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## OPPOSE SENATE BILL 379

Construction is a safety driven industry. Drug free workplace policies are common in our industry, to keep employees safety and to ensure quality of workmanship. The passage of SB 379 would prevent our members from enforcing such policies without repercussions of unlawful employment practices.

- *Safety Concerns:* Being under the influence of marijuana while on a construction worksite creates a host of issues. Given that a drug screening will show marijuana for weeks following use, it is impossible to determine whether an employee is impaired as a result of marijuana from a drug screen. To protect employees and the public in general, it is important that employers be able to maintain a drug free workplace. Construction is a safety-sensitive industry and impairment can literally be an issue of life or death.
- *Technology Limitations:* There is not a test to perform to determine whether an employee is impaired by marijuana. As a result, the differentiation between on-duty versus off-duty marijuana use is meaningless.
- *Federal Contracting:* Some AGC members contract with the federal government for projects, such as federal highway construction. Compliance with the federal Drug-Free Workplace Act is required for federal contractors. Employers working on federal projects will be forced to choose between complying with federal law and state law, unable to comply with both.
- *Federal Preemption:* SB 379 would be preempted by the federal Controlled Substances Act, meaning that the state of Oregon would not be able to enforce a law that conflicts with federal law on the same point.

The construction industry requires a safety focus to keep both employers and the public safe. We urge you to oppose SB 379 so that we may keep our worksites safe.