

Senate Committee on Federal & State Affairs
In-Person, Neutral Testimony on Senate Bill 560
Presented by Eric Stafford, Vice President of Government Affairs

Wednesday, March 16, 2022

Mister Chairman and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. The Kansas Chamber appreciates the opportunity to testify neutral with concerns on Senate Bill 560.

Last session, the House took concerns expressed by the businesses community regarding employer drug testing policies and adopted language in H Sub for SB 158. That language remained in the bill on pages 46-47 allowing employers to maintain existing drug testing or zero tolerance policies. Unfortunately, H Sub for SB 158 did not eliminate problematic and conflicting language stating that a medical marijuana patient shall not be denied workers compensation benefits if the employee is registered as a patient pursuant to section 8 (Section 73, page 80). Additional conflicting language regarding eligibility for unemployment insurance benefits can be found on pages 87-88 of Section 74. SB 560 contains the same conflicting language.

On one hand, SB 560 states in New Section 46, page 38-39- “No provisions of the medical marijuana regulation act shall be construed to:

- (a) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, distribution, transportation, sale or growing of marijuana or any conduct otherwise allowed by this act in any workplace or on the employer's property.”...; and
- (e) “prohibit an employer from:
 - (1) Establishing and enforcing a drug testing policy, drug-free workplace policy or zero-tolerance drug policy;”

However, page 60, Section 68 dealing with workers compensation, and page 64, Section 69 dealing with unemployment insurance, SB 560 states on page 60 “...*compensation shall not be denied if the employee is registered as a patient pursuant to section 8...*”

These two provisions are in direct conflict of each other as they were in H Sub for SB 158. SB 560 ultimately enters into the relationship between employers and employees and the employment-at-will status of our state. Each state operates differently, but we know some states have offered employer protections. For example, Colorado, Michigan, Montana, Oregon,

and Vermont are among the states which protect employers from such legal obligations to reimburse medical marijuana as part of workers' compensation.

Our concern stems from this bill entering into and dictating employer drug policies, and preventing them from deciding what is best for their own company while at the same time offering protections to employers and their existing drug testing policies. Our concerns would be alleviated with the deletion of these two sections on page 60 and 64.

Therefore, we respectfully ask this committee to adopt an amendment removing sections 68 and 69 from the bill to ensure there is clear statutory guidance to employers, and employees, on the treatment of medical marijuana as it relates to employer drug testing policies if this bill were to become law. Thank you for allowing us to testify on Senate Bill 560, and I am happy to answer questions at the appropriate time.