

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, with respect to the need to amend 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 Declaration Resolution of 2019”.

Sec. 2. (a) The Legalization of Marijuana for Medical Treatment Initiative of 1999 effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06) established a medical marijuana program in the District. Pursuant to this act, the Department of Health can register qualifying patients to receive access to medical marijuana without fear of government sanction, to the extent possible without a change in federal laws.

(b) Since that time the Council and executive have endeavored to improve access to medical marijuana for patients with the enactment of multiple bills and regulations including the Medical Marijuana Relocation Emergency Amendment Act of 2018, the Medical Marijuana Certified Business Enterprise Preference Emergency Amendment Act of 2018, and the Medical Marijuana Reciprocity Amendment Act of 2016.

37 (c) Numerous other states, including Arizona, Delaware, Massachusetts, Minnesota, New  
38 York, and Oklahoma, with medical marijuana programs have legislated workplace protections  
39 for medical marijuana patients that, to the extent possible under current federal law, prohibit  
40 adverse employment action against medical marijuana patients.

41 (d) Several medical marijuana patients who are employed by the District of the  
42 Columbia, or whose applications for employment were approved, have contacted the Council  
43 regarding adverse employment actions taken against them by the District of Columbia  
44 government as a result of a positive test for marijuana.

45 (e) Aside from the need to prohibit intoxication in the workplace or any interference with  
46 the patient's job duties, there is no rationale for penalizing, terminating, or refusing to hire a  
47 patient purely for a positive test result for marijuana, except when required by federal law.

48 (f) A medical marijuana patient should not be treated any different for the purposes of  
49 employment with the District of Columbia government than any other employee with a medical  
50 condition, particularly in light of the current wave of opioid addiction and overdoses and the  
51 evidence showing that use of medical marijuana reduces reliance on opioids and reduces opioid  
52 overdose rates.

53 (g) The current policy of some District of Columbia government agencies with regard to  
54 employees who are medical marijuana patients is causing harm to those otherwise well-qualified  
55 employees by jeopardizing their livelihood and interfering with a well-functioning government  
56 by removing qualified employees from their positions or keeping the most-qualified candidates  
57 from filling a vacant position.

(h) Therefore, there exists an immediate need to amend existing law to prohibit the District of Columbia government from discriminating, in employment, against an individual for participation in the medical marijuana program.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the “Medical Marijuana Program Patient Employment Protection Emergency Amendment Act of 2019” be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.