



**Senate Committee on Federal & State Affairs  
Neutral Testimony on Senate Bill 135  
Presented by Eric Stafford, Vice President of Government Affairs**

**Wednesday, March 15, 2023**

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 135.

The last few years, the legislature has held interim committees and multiple hearings on the subject of medical marijuana. In 2022, the House passed legislation in H Sub for SB 158. Our position is rather simple: We do not have a position on whether the state passes medical marijuana or not. However, if the state is going to approve this policy change, we ask that employers maintain their ability to enforce whatever drug testing standard fits the needs of their business. Not all businesses are the same. A business consisting of entirely office jobs is much different than a business where heavy machinery and equipment are utilized where an increase risk of injury exists.

SB 135 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 through conflicting language found in New Section 48 (page 42) and Section 67 (pages 67-68). In the past we have offered language for consideration to protect employers ability to drug test. SB 135 largely adopts the language we have presented in year's past with one exception; we would like to ask to add the following regarding unemployment insurance to New Section 48:

*“A patient who is discharged from employment for ingesting marijuana in the workplace, working while under the influence of marijuana, or testing positive for a controlled substance shall not be eligible to receive benefits under [state Unemployment Insurance law].”*

Additionally, the language in New Section 48 conflicts with added language of Section 78. The bill reads in section 78: *“compensation shall not be denied if the employer is registered as a patient pursuant to section 8, and amendments, thereto, such cannabis or cannabis derivative was used in accordance with the medical cannabis regulation act, section 1 et seq., and amendments thereto, and there has been no prior incidence of the employee's impairment on the job as a result of the use of such cannabis or cannabis derivative within the immediately preceding 24 months.”*

We would respectfully ask that this language be removed from Section 78, along with the change in threshold for testing on Page 68, lines 30-32.

We ask for 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. As it stands now, employers are allowed to have zero-tolerance policies, but employees "SHALL" be eligible for work comp benefits and in our view that is not clear guidance. It is clearly in conflict of one another. Thank you for allowing us to testify on Senate Bill 135, and I am happy to answer questions at the appropriate time.