

HB22-1152 Prohibit Employer Adverse Action Marijuana Use

Thursday, March 24 2022

Business Affairs & Labor

1:30 p.m. Room 0112

(1) in house calendar.

Testimony: OPPOSITION

Good afternoon and thank you, Mr. Chair and members of the committee, for the opportunity to provide this testimony. My name is Jessica Kostelnik and I'm a government affairs manager at the Denver Metro Chamber of Commerce. I'm here today on behalf of the Chamber and our state-wide affiliate the Colorado Competitive Council to express our opposition to House Bill 1152.

The Chamber has several issues with this bill, the first being that it undermines a business's right to manage its own workplace and provide oversight to employees. The legislature is overstepping its authority on the issue of marijuana and ignoring voter-approved parameters around the public consumption of recreational and medicinal marijuana. This bill would circumnavigate the Colorado Supreme Court decision that employers have the right to define lawful activity by either state or federal standards as it relates to marijuana consumption.

The uncertainty this bill would create is not only a legislative overreach, as it would be nearly impossible to implement in an ethical, fair manner. This bill raises questions about standards of impairment that science is unprepared to answer, and businesses are unprepared to enforce. It also puts businesses in the untenable position of having to determine which employees, based on their unique medical histories and specific job duties, are permitted to partake and which are not. Finally, it jeopardizes a businesses' ability to comply with federal law and maintain drug-free-workplaces, which would have far-reaching consequences for employers that do business with the federal government.

We oppose this bill, in any form, and we urge the committee to join us in that opposition.