

HOUSE BILL 170

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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AN ACT

RELATING TO MEDICAL CANNABIS; LIMITING EMPLOYMENT PROTECTIONS FOR CERTAIN EMPLOYEES IN SAFETY-SENSITIVE POSITIONS; CLARIFYING IMPAIRMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 26-2B-9 NMSA 1978 (being Laws 2019, Chapter 247, Section 11) is amended to read:

"26-2B-9. EMPLOYMENT PROTECTIONS.--

A. Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, it is unlawful to take an adverse employment action against an applicant or an employee based on conduct allowed under the Lynn and Erin Compassionate Use Act, except as provided in Subsection B of this section.

~~[B. Nothing in this section shall:~~

underscoring material = new
~~[bracketed material] = delete~~

1 ~~(1) restrict an employer's ability to]~~

2 B. An employer may:

3 (1) prohibit or take adverse employment action
4 against an employee for use of, or being impaired by, medical
5 cannabis on the premises of the place of employment or during
6 the hours of employment; provided that a qualified patient
7 shall not be considered to be impaired by cannabis solely
8 because of the presence of metabolites or components of
9 cannabis that appear in insufficient concentration to cause
10 impairment; or

11 ~~(2) [apply to an employee whose employer deems~~
12 ~~that the employee works in a safety-sensitive position]~~ take an
13 adverse employment action when the employee is in a safety-
14 sensitive position and the employee:

15 (a) is required to carry a firearm as
16 part of the employee's employment; or

17 (b) operates a commercial vehicle
18 requiring a commercial driver's license pursuant to the New
19 Mexico Commercial Driver's License Act."