

March 11, 2025

To: Distinguished Members of the Senate Finance Committee

RE: Testimony in support of SB 1023, with amendments

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

My name is Paul Armentano. I am a Maryland resident who has worked professionally in cannabis policy for over 30 years. Currently, I am the Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws, a nationwide public interest advocacy organization based in Washington, DC.

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*.

I possess an extensive understanding of cannabinoid pharmacokinetics, and I have testified as an expert witness in numerous state and federal court cases specific to cannabis and drug testing. I helped create one of the first smartphone applications¹ designed to identify cannabis-induced impairment. For the better part of the past year, I have worked closely with representatives of the International Association of Firefighters (IAFF) Local 2000 (Howard County, MD) in their efforts to amend workplace drug testing policies that inappropriately target firefighters and other rescue workers who consume medical cannabis in compliance with state law. Most recently, I assisted Annapolis lawmakers in amending the city's workplace drug testing regulations so that those who consume cannabis while away from the job no longer face undue discrimination.

I am speaking to you today in favor of SB 1023, which prohibits employment discrimination against firefighters and other rescue workers for their use of medical cannabis while off the job.

¹ <https://norml.org/blog/2015/07/15/canary-app-permits-marijuana-consumers-to-gauge-their-personal-performance/>



Over 120,000 residents are registered in Maryland to legally access medicinal cannabis products.² This includes firefighters, EMTs, and other first-responders, who typically consume medical cannabis to mitigate symptoms of chronic pain, post-traumatic stress, and other serious health conditions. Just as patients taking traditional medications do not face punishment in the workplace unless their on-the-job performance is impaired, those who use medical cannabis during their off-hours should not face sanctions solely because of their status as a medical marijuana patient.

Furthermore, firefighters and other public safety employees should not face adverse actions for testing positive for marijuana metabolites on a urine test. That's because urine testing does not determine whether someone is impaired, nor can it determine when someone was last exposed to a controlled substance. As recognized by the federal Department of Justice: "Drug tests detect drug use but not impairment. 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."³

Because THC's primary metabolite is fat soluble, it is detectable for days, weeks, or even months post-abstinence⁴ -- long after any psychoactive effects have worn off. For these reasons, urine testing should be discouraged and those employees who test positive for either THC or its metabolites should be exempt from workplace sanctions unless demonstrable evidence of actual impairment is present.

Since neither urine testing nor other toxicological tests (i.e., blood testing) can accurately determine when a subject last consumed cannabis, I suggest that lawmakers strike language from the bill stating, "The Department may prohibit an employee from using cannabis within the 12 hours immediately preceding the employee's shift." Instead, I suggest that the bill's text be amended to state that an employee "may not use, nor be impaired by cannabis, while on duty."

² Data provided by the Maryland Medical Cannabis Commission, as of April 2024.

³ US Dept. of Justice. Drugs, Crime, and the Justice System: A National Report from the Bureau of Justice Statistics, page 119.

<https://books.google.com/books?id=ybkZs0i3ELoC&pg=PA119&lpg=PA119&dq=#v=onepage&q&f=false>

⁴ Mushoff and Madea. Review of biological matrices (urine, blood, hair) as indicators of recent or ongoing cannabis use. Therapeutic Drug Monitor 28: 2006. Full text reposted at:

https://norml.org/wp-content/uploads/pdf_files/Review_biologic_matrices_indicators_cannabis_use.pdf



Working to Reform Marijuana Laws

For employers to better ascertain whether their employees may be under the influence of either cannabis or any other controlled substance while at work, Departments and other public employers should explore the use of cognitive performance testing technology, such as Predictive Safety's AlertMeter⁵ or Impairment Science's DRUID app.⁶ This technology, unlike urinalysis or blood testing, gauges employees' actual performance versus their own personal baseline – thereby providing a far more accurate determination of whether someone is impaired on the job.

Let's end the ongoing discrimination against firefighters and others who rely on medicinal cannabis. I urge you to amend and pass SB 1023.

⁵ <https://predictivesafety.com/alertmeter/>

⁶ <https://www.impairmentscience.com/>

