



February 24, 2025

BOARD OFFICERS:

2025 CHAIR:
TOM HOFFERT
Salem Area Chamber

CHAIR ELECT:
CARMELLE BIELENBERG
Stayton Sublimity Chamber

SECRETARY/TREASURER:
ELI MATTHEWS
Medford/Jackson County
Chamber

PAST CHAIR:
LISA FARQUHARSON
The Dalles Area Chamber

**BOARD MEMBERS AT
LARGE:**

BETTINA HANNIGAN
Florence Area Chamber

HEATHER HARTER
Klamath County Chamber

VONNIE MIKKELSEN
Springfield Area Chamber

JIM PAINO
Cannon Beach Chamber

CHERI ROSENBERG-LABOY
Pendleton Area Chamber

Dear Chair Prozanski and Members of the Senate Judiciary Committee,

The Oregon State Chamber of Commerce (OSCC) opposes SB 176 as introduced, specifically sections 33-35.

The OSCC represents 89 chambers of commerce statewide. These chambers represent local business communities from every corner of the state who are the backbone of their local communities and provide the goods, services, jobs, taxes and philanthropy that fuel our economy.

In 2010, the Oregon Supreme Court ruled in the case of *Emerald Steel Fabricators, Inc., v. Bureau of Labor and Industries*, and found that the use of medical marijuana, though authorized by state law, was an "illegal use of drugs" under federal law, which pre-empts state law in these circumstances.

The Court held that employers can lawfully take adverse employment actions against employees based on their use of federally-illegal drugs. It upheld an employer's right to implement 'zero tolerance' drug-free workplace policies.

Again in 2014, employer rights were reserved by Oregon voters who voted in support of Measure 91, which specifically precluded "amend[ing] or affect[ing] in any way any state or federal law pertaining to employment matters" (Section 4. Article 1).

The ability to maintain safe workplaces is a primary concern of OSCC. For our members with federal contracts, we are required to maintain drug-free workplaces as a matter of federal law. There are many industries and instances in which employees must follow strict safety guidelines to ensure the safety of themselves and their coworkers. Drug-free workplace policies are integral to this effort.

SB 176 prohibits the conditioning of employment based on off-duty use of marijuana. This cannot co-exist with our members' rights to maintain 'zero tolerance' workplace drug policies which are so critical in maintaining workplace safety.

And in any case, there are still no recognized tests for impairment due to marijuana use that could make SB 176 in any way feasible.

Creating an unlawful employment action for conditioning employment based on prohibiting use of marijuana compromises our workplace safety efforts. Please affirm our ability to maintain safe, drug-free workplaces and omit sections 33-35 of SB 176.

Respectfully,

A handwritten signature in blue ink, appearing to read "JL Wilson".

JL Wilson
Legislative Counsel