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**TESTIMONY IN SUPPORT OF 19-H 5759—  
AN ACT RELATING TO MEDICAL MARIJUANA  
March 26, 2019**

With an amendment, the ACLU of Rhode Island strongly supports this bill, which would merely clarify the current protection in place for marijuana patients against discrimination in employment based on their status as marijuana users. It would also limit municipalities from enacting local ordinances that conflict with the state medical marijuana law's purpose.

The current statute explicitly bars discrimination in employment against medical marijuana cardholders. Despite the law's seemingly clear language, some employers have taken the position that denying employment to a medical marijuana user for failing a drug test because they have marijuana in their system does not discriminate against them on the basis of their status as a participant in the program. In a case handled by the ACLU, *Callaghan v. Darlington Plastics*, a Superior Court judge rejected that strained interpretation of the law which, if accepted, would have undermined the whole point of the statute's anti-discrimination protections. This bill would codify that clarification of the law so that there is no confusion among employers about the protection to patients who are lawfully using marijuana for medical purposes and who are not taking it on the job or working in an impaired capacity. **This is no different than if an employee were taking prescription drugs for a medical condition that did not impair their work, and yet got fired for that medical treatment.**

Employers have expressed concern about employees who work around machinery or have other potentially dangerous jobs. But this is an issue employers deal with daily regardless of marijuana. If an employee shows up to work impaired – whether due to medical marijuana, physician medication, or chronic insomnia – employers have the ability take action. But they should not be able to fire somebody merely because of their underlying medical condition or the medication they are taking for it.

In another recent court challenge, the ACLU successfully sued the Town of Smithfield, which had a stringent ordinance restricting the growing of medical marijuana by patients and caregivers. *RI Patient Advocacy Coalition v. Smithfield*. The Town's ordinance was in direct conflict with the state statute, and this bill would explicitly prevent municipalities from passing similar ordinances that conflict with the medical marijuana act.

However, there is a mistake in the wording of the bill. On Page 2, line 19, the following words should be added after the word "marijuana": **"components or metabolites, unless the patient cardholder possessed marijuana or was impaired"**. Because this bill helps clarify the current statute and ensures that patients will continue to be protected under the law, the ACLU urges its passage.