

Russ Belville
13047 SE Sherman St
Portland, OR 97233
February 21, 2017

Sen. Floyd Prozanski
Chair
Senate Committee on Judiciary
State Capitol
Salem, OR 97301

Re: Senate Bill 301 – Employment Protection for Lawful Substance Users

Dear Sen. Floyd Prozanski:

Thank you for accepting my testimony on SB 301. To me, this is the most important bill that has come through the Oregon Legislature since I moved here in 2003.

I am originally a resident of Idaho. I am also a lifelong cannabis consumer. I deserve the same freedom from employment discrimination as any adult who drinks beer or smokes cigarettes, period.

Throughout my life, I have worked mainly as a contractor performing temporary jobs in the field of information technology. I've worked desktop support, database programming, network analysis, website design, and technical training jobs for companies from Wall Street to Silicon Valley and everywhere in between. My strong work ethic, skill mastery, and keen intelligence kept me working steadily for fifteen years, always receiving top marks in my employee reviews.

As a cannabis consumer, however, I remained a contractor, because most temporary IT placement companies did not require a test of my urine to determine if I was smart enough to run a computer. I voluntarily remained without health care coverage and a salary commensurate with my abilities to maintain my freedom to consume cannabis rather than alcohol.

In 2001, I married a woman in Boise. She suffered from chronic pain conditions. Through me, she discovered that cannabis relieved her pain better than the plethora of pills she had been taking. By 2003, we decided to move to Oregon to get her on the medical marijuana program. Not only would she be safe from arrest for her cannabis use; as her caregiver, my possession of marijuana would be protected, too.

But not for employment purposes. As you know, the *Emerald Steel* case decided that medical marijuana patients have no exemption from workplace discrimination for their marijuana use. My wife worked around that problem by using her health care coverage to secure a prescription for Marinol, the synthetic THC pill that is FDA-approved by prescription and indistinguishable from natural cannabis on most workplace drug screens. In Oregon, as all states, having that Marinol prescription is an automatic drug test pass for pot smokers; my wife never took a single pill. (By the way, I know many people across the country who do this.)

I had no such coverage or medical condition that would qualify for a Marinol prescription, so I continued to work underpaid temporary contract jobs that didn't drug test.

Then in 2005 I began working on contract for a medical device manufacturer then located in Beaverton. I excelled at my job and the company always gave my work rave reviews. I was so beloved that when the contract ended, the company offered to bring me on as a full-time employee. My salary would almost triple, I'd get stellar health care and retirement benefits, even a company expense account for the travel I'd be undertaking.

But first, I'd have to pass a drug test. No problem, I thought. I'm married now and need to get serious and build a career, I reasoned. I quit using cannabis and began drinking fluids and exercising in the hopes that I'd flush enough metabolites out of my system to pass the standard urine test to land the job I'd already been doing successfully for two years.

The day of the test I asked my human resources office where I go for my pee test. That's when I learned that the test wasn't for urine, it was for hair. I grinned at the HR staff and rubbed my nearly-bald head and remarked, "that's going to be a bit difficult, eh?" She deadpanned in response that they would find some hair for a sample.

Find some hair? Like, um, where? I decided not to ask and just went to the appointment. There I was met by a woman in non-descript clothing – no scrubs or medical wear – in an ersatz office that reminded me more of a construction trailer than a clinic. With no introduction or indication of her credentials, she ordered me to remove my shirt and stand with my arms raised. Then she took a single-bladed disposable 39¢ Bic razor and shaved the hair off my chest and armpits, collecting the hairs in a little plastic bag.

Hair testing is a far more intrusive method of drug testing than urine screening. While even the pee tests are ludicrously unfair for their detection of marijuana metabolites up to month after the subject ceases marijuana use, the hair tests are worse, revealing marijuana use dating back up to ninety days. To compound the injustice, people of African or Mediterranean descent have coarser hair that will retain these drug metabolites longer than people of European or Asian descent. Drug tests, just like our drug laws, are racist in their deployment.

Needless to say, I failed that hair test and lost the career opportunity of my lifetime. Worse, the result of the drug test failure became part of my record, preventing me from going back to the temporary contracting jobs I had been working. Since that failure, I dedicated my skills to ending discrimination against people like me, beginning with my medical marijuana work with Oregon NORML and culminating with my work in support of Measure 91's passage.

Now this Senate Bill 301 could finally bring my mission to a close in Oregon by ending the unnecessary and cruel discrimination against people like me who are hard-working, dedicated, highly-skilled employees who've made the sensible choice to relax and unwind with cannabis rather than alcohol.

Sen. Floyd Prozanski

February 21, 2017

Page 3

During my time at the medical device manufacturer, I worked with two young men who were some of the most gifted computer analysts I've met. They were also big fans of Oregon's craft-brewed beer. Nobody ever tested them for their alcohol and they always showed up for work and did a fine job while there.

That's all the consideration Oregon's cannabis consumers are asking for – the same standards and expectations we extend to beer drinkers. I never consumed cannabis before work or during work, just as my employer expected my co-workers not to drink craft brew before work or during work.

Opponents of Senate Bill 301 will offer all manner of scare tactics to derail this bill. Any careful consideration of their fears should be placed in the context of what we accept for alcohol and tobacco.

For instance, opponents may claim that without drug testing for cannabis, those employees will be a drain on productivity. There is no reliable science to back up that assertion; however, I simply think back to that Beaverton company I worked for, where they had built with company funds an outdoor shelter so that four times a day, twenty minutes apiece, employees with nicotine addiction could step outside to get their fix without being rained upon. I fail to see how cannabis consumers' productivity is such a concern when cigarette consumers were costing that company eighty minutes of productivity per smoker per day.

We're not even asking for such smoke breaks at work; we just don't want to be penalized for our smoke breaks after work!

Opponents may claim there will be greater health care costs for companies that don't discriminate against cannabis consumers. Again, there is no reliable science to back up that assertion; however, there is reliable science to show that cannabis consumers consume less opiate prescriptions, use less alcohol, have lower body-mass indices, and have less risk of head, neck, and lung cancers.

They will also point to federal law and the Schedule I designation for cannabis. That wasn't reason enough for Oregon to reject marijuana legalization; it should not be reason enough to bring legalization to its logical conclusion of treating alcohol and cannabis consumers with equal respect and dignity. They may bring up the federal Drug-Free Workplace laws, but they won't mention that those laws require most employers to simply have a posted policy forbidding drug use on the job and do not mandate any sort of drug screening for anybody but workers in certain safety-sensitive positions.

In conclusion, opponents of SB 301 have no argument against it that wouldn't be a better argument for discriminating against employees who drink alcohol or smoke cigarettes, except that the federal government accepts those latter two drugs and not cannabis as legal substances. In Oregon, we know better that marijuana is safer than alcohol and that the consumers of both substances can be excellent employees.

Sincerely,

A handwritten signature in black ink that reads "Russ Belville". The signature is written in a cursive, slightly slanted style.

Russ Belville