

February 9, 2015

**Testimony on B21-023, the “Marijuana Legalization and Regulation Act of 2015”  
and B21-025, the “Prohibition of Pre-Employment Marijuana Testing Act of 2015”**

**B21-023, the “Marijuana Legalization and Regulation Act of 2015”**

While ASA does not take a position in favor or in opposition to the non-medical use of marijuana, we do not object the concept being proposed in B21-023, but do think a few considerations should be made. For example, currently there are not independent testing laboratories for the District’s Medical Marijuana Program (MMP). It may be possible that a facility that is licensed to test marijuana through B21-023 (Section 25-134) could also test medical marijuana for the MMP. We have begun talking to Councilmember Alexander about legislation to authorize medical marijuana testing labs. We urge the Committee Finance and Revenue and Committee on the Judiciary will work with the Committee on Health and Human Services on this proposal, so that testing labs can best serve all of the needs of the District government and its residents.

**B21-025, the “Prohibition of Pre-Employment Marijuana Testing Act of 2015”**

ASA supports the prohibition of pre-employment testing for the presence of marijuana. It is well-documented that marijuana stays in the system of a person far longer than any intoxicating effects that the substance may produce. This prohibition will particularly benefit the District’s medical marijuana patient population. Currently, there are not legal protections for patients in the MMP with respect to the physician-recommended medical marijuana use. Therefore, the legal medical use of marijuana by a District patient can be used as a pretext for not-hiring or firing the patient in the program. While this proposal will only remedy the situation in the pre-hiring phase, it will help give patients greater confidence in which employers they can apply to, therefore increasing their options in terms of applying for employment.

We urge the Council to consider legislation that would also prohibit the termination of employment simply because an employee is a patient who uses marijuana through the MMP under the recommendation of physician. Unless a patient’s job performance is being hindered in significant and demonstrative way, an employer should not be able to terminate a patient simply for being registered in the MMP.

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