

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit, on an emergency basis, due to congressional review, employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Prohibition of Pre-Employment Marijuana Testing Congressional Review Emergency Act of 2015”.

Sec. 2. (a) An employer may only test a prospective employee for marijuana use after a conditional offer of employment has been extended, unless otherwise required by law.

(b) Nothing in this act shall be construed to:

- (1) Affect employee compliance with employer workplace drug policies;
- (2) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or at any time during employment;
- (3) Interfere with federal employment contracts; or
- (4) Prevent the employer from denying a position based on a positive test for marijuana.

(c) For the purposes of this section, the term:

(1) “Employer” shall have the same meaning as provided in section 2(6) of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1101(6)).

(2) “Prospective employee” means any individual applying for employment with an employer.

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Sec. 3. Reporting.

Within 6 months after the effective date of this act, the Mayor shall:

(1) Establish a public information campaign aimed at educating the public on the impact of marijuana use and abuse;

(2) Report to Council the type, frequency, provider, and school grade level of health educations programs in public schools related to substance abuse, including programs designed to address alcohol, tobacco, and marijuana use; and

(3) Evaluate the effectiveness of the District government’s treatment programs regarding the use and abuse of marijuana.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code §1-204.12(a)).