



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org | info@riaclu.org

**TESTIMONY IN SUPPORT OF 18-H 7899—
AN ACT RELATING TO MEDICAL MARIJUANA
April 12, 2018**

The ACLU of Rhode Island supports this bill, which would 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 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 recently 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. 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 are not taking it on the job or working in an impaired capacity.

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 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.

Because this bill helps clarify the law and ensures that patients will continue to be protected under the law, the ACLU urges its passage.