

SENATE BILL 1023

D5, A3, E4

5lr3616
CF HB 1408

By: **Senator C. Jackson**

Introduced and read first time: February 5, 2025

Assigned to: Rules

Re-referred to: Finance, February 10, 2025

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 27, 2025

CHAPTER _____

1 AN ACT concerning

2 **Employment Discrimination – Fire and Rescue Public Safety Employees – Use of**
3 **Medical Cannabis**

4 FOR the purpose of prohibiting an employer from taking certain discriminatory
5 employment actions against a fire and rescue public safety employee for the use of
6 medical cannabis, subject to certain conditions; and generally relating to
7 employment discrimination and the use of medical cannabis.

8 BY repealing and reenacting, without amendments,

9 Article – Alcoholic Beverages and Cannabis

10 Section 36–101(a), (m), (ee), and (kk)

11 Annotated Code of Maryland

12 (2024 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – State Government

15 Section 20–601 and 20–606

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2024 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Alcoholic Beverages and Cannabis**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 36–101.

2 (a) In this title the following words have the meanings indicated.

3 (m) “Certifying provider” means an individual who:

4 (1) (i) 1. has an active, unrestricted license to practice medicine
5 that was issued by the State Board of Physicians under Title 14 of the Health Occupations
6 Article; and

7 2. is in good standing with the State Board of Physicians;

8 (ii) 1. has an active, unrestricted license to practice dentistry
9 that was issued by the State Board of Dental Examiners under Title 4 of the Health
10 Occupations Article; and

11 2. is in good standing with the State Board of Dental
12 Examiners;

13 (iii) 1. has an active, unrestricted license to practice podiatry
14 that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the
15 Health Occupations Article; and

16 2. is in good standing with the State Board of Podiatric
17 Medical Examiners;

18 (iv) 1. has an active, unrestricted license to practice registered
19 nursing and has an active, unrestricted certification to practice as a nurse practitioner or
20 a nurse midwife that was issued by the State Board of Nursing under Title 8 of the Health
21 Occupations Article; and

22 2. is in good standing with the State Board of Nursing; or

23 (v) 1. has an active, unrestricted license to practice as a
24 physician assistant issued by the State Board of Physicians under Title 15 of the Health
25 Occupations Article;

26 2. has an active collaboration agreement with a patient care
27 team physician who is a certifying provider; and

28 3. is in good standing with the State Board of Physicians;

29 (2) has a State controlled dangerous substances registration; and

30 (3) is registered with the Administration to make cannabis available to
31 patients for medical use in accordance with regulations adopted by the Administration.

1 (ee) “Qualifying patient” means an individual who:

2 (1) has been provided with a written certification by a certifying provider
3 in accordance with a bona fide provider–patient relationship; and

4 (2) if under the age of 18 years, has a caregiver.

5 (kk) “Written certification” means a certification that:

6 (1) is issued by a certifying provider to a qualifying patient with whom the
7 provider has a bona fide provider–patient relationship;

8 (2) includes a written statement certifying that, in the certifying provider’s
9 professional opinion, after having completed an assessment of the patient’s medical history
10 and current medical condition, the patient has a condition:

11 (i) that meets the inclusion criteria and does not meet the exclusion
12 criteria of the certifying provider’s application; and

13 (ii) for which the potential benefits of the medical use of cannabis
14 would likely outweigh the health risks for the patient; and

15 (3) may include a written statement certifying that, in the certifying
16 provider’s professional opinion, a 30–day supply of medical cannabis would be inadequate
17 to meet the medical needs of the qualifying patient.

18 Article – State Government

19 20–601.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) (1) “Disability” means:

22 (i) 1. a physical disability, infirmity, malformation, or
23 disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy; or

24 2. a mental impairment or deficiency;

25 (ii) a record of having a physical or mental impairment as otherwise
26 defined under this subsection; or

27 (iii) being regarded as having a physical or mental impairment as
28 otherwise defined under this subsection.

29 (2) “Disability” includes:

- 1 (i) 1. any degree of paralysis, amputation, or lack of physical
2 coordination;
- 3 2. blindness or visual impairment;
- 4 3. deafness or hearing impairment;
- 5 4. muteness or speech impediment; and
- 6 5. physical reliance on a service animal, wheelchair, or other
7 remedial appliance or device; and

8 (ii) retardation and any other mental impairment or deficiency that
9 may have necessitated remedial or special education and related services.

10 (c) (1) "Employee" means:

- 11 (i) an individual employed by an employer; or
- 12 (ii) an individual working as an independent contractor for an
13 employer.

14 (2) Unless the individual is subject to the State or local civil service laws,
15 "employee" does not include:

- 16 (i) an individual elected to public office;
- 17 (ii) an appointee on the policy making level; or
- 18 (iii) an immediate adviser with respect to the exercise of the
19 constitutional or legal powers of an elected office.

20 (d) (1) "Employer" means:

- 21 (i) a person that:
- 22 1. is engaged in an industry or business; and
- 23 2. A. has 15 or more employees for each working day in
24 each of 20 or more calendar weeks in the current or preceding calendar year; or
- 25 B. if an employee has filed a complaint alleging harassment,
26 has one or more employees for each working day in each of 20 or more calendar weeks in
27 the current or preceding calendar year; and

28 (ii) an agent of a person described in item (i) of this paragraph.

1 (2) “Employer” includes the State to the extent provided in this title.

2 (3) Except for a labor organization, “employer” does not include a bona fide
3 private membership club that is exempt from taxation under § 501(c) of the Internal
4 Revenue Code.

5 (e) (1) “Employment agency” means:

6 (i) a person that regularly undertakes with or without
7 compensation to procure:

8 1. employees for an employer; or

9 2. opportunities for employees to work for an employer; and

10 (ii) an agent of a person described in item (i) of this paragraph.

11 (2) Except for the United States Employment Service and the system of
12 State and local employment services receiving federal assistance, “employment agency”
13 does not include a unit of the United States, the State, or a political subdivision of the State.

14 (f) **“FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE” MEANS A**
15 **FIREFIGHTER, AN EMERGENCY MEDICAL TECHNICIAN, A CARDIAC RESCUE**
16 **TECHNICIAN, OR A PARAMEDIC EMPLOYED BY:**

17 (1) **A MUNICIPAL CORPORATION;**

18 (2) **A COUNTY;**

19 (3) **THE STATE;**

20 (4) **THE STATE AIRPORT AUTHORITY; OR**

21 (5) **A FIRE CONTROL DISTRICT.**

22 (G) “Genetic information” has the meaning stated in § 27–909(a)(3) of the
23 Insurance Article.

24 [(g)] (H) “Genetic test” has the meaning stated in § 27–909(a)(5) of the Insurance
25 Article.

26 [(h)] (I) “Harassment” includes:

27 (1) unwelcome and offensive conduct, which need not be severe or
28 pervasive, when:

1 (i) the conduct is based on race, color, religion, ancestry or national
2 origin, sex, age, marital status, sexual orientation, gender identity, disability, or military
3 status; and

4 (ii) 1. submission to the conduct is made either explicitly or
5 implicitly a term or condition of employment of an individual;

6 2. submission to or rejection of the conduct is used as a basis
7 for employment decisions affecting the individual; or

8 3. based on the totality of the circumstances, the conduct
9 unreasonably creates a working environment that a reasonable person would perceive to
10 be abusive or hostile; and

11 (2) sexual harassment.

12 **[(i)] (J)** (1) "Labor organization" means:

13 (i) a labor organization engaged in an industry; and

14 (ii) an agent of an organization described in item (i) of this
15 paragraph.

16 (2) "Labor organization" includes:

17 (i) an organization of any kind, an agency, or an employee
18 representation committee, group, association, or plan:

19 1. in which employees participate; and

20 2. that exists, wholly or partly, for the purpose of dealing
21 with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other
22 terms or conditions of employment; and

23 (ii) a conference, general committee, joint or system board, or joint
24 council that is subordinate to a national or international labor organization.

25 **[(j)] (K)** "Religion" includes all aspects of religious observances, practice, and
26 belief.

27 **[(k)] (L)** "Sexual harassment" includes conduct, which need not be severe or
28 pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other
29 conduct of a sexual nature when:

30 (1) submission to the conduct is made either explicitly or implicitly a term
31 or condition of employment of an individual;

1 (2) submission to or rejection of the conduct is used as a basis for
2 employment decisions affecting the individual; or

3 (3) based on the totality of the circumstances, the conduct unreasonably
4 creates a working environment that a reasonable person would perceive to be abusive or
5 hostile.

6 20–606.

7 (a) An employer may not:

8 (1) fail or refuse to hire, discharge, or otherwise discriminate against any
9 individual with respect to the individual’s compensation, terms, conditions, or privileges of
10 employment because of:

11 (i) the individual’s race, color, religion, sex, age, national origin,
12 marital status, sexual orientation, gender identity, genetic information, military status, or
13 disability unrelated in nature and extent so as to reasonably preclude the performance of
14 the employment; or

15 (ii) the individual’s refusal to submit to a genetic test or make
16 available the results of a genetic test;

17 (2) limit, segregate, or classify its employees or applicants for employment
18 in any way that would deprive or tend to deprive any individual of employment
19 opportunities or otherwise adversely affect the individual’s status as an employee because
20 of:

21 (i) the individual’s race, color, religion, sex, age, national origin,
22 marital status, sexual orientation, gender identity, genetic information, military status, or
23 disability unrelated in nature and extent so as to reasonably preclude the performance of
24 the employment; or

25 (ii) the individual’s refusal to submit to a genetic test or make
26 available the results of a genetic test;

27 (3) request or require genetic tests or genetic information as a condition of
28 hiring or determining benefits;

29 (4) fail or refuse to make a reasonable accommodation for the known
30 disability of an otherwise qualified employee or an applicant for employment; or

31 (5) engage in harassment of an employee.

32 (b) An employment agency may not:

1 (1) fail or refuse to refer for employment or otherwise discriminate against
2 any individual because of the individual's race, color, religion, sex, age, national origin,
3 marital status, sexual orientation, gender identity, military status, or disability unrelated
4 in nature and extent so as to reasonably preclude the performance of the employment; or

5 (2) classify or refer for employment any individual on the basis of the
6 individual's race, color, religion, sex, age, national origin, marital status, sexual
7 orientation, gender identity, military status, or disability unrelated in nature and extent
8 so as to reasonably preclude the performance of the employment.

9 (c) A labor organization may not:

10 (1) exclude or expel from its membership, or otherwise discriminate
11 against, any individual because of the individual's race, color, religion, sex, age, national
12 origin, marital status, sexual orientation, gender identity, military status, or disability
13 unrelated in nature and extent so as to reasonably preclude the performance of the
14 employment;

15 (2) limit, segregate, or classify its membership, or classify or fail or refuse
16 to refer for employment any individual, in any way that would deprive or tend to deprive
17 the individual of employment opportunities, limit the individual's employment
18 opportunities, or otherwise adversely affect the individual's status as an employee or as an
19 applicant for employment because of the individual's race, color, religion, sex, age, national
20 origin, marital status, sexual orientation, gender identity, military status, or disability
21 unrelated in nature and extent so as to reasonably preclude the performance of the
22 employment; or

23 (3) cause or attempt to cause an employer to discriminate against an
24 individual in violation of this section.

25 (d) An employer, labor organization, or joint labor-management committee
26 controlling apprenticeship or other training or retraining programs, including on-the-job
27 training programs, may not discriminate against any individual in admission to, or
28 employment in, any program established to provide apprenticeship or other training or
29 retraining because of the individual's race, color, religion, sex, age, national origin, marital
30 status, sexual orientation, gender identity, military status, or disability unrelated in nature
31 and extent so as to reasonably preclude the performance of the employment.

32 (e) (1) Except as provided in paragraph (2) of this subsection, an employer,
33 labor organization, or employment agency may not print or cause to be printed or published
34 any notice or advertisement relating to employment by the employer, membership in or any
35 classification or referral for employment by the labor organization, or any classification or
36 referral for employment by the employment agency that indicates any preference,
37 limitation, specification, or discrimination based on race, color, religion, sex, age, national
38 origin, marital status, sexual orientation, gender identity, disability, or military status.

1 (2) A notice or advertisement may indicate a preference, limitation,
2 specification, or discrimination based on religion, sex, age, national origin, marital status,
3 disability, or military status if religion, sex, age, national origin, marital status, disability,
4 or military status is a bona fide occupational qualification for employment.

5 (f) An employer may not discriminate or retaliate against any of its employees or
6 applicants for employment, an employment agency may not discriminate against any
7 individual, and a labor organization may not discriminate or retaliate against any member
8 or applicant for membership because the individual has:

9 (1) opposed any practice prohibited by this subtitle; or

10 (2) made a charge, testified, assisted, or participated in any manner in an
11 investigation, proceeding, or hearing under this subtitle.

12 (G) (1) IN THIS SUBSECTION, "WRITTEN CERTIFICATION" HAS THE
13 MEANING STATED IN § 36-101 OF THE ALCOHOLIC BEVERAGES AND CANNABIS
14 ARTICLE.

15 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON THE BASIS
16 OF A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE'S POSSESSION OF A VALID
17 WRITTEN CERTIFICATION, OR ON THE BASIS OF A FIRE AND RESCUE PUBLIC SAFETY
18 EMPLOYEE TESTING POSITIVE FOR CANNABIS COMPONENTS OR METABOLITES
19 WHILE HOLDING A VALID WRITTEN CERTIFICATION, AN EMPLOYER MAY NOT:

20 (I) DISCIPLINE, DISCHARGE, OR OTHERWISE DISCRIMINATE
21 AGAINST THE FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE WITH RESPECT TO THE
22 EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF
23 EMPLOYMENT; OR

24 (II) LIMIT, SEGREGATE, OR CLASSIFY ITS EMPLOYEES IN ANY
25 WAY THAT WOULD DEPRIVE OR TEND TO DEPRIVE THE FIRE AND RESCUE PUBLIC
26 SAFETY EMPLOYEE OF EMPLOYMENT OPPORTUNITIES OR OTHERWISE ADVERSELY
27 AFFECT THE FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE'S STATUS AS AN
28 EMPLOYEE.

29 (3) NOTHING IN THIS SUBSECTION:

30 (I) REQUIRES AN EMPLOYER TO COMMIT AN ACT THAT WOULD:

31 1. VIOLATE FEDERAL LAW OR REGULATIONS; OR

32 2. CAUSE THE EMPLOYER TO LOSE A MONETARY OR
33 LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS; OR

(II) PROHIBITS AN EMPLOYER FROM:

1. ADOPTING POLICIES AND PROCEDURES THAT PROHIBIT A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE FROM PERFORMING THE EMPLOYEE’S DUTIES WHILE IMPAIRED BY ~~MEDICAL~~ CANNABIS; OR

2. PROHIBITING A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE FROM USING ~~MEDICAL~~ CANNABIS ~~WITHIN 12 HOURS BEFORE REPORTING FOR A WORK ASSIGNMENT~~ WHILE ON DUTY.

(4) IF A FIRE AND RESCUE PUBLIC SAFETY EMPLOYEE REPORTS FOR WORK WHILE IMPAIRED BY CANNABIS, THE EMPLOYER SHALL REPORT THE INCIDENT TO THE STATE EMERGENCY MEDICAL SERVICES BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.