



January 29, 2021

The Honorable William C Smith, Jr.
Judicial Proceedings
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: **SB 0504** – Discrimination in Employment – Use of Medical Cannabis – Prohibition –
Oppose

Dear Senator Smith:

SB 0504 would prohibit an employer from failing to hire, or to discharge or otherwise discriminate against an employee due to a positive drug test for cannabis components or metabolites if the employee holds a written certification for the use of medical cannabis.

Currently, Maryland law does not prevent an employer from testing for use of cannabis (for any reason) or acting against an employee who tests positive for use of cannabis (for any reason).

For Maryland employers at the present time, marijuana use does not have to be tolerated in any form or at any time, nor should it. This includes workplace accommodations. Every federal court to consider the issue has held that marijuana use is neither protected nor, for example, a reasonable accommodation under the Americans with Disabilities Act (ADA).

To date, no Maryland court or agency has reached a different conclusion under Maryland Fair Employment Practices laws.

Preventing an employer from effectively managing its workforce and workplace in regard to use of mind- and behavior-altering substances makes no business – or social – sense.

The Carroll County Chamber of Commerce, a business advocacy organization of over 600 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: Senator Justin Ready
Delegate Haven Shoemaker