

1 [Supporting California State Assembly Bill No. 1256 (Quirk) - Employment Discrimination:
2 Cannabis Screening Test]

3 **Resolution supporting California State Assembly Bill No. 1256, authored by Assembly**
4 **Member Bill Quirk, an anti-cannabis discrimination bill prohibiting employers from**
5 **discriminating against hiring or terminating a person for testing positive for cannabis**
6 **metabolites.**

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8 WHEREAS, The City of San Francisco legalized the use of cannabis in 1991 with 80%
9 of residents on favor of Proposition P making it the leader and first U.S city to legalize
10 marijuana; and

11 WHEREAS, California Proposition 215, passed on November 5, 1996, legalized
12 medicinal cannabis use in California; however, it did not protect the rights of medicinal
13 cannabis users in the workplace from employer discrimination; and

14 WHEREAS, In 2008, the California Legislature passed a measure intended to protect
15 medicinal cannabis users from workplace discrimination, but the measure was vetoed by
16 Governor Arnold Schwarzenegger; and

17 WHEREAS, In 2016, California Proposition 64, the California Marijuana Legalization
18 Initiative, for which 57% of Californians voted “yes,” legalized recreational marijuana for
19 persons over the age of 21; and

20 WHEREAS, Under current California law, employers can still require drug tests for
21 employees, can turn an individual away based on use of cannabis, and fire or demote for the
22 use of cannabis; and

23 WHEREAS, Assembly Bill No. 1256 (AB 1256) would prohibit employers from
24 discriminating against hiring, or terminating, a person who has tested positive for having non-
25 psychoactive cannabis metabolites in their urine, hair, or bodily fluids; and

1 WHEREAS, AB 1256 also allows employees who have experienced discrimination on
2 the basis of testing positive for non-psychoactive cannabis metabolites, to institute civil action
3 for damages and other relief against their employers; and

4 WHEREAS, There are currently twenty states with laws protecting employment rights
5 for medicinal cannabis uses in addition to several major cities such as: New York City,
6 Washington D.C, Atlanta, Rochester, and Richmond that protect recreational cannabis
7 consumers' employment rights; and

8 WHEREAS, The use of drug tests is meant to identify employees who may be impaired
9 however, the tests conducted for cannabis only show the presence of nonpsychoactive
10 cannabis metabolites which have no correlation to impairment within the workplace; and

11 WHEREAS, California residents should not be punished for usage of legalized
12 cannabis; and

13 WHEREAS, Dismissing potential applicants for the use of legalized medications and
14 legalized recreational substances places an undue burden and barriers on individuals
15 attempting to seek employment; and

16 WHEREAS, The Covid-19 Pandemic crippled the economy never before seen and
17 which has caused the exponential increase of food insecurity and housing insecurity due to
18 job or income loss; and

19 WHEREAS, the most effective way to combat food insecurity, housing insecurity, and
20 poverty to assist as many people with job opportunities by removing unnecessary barriers to
21 employment; now, therefore, be it;

22 RESOLVED, The San Francisco Board of Supervisors urges the passage of AB 1256
23 and supports its enactment into law; and, be it

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1 FURTHER RESOLVED, The San Francisco Board of Supervisors requests the Clerk of
2 the Board to submit a copy of this Resolution to the local state legislative representatives and
3 Governor Newsom.

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