



Testimony of Matt Marks Against LD 1881 as Written

An Act To Clarify the Laws Related to the Use of Medical Marijuana and Workers' Compensation

Committee on Labor and Housing

January 31, 2022 9:00 AM

Senator Daughtry, Representative Sylvester, and Distinguished Members of the Committee on Labor and Housing. My name is Matt Marks; I am a resident of Scarborough and testifying on behalf of AGC Maine. I am sharing my comments against this bill as written.

AGC Maine monitored this bill and is still unsure of the direct impact of the language. Listening to the hearing, we have some questions and statements about the implementation of the bill and our compliance with existing laws:

1. Many construction firms are subject to federal regulations for drug testing. How would this bill apply to those situations?
2. From today's conversation, it appears the standard application of testing under an approved authority, state or federal, would still be applicable for a return to work. However, it sounded like a conflict exists in the current laws regarding medical marijuana and this proposal. Will the law create a clear language concerning federal laws and existing laws regarding drug testing and use of medical marijuana?
3. In safety-sensitive positions, such as DOT Commercial Drivers or heavy equipment operations, a person using medical marijuana could be subject to a fit for duty test would still have to pass to assume their original position. Does this law prevent consideration of medical marijuana as a disqualifying return to those positions?
4. Federal contracts or private contracts that have stipulations for zero tolerance would limit someone under this provision to return to work. Is it correct the company would be limited in what capacity that could happen, assuming their policy allowed for a medical marijuana exemption?

Listening to the hearing, I would pass along that this challenge continues to be difficult for employers and employees. Testing capabilities on the use of marijuana vs. prior use are something everyone could benefit from in any back-to-work process. As with any injury case, it helps both parties to have a safe and compliant return to work. I appreciate the chance to share my comments apologize for asking more questions and not being available at the hearing.

Respectfully submitted by,

Matt Marks, AGC Maine