



House Bill 794

*Labor and Employment - Discrimination Against Medical Cannabis
Patients and Caregivers - Prohibition
(Medical Cannabis Patient and Caregiver Antidiscrimination Act)*

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: March 11, 2019

From: Michael Sanderson

The Maryland Association of Counties **OPPOSES** HB 794. This bill would prohibit employers, including county governments, from enforcing zero tolerance workplace drug policies. Counties employ a wide range of employees with sensitive job duties, and are deeply concerned about undermining their ability to protect the safety and well-being of both their employees and the residents they serve.

This bill prohibits employers from taking adverse actions against employees based on the employee's status as a qualifying medical cannabis patient or caregiver or a qualified patient's positive drug test for cannabis components or metabolites unless the qualified patient used, possessed, or was impaired by cannabis while at work or during work hours.

Although the bill creates an exception for impairment at work, current drug testing technology is incapable of definitively discerning between an employee who tests positive for marijuana and is currently impaired versus an employee who tests positive as a result of prior marijuana use. As such, it is virtually impossible for employers to determine if an employee is impaired by cannabis during work hours.

County employees regularly interact with the public. Law enforcement, code inspection, emergency services, and countless other public functions demand accountability and responsible public interactions. Providing a safe, productive, and drug-free work environment allows county employees to perform the essential functions of their jobs safely and efficiently, which is in the best interest of all employees and the residents they serve.

Despite their differences, Maryland county governments all have one goal in common: to provide for the health, safety, and well-being of their residents. This bill removes one tool available to further that important goal. For these reasons, MACo requests an **UNFAVORABLE** report on HB 794.