

2026 MDDA SB 439 Fire Public Safety Protections Su

Uploaded by: Ashlie Bagwell

Position: FAV



TESTIMONY ON BEHALF OF THE MARYLAND DISPENSARY
ASSOCIATION (MDDA)

Senate Bill 439—Employment Discrimination—Fire and Rescue Public Safety Employees—
Use of Medical Cannabis

SUPPORT

Senate Finance Committee

February 19, 2026

The Maryland Medical Dispensary Association (MDMDA) was established in May, 2017 in order to promote the common interests and goals of the Cannabis Dispensaries in Maryland. MDDA advocates for laws, regulations and public policies that foster a healthy, professional and secure cannabis industry in the State. MDDA works on the State and local level to advance the interests of licensed dispensaries as well as to provide a forum for the exchange of information in the Cannabis Industry.

The MDMDA has been a long-time supporter of policies that provide protections for qualifying patients and caregivers enrolled in the Maryland Medical Cannabis Program. Senate Bill 439 would ensure that employers could not penalize fire and rescue public safety employees for their participation in the program. Twenty three states, the District of Columbia and Puerto Rico either have laws that include some explicit employment protections or courts have ruled in favor of employees. We believe Maryland should follow suit. Medical cannabis can offer targeted health benefits for fire and public safety personnel—especially because their work exposes them to chronic physical strain, stress, trauma and sleep disruption.

We urge the Senate Finance Committee to support patients and caregivers by supporting Senate Bill 439. These protections are so important.

Please vote favorably on Senate Bill 439.

Marijuana Policy Project's Support for SB 439 Writ

Uploaded by: Bridget Spiddle

Position: FAV



SB 439: Support Employment Protections for Fire and Rescue Responders

February 17, 2026

Re: Maryland Senate Finance Committee Hearing on SB 439, In Support

Dear Chair Beidle, Vice-Chair Hayes, and distinguished members of the committee:

My name is Bridget Spiddle, and I work for the State Policies Department at the Marijuana Policy Project. We ask that you support and pass SB 439, as it would greatly benefit and protect Maryland's first responders and the Marylanders they protect and serve.

Specifically, the bill would limit discrimination against firefighters, EMTs, and paramedics for medical cannabis use when they are off duty.

We ask that you pass this bill to ensure emergency workers who are also medical cannabis patients do not have to be in fear of losing their jobs for testing positive for medical cannabis or its metabolites. This is important because an individual may test positive long after impairment wears off. A person can test positive in a urinalysis 30 days or more after last using cannabis.¹

Employers could still take adverse action against fire and rescue employees if doing so was required by federal law, if the employee was impaired, or if the employee used cannabis within the 12 hours prior to a shift.

We recognize that firefighters, EMTs, and paramedics work some of the most mentally and physically taxing jobs in the world. They should be free to utilize cannabis to alleviate the toll their job takes on their mind and body when their shift ends. Cannabis can ease pain, anxiety, and PTSD, which are often brought on by their line of work, protecting us.

The federal ADA would protect these employees from discrimination for testing positive for *prescription* painkillers and other medicines they use off-hours. But federal law does not yet allow medical cannabis, so states and localities are having to enact protections on their own. Several localities in Maryland, including Baltimore County, Howard County,

¹ See: "How Long Does Weed Stay in Your System?," Healthline
<https://www.healthline.com/health/how-long-does-weed-stay-in-your-system>

Frederick County, and Annapolis have adopted ordinances to protect some or all public employees based on a positive cannabis result.²

We also hope to see these protections be extended beyond fire and EMS workers in the future. Maryland workers deserve protection from being discriminated against for medical cannabis use in their free time as well.

Please support this bill and the positive impact it will make for our fire and rescue responders' lives. Our first responders deserve to responsibly take advantage of Maryland's medical cannabis program for relief after sacrificing so much to take care of their neighbors during their darkest hours. It is also not in Maryland's interest to fire or fail to hire competent first responders for using medical cannabis off-hours.

Bridget Spiddle
Public Policy Coordinator
Marijuana Policy Project

² See: See: "Maryland: Howard County Firefighters No Longer Face Sanctions for Off-Hours Use of Medical Cannabis," NORML, Jan. 6, 2026.

SEIU Local 500 - Testimony in Support of SB 439 20

Uploaded by: Christopher Cano

Position: FAV



Testimony - SB 439, Employment Discrimination - Fire and Rescue Public Safety
Employees - Use of Medical Cannabis
Favorable
Senate Finance
February 19, 2026
Christopher C. Cano, MPA
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairwoman Beidle & Members of the Senate Finance:

Firefighters, EMTs, paramedics, and other fire and rescue public safety employees perform some of the most demanding and high-risk work in our communities. The physical and psychological toll of this work is real, cumulative, and well documented. SB 439 appropriately recognizes that these workers should not face discipline, termination, or other adverse employment actions solely because they lawfully use medical cannabis pursuant to a valid written certification.

More broadly, this bill reflects an important principle for workers and professionals across the state: legal conduct and lawful professional speech should not be grounds for discipline or job loss. In a state that has legalized cannabis for both medical and adult-use, workers should not be forced to navigate vague or outdated enforcement regimes that expose them to adverse employment actions simply for acknowledging or discussing legal products. SB 439 provides clarity, fairness, and due process—values that are essential to protecting workers' livelihoods.

This legislation reflects an important and commonsense principle: a positive test for cannabis metabolites does not equate to on-the-job impairment. Fire and rescue employees can responsibly and legally manage medical conditions off duty while still reporting to work fit for duty and fully capable of performing their jobs. SB 439 draws that distinction clearly, while preserving employers' authority to prohibit impairment on duty, maintain safety-sensitive standards, and comply with applicable federal requirements.

SEIU Local 500 strongly supports the bill's balanced approach. It protects public safety workers from unjust discrimination while ensuring that workplace safety and public trust remain paramount. No worker who saves lives for a living should be forced to choose between their health and their career.

At the same time, SB 439 highlights a broader issue that the General Assembly will need to address in the future. Fire and rescue employees are not the only public workers subject to outdated drug testing policies and adverse employment actions for lawful cannabis use. Educators, higher education workers, social service professionals, and other public servants face similar risks without comparable protections. While SB 439 is appropriately tailored to fire and rescue employees, SEIU Local 500 urges the legislature to view this bill as a critical first step toward extending these same fair and evidence-based protections to all public sector workers.

Maryland has legalized and regulated medical cannabis. Our employment laws must continue to evolve accordingly—starting with those on the front lines of public safety, and ultimately ensuring fairness and consistency for the entire public workforce.

SEIU Local 500 believes this legislation sets an important precedent for protecting licensed professionals from unjust discipline while respecting the will of Maryland voters and lawmakers who have legalized cannabis. We ask the Committee to issue a favorable report on Senate Bill 439 and hope that the General Assembly will address the greater need for clear worker protections against adverse employment actions around cannabis use. Thank you to Senator Jackson for leading on this important issue

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

MASDP Testimony(written)_SB439_Cannabis_FAVORABLE.

Uploaded by: Corey Bryce

Position: FAV



Maryland Alliance for
Sensible Drug Policy

LIVED EXPERIENCE. REAL SOLUTIONS.

February 16, 2026

Senator Pamela Beidle, Chair
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401 - 1991

**Re: SB 439: Employment Discrimination - Fire and Rescue Public Safety Employees
- Use of Medical Cannabis - FAVORABLE**

Dear Chair Beidle, Vice-Chair Hayes, and Members of the Committee:

The Maryland Alliance for Sensible Drug Policy respectfully urges a favorable report on Senate Bill 439. Our member-led organization works to ensure that Maryland's drug policies are health-centered and rooted in the lived realities of our community. SB 439 is a common-sense update that protects Maryland's public safety professionals from losing their jobs over a legal, doctor-supervised medical treatment.

Maryland's firefighters, EMTs, and other public safety professionals work in high-pressure, physically demanding environments that can contribute to PTSD, anxiety, and chronic physical pain. When our laws fail to protect their right to access effective, legal medicine off duty, we jeopardize the very stability they need to do their jobs well. Loss of employment can be one of the most significant disruptors of health and community safety. By shielding these employees from discrimination, SB 439 ensures that we keep experienced, high-performing professionals in the workforce where they are needed most. This bill recognizes that a worker's health and their livelihood are deeply connected.

Current employer drug testing practices for cannabis and its THC metabolites do not promote public safety. Standard drug screenings detect inactive metabolites that can remain detectable long after any impairment has passed. A positive test is not a sign of current impairment; it is often a record of a patient's medical choice made days or weeks prior. SB 439 maintains high safety standards by focusing on on-duty performance. It preserves an employer's authority to address actual impairment while ending the practice of punishing employees for private, off-duty prescribed medical treatment that does not impact their ability to serve.

As more Marylanders utilize medical cannabis for legitimate health needs, our employment laws must catch up. SB 439 brings Maryland in line with approaches adopted in other states, reducing the stigma around medical cannabis use and moving us toward a model which supports the well-being of our public servants who have sacrificed so much to keep us safe.

We urge the Senate Finance Committee to support a policy that values both public safety and the fundamental rights of patients and respectfully request a favorable report on SB 439.

Thank you for your consideration.

Sincerely,

Corey Bryce
Advocacy Workgroup Member
Maryland Alliance for Sensible Drug Policy

Written Testimony In Support Of SB0439 - DMJohnson

Uploaded by: David "Matt" Johnson

Position: FAV

Written Testimony in Support of SB0439

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

Before the Maryland Senate Finance Committee
February 19, 2026



Key Points in Support of SB0439

- Prevents employment discrimination based solely on lawful, off-duty medical cannabis use.
- Does not permit on-duty use, impairment, or any relaxation of fitness-for-duty standards.
- Recognizes medical cannabis as a safer alternative to opioids for sleep, pain, trauma, and certain cancer-related symptoms common in the fire service.
- Reflects policies already implemented in multiple fire departments and public agencies without negative safety outcomes.
- Supports workforce retention, readiness, and overall public safety.

Chair Beidle, Vice Chair Hayes, and Members of the Senate Finance Committee,

My name is Matt Johnson, and I am a career fire lieutenant and union officer in Maryland. I would like to start by thanking this Committee for its favorable consideration of last year's version of this legislation, SB1023, including the bipartisan support demonstrated by Senators Mautz and Ready. I respectfully submit this written testimony in strong support of SB0439, which addresses employment discrimination against fire and rescue public safety employees who lawfully use medical cannabis under Maryland law.

Firefighters routinely face physical and psychological stressors that are unique among professions and accumulate over the course of a career. Chronic musculoskeletal injuries, disrupted sleep, cumulative trauma exposure, and post-traumatic stress injuries are not exceptions in our line of work; they are common realities. Historically, the primary tools available to manage these conditions have been opioids, benzodiazepines, alcohol, or simply "pushing through it." None of those approaches have served our workforce well.

Medical cannabis, when used responsibly and off duty, has emerged as a safer and often more effective option for many firefighters. It is being used to improve sleep quality, reduce chronic pain, and manage trauma-related symptoms without the risks associated with opioids or other sedating prescription medications. It is also used by many patients to manage cancer-related symptoms such as pain, nausea, appetite loss, and sleep disruption, concerns that are especially relevant in a profession with elevated occupational cancer risk.

Importantly, SB0439 does not permit on-duty use, impairment at work, or any relaxation of fitness-for-duty standards. Nothing in SB0439 prevents an employer from enforcing existing policies, investigating reasonable suspicion, or removing a member from duty when there is evidence of

impairment or unsafe performance. Firefighters and fire officers are already trained to recognize and act on signs of impairment from any cause, whether medical, physical, psychological, or chemical. Firefighters remain fully accountable to existing reasonable suspicion, post-incident, and performance-based policies.

What SB0439 addresses is a gap in protection that currently allows firefighters to be disciplined or terminated solely for lawful, off-duty medical cannabis use, even when there is no evidence of impairment or job performance issues. This disparity is compounded by the reality that standard drug tests can reflect prior use rather than current impairment, which is why performance and fitness-for-duty must remain the standard. This creates a clear and unjust disparity: firefighters may lawfully use prescribed opioids off duty with employment protections, yet can lose their careers for using a state-authorized medical treatment that is often safer and less impairing.

Other jurisdictions have already demonstrated that these protections can be implemented responsibly. Departments that allow off-duty medical cannabis use under clear policy frameworks have not experienced increases in accidents, misconduct, or operational failures. Instead, they report improved morale, better sleep, and healthier personnel. These outcomes align directly with public safety goals.

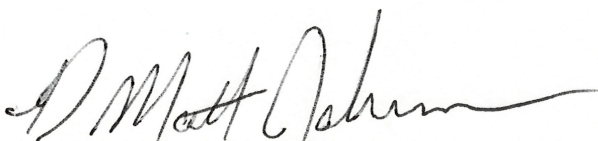
From an employer perspective, SB0439 also supports workforce stability. Fire departments across Maryland face recruitment and retention challenges, particularly among experienced personnel. Terminating trained firefighters for lawful medical treatment does not improve safety and can worsen staffing strain, institutional knowledge loss, and overtime pressure.

As firefighters, we are entrusted with immense responsibility and held to exceptionally high standards. We accept strict standards, high expectations, and constant accountability. What we ask in return is fairness and consistency. SB0439 provides that balance by protecting lawful medical decisions made off duty while preserving every tool departments need to ensure operational readiness and public safety.

I respectfully urge the Committee to issue a favorable report on SB0439.

Thank you for your time, your consideration, and your continued commitment to the health and safety of Maryland's first responders.

Respectfully submitted,



D. Matt Johnson
Career Fire Lieutenant, Howard County
2nd Vice-President, IAFF Local 2000

Trone SB439 FAV.pdf

Uploaded by: David Trone

Position: FAV

From the Desk of Congressman David Trone

February 19, 2026

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

The Honorable Antonio Hayes
Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chair Beidle, Vice Chair Hayes, and Members of the Committee,

I write in strong support of *Senate Bill 439 - Employment Discrimination - Fire and Rescue Public Safety Employees – Use of Medical Cannabis* because this legislation reflects something I have long believed: we must always lead with compassion, humility, and proven solutions.

In Congress, I founded and co-chaired the Substance Use Disorder and Mental Health Task Force because I saw how urgently our country needed a coordinated response to the addiction and mental health crises. In Western Maryland, I saw firsthand how opioids devastated families. Chronic pain, workplace injuries, and untreated trauma too often became entry points to addiction. When people do not have access to safe, regulated options to manage pain and mental health challenges, they may turn to illegal, unregulated drugs—with consequences that can be fatal.

Our first responders understand trauma in a way most of us never will. They respond to overdoses, fatal accidents, violence, and unimaginable loss—and then are expected to return to work the next day carrying that weight. The invisible toll of that exposure is real, and too often it goes unaddressed.

They also carry a much higher risk of injury on the job — from fighting fires, to lifting patients — leading to chronic pain. Medical cannabis continues to be an effective tool to treat those conditions long-term.

Research increasingly shows that access to legal, medical-grade cannabis can reduce the likelihood that individuals rely on illicit opioids. In the face of that risk, providing a regulated, medically supervised alternative is about reducing harm. It keeps patients connected to healthcare providers, ensures product safety, and offers a safer path for those coping with pain or trauma.

Senate Bill 439 is another step in that fight. It reflects a public-health approach rooted in prevention, responsible regulation, and care for those carrying invisible burdens, including our first responders and working families.

We cannot undo the harm addiction has caused, but we can continue building a system that offers safer choices and real support. I respectfully urge your support of *Senate Bill 439*.

Respectfully,

A handwritten signature in blue ink, appearing to read "David Trone".

David Trone

Former Member of Congress

SB0439 written testimony.pdf

Uploaded by: Emma L. Reid

Position: FAV



February 17, 2026

Senate Finance Committee
Maryland General Assembly
Annapolis, MD

Re: SB 0439 – Employment Discrimination – Fire and Rescue Public Safety Employees – Use of Medical Cannabis

Dear Senate Finance Committee Members,

I am writing to ask you to report favorably on SB 0439. I have been a medical cannabis patient for many years under the Maryland Medical Cannabis Commission (MMCC) Program. During that time, I was able to graduate law school, with nearly all As and Bs in my final two years. I studied for the UBE over 9 weeks for 60-80 hours a week, and got a final score of 289, a score higher than is needed to waive into all 41 UBE jurisdictions. Whereafter, I was welcomed into the legal community and licensed to practice law in Maryland. Thanks to those who went before me, the record of bar ethics opinions affirms that being a MMCC patient should not be a bar to my practicing law.

I should not have to choose between working and being in pain or not working and living on public benefits. Nor should our emergency responders and firefighters.

The Americans with Disabilities Act (ADA) and Maryland State Government Article, § 20-602 were created to address this problem. Because of these laws, having disabilities that require accommodation cannot be used to deny employment on its own. The possibility of an interactive accommodation process stands between the mismatch in job accommodations and the possibility of litigation. However, currently, as the law stands, no first responder or firefighter could argue that being a MMCC patient is a reasonable accommodation for their disabilities. They don't even have a chance.

Passing SB 0439 will put the burden back where it belongs, on the employer. If there is a particular personnel matter or role/responsibility that requires that a first responder or firefighter use opioids as pain medicine instead of medical marijuana or requires that the person filling that role not be on any similar medications, then it is on the employer to prove their reasoning.

Lastly, a constitutional right to choice in one's own medical treatment decisions should mean that I can responsibly and legally choose medical marijuana instead of relying on opioids for pain management. We should give our firefighters and first responders that choice.

Sincerely,

E. L. Reid, Esq.

309 Lord Byron Ln, Apt 204
Cockeysville, MD 21030

Senate Bill 439 (2026) PFFMD Testimony - J. Buddle

Uploaded by: Jeffrey Buddle

Position: FAV



Senate Bill 439
Employment Discrimination – Fire and Rescue Public Safety Employees – Use of Medical Cannabis
Senate Finance Committee
Position: Favorable

This legislation addresses employment protections for fire and rescue public safety employees who are seeking to participate in Maryland’s medical cannabis program. Specifically, the bill would prohibit employers from taking adverse employment actions against firefighters, emergency medical technicians, paramedics, cardiac rescue technicians, and other fire and rescue personnel based solely on their lawful use of medical cannabis or possession of a valid written certification under Maryland law.

SB 439 recognizes that medical cannabis is lawful under state law and seeks to ensure that public safety employees who are qualifying patients are not denied employment opportunities, terminated, or otherwise discriminated against because of lawful, off-duty medical use. The bill makes clear that an employer may not refuse to hire, discharge, or otherwise discriminate with respect to compensation, terms, conditions, or privileges of employment based solely on an employee’s status as a certified medical cannabis patient. At the same time, the legislation maintains important safeguards by not requiring employers to permit on-duty impairment, nor does it compel employers to violate federal law or jeopardize federal funding or regulatory compliance.

This bill reflects an effort to balance workplace safety with fairness and consistency in employment practices. Fire and rescue public safety employees perform critical and demanding duties, and maintaining safety standards is essential. However, employees who lawfully use medical cannabis to treat qualifying medical conditions should not face automatic or unjust employment consequences solely because of that status, provided they are not impaired while on duty. By clarifying employer obligations and employee protections, SB 439 promotes both public safety and equitable treatment in the workplace.

For these reasons, I respectfully urge the Committee to issue a favorable report Senate Bill 439.

Thank you for your time and consideration.

Submitted respectfully,

Jeffrey Buddle, President
Professional Fire Fighters of Maryland

The membership of the Professional Fire Fighters of Maryland includes 23 IAFF local affiliates from the following jurisdictions:

Federal: National Capital Federal Fire Fighters

State: Baltimore / Washington International Airport

Local: Annapolis City, Allegany County, Anne Arundel County, Baltimore City (2 affiliates), Baltimore County, Carroll County, Cecil County, Charles County, Cumberland City, Frederick County, Garrett County, Hagerstown, Howard County, Montgomery County, Ocean City, Prince Georges County, Queen Annes County, Salisbury, Talbot County, Worchester County

Frederick County Local 3666 Support Testimony SB 4

Uploaded by: Katie Nash

Position: FAV



Career Fire Fighters Association of Frederick County, MD Inc.
International Association of Fire Fighters Local 3666
Affiliated with:
Maryland State Professional Fire Fighters Association and The Central Maryland Labor Council / AFL-CIO



SUPPORT

SB 439: Employment Discrimination - Fire and Rescue Public Safety Employees - Use of Medical Cannabis

Sponsored by: Senator Jackson

Finance Committee

Hearing 2/19 at 1:00 p.m.

Dear Chair Beidle, Vice Chair Hayes, and Members of the Committee,

I write as the President of the Career Firefighters Association of Frederick County, Maryland (IAFF Local 3666) - Frederick County's public employee organization that represents the over 600 men and women employed with the Frederick County Division of Fire and Rescue. I am writing to express my support for SB 439.

The Senate Finance Committee previously approved this legislation in 2025: SB439 would remove the primary barrier for fire and rescue public safety employees to lawfully use medical cannabis; termination of employment. The legislation:

- protects employees engaging in lawful medical treatment outside of work;
- preserves zero tolerance for on-duty impairment; and,
- provides required reporting mechanisms and aligns employment protections with Maryland's broader medical cannabis framework.

Public safety and operational readiness remain. Similar to prescription drugs and alcohol, SB439 preserves an employer's authority to enforce strict impairment standards on duty and requires employers to report incidents of on-duty cannabis impairment to the State Emergency Medical Services Board.

Under current policies, lawful, off-duty medical use would risk firefighter employment. Firefighters and paramedics routinely endure physically demanding and psychologically traumatic conditions. Chronic pain, PTSD, cancer-related treatment side effects, and other service-related medical conditions are realities of our profession. For some of our members, medical cannabis—used legally and under physician supervision—has become part of a legitimate treatment plan.

Our members are committed professionals who understand the gravity of their responsibilities. SB439 respects that professionalism while modernizing employment protections to reflect current medical and legal realities.

For these reasons, IAFF Local 3666 respectfully urges a favorable report on SB439.

SB0439_MDNORML_FAV

Uploaded by: Luke Jones

Position: FAV



Contact:
Maryland NORML
Luke Jones, Director
Luke.MDNORML@gmail.com

750 Thayer Ave.
Silver Spring, MD 20910
(202) 285-3199

Submitted to:
Senate Finance Committee
Annapolis, MD – February 16, 2026

Testimony from the Maryland State Chapter of the
National Organization for the Reform of Marijuana Laws (NORML)

SUPPORT SB0439
**Employment Discrimination - Fire and Rescue Public Safety Employees -
Use of Medical Cannabis**

Disclosure Statement: Maryland NORML has no paid staff – we are entirely energized by a core group of citizen volunteers and more than 5,000 other Marylanders committed to ending marijuana prohibition and establishing a regulated cannabis commercial market for adults. I have never had any stake or investment of any kind in any cannabis enterprise, nor does anyone in my family, and I have never received any fee or remuneration for consulting with any cannabis enterprise. As an organization, we have worked to reform state and federal marijuana laws for more than 50 years.

Maryland NORML strongly supports Senate Bill 439 and emphasizes the importance of distinguishing **impairment detection from mere evidence of past consumption**. Testing methods for cannabis identify inactive metabolites that can remain in the body for days or weeks after lawful use and do not indicate whether an individual is impaired while on duty.

SB0439 appropriately protects fire and rescue personnel from discipline based solely on a valid medical cannabis certification or a positive test reflecting lawful off-duty use, while explicitly preserving employer authority to prohibit on-duty use and impairment.

Maryland NORML strongly supports the adoption of evidence-based impairment detection measures, including performance-based assessments and validated field protocols, rather than reliance on consumption-based testing that can punish unimpaired employees. Public safety is best served by identifying actual impairment — not lawful medical treatment taken outside working hours.

Firefighters, EMTs, and paramedics deserve both safe workplaces and access to medically appropriate care. SB0439 advances both goals.

For these reasons and more, we respectfully urge a favorable report on SB0439.

M. Luke Jones, Maryland NORML

SB0439-FF & EMT Use of Medical Cannabis (MCCR-FAV)

Uploaded by: S. Spencer Dove

Position: FAV



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

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Aruna Miller

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General Counsel
Glendora C. Hughes

**Education and
Outreach Director**
Candice Crenshaw

February 19, 2026

**Senate Bill 439 - Employment Discrimination - Fire and Rescue Public Safety
Employees - Use of Medical Cannabis
Position: Support**

Dear Chairperson Beidle, Vice Chairperson Hayes, and Members of the Senate Finance Committee:

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

Senate Bill 439 amends Maryland’s employment anti-discrimination law to protect firefighters, emergency medical technicians, cardiac rescue technicians, and paramedics from adverse employment actions, such as discipline and discharge, because they are authorized to use or use medical cannabis. SB439 includes carve outs for various reasonable exceptions, such as potential conflicts with federal law, while authorizing employers to adopt reasonable policies and procedures relating to the performance of official duties.

Since legalization, medical cannabis has been an emerging area of concern for employers throughout Maryland. SB439 adds much needed uniform structure to Maryland’s employment anti-discrimination law so that employers invested in compliance are able to accommodate the needs of fire and rescue public safety employees while simultaneously ensuring that their communities are adequately protected. The language adopted by SB439 is consistent with Maryland’s existing anti-discrimination laws.

For these reasons, the Maryland Commission on Civil Rights urges a favorable with amendment vote on SB439. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve fair housing and civil rights in Maryland.

“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 · E-Mail: mccr@maryland.gov

SB0439 Written Testimony .pdf

Uploaded by: Shanetha Lewis

Position: FAV

VETERANS INITIATIVE 22

Because We C.A.R.E

Testimony on Maryland Senate Bill 0439:

TO: Senator Pamela Biedel Chair, Finance Committee
FROM: Shanetha Lewis, Veterans Initiative 22, Executive Director
DATE: 02/17/2026
BILL: SB0439
POSITION: Favorable

Chair Senator Pamela Biedel and esteemed members of the Finance committee,

First I want to say thank you for the opportunity to submit my testimony in support of SB0439. 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 submitting this testimony on behalf of Veterans Initiative 22 in strong support of Senate Bill 439, which seeks to protect the employment rights of fire and rescue public safety employees who are legally registered medical cannabis patients. Veterans Initiative 22 is a 501(c)(3) non-profit organization that focuses on helping Veterans, Families, and First Responders by providing resources, opportunities, and continuously advocating for safe and affordable access to medical cannabis. VI22 was named after the estimated 22 Veterans who die by suicide daily due to PTSD, and it is our organization's mission to bring national awareness to this tragedy while improving the lives of Veterans and First Responders across the country.

Please note our strong support for this bill, for the following reasons:

First responders – firefighters, EMTs, and paramedics – routinely put their lives on the line to protect our communities. They represent a population that overwhelmingly supports medical cannabis and one that is disproportionately affected by PTSD, chronic pain, and other health conditions arising from the physically demanding and dangerous nature of their work. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), approximately 30% of first responders develop behavioral health conditions – including PTSD and depression – compared to 20% in the general population. Firefighters in particular experience high levels of chronic pain, anxiety, and sleep disorders due to the strenuous, high-stress environment they navigate daily.

VETERANS INITIATIVE 22

Because We C.A.R.E

The urgency and relevance of SB0439 has been made even more evident by recent developments here in Maryland. In December 2025, Howard County Executive Calvin Ball announced a landmark policy update for the Howard County Department of Fire and Rescue Services, reached in agreement with the Howard County International Association of Firefighters (IAFF) Local 2000 – the first such policy update since 1991. Effective January 31, 2026, Howard County uniformed firefighters are now permitted to use medical cannabis while off-duty, provided use does not occur within 12 hours of a shift and a valid medical cannabis authorization is on file with Human Resources. As County Executive Ball stated, “This policy reinforces our commitment to supporting our members,” who face elevated risks for cancer, heart and lung disease, PTSD, and sleep disorders. (Source: CBS Baltimore / WJZ, December 19, 2025)

The Howard County firefighters’ union had been advocating for this change for over two years. Their persistence paid off, and it sets a precedent for what this legislation now seeks to codify statewide. SB0439 would ensure that what Howard County has voluntarily extended to its firefighters becomes a protected right for all fire and rescue public safety employees across Maryland – regardless of the county or jurisdiction in which they serve.

Medical cannabis has emerged as an effective alternative to opioids and other pharmaceuticals for pain management, PTSD, and sleep disorders – three conditions prevalent among firefighters and emergency medical personnel. Research indicates that states with medical cannabis programs have seen significant reductions in opioid overdose deaths, underscoring cannabis’s potential as a safer pain management option. Despite its legal status in Maryland, many first responders fear job-related repercussions for using medical cannabis off-duty. The current lack of statewide workplace protections forces them to choose between their well-being and their careers. SB0439 would ensure our brave firefighters and emergency personnel are not unjustly penalized for making legal and medically sound healthcare decisions.

It is also critical to address the limitations of current drug testing methodologies. Standard urine analysis does not determine whether an employee is impaired or under the influence of cannabis at the moment of testing; it reflects only past use. Discriminating against cannabis patients on the basis of such tests is an ineffective workplace safety policy. This bill does not promote on-duty impairment – it includes clear safeguards, prohibiting cannabis use within 12 hours of a shift, consistent with the approach already adopted in Howard County. SB0439 simply acknowledges the reality that first responders deserve access to effective, legal medical treatment without fear of discrimination.

The need for this legislation is not abstract to our organization. A member of Veterans Initiative 22’s own Board of Directors – a veteran who uses THC as a state-legally authorized, medically recommended medicine – was denied a volunteer fire and rescue position solely because of that legal, medically recommended use. This individual was

VETERANS **INITIATIVE 22**

Because We C.A.R.E

willing to serve their community, possessed the training and dedication to do so, and was turned away not because of any impairment, not because of any safety concern, but because of a positive result on a test that cannot even measure current intoxication. This is the human cost of the policy gap that SB0439 seeks to close.

Maryland is not alone in wrestling with this issue. Across the United States, states and municipalities have increasingly recognized that blanket cannabis bans for first responders are out of step with both the science and the law. Numerous jurisdictions have implemented or are actively pursuing protections similar to what SB0439 proposes. Following the federal reclassification of cannabis from Schedule I to Schedule III in December 2025, the momentum toward fair and rational cannabis workplace policy has only accelerated. Maryland has an opportunity to be a leader in ensuring first responder health protections keep pace with both state law and evolving federal policy.

How are those who dedicate their lives to care for us being properly cared for in return, if they must choose between their economic security and their mental or physical health? By passing SB0439, Maryland will take a critical step toward supporting the health and rights of those who dedicate their lives to protecting ours. I urge the committee to vote favorably on this bill.

Again, I thank you for your time in reading this 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 SB0439.

Thank You,

Shanetha Lewis
Veterans Initiative 22
Executive Director
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PHLC Written Testimony FWA SB 439.pdf

Uploaded by: Lyn Hatch

Position: FWA

Testimony in Support of Senate Bill 439 with Amendment

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

Before the Finance Committee: February 19, 2026

The Public Health Law Clinic submits this testimony in support of Senate Bill 439, which would create employment discrimination protections for fire and rescue public safety employees who are certified medical cannabis patients. Adoption of this bill would be consistent with Maryland's policy decision to recognize cannabis as a legitimate form of medical treatment and would protect qualified employees from adverse employment action based solely on their status as certified medical cannabis patients or a positive drug test for cannabis. The bill also preserves an employer's authority to prohibit on-duty cannabis use and impairment and comply with federal law and funding requirements. Passage of SB 439 would bring Maryland in alignment with the District of Columbia and 22 states that have enacted employment discrimination protections for medical cannabis patients. However, the Public Health Law Clinic recommends a targeted amendment to the mandatory incident reporting provision to ensure consistency within existing regulatory and policy frameworks.

Cannabis as a Legitimate Medical Treatment

Maryland is among 40 states that have recognized medical cannabis as a lawful and legitimate form of medical treatment. To qualify as a medical cannabis patient, an individual must register with the Maryland Cannabis Administration and obtain a written certification from a certifying health care provider confirming that the patient has a qualifying medical condition and that the potential benefits of medical cannabis outweigh the risks.¹ Qualifying conditions include chronic or debilitating diseases and conditions, such as chronic pain, severe nausea, and post-traumatic stress disorder (PTSD).² These conditions are particularly relevant to firefighters, paramedics, and other public safety employees, who frequently suffer from job-related injury, illness, and psychological trauma.³ If a licensed provider has determined that medical cannabis is an appropriate treatment, the patient is legally authorized to use it. Fire and rescue public safety employees who are certified patients should not face negative employment actions based solely on their lawful medical treatment.

Senate Bill 439 Protects Public Health and Accommodates Employers

Senate Bill 439 protects public health by allowing fire and rescue public safety employees to use their legally recognized medication without fearing adverse employment actions. Fire and rescue public safety employees face disproportionately higher rates of physical and psychological injury due to the demands of emergency response work. Research shows a

¹ Md. Code Regs.14.17.04.03.

² Md. Code Regs.14.17.04.01.

³ Audrey Reichard et al., *Occupational Injuries and Exposures Among Emergency Medical Services Workers*, 21 *Prehosp. Emerg. Care* 420 (2017), <https://doi.org/10.1080/10903127.2016.1274350>; Gloria Obuobi-Donkor et al., *A Scoping Review on the Prevalence and Determinants of Post-Traumatic Stress Disorder Among Military Personnel and Firefighters: Implications for Public Policy and Practice*, 19 *Int'l J. Env't Rsch. Pub. Health* (2022), <https://doi.org/10.3390/ijerph19031565>.

significant prevalence of musculoskeletal disorders in firefighters including injuries to lower back, shoulder, and knees, with one study reporting an overall prevalence of 46.39% among over 36,000 firefighters.⁴ Rates of PTSD have been shown to be as high as 57% for firefighters.⁵ Furthermore, firefighters experience increased incidence and mortality for cancer compared to the general public due to carcinogen exposure.⁶ Cancer treatment often involves chemotherapy, which commonly produces severe nausea, impacting a significant number of patients.⁷ These are chronic conditions and treatment-related symptoms that may qualify an individual for medical cannabis treatment under Maryland law.

Policies that permit negative employment actions based on lawful medical cannabis use may deter qualified public safety employees from seeking effective treatment. In some instances, discouraging access to medical cannabis could prolong reliance on alternative therapies, such as long-term opioid use, which is associated with significant adverse health consequences.⁸ This risks worsening untreated or inadequately treated physical and mental health conditions within a profession that already faces elevated occupational hazards. Ensuring access to lawful medical cannabis treatment would support workforce retention, health, and ultimately everyone's safety.

By prohibiting employment discrimination based on testing positive for cannabis metabolites, this bill recognizes the limitation of cannabis testing. Tetrahydrocannabinol (THC) metabolites can remain detectable in blood and urine for days or weeks after use, long after active cognitive impairment has ended.⁹ Medical cannabis patients often use cannabis regularly to manage chronic symptoms, thus making positive drug tests more likely in the absence of impairment.¹⁰ Because existing blood and urine testing only measures exposure rather than present impairment, reliance on such testing could result in disciplinary action unrelated to workplace safety and active-duty responsibility.

However, this bill also recognizes an employer's genuine safety concerns. This bill allows employers to enact policies and procedures prohibiting cannabis impairment and use while on duty and to enact disciplinary action such as firing or reprimanding when an employee

⁴ Somayeh Tahernejad et al., *A Systematic Review and Meta-Analysis of Musculoskeletal Disorders Among Firefighters*, 88 J. Safety Rsch. 374 (2024).

⁵ Gloria Obuobi-Donkor et al., *A Scoping Review*, supra note 3.

⁶ Robert Daniels et al., *Mortality and Cancer Incidence in a Pooled Cohort of US Firefighters from San Francisco, Chicago and Philadelphia (1950-2009)*, 71 Occup. Env't Med. 388 (2014); Lauren Teras et al., *Occupation as a Firefighter and Cancer Mortality in a Population-based Cohort in the United States*, 54 Int'l J. Epidemiology (2025), <https://doi.org/10.1093/ije/dyaf104>.

⁷ Derangula Lavanya et al., *A Systemic Review on Chemotherapy Induced Nausea and Vomiting-risk and Clinical Management with Alternative Therapies*, 44 Cancer Treatment & Rsch. Comm. (2025), <https://doi.org/10.1016/j.ctarc.2025.100938>.

⁸ Anna Lembke et al., *Weighing the Risks and Benefits of Chronic Opioid Therapy*, 93 Am. Fam. Physician 982 (2016).

⁹ Ross Lowe et al., *Extended Urinary Tetrahydrocannabinol Excretion in Chronic Cannabis Users Precludes Use as a Biomarker of New Drug Exposure*, 105 Drug Alcohol Depend. 24 (2009), <https://doi.org/10.1016/j.drugalcdep.2009.05.027>.

¹⁰ Mateus Bergamaschi et al., *Impact of Prolonged Cannabinoid Excretion in Chronic Daily Cannabis Smokers' Blood on Per Se Drugged Driving Laws*, 59 Clinical Chem. 519 (2013), <https://doi.org/10.1373/clinchem.2012.195503>.

is impaired by cannabis while on duty. It also includes exemptions for when compliance may conflict with federal law or jeopardize federal funding. These exemptions are particularly important for federal contractors and grantees who are covered by the Drug Free Workplace Act.¹¹ The Drug Free Workplace Act requires employers to notify employees that unlawful possession or use of a controlled substance is prohibited in the workplace, and to sanction an employee if they are convicted for a violation of a criminal drug statute.¹²

Other States Have Employment Protections for Medical Cannabis Use

Of the 40 states with comprehensive medical cannabis programs, 22 provide statutory employment discrimination protections for medical cannabis patients. Most of these state laws apply broadly to employees, including fire and rescue public safety workers. These laws typically prohibit negative employment actions based on patient status, with many also protecting against taking disciplinary action based solely on a positive drug test result for cannabis metabolites, without evidence of impairment or cannabis consumption during work hours. Every state also includes exemptions for businesses that are required to comply with certain federal drug policies due to the receipt of federal grant money or contract work.

Maryland jurisdictions are beginning to adopt similar approaches. As of January 31, 2026, Howard County, Maryland has revised its fire and rescue substance abuse policy to permit off-duty medical cannabis use.¹³ Enactment of Senate Bill 439 would align the whole of Maryland with the growing national trend of providing employment protections for medical cannabis treatment.

Amendment: Mandatory Reporting Provision

Senate Bill 439 requires employers to report to the State Emergency Medical Services Board (EMS Board) when a fire and rescue public safety employee reports to work “impaired by cannabis.” While workplace safety is an important consideration, this reporting requirement raises concerns regarding consistency with existing regulatory and policy frameworks as well as practical implementation.

The current regulations, as administered by Maryland Institute for Emergency Medical Services Systems (MIEMSS) and adopted by the EMS Board, already govern prohibited conduct by EMS providers, such as working while under the influence of alcohol or controlled substances and engaging in habitual intoxication.¹⁴ These regulations also authorize disciplinary action for such conduct, for which the EMS Board has final review.¹⁵ Furthermore, county fire and EMS

¹¹ 41 U.S.C. §§ 8101–8106.

¹² *Id.*

¹³ *Howard County Executive Calvin Ball Announces Groundbreaking Agreement with Howard County International Association of Fire Fighters Local 2000 to Permit Off-Duty Usage of Medical Cannabis*, Howard Cnty. Md. (December 19, 2025), <https://www.howardcountymd.gov/News121925b>.

¹⁴ Md. Code Regs. 30.02.04.01.

¹⁵ Md. Code Regs. 30.02.04.02; Md. Code Regs. 30.02.05.03.

departments commonly maintain internal supervision, substance abuse, and incident reporting policies that address impairment and fitness for duty.¹⁶

The proposed reporting requirement creates a cannabis-specific statutory mandate that does not appear to exist for alcohol impairment or impairment involving other controlled substances. A cannabis-specific statutory reporting requirement may create heightened scrutiny for one substance that incidentally undermines the bill's goal of preventing discrimination based on medical cannabis use. The General Assembly may want to consider whether existing EMS regulations and county departmental policies already provide adequate authority in addressing impairment without creating a new cannabis-specific reporting trigger.

The bill also does not specify how "impairment by cannabis" will be determined. Unlike alcohol, there are no widely accepted or standardized tests that reliably measure active cannabis-specific impairment. Because cannabis metabolites remain detectable within the body for an extended period of time after active cannabis impairment, reliance on traditional testing may not accurately reflect fitness for duty or be a clear indicator that active impairment was specifically caused by cannabis. Clarification regarding how impairment is to be tested, or whether existing policies regarding impairment are sufficient, may reduce potential inconsistency in enforcement across jurisdictions.

We respectfully recommend striking the mandatory reporting provision to ensure alignment with existing regulatory and policy frameworks and clear, practical standards of implementation.

Conclusion

Senate Bill 439 would protect fire and rescue public safety workers from employment discrimination based on lawful medical cannabis use, while preserving employer authority to address on-duty impairment and maintain public safety. As Maryland continues to recognize medical cannabis as a legitimate form of medical treatment, the absence of employment protections leaves certified patients vulnerable to adverse employment action despite lawful use. Removing the bill's mandatory reporting provision would help ensure the creation of a protection grounded in clear legal standards. For these reasons, we request a favorable report with amendments on Senate Bill 439.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.

Proposed Amendment

¹⁶ *Carroll County Department of Fire & EMS Standard Operating Procedure*, Carroll Cnty. Md., <https://www.carrollcountymd.gov/media/odd1jqbv/216-nicotine-alcohol-controlled-substance-testing.pdf> (updated Apr. 25, 2025); *Substance Abuse Policy*, Prince George's Cnty. Md. (Aug. 2, 2023), <https://www.princegeorgescountymd.gov/sites/default/files/General-Order-08-20-Substance-Abuse-Policy-08-17-PDF.pdf>.

Lyn Hatch
Public Health Law Clinic
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Page 10 Line 3, ~~(4) IF A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE REPORTS FOR WORK WHILE IMPAIRED BY CANNABIS, THE EMPLOYER SHALL REPORT THE INCIDENT TO THE STATE EMERGENCY MEDICAL SERVICES BOARD.~~

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Uploaded by: Alexander Harlan

Position: UNF

02/19/2026

11 BLADEN STREET, ANNAPOLIS MARYLAND 21401

THE MARYLAND STATE SENATE FINANCE COMMITTEE

THE HONORABLE PAMELA BEIDLE

SUBJECT:

**SENATE BILL 439: EMPLOYMENT DISCRIMINATION – FIRE AND RESCUE PUBLIC SAFETY
EMPLOYEES – USE OF MEDICAL CANNABIS**

CHAIRWOMAN BEIDLE & MEMBERS OF THE COMMITTEE,

I am Alexander Harlan. I've been a member of the Jacksonville Volunteer Fire Company in Baltimore County for over a decade. I've responded to over 1,000 emergencies and have held numerous leadership positions such as Membership Committee Chair and Treasurer. I am submitting this testimony in opposition to SB 439.

While the bill does not directly apply to the volunteer service, it will most likely affect volunteer fire companies- many state in their bylaws that they will adhere to their municipal paid department's standard operating procedures.

The Problem:

Determining if a provider is impaired by cannabis is purely subjective and there is no clear guidance on how to handle the matter. Most volunteer companies do not have the same resources as paid departments to determine that an individual's impairment is because of cannabis. This responsibility would place a considerable burden on the volunteer company leadership.

I believe this bill should be reconsidered once there is a precise and accessible device or means of measuring cannabis impairment.

I appreciate the committee's consideration of my testimony and I strongly urge an unfavorable report.

Respectfully,

Alexander Harlan

The views expressed in this testimony are my own and not the official position of the Jacksonville Volunteer Fire Company, The Baltimore County Volunteer Firefighters Association, or Baltimore County Fire Department

SB 0439 Opposition Metro Chiefs 2026.pdf

Uploaded by: Gordon Wallace

Position: UNF



METROPOLITAN FIRE CHIEFS COUNCIL OF MARYLAND

February 16, 2026

Honorable Members of the Finance Committee,

The Metropolitan Fire Chiefs Council of Maryland is respectfully submitting this letter, in order to provide written testimony in opposition of Senate Bill 0439 (cross-filed with House Bill 0797), Employment Discrimination – Fire and Rescue Public Safety Employees – Use of Medical Cannabis.

The fire service operates in one of the most hazardous and cognitively demanding professions in our society. Firefighters must make split-second decisions under extreme stress, often in environments that are immediately life-threatening. Any substance that has the potential to impair judgment, reaction time, coordination, or situational awareness presents a direct risk not only to the individual firefighter, but to fellow crew members and the public they serve.

Cannabis is widely recognized to affect cognitive processing, depth perception, reaction time, and short-term memory. Even when used off-duty, its psychoactive components—particularly THC—can remain in the body and may have residual effects depending on dosage, frequency of use, and individual metabolism. Unlike alcohol, there is currently no universally accepted, reliable real-time impairment standard that clearly determines whether a firefighter is actively impaired at the time of duty. This creates significant enforcement and safety challenges for departments.

There are also significant legal and liability considerations. Many fire departments receive federal funding and must comply with the Drug-Free Workplace Act. Cannabis remains illegal at the federal level. Permitting cannabis use—even where state law allows it—can expose departments to regulatory complications, insurance risks, workers' compensation disputes, and civil liability claims following adverse incidents.

From a public trust perspective, firefighters are consistently ranked among the most trusted professionals. The community expects that those responding to emergencies are unimpaired and fully capable. Policies allowing cannabis use may create perceptions—fair or not—of diminished professionalism or readiness.

For these reasons, we respectfully request an unfavorable report on HB 0439, in order to protect firefighter safety, public safety, and the integrity of the profession.

Respectfully Submitted,

Gordon Wallace
Legislative Subcommittee Chair
Metropolitan Fire Chiefs Council of MD

SB 439 Testimony.pdf

Uploaded by: Joel McCrea

Position: UNF

MARYLAND STATE FIREFIGHTERS ASSOCIATION

*Representing the Volunteer Fire, Rescue and Emergency Medical Services Personnel
-a 501(c)3 Organization*



Legislative Committee

17 State Circle
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SB 439: Employment Discrimination – Fire and Rescue Public Safety Employees – Use of Medical Cannabis

I am Joel McCrea, member of the Legislative Committee and Past President of the Maryland State Firefighters Association (“MSFA”), which represents the interests of the volunteer fire, rescue, and emergency medical services of Maryland.

I wish to present testimony in opposition of Senate Bill 439: Employment Discrimination – Fire and Rescue Public Safety Employees – Use of Medical Cannabis

To be clear, the bill does not directly apply to the volunteer service; however, this bill can and most likely will affect the volunteer service. This is why the MSFA is in opposition of this bill.

First, testing positive for cannabis could be cause for suspension or revocation of a provider’s medical license. Further, a commercial driver’s license is not required to drive fire apparatus, however for drivers with a commercial driver’s license, testing positive for cannabis could also be cause for losing that license.

Second, determining if a provider is impaired by cannabis is purely subjective. There is no clear direction on how this is to be handled. Many volunteer companies do not have the same resources available to them, as would be available in the paid system; to make a definitive determination that an individual’s impairment is due to the use of cannabis. The responsibility to make that determination would place a considerable burden on the volunteer company leadership.

Thank you for considering our concerns and, for the reasons that we have stated, we respectfully request an unfavorable vote.

Respectfully,

Joel McCrea

SB0439-FIN_MACo_OPP.pdf

Uploaded by: Sarah Sample

Position: UNF



Senate Bill 439

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

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 19, 2026

From: Karrington Anderson and Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** SB 439. This bill prohibits an employer from disciplining or discharging a fire and rescue public safety employee for the use of cannabis if the employee possesses a written certification.

Counties recognize that Maryland law has evolved regarding cannabis use and that this bill attempts to balance employee protections with employer responsibilities. SB 439 includes language stating that nothing in the subsection requires an employer to violate federal law or regulations or risk the loss of a federal monetary benefit. It also states that employers may adopt policies prohibiting employees from performing their duties while impaired by cannabis and from using cannabis while on duty. However, despite these provisions, the bill raises significant legal and liability concerns for county governments that employ fire and rescue personnel.

SB 439 is codified in Title 20 of the State Government Article, Maryland's civil rights framework. By placing these provisions within the State's anti-discrimination laws, the bill creates a new protected classification and exposes counties to private rights of action. If a fire and rescue employee is disciplined or terminated following a positive cannabis test or suspected impairment, that employee could bring a civil discrimination claim. Additionally, an employee could file a charge with the Maryland Commission on Civil Rights, requiring the county to respond, investigate, and defend its employment decisions. Even when counties act in good faith to ensure public safety, they may face costly and time-consuming litigation.

In practice, there is no scientifically reliable, universally accepted test to determine real-time cannabis impairment. This leaves employers in an untenable position, attempting to determine when use occurred and whether an employee was actually impaired while performing critical public safety duties. For fire and rescue personnel, who operate emergency vehicles, respond to life-threatening situations, and make split-second decisions affecting public safety, any ambiguity surrounding impairment standards poses a substantial risk. Counties must be able to act decisively to protect the public and their workforce without fear that every personnel action will trigger discrimination claims. For these reasons, MACo respectfully requests an **UNFAVORABLE** report on SB 439.

SB 439 - MIEMSS Letter of Information.pdf

Uploaded by: Theodore Delbridge

Position: INFO



State of Maryland
Maryland Institute for Emergency Medical Services Systems

Wes W. Moore
Governor

Clay B. Stamp
Chairman EMS Board

Theodore R. Delbridge, MD, MPH
Executive Director

February 17, 2026

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

Re: SB 439 – Employment Discrimination – Fire and Rescue Public Safety Employees – Use of Medical Cannabis

—LETTER OF INFORMATION—

Dear Chair Beidle and Members of the Senate Finance Committee:

The Maryland Institute for Emergency Medical Services Systems (MIEMSS) respectfully submits this informational letter regarding Senate Bill 439, which would 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 requiring 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 (EMS) Board.

As you consider this legislation, please take into account the following:

- The proposed subsection (G) (4) under 20-601 on page 10 of the bill would create a statutory inconsistency by requiring that only one type of prohibited conduct (out of many) be reported to the State EMS Board, when others are not.
- The language “impaired by cannabis” in the aforementioned proposed subsection is ambiguous and may cause confusion for the EMS Board given that there is no definitive way to assess for impairment associated with cannabis use. At a minimum, it would be helpful to provide guidance in this legislation regarding the definition of “impairment.”
- The State EMS Board does not have jurisdiction over firefighters who are not also EMS clinicians.

I hope this information is helpful as your committee considers SB 439. Please contact me if you have any questions or would like any additional information.

Sincerely,

Theodore R. Delbridge, MD, MDH
Executive Director