



Working to Reform Marijuana Laws

Illinois (2022): HB 4116, Testimony in support of consumer employment protections

My name is Jax James and I serve as the State Policy Manager for the National Organization for the Reform of Marijuana Laws (NORML). I would like to thank the Executive Committee for considering House Bill 4116. NORML is supportive of legislative efforts to prohibit unjust discrimination against cannabis consumers.

House Bill 4116 seeks to protect cannabis consumers from employment discrimination. It mandates that an employer may not refuse to hire an individual or discipline an employee because results of an individual's drug test indicate the presence of THC on the part of that individual.

As amended, HB 4116 provides that discharge for the presence of THC in an employee's system is only permissible if the employee works in a safety sensitive position, if the employee demonstrates impairment, or if the test results for THC exceeds the limits under specified provisions of the Illinois Vehicle Code. Nothing in the Act prohibits an employer from enforcing a pre-employment drug testing policy, random drug testing policy, or a drug-free workplace policy or from disciplining an employee or withdrawing a job offer to an applicant for violating such policy if the policy is applied to employees working in safety sensitive positions.

Changes in the legal status of marijuana have [not been shown](#) to adversely impact workplace safety. For example, a pair of studies from 2016 find that legalization is associated with [greater workforce participation](#) and with [fewer workplace absences](#). A 2020 Occupational Medicine [report](#) found "no association" between cannabis use and work-related accidents or injuries.

Those who consume conventional medications or alcohol legally and responsibly while off the job do not suffer sanctions from their employers unless their work performance is adversely impacted. Employers should treat those who consume cannabis legally while away from the workplace in a similar manner. Illinoisans who respect the law deserve to feel secure in their jobs.

For these reasons, NORML urges Illinois lawmakers to thoughtfully consider and pass HB 4116 to ensure that lawful cannabis consumers cannot be discriminated against for behavior that is not a crime.

