



**Before the Senate Committee on Judiciary
Senate Bill 379
February 7, 2019**

Testimony of Waylon Buchan, Government Affairs
Oregon Trucking Associations

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

Thank you for the opportunity to provide input on Senate Bill 379. The Oregon Trucking Associations is opposed to SB 379 based on the following concerns.

An issue here is recreational marijuana, which is of course lawful under Oregon law but prohibited by federal law. As written, Senate Bill 379 would result in a significant conflict between federal and state law. For instance, truck drivers are required to hold Commercial Driver Licenses, which are subject to a host of regulations including preemployment, post-accident, and random drug testing. CDL holders who test positive are disqualified from operating a commercial motor vehicle. States are preempted from adopting conflicting regulations.

Of particular concern is Section 1 (a), which provides an exemption for a "bona fide occupational qualification." This language is not sufficient to adequately address the federally regulated workforce within the trucking industry and should be expanded to include those employees already subject to drug testing and other regulations promulgated by the United States Department of Transportation.

In addition to employees directly regulated by US DOT, many employees within the trucking industry are still in safety sensitive positions where impairment of any kind could jeopardize the health and safety of themselves, our drivers, or the motoring public. Instead of creating a two-tiered policy for workplace impairment, most trucking companies rely on and enforce a drug-free workplace for all employees. This is necessary because current drug tests are unable to determine whether an employee is impaired at work or merely has marijuana in their system. If passed, SB 379 would place employers in the untenable position of lowering the bar for safety for all employees in order to accommodate the lawful use of marijuana for some.

For these reasons, the Oregon Trucking Associations strongly urges this committee to oppose Senate Bill 379.

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