

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 and the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to prohibit the District of Columbia government from discriminating, in employment, against an individual for participation in a 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 Amendment Act of 2019.”

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended follows:

(a) Section 2051 (D.C. Official Code § 1-620.11) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) To the extent permitted by federal law and regulations, programs and rules adopted pursuant to subsection (a) of this section shall accommodate qualifying patients, as that term is defined in section 2 of the Legalization of Marijuana for Medical Treatment Initiative of 1999,

35 effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01), in compliance with
36 title XX-E.”.

37 (b) Section 2025 (D.C. Official Code § 1-620.25) is amended by adding a new subsection
38 (d) to read as follows:

39 “(d) The testing program established pursuant to this title shall comply with the
40 requirements of title XX-E.”.

41 (c) Section 2032 (D.C. Official Code § 1-620.32) is amended by adding a new subsection
42 (g) to read as follows:

43 “(g) The testing program established pursuant to this title shall comply with the
44 requirements of title XX-E.”

45 (d) A new title XX-E is added to read as follows:

46 "TITLE XX-E

47 "MEDICAL MARIJUANA PROGRAM PATIENT EMPLOYMENT PROTECTIONS.

48 "Sec. 2051. Definitions.

49 “For the purposes of this title, the term:

50 “(1) “Marijuana” shall have the same meaning as provided in section 102(3)(A) of
51 the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981
52 (D.C. Law 4-29; D.C. Official Code § 48-901.02).

53 (2) “Qualifying patient” shall have the same meaning as provided in section 2 of
54 the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010
55 (D.C. Law 18-210; D.C. Official Code § 7-1671.01).

56 “(3) “Public employer” means the District government.

57 “Sec. 2052. Patient protections.

58 “(a) Notwithstanding any other provision of law, except as provided in subsection (b) of
59 this section, a public employer may not refuse to hire, terminate from employment, penalize, or
60 otherwise discriminate in the terms or conditions of employment against an individual based
61 upon the individual’s status as a qualifying patient, including failure to pass a pre-employment or
62 employment-related drug test for marijuana components or metabolites, unless the individual
63 used, possessed, or was impaired by marijuana at the individual’s place of employment or during
64 the hours of employment.

65 “(b) Subsection (a) shall not apply if compliance would cause the public employer to
66 commit a violation of a federal law, regulation, contract, or funding agreement.”.

67 Sec. 3. Section 3 of the Department of Corrections Employee Mandatory Drug and
68 Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; DC. Official
69 Code § 24-211.22), is amended by adding a new subsection (d) to read as follows:

70 “(d) The testing program established pursuant to this title shall comply with the
71 requirements of title XX-E of the District of Columbia Government Comprehensive Merit
72 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
73 601.51-52).”

74 Sec. 4. Fiscal Impact.

75 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
76 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
77 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

78 Sec. 5. Effective date.

79 This act shall take effect following approval by the Mayor (or in the event of veto by the
80 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

81 90 days, as provided for emergency acts of the Council of the District of Columbia in section
82 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
83 D.C. Official Code § 1-204.12(a)).

DRAFT