



Senate

General Assembly

File No. 804

January Session, 2019

Substitute Senate Bill No. 1089

Senate, April 25, 2019

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CANNABIS AND THE WORKPLACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) No employer is required
2 to make accommodations for an employee or allow an employee to (1)
3 perform his or her duties while under the influence of a cannabis-type
4 substance, or (2) possess, use or otherwise consume a cannabis-type
5 substance while performing such duties.

6 (b) An employer may implement a policy prohibiting the
7 possession, use or other consumption of a cannabis-type substance by
8 an employee, except as provided in section 21a-408p of the general
9 statutes, provided such policy is (1) in writing, (2) equally applicable to
10 each employee, and (3) provided to each employee prior to the
11 enactment of such policy. The employer shall provide any such
12 enacted policy in writing to each prospective employee at the time an
13 offer of employment is made by the employer to the prospective
14 employee.

15 (c) For purposes of this section, "cannabis-type substance" means
16 cannabis-type substance, as defined in section 21a-240 of the general
17 statutes, and "employer" and "employee" mean employer and
18 employee, each as defined in section 31-40q of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which specifies that employers are not required to make certain accommodations with regard to the possession or use of marijuana by employees while performing duties, does not result in any fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

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)