

February 7, 2019

To: Senate Judiciary Committee  
Chair Prozanski  
Vice-Chair Thatcher  
Sen. Gelser  
Sen. Fagan  
Sen. Linthicum  
Sen. Manning

Re: SB 379

Dear Members of Senate Judiciary,

Thank you for the opportunity to provide written testimony on SB 379. As electric and natural gas utilities, we have federal regulatory obligations that govern our safety policies and daily operations, including the requirement to maintain drug, cannabis and alcohol-free workplaces.

Our employees collectively work to ensure the safe and reliable generation, transmission, and distribution of electricity or transmission and distribution of natural gas. Our respective products – products that are dangerous if not handled safely – are regulated by layers of local, state and federal laws to ensure the safety of our employees, our customers and the public. While cannabis is legal in Oregon, there is no testing methodology to determine real-time impairment from cannabis or to determine timing of when the substance was used (e.g. during off-work hours or not). As such, our federal regulatory and safety obligations require that we prohibit our employees from using cannabis.

We respectfully request that the bill language include an exemption so the prohibition on workplace testing does not apply to utilities or employers who are subject to applicable federal law, regulation or contractual relationship with the federal government to prohibit an employee's off-duty use of the substance. In lieu of a full exemption, we request the bill clearly specify that an employer who is subject by federal law to test for a substance qualifies as a bona fide occupational qualification (BFOQ).

Thank you for considering our request.

