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## **OLR Bill Analysis**

### **sSB 1089**

#### ***AN ACT CONCERNING CANNABIS AND THE WORKPLACE.***

#### **SUMMARY**

This bill provides that employers are not required to allow employees, or make accommodations for employees, to (1) perform their duties while under the influence of cannabis (i.e., marijuana) or (2) possess, use, or otherwise consume cannabis while performing their work.

Subject to certain requirements, the bill generally allows employers to implement policies prohibiting employees from possessing, using, or otherwise consuming cannabis (not just during work hours). The bill provides an exception related to medical cannabis. Specifically, it provides that such policies are subject to the existing law prohibiting employers from taking certain actions against an employee solely because the person is a qualifying medical marijuana patient or such patient's primary caregiver (see BACKGROUND).

The bill applies to employers, including the state and its political subdivisions, with one or more employees.

Under the bill, "cannabis" means "cannabis-type substances" as defined in the existing drug statutes. "Cannabis-type substances" generally include parts of the cannabis plant, whether or not it is growing; specified components; and certain compounds, including cannabidiol (CBD) (CGS § 21a-240(7)).

EFFECTIVE DATE: July 1, 2019

#### **POLICY PROHIBITING EMPLOYEE CANNABIS USE**

Under the bill, if an employer adopts a policy prohibiting employees from possessing, using, or otherwise consuming cannabis, the policy must (1) be in writing and (2) apply equally to each

employee (subject to the exception noted above related to medical marijuana).

The employer must provide the policy (1) to each employee before it is enacted and (2) to prospective employees at the time the employer makes an employment offer.

## **BACKGROUND**

### ***Employer Actions against Medical Marijuana Patients***

By law, unless required by federal law or to obtain federal funding, an employer may not refuse to hire someone or fire, penalize, or threaten an employee solely based on the person's status as a qualifying medical marijuana patient or such patient's primary caregiver.

This provision does not restrict an employer's ability to prohibit the use of intoxicating substances during work hours or to discipline an employee for being under the influence during work hours (CGS § 21a-408p).

### ***Related Bills***

sSB 1085, reported favorably by the Judiciary Committee, allows consumers age 21 or older to possess up to 1.5 ounces of cannabis if certain conditions are met.

sHB 7371 (File 585), reported favorably by the General Law Committee, establishes the regulatory structure to allow consumers age 21 or older to purchase cannabis from a licensed retailer.

sHB 7372, reported favorably by the Judiciary Committee, makes it a class C misdemeanor to (1) smoke or otherwise inhale or ingest cannabis while driving a motor vehicle or (2) smoke cannabis while a passenger in a motor vehicle.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 31 Nay 9 (04/08/2019)