

## **SB 301 -9 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Whitney Perez, Counsel

**Meeting Dates:** 2/21, 4/18

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#### **WHAT THE MEASURE DOES:**

Makes it an unlawful employment practice for any employer to condition employment on refraining from using a substance that is lawful in Oregon during nonworking hours. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

- Discussion of whether SB 301 is subject to preemption
- Discussion of whether it is possible to test for impairment by marijuana
- Discussion of applicability of exemptions for this provision
- Explanation of federal funding impact on certain employers in Oregon

#### **EFFECT OF AMENDMENT:**

-9 Makes it unlawful employment practice to refuse to employ or discriminate against employee who is registry identification cardholder. Provides exceptions. Makes conforming amendments.

*REVENUE: No revenue impact*

*FISCAL: Indeterminate fiscal impact*

#### **BACKGROUND:**

In Oregon, it is considered an unlawful employment practice for any employer to condition employment on refraining from using lawful tobacco products during nonworking hours. There is an exception when the restriction relates to a bona fide occupational requirement or an applicable collective bargaining agreement prohibits the off-duty use of tobacco products. Senate Bill 301 would modify this law to prohibit an employer from conditioning employment on refraining from using any substance that is lawful in Oregon during nonworking hours. SB 301 also adds an exception for restrictions on the use of lawful substances in nonworking hours when related to the performance of work while impaired.