

February 13, 2019

Re: House Bill 2089 – Prohibition on Enforcing Drug-Free Workplace Policy

Chair Jeff Barker and Members of the House Business and Labor Committee:

On behalf of Oregon's 62 acute care hospitals and health care systems, and the patients and communities they serve, we strongly oppose HB 2655. This legislation would prohibit employers, including our hospitals, from enforcing a drug-free workplace policy for individuals testing positive for cannabinoids. OAHHS' opposition centers on three principal concerns:

- *Licensed professionals in hospitals are held to higher professional standards.* For example, the Oregon State Board of Nursing (OSBN) and the Oregon Medical Board (OMB) may take action including refusing to grant, suspending, or revoking a license for "impairment," which is defined to mean "an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition." ORS 676.303(1)(b), 677.190, 678.111. Thus, current Oregon law says that the OSBN and OMB could revoke a nurse or physician's license for habitual off-duty use that affects competence. SB 379 should not interfere with the ability of employers to ensure employees meet the standards expected by licensing agencies.
- *On-call employees.* Some health care workers work on-call, which makes it difficult to determine what use during "nonworking hours" is safe. The prior law's reference to "nonworking hours" made sense in the tobacco context, where smokers are not unable to perform work if they smoked close-in-time to a shift. Adding intoxicating substances like marijuana or alcohol to the existing law is a patchwork that does not work. This is especially true with on-call health care workers.
- *Safety:* Second, and critically importantly, OAHHS is concerned about patient and employee safety. Hospital employees are trusted to provide quality care and a safe environment for patients every day. To that end, hospitals have developed strong drug-free workplace policies to ensure patient safety, reduce risk of unintended injuries, and reduce risk of mishandling confidential patient information. OAHHS fears this legislation will create a much more difficult workplace safety environment, particularly in light of the fact that there are no currently drug screening technologies capable of testing for marijuana impairment.

House Bill 2655, if passed, would simply put at risk the care and safety of our patients and employees. For these reasons, we strongly urge this committee to oppose HB 2655.

Respectfully,



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