NFIB is the leading small business association in the nation with thousands of members in Connecticut representing a cross-section of the state's economy. For more than 75 years, NFIB has been advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. NFIB is nonprofit, non-partisan, and member-driven. Since our founding in 1943, NFIB has been exclusively dedicated to small and independent businesses and remains so today. On behalf of those small- and independent-job-providers here in Connecticut, NFIB offers the following comments:

NFIB limits these comments to sections 45 & 46 of the bill. While these sections outline certain policies for employers should cannabis legalization pass, additional protections are most likely necessary beyond the currently proposed language in SB-16 to ensure that employers can still enforce their workplace policies and address potential civil and employment liability concerns. While NFIB in Connecticut does not have a position on the underlying policy of cannabis legalization in Connecticut, NFIB will continue to advocate for an employer's right to maintain a drug-free workplace.

Changes to cannabis related laws at the state level can often raise questions and create a dilemma for many small businesses. “Off duty” use of controlled substances, including cannabis, is a valid concern for employers, as are general health and safety concerns for an employer's employees, vendors and customers. For example, according to U.S. DOT, it is “unacceptable for any safety-sensitive employees subject to drug testing under DOT's regulations to use marijuana.” Additionally, many businesses with federal and/or state contracts must maintain a drug free workplace.

Our member small business owners have many questions and some concerns, and most importantly, they require clarity. For example, while the bill explicitly states that no employer is required to allow an employee to “possess” (line 2509) a cannabis-type substance in the workplace, does this include an employee who may have even trace amounts of a cannabis-type substance in his or her body? When and/or how is it determined if an employee is “under the influence” (line 2509) of cannabis, especially in light of the language in Section 46 which seems to limit an employer's options and abilities to screen or test employees? Finally, subsections (b) and (c) of Section 46 seems to completely eliminate the ability of an employer to refuse to hire a candidate who may test positive for the presence of cannabis or THC. This erodes an employer's right to maintain a drug-free workplace and make personnel decisions that fit the needs of their business. These questions and concerns must be answered, and comprehensive employer protections provided.

Finally, on a separate note, while some advocates may be calling for the inclusion of a “labor peace agreement” should this legislation move forward, NFIB strongly cautions the Committee and the legislature from taking any such approach in this regard that could set precedent for private businesses seeking state licenses or regulatory approvals.

Thank you for the opportunity to comment and for your consideration of NFIB's perspectives on behalf of small business. For any questions or additional information, please contact Andy Markowski, NFIB's State Director in Connecticut, at 860-248-NFIB.