SB2891

SYNOPSIS AS INTRODUCED:

410 ILCS 130/50

Amends the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that nothing in the Act: prohibits employers from adopting workplace policies concerning the consumption, storage, or timekeeping requirements for qualifying patients related to the use of medical cannabis; prohibits employers from enforcing policies concerning the use or possession of drugs by employees; or limits an employer's ability to discipline an employee for failing a drug test, including, but not limited to, if failing to discipline such an employee would cause the employer to violate federal law or lose a federal contract or funding.

LRB099 18607 MJP 42989 b

A BILL FOR

1   AN ACT concerning health.

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 Pilot

5   Program Act is amended by changing Section 50 as follows:

6   (410 ILCS 130/50)

7   (Section scheduled to be repealed on January 1, 2018)

8   Sec. 50. Employment; employer liability.

9   (a) Nothing in this Act shall prohibit an employer from

10   adopting   reasonable   regulations   or workplace policies

11   concerning   the   consumption,   storage,   or   timekeeping

12   requirements for qualifying patients related to the use of

13   medical cannabis.

14   (b) Nothing in this Act shall prohibit an employer from

15   enforcing a policy concerning the use or possession of drugs,

16   drug testing, zero-tolerance, or a drug free workplace provided

17   the policy is applied in a nondiscriminatory manner.

18   (c) Nothing in this Act shall limit an employer from

19   disciplining a registered qualifying patient for violating a

20   workplace drug policy.

21   (d) Nothing in this Act shall limit an employer's ability

22   to discipline an employee for failing a drug test, including,

23   but not limited to, if failing to do so would put the employer

1   in violation of federal law or cause it to lose a federal

2   contract or funding.

3   (e) Nothing in this Act shall be construed to create a

4   defense for a third party who fails a drug test.

5   (f) An employer may consider a registered qualifying

6   patient to be impaired when he or she manifests specific,

7   articulable symptoms while working that decrease or lessen his

8   or her performance of the duties or tasks of the employee's job

9   position, including symptoms of the employee's speech,

10 physical dexterity, agility, coordination, demeanor,

11 irrational or unusual behavior, negligence or carelessness in

12 operating equipment or machinery, disregard for the safety of

13 the employee or others, or involvement in an accident that

14 results in serious damage to equipment or property, disruption

15 of a production or manufacturing process, or carelessness that

16 results in any injury to the employee or others. If an employer

17 elects to discipline a qualifying patient under this

18 subsection, it must afford the employee a reasonable

19 opportunity to contest the basis of the determination.

20   (g) Nothing in this Act shall be construed to create or

21 imply a cause of action for any person against an employer for:

22 (1) actions based on the employer's good faith belief that a

23 registered qualifying patient used or possessed cannabis while

24 on the employer's premises or during the hours of employment;

25 (2) actions based on the employer's good faith belief that a

26 registered qualifying patient was impaired while working on the

1   employer's premises during the hours of employment; (3) injury

2   or loss to a third party if the employer neither knew nor had

3   reason to know that the employee was impaired.

4   (h) Nothing in this Act shall be construed to interfere

5   with any federal restrictions on employment including but not

6   limited to the United States Department of Transportation

7   regulation 49 CFR 40.151(e).

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