



## OFIC is OPPOSED to SB 176

The Oregon Forest Industries Council is stridently opposed to Sections 34 and 35 of SB 176 as introduced. As a trade association representing members that own and operate manufacturing facilities with innate hazards where workplace safety is of paramount importance, we must speak on behalf of those members in opposition to a concept that, by our assessment, unfairly ties employers' hands from making those decisions in hiring and firing that they believe best safeguard their workforces and workplaces.

The decision to obtain a registry identification card for and/or to use medical marijuana for pain management purposes is a choice that individuals are free to make as they see fit. However, the decision of employers *not* to employ those who use medical marijuana over concern about the potential for such use to interfere with their performance and the safety of the workplace is equally a choice that employers should be free to make as they see fit. For certain jobs (such as those that involve the operation and supervision of heavy equipment and innate workplace hazards) an abundance of caution may be warranted. However, Sections 34 and 35 would essentially strip from employers the ability to make decisions that they deem to be in the best interest of their operations.

And it is not enough that the bill grants a concession for employers to make employment decisions based on a reasonable suspicion of impairment at work due to marijuana use. First, to require employers to wait until actual impairment is recognized is to force employers to be reactionary (perhaps even after actual injury or damage has occurred) rather to prophylactically mitigate risk in their operations. Second, however, is the practical difficulty innate in determining when impairment from cannabinoid use has occurred. A simple test for metabolites is not probative of recent use or impairment, and behavioral assessments are almost impossibly opaque. Therefore, an almost impossible burden is placed on the employer to prove the unprovable, which, again, is why many employers may decide not to hire known users of marijuana at the outset.

By tying employers' hands in this manner, the bill sponsors would essentially substitute their preferences and judgment for those of countless businesses across this state that must balance myriad considerations as they make employment decisions. This is hubristic policymaking at its worst, and we implore members of this committee not to validate it with an affirmative vote.