

HB0797_RichardKaplowitz_FAV

03/11/2026

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TESTIMONY ON HB#/0797- POSITION: FAVORABLE

Employment Discrimination - Fire and Rescue Public Safety Employees - Use of Medical Cannabis

TO: Chair Valderrama, Vice Chair Charkoudian and members of the Economic Matters Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0797, **Employment Discrimination - Fire and Rescue Public Safety Employees - Use of Medical Cannabis**

The National Library of Medicine has published a study on *Workplace Cannabis Policies: A Moving Target*¹

This article proposes a workplace cannabis policy paradigm that encompasses rapidly changing laws and regulations, legally defensible drug testing policies, and the needs of particular workplaces.

Cannabis use is associated with cognitive deficits, motivation problems, and perceptual distortions, so employers have a legitimate interest in preventing on-the-job impairment related to cannabis use. Similarly, employees have a legitimate interest in behaving as they wish outside of the workplace, as long as that behavior does not affect their job performance.

An effective workplace cannabis policy must fit into a larger workplace drug and alcohol policy. It should be constructed with a collaborative effort of addiction professionals, labor attorneys, and human resource professionals. Only then can the ultimate workplace cannabis policy comply with relevant laws, protect workplace safety and productivity, and support employees while remaining flexible enough to adapt to changes in the legal environment.

This bill recognizes both employee medical treatment rights as well as the employer's need to have safe workplace conditions for first responders in performing their duties.

This bill will prohibit an employer from taking certain discriminatory employment actions against a fire and rescue public safety employee based on the employee's use of medical cannabis, subject to certain conditions; and requires an employer to report an incident of a fire and rescue public safety employee reporting for work while impaired by cannabis to the State Emergency Medical Services Board.

This bill addresses an emerging issue for employers and first responder employees.

I respectfully urge this committee to return a favorable report on HB#/0797.

1

<https://pmc.ncbi.nlm.nih.gov/articles/PMC8864412/#:~:text=Discussion:%20Cannabis%20use%20is%20associated,tensi on%20between%20employer%20and%20employees.>