



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4478**

Introduced 2/4/2020, by Rep. Bob Morgan

#### SYNOPSIS AS INTRODUCED:

410 ILCS 130/50

Amends the Compassionate Use of Medical Cannabis Program Act. In provisions regarding employment and employer liability: (1) replaces references to "employees" with "registered qualifying patients"; and (2) provides that nothing in the Act prohibits an employer from adopting a reasonable policy (rather than regulations) concerning, among other things, the use of medical cannabis by registered qualifying patients (rather than timekeeping requirements for them). Effective immediately.

LRB101 18611 CPF 68066 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Compassionate Use of Medical Cannabis  
5 Program Act is amended by changing Section 50 as follows:

6 (410 ILCS 130/50)

7 Sec. 50. Employment; employer liability.

8 (a) Nothing in this Act shall prohibit an employer from  
9 adopting reasonable policy ~~regulations~~ concerning the  
10 consumption, storage, or use of medical cannabis by registered  
11 ~~timekeeping requirements for~~ qualifying patients related to  
12 the use of medical cannabis.

13 (b) Nothing in this Act shall prohibit an employer from  
14 enforcing a policy concerning drug testing, zero-tolerance, or  
15 a drug free workplace provided the policy is applied in a  
16 nondiscriminatory manner.

17 (c) Nothing in this Act shall limit an employer from  
18 disciplining a registered qualifying patient for violating a  
19 workplace drug policy.

20 (d) Nothing in this Act shall limit an employer's ability  
21 to discipline a registered qualifying patient ~~an employee~~ for  
22 failing a drug test if failing to do so would put the employer  
23 in violation of federal law or cause it to lose a federal

1 contract or funding.

2 (e) Nothing in this Act shall be construed to create a  
3 defense for a third party who fails a drug test.

4 (f) An employer may consider a registered qualifying  
5 patient to be impaired when the registered qualifying patient  
6 ~~he or she~~ manifests specific, articulable symptoms while  
7 working that decrease or lessen the registered qualifying  
8 patient's ~~his or her~~ performance of the duties or tasks of the  
9 registered qualifying patient's ~~employee's~~ job position,  
10 including symptoms of the registered qualifying patient's  
11 ~~employee's~~ speech, physical dexterity, agility, coordination,  
12 demeanor, irrational or unusual behavior, negligence or  
13 carelessness in operating equipment or machinery, disregard  
14 for the safety of the registered qualifying patient ~~employee~~ or  
15 others, or involvement in an accident that results in serious  
16 damage to equipment or property, disruption of a production or  
17 manufacturing process, or carelessness that results in any  
18 injury to the registered qualifying patient ~~employee~~ or others.  
19 If an employer elects to discipline a registered qualifying  
20 patient under this subsection, it must afford the registered  
21 qualifying patient ~~employee~~ a reasonable opportunity to  
22 contest the basis of the determination.

23 (g) Nothing in this Act shall be construed to create or  
24 imply a cause of action for any person against an employer for:  
25 (1) actions based on the employer's good faith belief that a  
26 registered qualifying patient used or possessed cannabis while

1 on the employer's premises or during the hours of employment;  
2 (2) actions based on the employer's good faith belief that a  
3 registered qualifying patient was impaired while working on the  
4 employer's premises during the hours of employment; (3) injury  
5 or loss to a third party if the employer neither knew nor had  
6 reason to know that the registered qualifying patient ~~employee~~  
7 was impaired.

8 (h) Nothing in this Act shall be construed to interfere  
9 with any federal restrictions on employment including but not  
10 limited to the United States Department of Transportation  
11 regulation 49 CFR 40.151(e).

12 (Source: P.A. 98-122, eff. 1-1-14.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.