



Maryland (2025) Testimony in support for An Act concerning Howard County – Department of Fire and Rescue Services – Current and Prospective Employee Medical Cannabis Use

My name is Paul Armentano. I am a Maryland resident who has worked professionally in cannabis policy for over 30 years. Currently, I am the Deputy Director of NORML – the National Organization for the Reform of Marijuana Laws, a nationwide public interest advocacy organization based in Washington, DC.

I am the author of several books on cannabis, health, and public safety and my writing on marijuana has been featured in over two dozen academic anthologies. In 2022, I was the lead witness before Congress at the hearing *Developments in State Cannabis Laws and Bipartisan Cannabis Reforms at the Federal Level*, which was convened by the House Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties.

I possess an extensive understanding of cannabinoid pharmacokinetics, and I have testified as an expert witness at numerous state and federal court cases specific to cannabis and drug testing. I helped create one of the first smartphone applications¹ designed to identify cannabis-induced impairment. Most recently, I assisted Annapolis lawmakers in amending the city's workplace drug testing regulations so that those who consume cannabis while away from the job no longer face undue discrimination.

I am speaking to you today in favor of "an Act concerning Howard County – Department of Fire and Rescue Services – Current and Prospective Employee Medical Cannabis Use."

This proposal amends the employment policy of Howard County's Department of Fire and Rescue Services to comport with Maryland's medical cannabis law. Over 120,000 residents are registered in Maryland to legally access medicinal cannabis products.² This includes firefighters, EMTs, and other first-responders, who typically consume medical cannabis to mitigate symptoms of chronic pain, post-traumatic stress, and other serious health conditions.

Howard County's current policy permits the Department to take adverse actions against current and would-be employees who consume these state-legal products while off the job. This policy is problematic for several reasons. It limits the pool of applicants seeking employment with the County. It penalizes those who rely on cannabis as medicine. And it discriminates against people who are acting in compliance with state laws legalizing cannabis for medical or adult use.

While I agree with the intent of this proposed Act, I believe that specific amendments to its text are necessary to truly protect patients from these discriminatory practices. Specifically, I ask that language be added to the text stipulating, "The Department may not refuse to hire,

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<https://norml.org/blog/2015/07/15/canary-app-permits-marijuana-consumers-to-gauge-their-personal-performance>

² Data provided by the Maryland Medical Cannabis Commission, as of April 2024.



discharge, or otherwise discriminate against an individual who tests positive for the presence of either THC or its metabolites in their hair, blood, urine, or other bodily fluids absent demonstrable evidence of impaired behavioral or cognitive performance."

This language is necessary because Howard County's current practice of toxicological testing, and the use of urinalysis specifically, is outdated, discriminatory, and fails to create a safer workplace. That's because urine screening only detects inert byproducts, known as metabolites, that occur after the body has metabolized the drug's psychoactive components.

Urine testing does not determine whether someone is impaired, nor can it determine when someone was last exposed to a controlled substance. As recognized by the federal Department of Justice: "Drug tests detect drug use but not impairment. A positive test result, even when confirmed, only indicates that a particular substance is present in the test subject's body tissue. It does not indicate abuse or addiction, recency, frequency, or amount of use, or impairment."³

For those who consume cannabis, urine screening is especially problematic. That is because THC's primary metabolite is fat soluble. Therefore, it may be detectable for days, weeks, or even months post-abstinence.⁴ Blood screening for cannabis suffers from similar problems because THC may be present for several days following consumption,⁵ long after any psychoactive effects have worn off. In fact, no toxicological screening exists that can determine cannabis-induced impairment. For these reasons, I believe that toxicological testing should be discouraged and those employees who test positive for either THC or its metabolites should be exempt from workplace sanctions unless demonstrable evidence of actual impairment is present.

Since no toxicological test can determine when a subject last consumed cannabis, I also suggest that lawmakers strike language from the bill stating, "The Department may prohibit an employee from using cannabis within the 12 hours immediately preceding the employee's shift." Instead, I suggest that the bill's text simply prohibit an employee's use of cannabis "while on duty."

For employers to better ascertain whether their employees may be under the influence of either cannabis or any other controlled substance while at work, I'd encourage the Department to incorporate the use of cognitive performance testing technology, such as Predictive Safety's

³ US Dept. of Justice. Drugs, Crime, and the Justice System: A National Report from the Bureau of Justice Statistics, page 119.

<https://books.google.com/books?id=ybkZs0i3ELoC&pg=PA119&lpg=PA119&dq=#v=onepage&q&f=false>

⁴ Mushoff and Madea. Review of biological matrices (urine, blood, hair) as indicators of recent or ongoing cannabis use. Therapeutic Drug Monitor 28: 2006. Full text reposted at:

https://norml.org/wp-content/uploads/pdf_files/Review_biolologic_matrices_indicators_cannabis_use.pdf

⁵ Wurtz and DeGregorio. Indeterminacy of cannabis impairment and THC levels in blood and breath. Nature: Scientific Reports: 2022.

<https://www.nature.com/articles/s41598-022-11481-5>



AlertMeter⁶ or Impairment Science's DRUID app.⁷ This technology, unlike urinalysis or blood testing, gauges employees' actual performance versus their own personal baseline – thereby providing a far more accurate determination of whether someone is impaired on the job.

Adopting this change in Howard County will not jeopardize workplace safety. Baltimore and Frederick County already prohibit pre-employment cannabis testing and the city of Annapolis recently adopted guidelines⁸ prohibiting employers from taking adverse actions in either the hiring or firing process against any public employee who tests positive for cannabis, absent evidence of impairment.

Let's end Howard County's ongoing discrimination against firefighters and others who rely on medicinal cannabis. I urge you to amend and pass this Act.

⁶ <https://predictivesafety.com/alertmeter>

⁷ <https://www.impairmentscience.com>

⁸ Ordinance 35-24: Fair Cannabis Employment Practices, adopted January 27, 2025

<https://annapolismd.legistar.com/LegislationDetail.aspx?ID=7020117&GUID=CFCB8078-0973-4244-82D9-9507A9542AF6&Options=ID%7CText%7C&Search=0-35-24&FullText=1>