

February 7, 2019

Re: Senate Bill 379 – Prohibition on Enforcing Drug-Free Workplace Policy

Chair Floyd Prozanski and Members of the Senate Committee on Judiciary:

On behalf of Oregon's 62 acute care hospitals and health care systems, and the patients and communities they serve, we strongly oppose SB 379. This legislation would prohibit employers, including hospitals, from enforcing a drug-free workplace policy for individuals testing positive for cannabinoids.

OAHHS' opposition centers on two principal concerns:

- *Safety:* OAHHS and member hospitals have deep concerns about this new policy and its effect on patient and employee safety. Hospital employees are trusted to provide quality care and a safe health care environment for patients. To that end, hospitals have developed strong drug-free workplace policies to ensure patient safety, reduce risk of unintended injuries, and reduce risk of mishandling confidential patient information. OAHHS fears this legislation will create a much more difficult workplace safety environment, particularly in light of the fact that there are no currently available drug screening technologies capable of testing for marijuana impairment.
- *Federal Preemption:* The federal Drug-Free Workplace Act requires hospitals who receive grants or contracts from the federal government to ensure a drug-free workplace. That requirement includes those who test positive for marijuana. Drug testing will not reveal whether an employee with marijuana in their system used it during working hours or during "non-working hours" (a term in SB 379 that might be interpreted to include meal breaks), much less whether the marijuana was used on the employer's premises or not. SB 379 would put Oregon hospitals in a challenging position where they may not be able to comply with current federal workplace policies regarding marijuana. Non-compliance has serious ramifications for Oregon because it could compromise both our Medicaid funding and our ability to receive other federal funds.

Senate Bill 379, if passed, would put at risk both the high-quality care and safety of our patients and employees, and potentially jeopardize our federal funding. For these reasons, we strongly urge this committee to oppose SB 379.

Respectfully,



Andi Easton
Vice President of Government Affairs
Oregon Association of Hospitals and Health Systems