



Stayton Sublimity Chamber of Commerce
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February 25, 2025

Senate Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Subject: **Opposition to SB 176 – Workplace Safety and Employer Rights**

Dear Members of the Senate Committee on Judiciary,

I am writing on behalf of the Stayton Sublimity Chamber of Commerce to express our strong opposition to SB 176, specifically Sections 33-35, which would prohibit the conditioning of employment based on off-duty marijuana use. As a representative of the local business community throughout Stayton, Sublimity, Scio, Aumsville, Turner, and the Santiam Canyon, I urge you to consider the significant legal and safety implications this bill presents.

The Oregon State Chamber of Commerce (OSCC), which represents 89 chambers statewide, has voiced strong concerns about SB 176. As an affiliate, we echo these concerns and emphasize that workplace safety, legal compliance, and employer rights must remain paramount.

Federal Preemption and Employer Rights

The Oregon Supreme Court ruled in *Emerald Steel Fabricators, Inc. v. Bureau of Labor and Industries* (2010) that employer rights take precedence over state law regarding the use of federally illegal substances, including marijuana. Additionally, when Oregonians passed Measure 91 in 2014 to legalize recreational marijuana, they explicitly preserved employer rights, stating that the law would not “amend or affect in any way any state or federal law pertaining to employment matters.”

SB 176 directly contradicts these legal precedents by restricting an employer’s ability to enforce drug-free workplace policies, particularly for industries where safety is paramount, such as construction, manufacturing, transportation, and healthcare. Furthermore, businesses with federal contracts must comply with the Drug-Free Workplace Act, meaning that failure to prohibit marijuana use could put these contracts at risk.

Workplace Safety Concerns

Marijuana impairment poses significant safety risks, particularly in industries requiring precision, critical thinking, and physical coordination. Unlike alcohol, marijuana’s effects can linger for hours or even days, impacting cognitive function, reaction times, and situational awareness. Studies from the National Institute on Drug Abuse (NIDA) and the National Highway Traffic Safety Administration (NHTSA) show that marijuana use impairs motor skills and judgment, leading to increased workplace accidents and injuries. Employers must have the ability to maintain zero-tolerance policies to ensure a safe working environment for all employees.

Impact on Oregon Businesses

Employers across Oregon strive to create safe, productive workplaces while complying with both state and federal regulations. By limiting their ability to enforce drug-free policies, SB 176 would introduce unnecessary legal and operational challenges, particularly for businesses that:

- Rely on federal funding or contracts requiring strict drug policies;
- Operate in high-risk industries where impairment could lead to catastrophic consequences;
- Employ individuals in positions where public safety is a concern, such as transportation and healthcare.

Oregon's business community is committed to fostering safe, responsible workplaces. Allowing off-duty marijuana use to interfere with workplace safety and employer discretion is a step in the wrong direction.

Conclusion

For these reasons, we urge you reconsider the implications of SB 176 and uphold employer rights to maintain drug-free workplace policies. Preserving the ability to implement zero-tolerance policies is essential for workplace safety, legal compliance, and business success.

We appreciate your consideration and encourage you to support the integrity of Oregon's workplaces by opposing this measure.

Respectfully,

A handwritten signature in black ink, appearing to read 'Carmelle Bielenberg', with a long horizontal line extending to the right.

Carmelle Bielenberg,
President & CEO
Stayton Sublimity Chamber of Commerce