Joint Testimony

of

General Dynamics Electric Boat

Lockheed Martin Sikorsky

United Technologies Corporation

Regarding Senate Bill 1089
An Act Concerning Cannabis and the Workplace

Joint Committee on Judiciary

March 22, 2019

Senators Winfield and Kissel, Representatives Stafstrom and Rebimbas and other distinguished members of the Judiciary Committee, we respectfully offer these comments jointly to underscore the importance of employer protections should the Connecticut General Assembly act to legalize recreational cannabis.

Collectively, we proudly employ over 38,000 individuals in Connecticut. The health and safety of our employees is as important to our companies as the products we manufacture. We have serious concerns with the bill as drafted.

Legalizing recreational cannabis without comprehensive employer protections would jeopardize our ability to meet our obligations to our employees and customers to ensure a safe workplace. As federal government contractors, we are required to have a workplace that is free of controlled substances under the Drug-Free Workplace Act of 1988; many of our employees are required to have security clearances to do their jobs and, as a result, cannot use or possess cannabis.

We also have concerns that legalized recreational cannabis may impact our ability to meet our workforce development objectives. Any legislation to legalize cannabis—a federally controlled substance—must include language to protect the right of employers to enforce policies restricting the use of cannabis by employees both in and outside of the workplace, as well as to base employment decisions on the pre-employment cannabis use of job candidates not covered by the Palliative Users of Marijuana Act. Employers must be protected from legal liability for following Federal requirements.

If you are to legalize recreational cannabis, we urge you to draw from the work of those states that have taken action before you, namely California, Oregon and Vermont. We believe the employer protections embodied in their state laws are important to replicate here in Connecticut because those states have not afforded employment protections for recreational users and have actually acknowledged in their laws that employers and specifically federal contractors, can operate our businesses as we see appropriate, comply with federal laws and follow our federal contracts.

We have summarized below some of the key components of the laws of California, Oregon and Vermont that we urge you to include in Senate Bill 1089:

From the State of California's Health & Safety Code:
(Cal. Health & Safety Code § 11362.45(f))

This law does not:

- Amend, repeal, affect, restrict, or preempt employers' rights and obligations to maintain a drug- and alcohol-free workplace.
- Require employers to allow use, consumption, possession, transfer, display, transportation, sale, or growth of **cannabis** in the workplace.
- Affect employers' ability to maintain policies prohibiting **cannabis** use by employees and prospective employees.
- Prevent employers from complying with state or federal law.

From the State of Vermont's H. 511 signed by Governor Phil Scott on 1/22/18:

The law does not:

- Require employers to permit or accommodate **marijuana** possession or use in the workplace.
- Prevent an employer from adopting a policy that prohibits **marijuana** in the workplace.
- Create a cause of action against an employer that terminates an employee for violating any policy restricting or prohibiting **marijuana** use by employees.

From the State of Oregon's Or. Rev. Stat. § 475B.020.

The law does not:

- Amend or affect any state or federal law regarding employment matters.
- Prohibit federal contractors or grantees from prohibiting possession or use of **marijuana** to satisfy federal requirements for the grant or contract.
- Exempt an individual from a federal law or obstruct the enforcement of a federal law

In addition, with respect to Connecticut's existing medical cannabis statute, we have also had a shared experience of complying with the statute for several years now and believe that modifications are needed to better protect businesses. Current law states that an employee cannot be impaired during work hours. There is no easy way for an employer to accurately determine whether someone is impaired because of the way that cannabis interacts with the body. We also ask that you consider the employer protections that the State of Arizona has adopted.

Arizona's A.R.S. 23-493.06 protects employers from a civil action against an employer's good faith belief that an employee used or possessed any drug or had an impairment during the hours of employment and in accordance with established policies and testing procedures. In addition, they established a threshold limit for an employer to rely on such as 5 nanograms to determine impairment. We believe a defined threshold is critical guidance for employers.

Protections such as these are necessary for us to do business in this state while still meeting our obligations. We urge you to consider and implement these necessary changes before you proceed.

Please feel free to contact our company representatives listed below.

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