

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, with respect to the need to prohibit employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law due to the passing of Initiative 71, the “Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014”.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Prohibition on Pre-Employment Marijuana Testing Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On November 4, 2014, the “Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014” ballot initiative passed with over 114,000 District residents approving the measure.

(b) The recently passed ballot initiative allows people age 21 and over to possess, use or transport two ounces or less of marijuana, transfer an ounce or less to a person 21 years of age or older and grow marijuana plants within their own home for personal use.

(c) Furthermore, the Council is currently reviewing the “Marijuana Legalization and Regulation Act of 2013”, which would legalize the possession of marijuana and marijuana infused products for personal use, as well as the retail sale of marijuana and associated paraphernalia.

32 (d) With the use and possession of marijuana being legalized due to the passage of  
33 Initiative 71, it is imperative that people who choose to use marijuana are not stigmatized when  
34 looking for employment.

35 (e) Ms. Shawn Stokes, Director of the Department of Human Resources, testified that by  
36 enacting this legislation, the District will join a majority of states that have regulated or restricted  
37 an employer's ability to require drug testing as a prerequisite for employment.

38 (f) Ms. Erica McWhorter from the National Association for the Advancement of Colored  
39 People D.C. Branch previously testified that legislation is needed to require certain employers to  
40 "remove pre-employment drug screenings for marijuana from their job applications to prevent  
41 community members from unfair discrimination in employment decisions."

42 (g) Since Initiative 71 has passed, it only makes sense that the testing procedures for  
43 marijuana mirror the testing procedures for alcohol.

44 (h) The Committee on Business, Consumer and Regulatory Affairs had a hearing on, and  
45 approved the permanent version of this bill, B20-728, the "Prohibition on Pre-Employment  
46 Marijuana Testing Act of 2014" by a vote of 5 to 0.

47 (i) This emergency legislation is a necessary step forward in the marijuana legalization  
48 process in order to ensure that District residents are able to act within the bounds of the law and  
49 not be discriminated against.

50 Sec. 3. The Council of the District of Columbia determines that the  
51 circumstances enumerated in section 2 constitute emergency circumstances making it necessary  
52 that the  
53 "Prohibition on Pre-Employment Marijuana Testing Emergency Act of 2014" be adopted after a  
54 single reading.

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Sec. 4. This resolution shall take effect immediately.

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