

SB 379 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/7, 4/4, 4/8

WHAT THE MEASURE DOES:

Creates an unlawful employment practice when employer prohibits an employee or potential employee from using a substance that is legal in Oregon during nonworking hours. Allows exception if the restriction is a bona fide occupational qualification, restriction relates to the performance of work while impaired, or restriction is included in collective bargaining agreement. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Adds additional exemptions that allow employers of public safety personnel, licensed health care professionals, operators of public transit vehicles and taxis, and other employees that perform work involving a risk of injury to others to condition employment on the employee refraining from the use of certain legal substances. Provides that federal contractors, those receiving federal grants subject to the federal Drug-Free Workplace Act, and those required by federal law or regulation to test their employees for certain substances can also condition employment on abstaining from the use of certain legal substances.

BACKGROUND:

Under current Oregon law, an employer may not prohibit an employee or prospective employee from using tobacco products during nonworking hours. However, an employer can prohibit the use of other products legal to Oregon, including marijuana.

SB 379 prohibits employers from banning the use of marijuana and other products legal to Oregon by their employees or prospective employees during nonworking hours, unless the restriction relates to an employee's impairment at work, non-use of the product is a bona fide occupation qualification, or the restriction is included in the relevant collective bargaining agreement.