

2022 Regular Session

HOUSE RESOLUTION NO. 269

BY REPRESENTATIVE LANDRY

A RESOLUTION

To create the Employment and Medical Marijuana Task Force to study methods for implementing policies and regulations that resolve employment and workplace barriers concerning medical marijuana and submit a written report of its findings to the House of Representatives of the Legislature of Louisiana no later than February 1, 2023.

WHEREAS, although marijuana is still considered a controlled substance under federal law, there has been an upward trend of the legalization of medical marijuana and, in some cases, recreational marijuana amongst the states and U.S. territories; and

WHEREAS, as of March 2022, thirty-seven states and the District of Columbia have enacted laws that allow medical marijuana usage; and

WHEREAS, Louisiana law allows a physician, who is licensed and in good standing to practice medicine in this state, to recommend cannabis for therapeutic reasons if a patient has a qualifying condition; and

WHEREAS, although we have seen an increase in the legalization of medical marijuana nationwide, some states, including Louisiana, do not have protections in place for employees who utilize medical marijuana; and

WHEREAS, even with employment protections in place, some employers are uncertain about how to implement policies in regards to testing marijuana usage that would not unduly discriminate against their employees who are legally recommended to use marijuana or how to accurately determine when employees are unable to perform their job duties because of over usage of medical marijuana; and

WHEREAS, in addition to these known barriers, lack of employment protections, and confusion about how to successfully enforce medical marijuana policies in regards to testing, there may be other employment and workplace barriers that exist since the legalization of medical marijuana is a growing social, economical, and employment issue; and

WHEREAS, due to our state's decriminalization and legalization of marijuana for medicinal purposes, more individuals in the workplace have access to and are utilizing medical marijuana and as such there needs to be a study on medical marijuana and its impact on the workplace; and

WHEREAS, often time when there are societal changes, our state leaders are responsible for making a determination as to the best ways to implement change that would benefit residents while simultaneously ensuring there are proper policies and regulations in place to both protect and benefit those residents; and

WHEREAS, it has always been in the best interest of this legislature to enact laws that protect and benefit both the residents of this state and businesses, thus it is in the best interest of this legislature to study and make a determination as to any policies or regulations that can be implemented to benefit all individuals in the workplace.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby create the Employment and Medical Marijuana Task Force to study methods on how to implement policies and regulations to resolve employment and workplace barriers concerning medical marijuana and submit a written report of its findings to the House of Representatives of the Legislature of Louisiana no later than February 1, 2023.

BE IT FURTHER RESOLVED that the membership of the task force shall be as follows:

- (1) The secretary of the Louisiana Department of Health or his designee.
- (2) The secretary of the Louisiana Department of Agriculture and Forestry or his designee.
- (3) The secretary of the Louisiana Workforce Commission or his designee.
- (4) The secretary of the Louisiana Department of Veterans Affairs or his designee.

- (5) The commissioner of the division of administration or his designee.
- (6) The president of the Louisiana AFL-CIO or his designee.
- (7) The president of the Louisiana Association of Business and Industry or his designee.
- (8) The president of the Louisiana Board of Pharmacy or his designee.
- (9) The chancellor–dean of the Southern University Agricultural Center or his designee.
- (10) The interim vice president of the Louisiana State University Agricultural Center or his designee.
- (11) The chairman of the House Committee on Administration of Criminal Justice or his designee.
- (12) Two Louisiana representatives of the Marijuana Policy Project or their designees.
- (13) The president of the Louisiana State Firemen's Association or his designee.
- (14) Two attorneys who specialize in labor and employment appointed by the president of the Louisiana State Bar Association.
- (15) An attorney who specializes in workers' compensation appointed by the president of the Louisiana State Bar Association.

BE IT FURTHER RESOLVED that the author of this Resolution shall serve as an ex officio member of the task force.

BE IT FURTHER RESOLVED that the Louisiana Department of Health shall provide staff support as needed by the task force.

BE IT FURTHER RESOLVED that no later than September 1, 2022, the Louisiana Department of Health shall convene the first meeting of the task force. At the first meeting, the members shall elect a chairperson and a vice chairperson and may elect any other officers as the task force deems appropriate.

BE IT FURTHER RESOLVED that the task force shall meet as frequently as it deems necessary for the timely performance of its duties.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except per diem or expense reimbursement to which they may be individually entitled as members of their constituent organizations.

BE IT FURTHER RESOLVED that the task force shall study and make recommendations on matters that include but are not limited to the following:

- (1) What other states, preferably neighboring states, if any, have done to prevent employment discrimination because of the use of medical marijuana.
- (2) What other states, preferably neighboring states, if any, have policies and regulations in place that provide employment protections for both employers and employees for the use of medical marijuana.
- (3) How employers currently test employees for marijuana usage and how that may, if at all, present a challenge to employees who use marijuana for medicinal purposes.
- (4) Any scientific advances made concerning testing for marijuana usage.
- (5) Any other workplace barriers that employees or employers face concerning medical marijuana.
- (6) The statistical impact on how beneficial medical marijuana usage can be for firefighters and employed veterans.

BE IT FURTHER RESOLVED that the task force shall terminate upon submission of its written report required by the study called for in this Resolution to the House of Representatives of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health, the secretary of the Louisiana Department of Agriculture and Forestry, the secretary of the Louisiana Workforce Commission, the secretary of the Louisiana Department of Veterans Affairs, the commissioner of the division of administration, the president of the Louisiana AFL-CIO, the president of the Louisiana Association of Business and Industry, the president of the Louisiana Board of Pharmacy, the chancellor-dean of the Southern University Agricultural Center, the interim vice president of the Louisiana State University Agricultural Center, the director of the Sensible Marijuana Policy for Louisiana, the president of the Marijuana Policy Project, the president of the Louisiana State Firemen's Association, and the president of the Louisiana State Bar Association.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES