

A RESOLUTION

20-712

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2014

To declare the existence of an emergency with respect to the need to prohibit employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Prohibition on Pre-Employment Marijuana Testing Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On November 4, 2014, Initiative 71, the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014, passed with over 114,000 residents approving the measure.

(b) The initiative allows people 21 years of age or older to possess, use, or transport 2 ounces or less of marijuana, transfer an ounce or less to a person 21 years of age or older, and grow marijuana plants within their own home for personal use.

(c) The Council is currently reviewing the Marijuana Legalization and Regulation Act of 2014, which would legalize the possession of marijuana and marijuana-infused products for personal use, as well as the retail sale of marijuana and associated paraphernalia.

(d) With the use and possession of marijuana being legalized due to the passage of Initiative 71, it is imperative that people who choose to use marijuana are not stigmatized when looking for employment.

(e) Ms. Shawn Stokes, Director of the Department of Human Resources, testified that by enacting this legislation, the District will join a majority of states that have regulated or restricted an employer’s ability to require drug testing as a prerequisite for employment.

(f) Ms. Erica McWhorter from the National Association for the Advancement of Colored People DC Branch testified that legislation is needed to require certain employers to remove pre-employment drug screenings for marijuana from their job applications to prevent community members from unfair discrimination in employment decisions.

(g) As Initiative 71 has passed, testing procedures for marijuana should mirror the testing procedures for alcohol.

(h) The Committee on Business, Consumer and Regulatory Affairs had a hearing on, and approved the permanent version of this legislation, the Prohibition on Pre-Employment Marijuana Testing Act of 2014 (Committee print of Bill 20-728) by a vote of 5 to 0.

**ENROLLED ORIGINAL**

(i) Emergency legislation is a necessary step forward in the marijuana legalization process to ensure that prospective employees are able to act within the bounds of the law and not face discrimination.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Prohibition on Pre-Employment Marijuana Testing Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.