



February 25th 2025

Testimony in Opposition to Oregon Senate Bill 176

Dear Chair Prozanski and Members of the Senate Judiciary Committee,

The Tigard Area Chamber of Commerce opposes SB 176 as introduced, specifically **sections 33-35**.

The Tigard Area Chamber of Commerce represents over 300 member businesses and over 3,500 businesses in the Tigard Area. These businesses are the backbone of their local communities and provide the goods, services, jobs, taxes and philanthropy that fuel our local 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 for the Tigard Chamber and many local Chambers of Commerce who advocate for safe and healthy business environments. 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. 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.

For these reasons, the Tigard Area Chamber of Commerce urges the committee to reject SB 176 as written.

We remain committed to policies that support both businesses and workers, ensuring a strong and resilient economy for our community for many decades to come.

Thank you for your time and consideration.

Regards,

A handwritten signature in cursive script, appearing to read 'MDS', located below the 'Regards,' text.

Megan De Salvo
CEO, Tigard Area Chamber of Commerce
Building Business. Growing Together.
12345 SW Main Street Tigard OR 97223