

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit the District of Columbia government from discriminating, in employment, against an individual for participation in the medical marijuana program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Program Patient Employment Protection Emergency Amendment Act of 2019.”

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new title XX-E to read as follows:

"TITLE XX-E

"MEDICAL MARIJUANA PROGRAM PATIENT EMPLOYMENT PROTECTIONS.

"Sec. 2051. Definitions.

“For the purposes of this subchapter, the term:

“(1) “Applicant” means an individual who has filed an application for employment with a public employer or who has filed an application or made a verbal request to serve in a volunteer position with a public employer.

“ (2) “Patient” means a person who is registered in the District’s medical marijuana program pursuant to section 6 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.05).

“ (3) “Public employer” means the District government.

“ (4) “Status as a patient” includes failure to pass a pre-employment or employment-related drug test for marijuana components or metabolites.

“Sec. 2052. Patient protections.

“ (a) Notwithstanding any other provision of law, except as provided in subsection (b) of this section, a public employer may not:

“ (1) Terminate, impose a term or condition of employment on, penalize, or otherwise discriminate against an employee based upon the employee’s status as a patient unless the employee used, possessed, or was impaired by marijuana at the employee’s place of employment or during the hours of employment; or

“ (2) Refuse to hire an applicant because of the applicant’s status as a patient.

“ (b) Subsection (a) shall not apply if compliance would cause the public employer to commit a violation of or lose a monetary benefit under federal law or regulations.”.

Sec. 3. Fiscal Impact.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. 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

58 90 days, as provided for emergency acts of the Council of the District of Columbia in section
59 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
60 D.C. Official Code § 1-204.12(a)).

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