's degree in Medical Cannabis Science and Therapeutics from the University of Maryland School of Pharmacy. I am a proud Army combat veteran, spouse of a 20 year retired Army combat veteran, and I am also the Executive Director of Veterans Initiative 22.

I am here today representing my organization and to advocate for our heroes at home, a population that overwhelmingly supports medical cannabis and a population that is disproportionately effected by PTSD, Suicide, and Mental Health . This same veteran population who when they are "off duty" from their place of employment make the choice to lawfully consume cannabis, which is within their rights, whether it be in a recreational or medicinal capacity, are unjustly faced with the obstacle of being barred from employment or being fired from their current jobs due to their once again "off duty" usage of a legal product.

As studies have shown, employees who consume cannabis pose no greater risk to safety and discriminating against cannabis users due to positive urine analysis is an ineffective workplace safety policy.<sup>1</sup> As these tests do not determine whether an employee



# VETERANS INITIATIVE 22

## Because We C.A.R.E

is inebriated or under the influence of cannabis the at the given or current moment of collection but they rather a reflection of past usage.

The federal government has made a promise to every veteran to provide the best care possible. How are our veterans being cared for properly if they must choose between their economic health and their mental and or biological health? Our esteemed Governor Wes Moore dedicated 2024 as the “Year of the military family” This bill would substantially help to bolster that honorable promise and further our Governors mission by reducing the burden and removing the barriers to employment and/or the risk of loss of current employment that many Veteran, Gold Star Family Members, and Veteran Caregivers who are cannabis consumers are unjustly faced with.

Again I thank you for your time in reading my testimony and for your consideration of my position. Cannabis is medicine and unrestricted affordable access to cannabis improves and saves lives!

We urge a favorable report on [SB0513](#).

Thank You,

Shanetha Lewis  
Veterans Initiative 22  
Executive Director  
304-322-6384  
[info@vetransinitiative22.com](mailto:info@vetransinitiative22.com)

**SB 513\_The Arc Maryland\_Support IF Amended.pdf**

Uploaded by: Ande Kolp

Position: FWA



The Arc Maryland  
8601 Robert Fulton Drive  
Suite 140  
Columbia, MD 21046  
T 410.571.9320  
[www.thearcmd.org](http://www.thearcmd.org)

## SB0513- Employment Discrimination - Use of Cannabis Products

Senate Finance Committee

February 22, 2024

POSITION: **SUPPORT IF AMENDED**

The Arc Maryland is the largest statewide advocacy organization dedicated to advancing the rights of individuals with intellectual and developmental disabilities and providing training, outreach, and service protections for individuals and their families.

Providers like The Arc deliver Home and Community Based Services under a Medicaid 1915(c) Waiver. The Waiver allows people with developmental disabilities to receive institutional-level services in their home communities. Caregivers, known as Direct Support Professionals, employed by The Arc are responsible for performing a myriad of tasks with and for adults with intellectual and developmental disabilities, such as, but not limited to, tasks that require safety consciousness, attention to detail, quick reaction time, patience, and skill demonstration. Direct Support Professionals may provide personal transportation services, provide physical escort supports for a person with mobility impairments, administer medications and treatments, assist individuals with personal care and hygiene tasks, provide behavioral supports, monitor blood pressure, assist an individual to prepare meals, and assist an individual with eating.

Because the caregivers in our field must be able to perform vital, personal, and skillful work, all of the organizations of The Arc conduct drug tests. We also do this not only to ensure safety, but to assure compliance with the Federal Drug-Free Workplace Act of 1988. Under the Act, workplaces with a federal contract of \$100,000 or more or a federal grant in any amount must implement a Drug-Free Workplace Program, which includes drug testing requirements. To fail to maintain a Drug-Free Workplace could jeopardize our federal funding. SB 513 attempts to address this by clearly stating that the bill does not preempt federal law.

That said, and due to the sensitive nature of the work that Direct Support Professionals provide to support people with intellectual and developmental disabilities, The Arc Maryland respectfully requests two amendments to exempt employees who work in "Safety-Sensitive Positions" from the legislation:

### TWO PROPOSED AMENDMENTS

On page 5, after line 7, insert:

**"SAFETY-SENSITIVE POSITION" 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 HARM, BODILY INJURY, OR LOSS OF LIFE TO SELF OR OTHERS.**



The Arc Maryland  
8601 Robert Fulton Drive  
Suite 140  
Columbia, MD 21046  
T 410.571.9320  
[www.thearcmd.org](http://www.thearcmd.org)

On page 7, line 20:

(2) UNLESS:

- (I) **THE INDIVIDUAL IS EMPLOYED IN A SAFETY-SENSITIVE POSITION;** OR
- (II) THE EMPLOYER HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE THAT AN UNLAWFUL USE OF CANNABIS HAS IMPAIRED AN INDIVIDUAL'S ABILITY TO PERFORM THE INDIVIDUAL'S JOB RESPONSIBILITIES, TAKE AN ADVERSE EMPLOYMENT ACTION AGAINST THE INDIVIDUAL BECAUSE OF:

Of note, **D.C. Law 24-190. Cannabis Employment Protections Amendment Act of 2022<sup>i</sup>** also singles out employees working in "safety-sensitive positions", stating that "Employers are prohibited from firing, failing to hire, or taking other personnel actions against an individual for use of cannabis, participation in the District's or another state's medical cannabis program, or failure to pass an employer-required or requested cannabis drug test **unless the position is designated "safety sensitive" or for other enumerated reasons.**

In the DC law, "**safety sensitive" positions include those which require "the supervision of, or the provision of routine care for, an individual or individuals who are unable to care for themselves and who reside in an institutional or custodial environment... and the administration of medications..."**

For more information, please contact: Ande Kolp, Executive Director, The Arc Maryland 443-851-9351  
[akolp@thearcmd.org](mailto:akolp@thearcmd.org)

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<sup>i</sup> <https://code.dccouncil.gov/us/dc/council/laws/24-190>

# **SB513 Employment Discrimination - Use of Cannabis**

Uploaded by: Laura Howell

Position: FWA

**Board of Directors**

**Scott Evans, President**  
Benedictine Programs and Services

**Rob Baynard, President Elect**  
Community Options

**Karen Adams-Gilchrist, Past President**  
Providence Center

**Daria Cervantes, Secretary**  
The Arc Montgomery County

**Michael Planz, Treasurer**  
Community Living

**Rick Callahan**  
Compass

**Kevin Drumheller**  
Richcroft

**Randy Ferguson**  
The Center for Life Enrichment

**Cindy Freeman**  
Spectrum Support

**Terra Gaillard**  
United Community Supports  
of Maryland

**Katie Gell**  
Somerset Community Services

**David Greenberg**  
The League

**Michelle Kilkenny**  
Linwood Center

**Greg Miller**  
Penn-Mar Human Services

**Cindy Plavier-Truitt**  
Humanim

**Jonathon Rondeau**  
The Arc Central Chesapeake Region

**Ami Taubenfeld**  
Itineris

**Ron Vaughn**  
New Horizons Supported Services, Inc.

**Najla Wortham**  
Rock Creek Foundation

**Laura Howell,**  
Chief Executive Officer

**February 22, 2024**

**Senate Finance Committee**

**SB 513 – Employment Discrimination – Use of Cannabis Products**

**Position: Favorable with Amendment**

The Maryland Association of Community Services (MACS) is a non-profit association of over 125 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities.

MACS is in support, with an amendment, of SB 513, which would prohibit an employer from discriminating against an individual based on their use of cannabis products under certain circumstances.

The staff of community providers of services to Marylanders with intellectual and developmental disabilities work with people to support them in any aspect of their life in which they need assistance. This ranges from supporting someone to get and keep a job, to driving them to volunteer opportunities, to passing medications, to providing personal care. The work of direct support professionals is challenging and requires a combination of skills that both promote independence and support health and safety.

Because of the sensitive nature of the work done by direct support professionals, most if not all IDD community providers conduct drug tests to ensure the safety of the people they support. For some staff who drive as part of their work, this is a federal requirement from the Department of Transportation. SB 513 addresses this group by clearly stating that the bill does not preempt federal law.

However, there are many direct support professionals who would be included under this bill. In light of the sensitive nature of the work that they do supporting people with intellectual and developmental disabilities, MACS respectfully requests an amendment to remove staff serving in these positions from the legislation.

**DRAFT AMENDMENTS**

**On page 5, after line 7, insert:**

**“SAFETY-SENSITIVE POSITION” 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 HARM, BODILY INJURY, OR LOSS OF LIFE TO SELF OR OTHERS.**

On page 7, line 20:

(2) UNLESS:

(I) THE INDIVIDUAL IS EMPLOYED IN A SAFETY-SENSITIVE POSITION; OR

(II) THE EMPLOYER HAS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE THAT AN UNLAWFUL USE OF CANNABIS HAS IMPAIRED AN INDIVIDUAL'S ABILITY TO PERFORM THE INDIVIDUAL'S JOB RESPONSIBILITIES, TAKE AN ADVERSE EMPLOYMENT ACTION AGAINST THE INDIVIDUAL BECAUSE OF:

Respectfully Submitted,

Laura Howell  
Chief Executive Officer  
LHowell@macsonline.org

**SB 513 - UNF - MHLA.pdf**

Uploaded by: Amy Rohrer

Position: UNF



# MHLA

## Maryland Hotel Lodging Association

### **Testimony in Opposition to SB 513**

Employment Discrimination - Use of Cannabis Products

*Senate Finance Committee - February 22, 2024*

The Maryland Hotel Lodging Association (MHLA) serves as the sole statewide trade association dedicated to advocacy for Maryland's 750+ hotels. Our industry employs more than 25,000 individuals and provides the state with \$1 billion in state and local taxes, \$5 billion in total wages and salaries, and \$9 billion in total gross domestic product.

As innkeepers and employers, we aim to create a safe and welcoming environment for both employees and guests and are strongly opposed to any form of discrimination. We have a legal "duty of care" that may include enforcement of drug policies with zero tolerance for impairment by any substance that may negatively impact the safety of employees and guests during work hours.

SB 513 is drafted in such a broad and contradictory way that we fear it will open the door to employee/employer disputes over whether an employee was impaired as a result of cannabis use, to what extent the employee was impaired and whether the use of cannabis contributed to a particular accident or unsafe condition. We are concerned that this legislation will lead to increased litigation for an employer having to prove an employee was terminated or disciplined as a result of cannabis impairment.

For these reasons, the Maryland Hotel Lodging Association respectfully requests an Unfavorable Report on SB 513.

# **SB 513\_MDCC\_Employment Discrimination - Use of Can**

Uploaded by: Andrew Griffin

Position: UNF

**LEGISLATIVE POSITION:**

**Unfavorable**

**Senate Bill 513 – Employment Discrimination - Use of Cannabis Products**

**Senate Finance Committee**

**Thursday, February 22, 2024**

Dear Chairwoman Beidle and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

SB 513 has two distinct parts:

First, the bill prevents an employer from discriminating against someone in the hiring process because of their legal use of cannabis outside of work. SB 513 would eliminate the use of drug testing for cannabis as a part of employment screening but makes limited exceptions for violation of federal law, leading to the loss of a federal contract or funding, or circumventing required federal drug testing for employment.

Second, SB 513 prevents (or intends to prevent) an employer from determining if someone is under the influence while on the job by using existing drug tests. Instead, the bill replaces the use of drug tests to determine current intoxication with subjective measures of observable behavior on the part of the employer. This portion of the bill removes an employer's ability to ensure a safe working environment for their employees and customers. Furthermore, the bill does not include any exemptions for safety sensitive positions like healthcare workers, teachers and childcare workers, heavy equipment operators, construction trades, manufacturing, etc. All positions where it is imperative for an employer to have access to testing if they suspect an employee is under the influence while at work. Many states who have adopted similar policies have included similar exemptions. Prohibiting the use of testing will have significant impacts on employers in areas of liability insurance, insuring company fleets, workers' compensation insurance, etc., all which drive up the cost of doing business in Maryland.

Finally, SB 513 does not differentiate between types of tests which can be used. A blanket ban on testing cuts off the use of future technologies which may produce more accurate results.

For these reasons, the Maryland Chamber of Commerce encourages an **unfavorable report on SB 513**.

# **SB 0513 – Employment Discrimination - Use of Canna**

Uploaded by: Danna Blum

Position: UNF



February 8, 2024

Senate Finance Committee  
Senator Pamela Beidle  
3 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: SB 0513** – Employment Discrimination - Use of Cannabis Products - **Oppose**

Dear Senator Beidle:

This bill would prohibit employers from taking adverse action unless the employee is/was using on the work site, or shown to be under the influence on the work site, and during work hours.

This premise negates the science that chronic use of cannabis can/does affect ability to perform many tasks even if not consumed concurrent to the execution of those tasks. In other words, there are *long-term* negative effects of chronic usage of cannabis products.

There are many examples of studies, but here are two that seem relevant:

A study by the National Institute of Drug Abuse found there are 55% more industrial accidents, 85% more injuries, and 75% greater absenteeism among employees who tested positive for marijuana compared to those who tested negative.

The National Safety Council conducted a study in July of 2021 that showed that more than half of employers that eliminated THC testing reported an *increase* in incidents or workplace performance concerns; also, that most employers believe employees would feel comfortable telling their supervisor if they were too impaired to work, while less than half of employees reported they would feel comfortable doing so.

The Carroll County Chamber of Commerce, a business advocacy organization of nearly 700 members, opposes this bill. We therefore request that you give this bill an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Mike McMullin".

Mike McMullin  
President  
Carroll County Chamber of Commerce

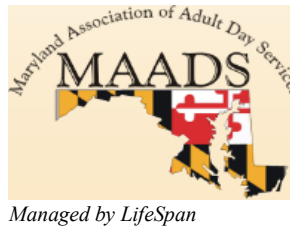


CC: Delegate April Rose  
Senator Justin Ready

# **SB0513\_UNF\_LifeSpan, MAADS, MNCHA\_Employment Discr**

Uploaded by: Danna Kauffman

Position: UNF



TO: The Honorable Pamela Beidle, Chair  
Members, Senate Finance Committee  
Senator Alonzo T. Washington

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
Christine K. Krone  
410-244-7000

DATE: February 22, 2024

RE: **OPPOSE** – Senate Bill 513 – *Employment Discrimination – Use of Cannabis Products*

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On behalf of the LifeSpan Network, the Maryland Association of Adult Day Services, and the Maryland-National Capital Homecare Association, we submit this joint letter of **opposition** for Senate Bill 513.

Senate Bill 513 prohibits an employer from discriminating against an individual because of the individual's use of cannabis products. All three associations represent entities that provide health care services to individuals, either in residential or community-based settings or in their own home. Often, those served are Maryland's aging and disabled populations. Due to the complexity and the challenges presented in providing health care services, employers need to retain the flexibility to make the determination of whether an employee may be impaired and can provide care. Employers are ultimately responsible for the actions of their employees and will be responsible if an employee commits an act while under the influence of cannabis that harms an individual.

Therefore, because of the safety concerns posed by this bill as it relates to patient care, we respectfully request an unfavorable vote.



**SB0513\_OCChamber\_Thompson\_UNF.pdf**

Uploaded by: DENNIS RASMUSSEN

Position: UNF



Ocean City, Maryland  
Chamber of Commerce

410-213-0144 info@oceancity.org  
oceancity.org 12320 Ocean Gateway, Ocean City, MD 21842

TESTIMONY OFFERED ON BEHALF OF  
THE GREATER OCEAN CITY CHAMBER OF COMMERCE

IN OPPOSITION OF:

**SB0513 – Employment Discrimination - Use of Cannabis Products**

Before:

**Senate Finance Committee**

**Hearing: 2/22/24 at 1:00 PM**

The Greater Ocean City Chamber of Commerce, representing over 700 regional businesses and job creators, **OPPOSES** Senate Bill 0513 – Employment Discrimination - Use of Cannabis Products.

This legislation would prohibit an employer from taking an employment action based on a positive drug test. This makes it nearly impossible for an employer to ensure a safe working environment. It also raises concerns about liability, increased insurance rates, and overall unfriendliness towards businesses. At a minimum, we strenuously recommend exceptions be made for those in safety sensitive positions, such as healthcare workers, teachers, first responders, equipment operators, etc.

The Ocean City Chamber respectfully requests an **UNFAVORABLE REPORT for SB0513**. Please feel free to contact the Chamber directly at 410-213-0144, or Dennis F. Rasmussen, [df@rasmussengrp.net](mailto:df@rasmussengrp.net) at 410-821-4445 should you have any questions.

Respectfully,

*Amy Thompson*  
Executive Director  
[amy@oceancity.org](mailto:amy@oceancity.org)

*Joe Schanno*  
Legislative Committee Chair  
[joe.schanno@gmail.com](mailto:joe.schanno@gmail.com)

# **SB513 - Maryland Motor Truck Association - Oppose.**

Uploaded by: Louis Campion

Position: UNF



# Maryland Motor Truck Association

9256 Bendix Road, Suite 203, Columbia, MD 21045

Phone: 410-644-4600 Fax: 410-644-2537



**HEARING DATE:** February 22, 2024

**BILL NO/TITLE:** Senate Bill 513: Employment Discrimination - Use of Cannabis Products

**COMMITTEE:** Finance

**POSITION:** **Oppose**

Maryland Motor Truck Association (MMTA) appreciates the intention of SB513 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 Senate Bill 513 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 SB513 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

# **sb513test - Employment Discrimination - Use of Can**

Uploaded by: Marcus Jackson

Position: UNF



**Maryland Joint  
Legislative Committee**

February 23, 2024

*The Voice of Merit Construction*

**Mike Henderson**  
*President*

*Greater Baltimore Chapter  
mhenderson@abcbaltimore.org*

**Chris Garvey**  
*President & CEO*

*Chesapeake Shores Chapter  
cgarvey@abc-chesapeake.org*

**Dan Bond CAE**  
*President & CEO*

*Metro Washington Chapter  
dbond@abcmetrowashington.org*

**Amos McCoy**  
*President & CEO*

*Cumberland Valley Chapter  
amos@abccvc.com*

**Tricia Baldwin**  
*Chairman*

*Joint Legislative Committee  
tbaldwin@reliablecontracting.com*

**Marcus Jackson**  
*Director of Government Affairs*

*Metro Washington Chapter  
mjackson@abcmetrowashington.org*

**Martin "MJ" Kraska**  
*Government Affairs Director*

*Chesapeake Shores Chapter  
mkraska@abc-chesapeake.org*

Additional representation by:  
**Harris Jones & Malone, LLC**

6901 Muirkirk Meadows Drive  
Suite F  
Beltsville, MD 20705  
(T) (301) 595-9711  
(F) (301) 595-9718

**TO: ECONOMIC MATTERS COMMITTEE**  
**FROM: ASSOCIATED BUILDERS AND CONTRACTORS**  
**RE: S.B. 513 – EMPLOYMENT DISCRIMINATION – USE OF CANNABIS PRODUCTS**  
**POSITION: OPPOSE**

On behalf of the Associated Builders and Contractors of Maryland, we appreciate the opportunity to opine on S.B. 513, the Employment Discrimination - Use of Cannabis Products bill.

Associated Builders and Contractors and our member contractors are champions of jobsite safety. The association, as a member of the Construction Coalition for a Drug- and Alcohol-free Workplace, encourages contractors to implement a substance abuse policy and program in their companies, and administers a world-class safety program known as the STEP Safety Management System. Contractors that participate in this program have an OSHA total recordable incident rate 84% lower than the national industry average. The ability of construction companies to maintain commonsense drug policies is a very serious matter for the protection of workers, businesses, and residents in Maryland. Accordingly, we respectfully ask the General Assembly to take our concerns and recommendations seriously.

ABC supports codification of statute explicitly protecting Maryland employers' enforcement of zero-tolerance substance policies, provided subject employees occupy safety-sensitive positions so designated at the employer's reasonable discretion.

With that said, we would like to offer the following amendment(s):

Page 5, Line 24, Senate Bill 513

20–604

(A) This subtitle does not apply to:

- (1) an employer with respect to the employment of aliens outside of the State; or
- (2) a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion, sexual orientation, or gender identity to perform work connected with the activities of the religious entity; **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.**

In closing, while ABC does not engage in the debate around whether cannabis should be legalized as a general point of policy, it holds a very strict position that employer zero-tolerance policies for drug use and the preservation of drug- and alcohol-free jobsites must be allowed to continue.

On behalf of over 1500 ABC business members in Maryland, we respectfully request an unfavorable report on S.B. 513 as drafted but remain available to work with the Sponsor regarding this matter.

Marcus Jackson, Director  
Government Affairs

**MMHA - 2024 - SB513 - UNF.pdf**

Uploaded by: Matthew Pipkin

Position: UNF





## Senate Bill 513

**Committee: Finance**

**Bill: Senate Bill 513 Employment Discrimination - Use of Cannabis Products**

**Date: February 21, 2024**

**Position: Unfavorable**

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The Maryland Multi-Housing Association (MMHA) is a professional trade association established in 1996, whose members house more than 538,000 residents of the State of Maryland. MMHA's membership consists of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities and more than 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 513 ("SB 513") prohibits an employer from discriminating against an individual's use of cannabis products under certain circumstances. SB 513 establishes that an employer may not take an adverse employment action against an individual because of the individual's use of cannabis products that is lawful in the state (not impairing the individual at work etc.), an individual's positive drug test for cannabinoids (unless the employer has established by a preponderance of the evidence that cannabis use has been unlawfully impairing the individual at work), or for an individual's prior arrest or conviction for a nonviolent cannabis offense that does not involve distribution to a minor.

MMHA would like to respectfully request an unfavorable report to SB 513. As an "at-will" state, unless a contract says otherwise, Maryland employees work "at the will" of their employers and thus wide discretion is allowed in the hiring/firing of employees. Employees benefit from this relationship as well, as they are not required to provide notice to their employer should they choose to leave their employer and seek other job opportunities. The "at-will" standard is clear cut and establishes the ground rules of employment in Maryland. The discretion allowed under the "at-will" laws in Maryland are not indefinite; per the [Maryland Department of Labor](#), "*certain exceptions to this general rule which provide some protection to employees from illegal discrimination based on such categories as race, color, gender, national origin, religion, age, disability or marital status... other employment at-will exceptions include laws which protect employees from termination or retaliation for filing workers' compensation claims, for attempting to enforce rights to receive overtime or the minimum wage, for asserting rights to work in a safe and healthy workplace, for refusing to commit criminal acts, for reporting for jury duty or military service, or for being subject to a wage attachment for any one indebtedness.*".

SB 513 sets out to create a newly protected class under Maryland law – one that is **unprecedented** amongst any other exception to the "at-will" standard in the state. No other exception as outlined before deals with establishing a protected class in employment law for a legally controlled substance; there are no such employment protections for those who choose to legally enjoy alcohol or tobacco. There is simply no justification for creating a protected class for an individual's right to consuming cannabis, equating its significance to the protections established to protect employees against discrimination of immutable traits such as race, color gender, etc.



The repercussion from this bill could be dire and leave MMHA members in danger of falling into legal quagmires that, what have been up to this point, standardized employment practices in the state. As an example, should an employee receive an adverse employment action for failing to disclose a possession with intent to distribute felony conviction their job application, would the employer now be in violation of the law under SB 513? In any other scenario where an employee intentionally misled an employer on a job application on a felony conviction, it would be viewed as a reasonable response to take an adverse employment action against that said individual. Under this bill, it would appear the employer would be at fault. Another scenario: should an employer cite personal cannabis usage as one of a laundry list of reasons for the termination of an employee, could the employer be held liable under this bill?

In addition, there are significant concerns with a key provision of the bill, listed on page 7 lines 20-23:

“UNLESS THE EMPLOYER HAS ESTABLISHED BY PREPONDERANCE OF THE EVIDENCE THAT AN UNLAWFUL USE OF CANNABIS HAS IMPAIRED AN INDIVIDUAL’S ABILITY TO PERFORM THE INDIVIDUAL’S JOB RESPONSIBILITIES”.

How is an employer reasonably expected to interpret this standard? When exactly would the suspicions of unlawful cannabis usage cross the legal threshold into meeting the “PREPONDERANCE OF THE EVIDENCE” standard as defined? This standard leaves any employer taking an adverse employment action against an employee for perceived unlawful use of cannabis open for liability. Additionally, what “property manager A” perceives as “PREPONDERANCE OF THE EVIDENCE” vs. “property manager B” could be two very different views of interpretation (let alone between companies) and thus lead to inequitable outcomes of employment actions taken against employees. To put it bluntly: this threshold is subjective, not self-evident, and would lead to inequitable outcomes for both employers who could be held liable and employees who are judged differently in each circumstance based on views of interpretation.

Between the clear departure from the “at-will” employment standard to the wide-ranging consequences that could result in inequitable application of the law for both our members and their employees, **we respectfully request an unfavorable report on SB 513.**

Please contact Matt Pipkin at (443) 995-4342 or [mpipkin@mmhaonline.org](mailto:mpipkin@mmhaonline.org) with any questions.

**NFIB\_SB513\_unfav (2024).pdf**

Uploaded by: Mike O'Halloran

Position: UNF



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NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – [www.NFIB.com/Maryland](http://www.NFIB.com/Maryland)

TO: Senate Finance Committee

FROM: NFIB – Maryland

DATE: February 22, 2024

RE: **OPPOSE SENATE BILL 513** – 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 Senate Bill 513 – 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, using, or testing positive for these substances during work hours. 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 employees 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.

# **SB0513\_UNF\_NWRA\_Employment Discrimination - Use Ca**

Uploaded by: Pam Kasemeyer

Position: UNF

**Maryland-Delaware Solid Waste Association**

a chapter of the

**National  
Waste & Recycling  
Association<sup>SM</sup>**

Collect. Recycle. Innovate.

TO: The Honorable Pamela Beidle, Chair  
Members, Senate Finance Committee  
The Honorable Alonzo T. Washington

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Andrew G. Vetter  
410-244-7000

DATE: February 22, 2024

RE: **OPPOSE UNLESS AMENDED** – Senate Bill 513 – *Employment Discrimination – Use of Cannabis Products*

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The Maryland-Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 513 **unless amended**.

The solid waste industry has multiple employees whose job requirements involve responsibilities that if not done correctly could result in the injury or death of the employee or coworkers. Examples include, but are not limited to, employees who ride on the back of collection vehicles, individuals who run forklifts and sorting machinery in recycling facilities, individuals who run equipment at landfills, and drivers of trucks that are not subject to Federal commercial drivers' license requirements.

Senate Bill 513 fails to recognize employees that have safety sensitive positions. Without an exemption, employers could not test employees to determine possible impairment, thereby placing the employees at risk for injury or death of themselves or coworkers. Other jurisdictions, which have adopted similar protections to those proposed in Senate Bill 513, including the District of Columbia, have recognized safety sensitive positions and specifically excluded those positions from the bill's protections.

For the reasons noted above, MDSWA opposes Senate Bill 513 unless amended to exclude these workers.

**SB 513-AOBA--UNF.pdf**

Uploaded by: Ryan Washington

Position: UNF



**Bill No:** SB 513—Employment Discrimination— Use of Cannabis Products

**Committee:** Finance

**Date:** 2/22/2024

**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.

Senate Bill 513 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 SB 513.** For further information, contact Ryan Washington, AOBA’s Government Affairs Manager, at 202-770-7713 or email [rwashington@aoba-metro.org](mailto:rwashington@aoba-metro.org).