

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

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

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

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

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

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

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

24 WHEREAS, Assembly Bill No. 1256 (AB 1256) would prohibit employers from  
25 discriminating against hiring, or terminating, a person who has tested positive for having non-  
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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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 210839

Date Passed: July 27, 2021

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

July 27, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210839

I hereby certify that the foregoing Resolution was ADOPTED on 7/27/2021 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned
London N. Breed
Mayor

08/06/2021
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

08/06/2021
Date